



January 3rd, 2023

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

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

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 9th January 2023 at 10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in Lighters at 9.30 am.

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 5 December, 2022

📄 [PC 05.12.2022- Draft Minutes.pdf](#)

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

📄 [Item 1 - Schedule of Applications -December - draft.pdf](#)

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- (i) LA05/2021/0507/F - Proposed erection of 44 dwellings (including conversion and extension of existing building to create 2 dwellings), landscaping, open space, internal road layout and access provision off the Lisburn Road along with associated development at lands at 26. 30 and 32 Lisburn Road, Hillsborough

📄 [Appendix 1\(a\) Lisburn Road Hillsborough CH.pdf](#)

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- (ii) LA05/2020/1039/O - Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21) Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn

📄 [Appendix 1\(b\)\(i\) Crewe Road - Addendum report.pdf](#)

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📄 [Appendix 1\(b\)\(ii\) Report of Site Meeting - 13.12.2022 - Crewe Road.pdf](#)

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📄 [Appendix 1\(b\)\(iii\) - Dec 22 Report - LA05.2020.1039.O - Crewe Road....pdf](#)

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- (iii) LA05/2021/1263/F - Proposed two storey dwelling with alterations to existing garage so it is part of the curtilage and accessed from 5 Ballycrune Road at site between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt

📄 [Appendix 1\(c\) LA0520211263F Ballycrune FINAL.pdf](#)

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- (iv) LA05/2021/1014/O - Proposed infill dwelling and garage 50 metres northeast of 75 Drennan Road, Lisburn

📄 [Appendix 1\(d\) LA0520211014 Drennan Road Infill - FINAL.pdf](#)

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| | | |
|------------|--|-----------------|
| 4.2 | Planning Statistical Bulletin - Second Quarter 2022/23 | |
| | <i>Item 2 - Planning Statistical Bulletin - Second Quarter 202223 Draft.pdf</i> | <i>Page 130</i> |
| 4.3 | Appeal Decision (2021/A0213) in respect of planning application LA05/2021/0202/O | |
| | <i>Item 3 - Appeal Decision - LA052021 0202 - Drafted.pdf</i> | <i>Page 134</i> |
| | <i>Appendix 3 2021A0213 decision.pdf</i> | <i>Page 137</i> |
| 4.4 | Proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 to introduce validation checklists for planning applications | |
| | <i>Item 4 Consultation - Validation Checklist...pdf</i> | <i>Page 143</i> |
| 4.5 | Notification by Telecommunication Operator(s) of intention to utilise permitted development rights | |
| | <i>Item 5 - Notification by telecommunication operator(s) of intention (fin...pdf</i> | <i>Page 148</i> |
| | <i>Appendix 5-List of Notification of Intention to utilise PD January 2023 ...pdf</i> | <i>Page 151</i> |

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, 5 December 2022 at 10.00 am**PRESENT IN CHAMBER:**

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

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

Councillors D J Craig, M Gregg, U Mackin and A Swan

IN ATTENDANCE IN CHAMBER:

Director of Service Transformation
 Head of Planning & Capital Development
 Senior Planning Officers (RT, MB and MCO'N)
 Member Services Officers
 Technician
 IT Officer

IN ATTENDANCE IN REMOTE LOCATION:

Mr S Masterson (Cleaver Fulton Rankin) – Legal Advisor
 Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman J Tinsley, welcomed those present to the Planning Committee. The Chairman pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded.

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

1. **Apologies** (00:00:17)

There were no apologies.

2. **Declarations of Interest** (00:00:22)

At this point in the meeting, the Chairman, Alderman J Tinsley, advised that, in respect of Planning Application LA05/2020/1039/O, he had been in contact with both the applicant and objector. There had been no pre-determination and his contact had been purely to give general advice on the planning process; however, he stated that he would complete a declaration of interest form.

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2. Declarations of Interest (Contd)

Councillor A Swan left the meeting at this point (10.01 am). Alderman D Drysdale arrived to the meeting at 10.01 am and Alderman A Grehan and Councillor M Gregg arrived at 10.02 am.

During the meeting, Alderman A Grehan declared an interest in Planning Application LA05/2021/1034/F, given that she was a Board member of the Northern Ireland Housing Executive.

3. Minutes of Meeting of Planning Committee held on 7 November, 2022 (00:01:16)

It agreed that the minutes of the meeting of Committee held on 7 November, 2022 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

4.1.1 Applications to be Determined (00:05:09)

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

- (i) LA05/2022/0749/F – Construction of 1 no. general industrial unit (class B3) and 1 no. industrial unit with offices (Class B1 and B3) with associated access and parking facilities along with other ancillary works on a site 50m south west of 4 Ferguson Drive, Knockmore Hill Industrial Estate (00:08:02)

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

No requests for speaking rights had been received in respect of this application.

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 approve the application.

The Chairman, Alderman J Tinsley, put on record his thanks to Planning Officers for having dealt with this application in such an expeditious manner. The proposed development was very positive for the Lisburn & Castlereagh City Council area. Alderman D Drysdale echoed the sentiments of the Chairman.

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- (ii) LA05/2021/0017/F – Proposed stable block (domestic) including tack room/feed store, approximately 40m from 33 Glen Road, Hillsborough (00:20:13)

Alderman A Swan returned to the meeting during consideration of this item of business (10.26 am) and Mr B Martyn (legal advisor in lieu of Mr Masterson) joined the meeting (10.33 am).

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

The Committee received Mr A Stephens in order to speak in support of the application and he addressed a number of Members' queries.

There were no queries raised with 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. Not having been present for the entire consideration of this matter, Councillor A Swan did not participate in the vote.

- (iii) LA05/2021/1034/F – Proposed social and affordable residential development comprising a mix of 103 no. dwelling houses and 17 no. apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Ballinderry Road (120 no. units in total) on lands 40 metres south of 27-27 Crescent Business Park west of 11-17 Iniscarn Close and east of Enterprise Crescent Ballinderry Road, Lisburn (00:41:26)

Having declared an interest in this application, Alderman A Grehan left the meeting at this point (10.43 am). Mr B Martyn had left the meeting at this point.

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

The Committee received Mr S McKee (accompanied by Mr P Donnelly and Ms R Mitchell) in order to speak in support of the application and a number of Members' queries were addressed.

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

The Head of Planning & Capital Development agreed that a condition be included that 'the park shall be erected before the occupation of the seventy-fifth dwelling in the scheme'.

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- (iii) LA05/2021/1034/F – Proposed social and affordable residential development comprising a mix of 103 no. dwelling houses and 17 no. apartments with public open space, children’s play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Ballinderry Road (120 no. units in total) on lands 40 metres south of 27-27 Crescent Business Park west of 11-17 Iniscarn Close and east of Enterprise Crescent Ballinderry Road, Lisburn (Contd)

Vote

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

The Chairman and Members of the Committee commended Apex Housing Association for bringing forward this application to provide much-needed social and low-cost housing in the Lisburn & Castlereagh City Council area. Planning Officers were also commended for their efforts in processing the application in a timely manner.

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (11.24 am).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (11.35 am).

Alderman A Grehan returned to the meeting at this point.

Given that the meeting was ahead of schedule, it was agreed that items 4.2 to 6 on the agenda would be considered at this point.

4.2 Statutory Performance Indicators – October 2022 (01:23:13)

It was agreed that the Statutory Performance Indicators for October 2022, together with the explanatory narrative in this regard, be noted.

4.3 Submission of Pre-Application Notice (PAN) for Environmental Improvement Works throughout Hillsborough Village comprising footpath, resurfacing, street lighting upgrade and tree and shrub planting with the rationalisation of on-street village centre car parking (01:25:22)

It was agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

The Director of Service Transformation provided a verbal update to the Committee during which he advised that Hillsborough residents were keen for this application to be progressed.

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- 4.4 Submission of Pre-Application Notice (PAN) for proposed industrial buildings, storage yard, landscaping and ancillary site works on land approximately 130 metres north east of 20 Glenavy Road, Moira (01:30:05)

It was agreed that the Pre-Application Notice in relation to the above application 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 a residential development comprising 81 dwellings including open space and landscaping and all associated site and access works south of Mealough Road west of Saintfield Road to the rear and west of no. 615 Saintfield Road and c.200 metres north of Blenheim Park Carryduff (amendment to previously approved application Y/2009/0114/F) (01:31:16)

It was agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.6 Consultation on Review of Permitted Development Rights (01:32:08)

It was noted that a response to the above consultation had been reported to the Development Committee at its meeting held on 1 December, 2022 and that the proposed changes to the GDPO were welcomed for the reasons outlined in the report.

- 4.7 Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022 (01:34:30)

It was noted that a response to the above consultation had been reported to the Development Committee at its meeting held on 1 December, 2022 and that the proposed changes to the Regulations were delayed to allow for further consultation between DfI Planning and DoJ for the reasons outlined in the report.

Further to comments by Councillor M Gregg regarding the submission of a combined council response, the Head of Planning & Capital Development stated that the response prepared was on behalf of this Council only; however, there was an opportunity for this to be raised at meetings with the Department through the Strategic Planning Group and through the Heads of Planning Forum. He was unsure if SOLACE would be providing a response to the consultation.

- 4.8 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (01:37:38)

Members noted from the report, information regarding notification by telecommunication operators to utilise Permitted Development Rights at a number of locations.

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4.9 Replacement of the Northern Ireland Planning Portal – Newsletter
(01:38:56)

Members noted an update in relation to the implementation of the new planning portal system.

5. Confidential Business

The matter contained in the confidential report would be dealt with “In Committee” due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information).

“In Committee”

It was proposed by Councillor John Palmer, seconded by Councillor M Gregg and agreed that the following item be considered “in committee”, in the absence of members of the press and public being present (11.59 am).

5.1 Planning Application Fees Uplift
(Report would be available after March 2023)

Members noted from the report, information regarding an uplift in planning fees.

Verbal Matters

5.2 Purchase of Lands by Telecommunication Operators
Alderman D Drysdale

The Director of Service Transformation and Head of Planning & Capital Development noted comments by Alderman D Drysdale regarding the purchase of lands by telecommunication operators.

5.3 Planning Appeal Withdrawal
Councillor John Palmer

The Head of Planning & Capital Development provided an update in relation to the withdrawal of a planning appeal, as referred to by Councillor John Palmer.

5.4 Permitted Development Regulations
Councillor D J Craig and Councillor A Swan

The Head of Planning & Capital Development agreed to respond directly to Councillors D J Craig and A Swan in relation to the application of permitted development regulations in respect of the erection of telegraph poles and green boxes.

Resumption of Normal Business

It was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed to come out of committee and normal business was resumed (12.10 pm).

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6. Any Other Business

There was no other business.

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for lunch (12.12 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (1.18 pm).

The remainder of planning applications under item 4.1 were considered at this point.

- (iv) LA05/2020/1039/O – Site for a dwelling, garage and associated site works (infill opportunity as per CTY8 of PPS21) at land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn (01:48:10)

The Head of Planning & Capital Development stated that a late email had been received from the agent acting on behalf of the above applicant advising that he was unable to attend today's meeting but he was content for the application to continue, with consideration being given to the written submission he had made.

Prior to any presentation of the above application, Councillor M Gregg proposed that it be deferred to allow a site visit to take place. Given that drawings provided by the Planning Officers and evidence submitted by other parties indicated different boundaries, he considered it would be worthwhile to visit the site. It would also allow the agent, who was unable to be present today, to make representation at the next meeting. This proposal was seconded by Alderman O Gawith and, on a vote being taken, agreed, the voting being 5 in favour and 4 against.

Given that the meeting was running ahead of schedule, the meeting was adjourned from 1.23 pm to 1.33 pm to allow the speakers on the next application to arrive. The Head of Planning & Capital Development addressed comments by Alderman W J Dillon in respect of this.

- (v) LA05/2021/0947/O – Site for dwelling and garage at site 2 immediately west of 161 Ballynahinch Road, Hillsborough
and
(vi) LA05/2021/0948/O – Site for dwelling and garage at site 1 approximately 80m west of 161 Ballynahinch Road (01:56:04)

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

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- (v) LA05/2021/0947/O – Site for dwelling and garage at site 2 immediately west of 161 Ballynahinch Road, Hillsborough (Contd)
and
(vi) LA05/2021/0948/O – Site for dwelling and garage at site 1 approximately 80m west of 161 Ballynahinch Road (Contd)

The Committee received Ms C Millar in order to speak in support of the applications and a number of Members' queries were addressed by Ms Millar.

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

Vote

Having considered the information provided within the reports of the Planning Officer, the Committee agreed, on a vote being taken for each application separately, to adopt both recommendations to refuse the above applications, the votes being 8 in favour and 2 against in each case.

- (vii) LA05/2021/1358/O – Proposed dwelling and garage on lands between 21 and 25 Mill Road West, Belfast (02:45:30)

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

The Committee received the following to speak in support of the application and answer queries raised by Members:

- Ms C Millar
- Councillor F Cole
- Councillor N Anderson

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, on a vote being taken, to adopt the recommendation to refuse the above application, the voting being 9 in favour and 1 against.

There being no further business, the meeting was terminated at 3.12 pm.

Chairman/Mayor



Planning Committee

09 January 2023

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

Background

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

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There is one major application and three local applications all of which were Called in. One of the local applications was also deferred from a meeting of the planning committee last month.

2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
- (a) LA05/2021/0507/F - Proposed erection of 44 residential dwellings (including conversion and extension of existing building to create 2 dwellings), landscaping, open space, internal road layout and access provision off the Lisburn Road along with associated development on Lands at 26, 30 and 32 Lisburn Road, Hillsborough
Recommendation - Approval
 - (b) LA05/2020/1039/O - Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21) Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn
Recommendation – Approval
 - (c) LA05/2021/1263/F – Proposed two storey dwelling with alteration of existing garage and a new access for 5 Ballycrune road between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt
Recommendation – Approval
 - (d) LA05/2021/1014/O – Proposed infill dwelling and garage on a site 50m NE of 75 Drennan Road, Lisburn.
Recommendation – Refusal

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.

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.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

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.

If yes, what was the outcome:

| | | | | | |
|--|-----|---|-----|--|-----|
| Option 1 Screen out without mitigation | N/A | Option 2 Screen out with mitigation | N/A | Option 3 Screen in for a full EQIA | N/A |
|--|-----|---|-----|--|-----|

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

| | | | | |
|--|----|---|----|--|
| Has consideration been given to Rural Needs? | No | Has a Rural Needs Impact Assessment (RNIA) template been completed? | No | |
|--|----|---|----|--|

If no, please given explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward on each of the appended reports.

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

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- APPENDIX 1(a)** – LA05/2021/0507/F
- APPENDIX 1(b)i** - LA05/2020/1039/O – Addendum Report
- APPENDIX 1(b)ii** - LA05/2020/1039/O – Site Visit
- APPENDIX 1(b)iii** - LA05/2020/1039/O – Initial Report [December 2022]
- APPENDIX 1(c)** – LA05/2021/1263/F
- APPENDIX 1(d)** - LA05/2021/1014/O

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

| | |
|---------------------------|---|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 09 January 2023 |
| Committee Interest | Major Application |
| Application Reference | LA05/2021/0507/F |
| Date of Application | 06 May 2021 |
| District Electoral Area | Lisburn South |
| Proposal Description | Proposed erection of 44 residential dwellings (including conversion and extension of existing building to create 2 dwellings), landscaping, open space, internal road layout and access provision off the Lisburn Road along with associated development. |
| Location | Lands at n26, 30 and 32 Lisburn Road Hillsborough |
| Representations | Nine (objections) |
| Case Officer | Mark Burns |
| 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 development site size exceeds two-hectares.
2. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
3. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity

- of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.
4. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage feature within the site.
 5. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP 2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment. An access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.
 6. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, 3 and 4 of PPS 15 in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.
 7. Finally it is considered that the proposal is considered to comply with the SPPS and policy BH 2 of PPS 6 in that the detail submitted demonstrates that the proposal will not adversely affect the setting of a listed building nor will it cause harm to any archaeological features.

Description of Site and Surroundings

Site

8. The site is approximately 4.4 hectares in size, located on the eastern side of the Lisburn Road and comprised of the buildings and land associated with the operation of a former working farm.
9. There are a total of nine structures of varying age and use within the site. All are of standard masonry construction with tiled roofs. Eight are proposed for demolition.
10. Access is from the Lisburn Road at two separate locations. The site rises from the southern boundary adjacent to Kilwarlin Estate to the middle of the site and then rises again towards the northern boundary.
11. Mature trees and hedging define the north, east and southern boundaries and a fence separates the site from the Lisburn Road.

Surroundings

12. The site is inside the settlement of Hillsborough and the surrounding area is predominately residential in character and comprised mainly of two-storey detached dwellings.
13. The lands to the north and northwest are mainly rural in character and predominantly in agricultural use.

Proposed Development

14. The application is for a residential development comprising 44 dwellings in a mix of apartments, detached and semi-detached dwellings, with associated car parking, landscaping and areas of open space.
15. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site size is more than two-hectares.
16. On this basis the applicant was required to engage in pre-application community consultation (PACC).
17. A Pre-Application Community Consultation report [dated May 2021] 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.
18. The format of the report is in accordance with the Practice Note 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.
19. The following issues were raised through the PACC process:
 - Traffic
 - Flooding
 - Water/Sewage capacity
 - Impact on TPO Trees
 - Design should be more modern
 - Density should be reduced
 - Topography of the site
20. The application was also supported with the following technical assessments and other reports:
 - Concept Design and Access Statement
 - Supporting Statement
 - Landscape Management and Maintenance Report

- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Transport Assessment Report
- Drainage Assessment

Relevant Planning History

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

| Reference Number | Description | Location | Decision |
|------------------|---|--|----------|
| S/2004/0410/O | Construction of 119 dwellings and associated roads and car parking. 68 Dwellings on current portion of site. | Lands between Lisburn Road and Carnreagh Road, Hillsborough, Co. Down. | Granted |
| S/2006/0410/F | Residential development. | Lands between Lisburn Road & Carnreagh Road, Hillsborough. | Granted |

Consultations

22. The following consultations were carried out:

| Consultee | Response |
|--|--------------|
| LCCC Environmental Health | No objection |
| NI Water | No objection |
| DAERA Water Management Unit | No Objection |
| DAERA Natural Environment Division (NED) | No Objection |
| DfI Roads | No Objection |
| Council Tree officer. | No Objection |

Representations

23. Nine letters of objection have been submitted in respect of the proposal. The issues raised include:
- Impact on local Services.
 - Congestion and Traffic.
 - Ecology-Bats and Badgers.
 - TPO Trees.
 - Character of the area.
 - Impact on Residential amenity of adjacent properties.
 - Noise during construction.
 - Sewage.

Planning Policy Context

Relevant Policy and Guidance Documents

24. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 3 (Clarification): Access, Movement and Parking
 - Planning Policy Statement 7 (PPS 7) – Quality Residential Environments
 - Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas
 - Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
25. The relevant guidance is:
- Creating Places – Achieving Quality in Residential Developments
 - Development Control Advice Note 15 - Vehicular Access Standards

Environmental Impact Assessment (EIA)

26. 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.

27. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan Context

28. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan (BMAP) 2015 had in its entirety not been lawfully adopted.
29. As a consequence of this decision, the Lisburn Area Plan (LAP) is the statutory development plan for the area, however, draft BMAP and BMAP remain a material consideration.
30. The application site is on unzoned white land within the Lisburn Area Plan and is zoned for residential development in draft BMAP (HH 04/05) which also includes lands to the south east of the site
31. The following key site requirements are associated with this draft zoning
 - A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Planning Authority.
 - Housing development shall be a minimum gross density of 15 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
 - Access arrangements shall be agreed with Roads Service.
 - A Transport Assessment shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area;
 - All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained, unless it is determined that such vegetation is not of any quality to merit retention or is required to be removed to facilitate a safe means of access to the site;
 - A five to eight metre wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the boundaries of the site and outside curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long term management shall be formally agreed with the planning authority;

- A three-metre wide landscape buffer of trees and hedges of native species shall be provided along the southern boundary of the site adjacent to Hillsborough Primary School and existing playing fields. This is to provide screening for the development.
 - A Flood Risk Assessment of the watercourses within and adjacent to the site shall be carried out and submitted to the Planning Authority to inform proposals for the development site.
 - The watercourses within and adjacent to the site boundaries shall be retained as open watercourses and incorporated into the proposed development unless Rivers Agency determine that the retention of the open watercourses is not appropriate.
32. The report into BMAP Public Inquiry by the Planning Appeals Commission confirmed that the site was not the subject of any representation.
33. In a recent publication the Chief Planner for Northern Ireland advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report **remains a material consideration** to be weighed by the decision-maker.
34. Whilst the adopted Plan remains unlawful the Council cannot ignore the advice of the PAC up to the stage just before the Plan was adopted. Significant weight is attached to the findings of the PAC and this is consistent with the advice of the Chief Planner.
35. 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 also be issued to illustrate how concepts contained in PPSs can best be implemented.*
36. Draft policy ENV 2 of draft BMAP Sites of Local Nature Conservation Importance states that:

Planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance.

Regional Policy Context

37. The SPPS states that:

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

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

38. In the case of proposals for residential development within settlements no conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy. Consequently, the retained planning policy provides the relevant policy context in this instance.

39. 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.

40. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

41. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

42. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

43. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

44. Paragraph 4.12 of the SPPS states:

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

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

46. Paragraph 6.81 of the SPPS states that:

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

Quality Residential Environments

47. 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.

48. 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.

49. 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.

Creating Places

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

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

Open Space, Sport and Outdoor Recreation

51. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the Department's planning policies for the protection of open space, in association with residential

- development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.
52. The Council will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.
53. An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.
54. Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following
- (i) *A normal expectation will be at least 10% of the total site area;*
 - (ii) *(ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and*
 - (iii) *Provision at a rate less than 10% of the total site area may be acceptable where the residential development:*
 - *Is located within a town or city centre; or is close to and would benefit from ease of access to areas of existing public open space; or*
 - *Provides accommodation for special groups, such as the elderly or people with disabilities; or*
 - *Incorporates the 'Home Zone' concept.*
55. For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.
56. The Council will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.
57. Public open space required by this policy will be expected to conform to all the following criteria
- *It is designed in a comprehensive and linked way as an integral part of the development;*

- *It is of demonstrable recreational or amenity value;*
 - *It is designed, wherever possible, to be multi-functional;*
 - *It provides easy and safe access for the residents of the dwellings that it is designed to serve;*
 - *Its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and*
 - *It retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.*
58. Planning permission will not be granted until the developer has satisfied the Council that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.
59. Arrangements acceptable to the Council in line with the policy include:
- (a) *a legal agreement transferring ownership of and responsibility for the open space to the local district council; or*
 - (b) *a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or*
 - (c) *a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.*
60. In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Natural Heritage

61. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
62. Policy NH 1 – European and Ramsar Sites states:
- that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:*
- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
 - *a listed or proposed Ramsar Site.*
63. The policy also states that:
- Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.*

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

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

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

64. 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.

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:

- *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.

66. The policy also states that:

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

Access, Movement and Parking

67. 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.

68. 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

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

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

PPS 15 – Planning and Flood Risk

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

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the

applicant can demonstrate that the proposal constitutes an exception to the policy.

71. 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.

PPS 6- Archaeology and the Built Heritage

72. PPS 6 – Archaeology and the Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.
73. Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings states:

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

74. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed redevelopment of this site for ninety dwellings.

Quality Residential EnvironmentsImpact on the Character of Area

75. The area is predominantly made up of a low /medium density housing comprised of detached and semi-detached set in medium to large sized plots. The adjacent Kilwarlin development also has apartments located within it.
76. The scheme comprises 44 units with a range and mix of apartments, detached and semi-detached dwellings. The form and general arrangement of the buildings is characteristic of those found in adjacent developments at Kensington Gardens and Sandringham Park/Court to the east of the site.
77. The density equates to 11 dwellings per hectare which is considered to be a low density in accordance with the guidance at Annex 1 of PPS 12 - Housing in Settlements.
78. Whilst the minimum gross density of 11 dwellings per hectare is lower than that specified within the draft Key Site Requirements for the site, which stated that the minimum should be 15, as the key site requirement is in draft and afforded limited weight the agent has also set out a number of reason to justify the lower figure.
79. The agent has stated that the proposed reduction in the density is a reflection of taking a sympathetic approach to the development of this site which allows for
- a) The retention and protection of significant trees within the site;
 - b) Avoidance of the floodplain;
 - c) the complex levels changes within the southern half of the site;
 - d) Provision of a generous amount of public amenity space;
 - e) the character of the existing area to be reflected in the layout; and
 - f) residential amenity standards for surrounding occupiers to be protected and maintained.

80. It is accepted that there a significant number of site constraints that provide a valid and justified reason for the reduction in the number of dwellings per hectare below the threshold suggested in the plan..
81. It is considered that the residential character of the area would not be significantly changed or significantly harmed by the proposed development..

Layout/Design/Material and Impact on Residential Amenity

82. There are number of different house types proposed varying from 103 square metres to 229 square metres in size. The 9 apartments proposed are located over a number of blocks and range in size from 83 square metres to 100 square metres. A sample description of the some of the dwellings is outlined below.
83. House type H 4.2 is a detached four bedroom split level detached dwelling measuring approximately 220 square metres in floor area. This dwelling will have a ridge height of 11.8 metres.
84. The materials proposed for the dwelling include a mud brown select facing brick with painted render to selected area. Grey coloured slate with ridge tiles to match, grey double glazed uPVC doors, with composite doors to match and dark coloured rain water pipes.
85. There are two H15 Courtyard style dwellings located on the northern portion of the site. These are three bed detached dwelling measuring approximately 103 square metres. This dwelling will have a ridge height of approximately 8.7 metres.
86. The materials proposed for the dwelling include painted rough render walls, and grey coloured slate with ridge tiles to match, grey double glazed uPVC doors, with composite doors to match and dark coloured rain water pipes.
87. The block of apartments located adjacent to the northern boundary will be three storeys dropping to two, with a ridge height of 12.1 metres dropping to 8.1 metres and contain 9 apartments. The size of the apartments range from approximately 83 square metres to 100 square metres in floor area.
88. The materials proposed for the apartments include a mud brown select facing brick with painted render to selected area. Grey coloured slate with ridge tiles to match, grey double glazed uPVC doors, with composite doors to match and dark coloured rain water pipes.
89. The finishes proposed to the dwellings and apartments are considered to be acceptable and in keeping with the established character of this area.
90. Garages are proposed for almost all of the dwellings.

91. The proposed layout is designed to ensure that there is appropriate separation distances between the proposed dwellings. The design and access statement confirms that the development has been designed to ensure that there is no adverse impact caused to the amenity of future residents as a consequence of overlooking between the proposed dwellings.
92. The relationship between the buildings in each plot has been checked and it is considered that the guidance contained in the Creating Places is met.
93. The layout of the rooms in each of the units, the position of the windows and separation distances have been designed to ensure that there is no overlooking into the private amenity space of the neighbouring properties.
94. The buildings are not dominant or overbearing and no loss of light would be caused.

Residential Amenity

95. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal access Road.
96. The design of the dwellings along with the separation distances and boundary treatments ensures that no overlooking would be caused into any neighbour's private amenity space.
97. The separation distances between the rear of the new houses at sites 6-7 and the rear of the existing dwellings in Kilwarlin Avenue at the narrowest point is approximately to 25 metres.
98. The separation distances between the rear of site 9 and the common boundary of the existing dwellings at 16 Kilwarlin Avenue at the narrowest point is approximately to 20 metres. These dwellings will have a rear to side elevation relationship.
99. It should also be noted that the finished floor levels of the proposed dwellings adjacent to the existing dwellings in Kilwarlin Avenue will be between approximately 2.5 and 4 metres lower than these properties
100. The separation distances are in accordance with the requirements of the Creating Places document.
101. There is a varied type of boundary treatments proposed (discussed below) and along with the separation distance will further will ensures no overlooking.
102. It is considered that the proposal will not create conflict or result in unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Provision of Open Space / Landscaping

103. The provision of private amenity space varies from plot to plot ranging from a minimum of 91 square metres up to a maximum of 749 square metres per unit. An average of 215 square metres is provided across the site which is significantly in excess of the guidance in the Creating Places document for single occupied residential properties.
104. The communal garden area surrounding the apartments extends to approximately 750 square metres which translates to an average of approximately 80 square metres per apartment.
105. These figures are consistent with the guidance in the Creating Places document for apartment units.
106. Given that the area of the proposed development exceeds one hectare and more than twenty-five units open space must be provided as an integral part of this development. The detail associated with the site layout demonstrates that public areas of open space are to be provided as part of the proposal.
107. A large area of open space is proposed, and is located centrally within the site. The area is a large treed area which will have formal walkways and picnic style seating area. This area equates to approximately 18% of the overall site which is in line with policy requirements.
108. A landscape management plan dated September 2022 was submitted in support of the application. It outlines the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
109. It also details the maintenance programmes proposed to allow the proposal to visually integrate the development with its surroundings and develop a quality planting scheme that will reduce visual intrusion and enhance the development as a whole.
110. The management plan explains that the aim of the landscape proposal is to create a comprehensive planting scheme that will enhance the environment of the proposed development ensuring its integration into the wider landscape/townscape setting.
111. It explains that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.
112. The landscape plan demonstrates that the proposed landscaping is also broadly in line with the draft Key Sites Requirements for the site both the northern and eastern boundaries will have buffer planting between 5-8 metres.
113. A number of existing trees along the boundaries are to be retained as possible and supplement where necessary with native planting along with standard and

heavy standard trees. This is in line with the draft Key Site Requirement associated with the site.

114. It is considered this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of and maintenance of external public spaces and that the implementation of planting works should be conditioned to be carried out in the first available planting season prior to the occupation of that phase of the development.

Design Concept Statement, Concept Master Plans and Comprehensive Planning

115. The SPPS states that a design concept sought from and agreed with the developer incorporating sustainable elements such as good linkage of housing with schools, community facilities and public transport; provision for cycling; adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems; energy efficient design of housing units and use of sustainable drainage systems, where appropriate.
116. Policy QD 2 - Design Concept Statement, Concept Master Plans and Comprehensive Planning states that planning authorities will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.
117. The policy directs that a Concept Master Plan (CMP) will be required for planning applications involving:
- (a) 300 dwellings or more; or
 - (b) The development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or
 - (c) Housing development on any other site of 15 hectares or more.
118. It advises that in the case of proposals for the partial development of a site zoned for housing the Concept Master Plan will be expected to demonstrate how the comprehensive planning of the entire zoned areas is to be undertaken.
119. Whilst the subject proposal itself would not meet the threshold for a CMP the Design and Access Statement (similar to a design concept statement) dated May 2021 explains at sections 7–9 how the scheme has been designed to take into account previous histories of the site, current developments to the north and east of the site, and the wider setting of the site.
120. Based on the information provided, it is accepted that the proposed development is in accordance with Policy QD 2 in that the development proposal contributes to the comprehensive development of the zoning and the immediate area.

Access, Movement and Parking

121. A Transport Assessment (TA) form prepared by RPS was submitted with the application.
122. The TA confirmed that there will be 237 trips made daily and the peak times will be between the normal commuter peak hour periods of 08:00-09:00 and 17:00-18:00.
123. The TA also confirms that vehicular access to and from the proposed residential development will be via the existing access which will serve sites number 39 and 40 and a new access point onto the Lisburn Road will serve the remainder of the units proposed. The new access is designed in accordance with DCAN 15.
124. The junction layout proposed will be the same as the previously approved development on the site.
125. Based on the current parking standards and guidance in Creating Places the development requires a total of 117 parking spaces. A total of 118 spaces are provided as part of the overall development.
126. Detail submitted with the application demonstrated how the internal layout of the proposed development is designed to DfI Roads requirements and that there will be no impact to traffic on the existing public road network (Lisburn Road) adjacent to the site.
127. The detail also demonstrates that parking is provided either in curtilage or communally for each of the thirty five dwellings and nine apartments.
128. The new development will provide a continuous footway link through the majority of the proposed development to the existing public network on Lisburn Road providing a safe and separate route for pedestrians. Sites number 39 and 40 which are served by their own access do not have, and are not required to have a pedestrian footway.
129. DfI Roads has confirmed that it has no objection to the general layout and arrangement of the roads within the proposed development on the grounds of roads safety or traffic impact.
130. 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. The road layout will not change and will not affect the layout of the proposed buildings.
131. Based on 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 AMP2 and AMP 7 of PPS 3 for the reasons specified above.

Public Open Space

132. Given that the area of the proposed development exceeds one hectare and more than twenty-five residential units are proposed open space must be provided as an integral part of this development. The detail associated with the site layout demonstrates that a public area of open space is to be provided as part of the proposal.
133. This area is located in a central position within the site, which is easily accessible by all the future residents of the scheme, and measures in excess of 18% of the site areas. The open space area will have a walkway around it and picnic style seating areas.
134. The detail submitted with the landscaping proposals indicates that all planted areas are to be checked on a regular basis and retained in perpetuity. It is recommended that a condition is attached to the decision notice to ensure this area is maintained.

Natural Heritage.

135. An Ecological Assessment dated May 2021 carried out by Ecology Solutions is submitted in support of the application.
136. Paragraph 2.32 indicates that the method adopted for the field survey work followed the standard Phase 1 Habitats Survey methodology development by the Joint Nature Conservation Committee (JNCC).
137. The document further advises at paragraph 2.31 that the entire application site and immediate environs were surveyed in June 2019 to ascertain the general ecological value of the land contained within the boundaries of the application site and to identify the main habitats.
138. An assessment of the following species and habitat features was also conducted:
 - Badger.
 - Birds.
 - Bats.
 - Invertebrates.
139. Natural Environment Division (NED), 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.

140. NED stated that:

From the most recent orthographical information available to the department, NED notes that the site consists of a number of improved/semi-improved agricultural fields all of which are bounded by established hedgerow.

There are a number of number of agricultural buildings located within the main agricultural complex toward the centre of the site. NED notes that the ecological statement indicates that a bat survey has been conducted and it has identified a number of roosts on site and off site.

NED welcomes the applicant's decision to retain all trees identified as having confirmed bat roosts (as identified in the section 4.2 of the ecological Statement and reaffirmed by the landscape proposals Drawing 66).

NED acknowledges that to evidence of badgers have been identified on site or within the immediate 30m of the red line boundary. Badgers are no longer a material consideration for this application at this time. The proposal will see the loss of some hedgerow in order to facilitate the development.

NED acknowledges receipt of Lighting Details uploaded to the Planning Portal 23 September 2022 and has considered its contents. Provided the lighting is erected as shown on drawing labelled Lighting Details (uploaded to the Planning Portal 23 September 2022) and according to the specifications detailed in the outdoor lighting report, NED are content that the lighting proposed is unlikely to have a significant impact.

Hedgerows are considered priority habitat in Northern Ireland. NED welcomes the applicant's decision to compensate for its loss with additional planting as part of the proposal (as per Drawing 66).

141. In Summary NIEA, Natural Environment Division (NED) concluded that it had considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

142. On the basis of the information submitted the advice of NED is accepted and it is considered that the proposal meets the policy tests associated with policies NH 1, NH2 and NH 5 of PPS 2 and that no unacceptable impact on natural heritage features will arise.

Flooding and Drainage

143. A Drainage Assessments dated May 2021 by Mc Cloy consulting was submitted in support of the application.

144. With regard to Policy FLD 1 – Development in Flood Plains DfI Rivers have advised that this:

DfI Rivers, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its

conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

145. There is no reason to dispute the advice of Rivers Agency and the proposal is therefore in compliance with policy FLD1.

146. With regard to Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure considerations, DfI Rivers have advised

The site is traversed from the east to west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to DfI Rivers as: 'Carnreagh Stream'. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners.

The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.

DfI Rivers notes that Figure M01891-01_FL01 Rev 1 in Appendix D of the Flood Risk & Drainage Assessment appears to comply with this requirement

147. In relation to Policy FLD 3 – Development and Surface Water, DfI Rivers commented that the drainage assessment advises that the applicant has submitted adequate drainage drawings and calculations to support their proposals.

148. DfI Rivers PAMU have reviewed the Drainage Assessment by McCloy Consulting and our comments are as follows:

DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

The Drainage Assessment states that the drainage design requires further detailed design; therefore DfI Rivers requests that the Planning Authority includes a condition as part of its planning permission if granted.

149. A condition is recommended stating that the detailed drainage design is agreed in writing with the Council before the construction of the first dwelling is commenced on the site.
150. In terms of Policy FLD 4 – Artificial Modification of Water Courses, DfI Rivers Agency have advised that:

Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for The Planning Authority.

Drawing No. 3208-050-04-03-003 Rev B indicates that an access culvert is proposed for 'Carnreagh Stream' at this location. The applicant must demonstrate that consent to undertake any culvert works at the site has been approved by DfI Rivers, Eastern Division DfI Rivers.

151. The Council is content that the requested culverting can be treated as an exception under FLD4 in that it is required to provide access to the site and in doing so it will not affect flood risk elsewhere.
152. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on advised that they were content with the proposal as long as NI Water had capacity to take the extra load and subject to conditions and relevant statutory permissions being obtained.
153. Based on a review of the information provided the advice received from both DfI Rivers and Water Management Unit is accepted and it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 1, 2, 3 and 4 of PPS 15.

Archaeology and the Built Heritage

Historic Environment Division (Historic Buildings)

154. Historic Environment Division (HED) has advised that the application site is in proximity to the former Hillsborough Police Station, 12 Lisburn Road, Hillsborough (Grade B1) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.
155. (HED), Historic Buildings, has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises that:

HED (Historic Buildings) acknowledge the proposed application site is situated behind n an established urban context (Kilwarlin Crescent and Kilwarlin Avenue and all within grounds separated from the listed building by the said existing developments. All of this separates the listed building from the context of the proposed application site.

The listed building is therefore sufficiently removed in situation within the existing established developed environment to remain unaffected by this application.

156. In summary HED (Historic Buildings) has considered the impact of the proposal and are content that it satisfies the requirements of paragraph 6.12 of the SPPS and policy BH11 of PPS 6. The Council has no reason to disagree with this advice.

Historic Environment Division: Historic Monuments

157. HED(Historic Monuments) has stated that the application site is located close to the historic core of Hillsborough. The site is within a cluster of early medieval raths (DOW 014:010, 014:013 and 014:049) and c. 500m from a Bronze Age settlement site which was excavated in 2003 under archaeological licence AE/03/98. The presence of these sites includes archaeological activity within the area from the prehistoric period onwards. In addition the site is c. 4 hectares in size.
158. *HED commented that in their experience large development sites such as this are rarely archaeologically sterile, and given the known archaeology within the immediate area, there is the potential for previously unrecorded below-ground archaeological remains to be found during ground works for the proposal.*
159. HED (Historic Monuments) has considered the impacts of the proposal and is content that the proposal satisfies policy BH 2 of PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Consideration of Representations

160. Nine letters of objection have been received in relation to the proposal the issues raise are outlined below.

Impact on local Services.

161. The provision of Schools and Health Care is an issue that needs to be dealt with through the local development plan in conjunction with the Education and Health Authorities.
162. Although the provision of Schools and Health Care is a material planning consideration it is not given determining weight in the consideration of this application. The relevant authorities develop their own strategic policy for the delivery of services outside the Development Plan making process, There is no evidence of a shortfall demonstrated in support of the objection,

Congestion and Traffic.

163. Objections have been raised with regards to congestion and additional traffic. The existing access will be utilised as part of the development and a new access is proposed onto Lisburn Road. A Transport Assessment form was submitted which demonstrated that the development will not impact on the existing traffic network or cause any further congestion. In terms of car parking provision the application proposes predominately in-curtilage parking, with a number of on street visitor spaces also provided. DfI Roads have been consulted with the proposal and have no objection to the proposal subject to conditions.

Ecology-Bats and Badgers.

164. An ecological assessment was submitted in support of the application. The report detailed how surveys had been completed with regards to birds, bats and badgers. The report concluded that there would be no detrimental impact on the existing ecology within the site. Natural Environment Division (NED) were consulted with regards to the proposal and have no objections subject to conditions.

TPO Trees.

165. The site has a number of TPO trees on the site and an objection has stated that a number of trees will be lost to facilitate the proposal. An Arboricultural Impact Assessment (Tree Constraints) along with a Development Impact Drawing and Landscape Management Plan. The council's tree officer was consulted in relation to the proposal. In her response the Tree officer stated that the proposal would not have a negative impact or harm the existing TPO trees.

Character of the area.

166. The proposal has been assessed against existing planning policy including PPS7 "Quality Residential Environments" which has been addressed above in detail and it is considered that approval of the application will not be detrimental to the character of the area and respects the existing development already constructed.

Impact on Residential amenity of adjacent properties (Overlooking).

167. The proposal has been assessed against existing planning policy including PPS7 "Quality Residential Environments" which has been addressed above in detail and it is considered that approval of the application will not be detrimental to the residential amenity of existing properties in Kilwarlin. As identified the properties in Kilwarlin are situated at a higher level and the minimum back to back separation distance of 20 metres is exceeded which is in line with Creating Places document. It is therefore considered that the proposal will not have an impact on the residential amenity of the existing properties by way of overlooking.

Noise during construction.

168. Concern is expressed in relation to the presence of construction traffic and other associated site work noise during the construction phase of the development.

It is not uncommon for a development site to attract site traffic and construction noise and this will be present until the development is completed. These are considered to be normal impacts in relation to the development of land and the issue raised is given little weight in the assessment of this application. That said it does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.

Sewage.

169. Objections have been raised in relation to the sewerage network capacity and its ability to have a further 44 dwellings connect into it. Both NI Water and NIEA Water Management Unit were consulted in relation to the proposal and no network capacity issue is identified.

Conclusions

170. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development site measure more than two-hectares.
171. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
172. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.
173. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage feature within the site.
174. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment. Ann access to the public road can be accommodated that will not

prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.

175. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, 3 and 4 of PPS 15 in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.
176. Finally it is considered that the proposal is considered to comply with the SPPS and policy BH 2 of PPS 6 in that the detail submitted demonstrates that the proposal will not adversely affect the setting of a listed building nor will it cause harm to any archaeological features.

Recommendations

177. It is recommended that planning permission is approved.

Conditions

178. 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. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

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. All hard and soft landscape works shall be carried out in accordance with Drawing 19-042 L101 bearing the date stamped 4th October 2022 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.

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

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

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

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

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

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

7. No retained tree as identified on Drawing 19-042 L101 bearing the date stamped 4th October 2022 shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees 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

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and

- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 8.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 9 These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn & Castlereagh City Council

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Site Location Plan – LA05/2021/0507/F



Lisburn & Castlereagh City Council

| Committee Report | |
|---------------------------|--|
| Date of Committee Meeting | 09 January 2023 |
| Committee Interest | Local Application (Called In) - Addendum |
| Application Reference | LA05/2020/1039/O |
| Date of Application | 8th December 2020 |
| District Electoral Area | Castlereagh South |
| Proposal Description | Site for a dwelling, garage and associated site works |
| Location | Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL |
| Representations | Nine [eight in opposition and one in support] |
| Case Officer | Catherine Gray |
| Recommendation | Approval |

Background

1. This application was brought to the Planning Committee in December 2022 with a recommendation to approve as it is considered that the proposal complies with the SPPS and policy CTY 8 of PPS 21 in that a small gap exists within an otherwise substantial and continuously built up frontage.
2. Prior to the application being presented to the committee 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 facilitated on 17 November 2022. A separate note of the meeting is available as part of the bundle of documents. . It should be read alongside this report.

Further Consideration

4. At the site the Head of Planning & Capital Development provided background to the application process and that the reason for the site visit was to check the

- boundaries of the site and observe the proposed development in the context of the surrounding buildings and landscape.
5. Members were advised that this was an outline application so there were no detailed drawings other than a concept plan showing the general location of a dwelling.
 6. The Head of Planning and Capital Development identified the three building taken into account by the planning officer in this case. He also explained why the officer also considered the proposed gap to be small and the proposed building to be in keeping with the existing pattern of development.
 7. The Members viewed the three buildings along the site frontage and entered the site where the proposed dwelling would be located. The Head of Planning & Capital Development advised that a number of objectors had concerns regarding the siting of the proposal, particularly in relation to the impact of overlooking.
 8. Members were advised that this was an outline application and the siting and design were matters normally reserved for a later application process. He agreed to further consider the siting of the building as detailed on the concept plan and to supplement the planning report as required.
 9. This review is completed and it is accepted that there is insufficient detail to agree the siting detailed on the drawing. The concept is withdrawn and the siting will be subject to further consideration at the approval of reserved matters stage.
 10. The site is large enough to accommodate a dwelling that is consistent with the established pattern of development and the advice contained in the main report remains valid.
 11. The designer will however have to give careful consideration to the relationship between the proposed building and the existing bungalow to the northeast. It should not also be significantly overlooked by the dwelling to the southeast.
 12. In response to queries about the fence line and the access arrangements that had been indicated on the concept plan and reported to the Planning Committee, the Head of Planning & Capital Development stated that he did not consider the concept drawing to be accurate. He understood there would be a separate access for the proposed development however, this was not clear from the drawings.
 13. A more accurate drawing is now provided detailing the proper access arrangements to the existing building to the southeast. This does not change the advice detailed in the main report specific to the site and the tests for infilling a gap in an otherwise substantial and continuously built up frontage are still met.

Conclusions

14. The planning advice offered in the initial DM Officer report is not changed and the reasons for recommending approval remain valid.
15. The information contained in this addendum should be read in conjunction with the main officers report previously brought before the Committee on 05 December 2022 and site visit report all of which are provided as part of the papers for this meeting.

Summary of Recommendation

16. It is recommended that planning permission is approved.

Refusal Reasons/Conditions

17. 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 width of the vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

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

- The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

Reason: In the interest of visual amenity.

- No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

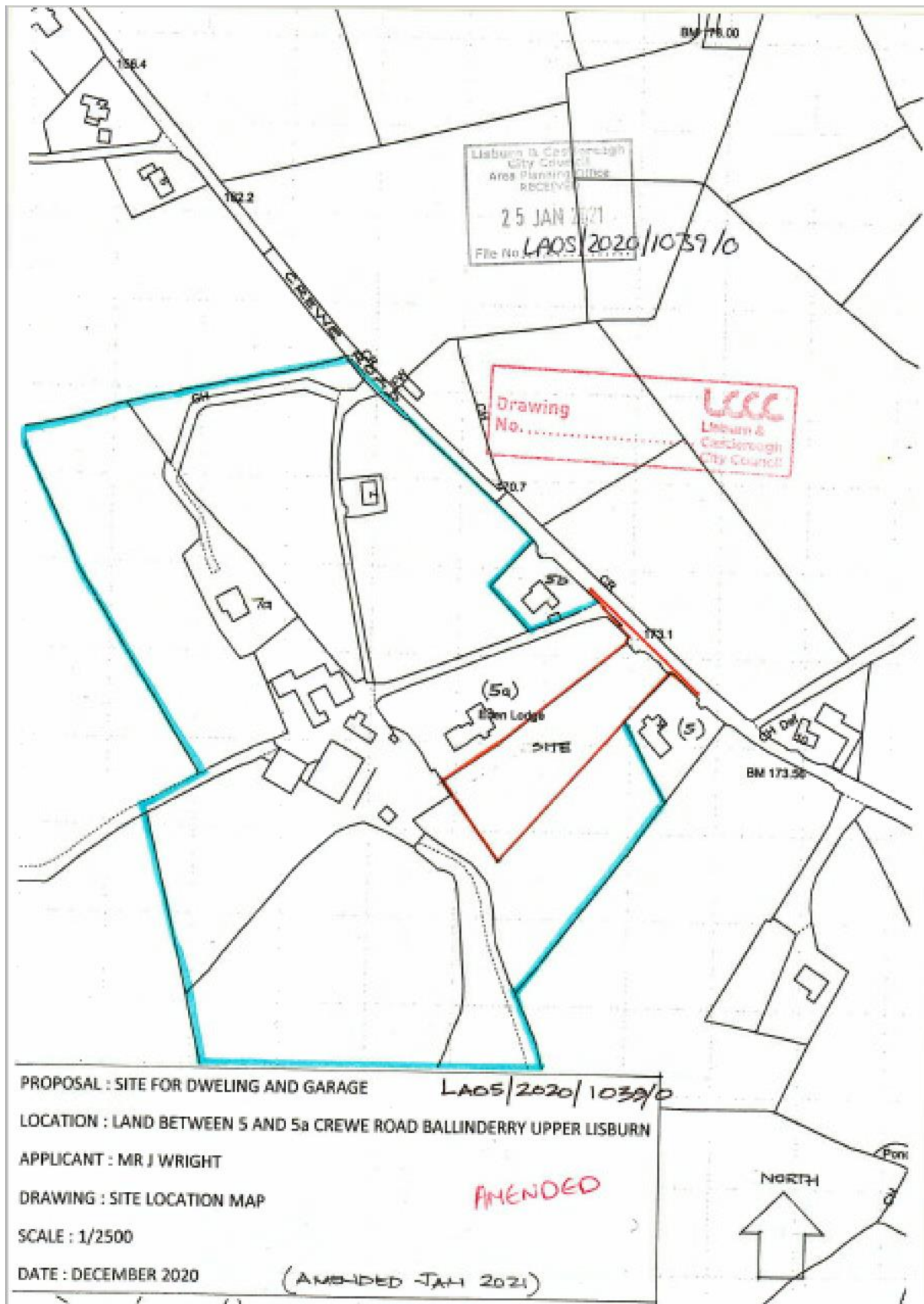
- The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

- 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.

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

Site Location Plan – LA05/2020/1039/O



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 10.10 am on Tuesday, 13 December, 2022 at Crewe Road, Ballinderry Upper, Lisburn**

PRESENT: Alderman J Tinsley (Chairman)
Alderman O Gawith
Councillors D J Craig, M Gregg and A Swan

IN ATTENDANCE: Head of Planning & Capital Development
Member Services Officer (CR)

Apologies were received from the Vice-Chairman, Councillors John Palmer and U Mackin, Aldermen D Drysdale, W J Dillon and A Grehan.

The site visit was held in order to consider application LA05/2020/1039/O which is for a site for a dwelling, garage and associated works at lands between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn.

This application had been presented for determination at the meeting of the Planning Committee held on 5 December, 2022. The Committee had agreed 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, the Head of Planning & Capital Development provided background to the application process and that the reason for the site visit was to check the boundaries of the site and observe the proposed development in the context of the surrounding buildings and landscape.

He further explained that this was an outline application so there were no detailed drawings other than a general concept plan showing the general location of a dwelling.

In relation to ribbon development and infill, policy required there to be a line of three or more dwellings along the frontage. The Head of Planning and Capital Development identified the three building taken into account by the planning officers deemed this case. He also explained why the officer also considered the proposed gap was small and why the officer considered the building to be in keeping with the pattern of development.

Members viewed the three buildings along the frontage and entered the site where the proposed dwelling would be located. The Head of Planning & Capital Development advised that a number of objectors had concerns regarding the siting of the proposal, particularly in relation to the impact of overlooking.

He advised that this was an outline application and the siting and design were matters normally reserved for a later application process. He agreed to further consider the siting of the building as detailed on the concept plan and to supplement the planning report as required.

In response to queries about the fence line and the access arrangements that had been indicated on the concept plan and reported to the Planning Committee, the Head of Planning & Capital Development stated that he did not consider the concept drawing to be accurate. He understood there would be a separate access for the proposed development; however, this was not clear from the drawings so he agreed to confirm this prior to the next meeting of the Planning Committee.

There being no further business, the site visit was terminated at 10.30 am.

Lisburn & Castlereagh City Council

| | |
|---------------------------|--|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 05 December 2022 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2020/1039/O |
| Date of Application | 08/12/2020 |
| District Electoral Area | Killultagh |
| Proposal Description | Site for a dwelling, garage and associated site works |
| Location | Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL |
| Representations | Nine [eight in opposition and one in support] |
| Case Officer | Catherine Gray |
| 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 Planning Committee in that it has been Called In.
2. This application is presented to the Committee with a recommendation to approve as it is considered that the proposal complies with the SPPS and Policy CTY 8 of PPS 21 in that a small gap exists within an otherwise substantial and continuously built up frontage comprised of three or more buildings. Furthermore, it is considered that the concept plan submitted in support of the application demonstrates that the development will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
3. The proposal complies with the SPPS and Policy CTY 13 in that the proposal if appropriately designed can be visually integrated into the surrounding landscape.

4. The proposal complies with the SPPS and Policy CTY 14 of PPS 21 in that the concept plan demonstrates that the proposal would not have a detrimental impact on the rural character of the area.
5. The proposal complies with the SPPS and policy AMP 2 of PPS 3 – Access, Movement and Parking in that the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic.
6. The proposal also complies with the SPPS and policies NH 2 of PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
7. The proposal also complies with the SPPS and PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
8. The proposal also complies with the SPPS and FLD 1 of PPS 15 – Planning and Flood Risk in that the proposal would not cause or exacerbate any flooding.

Description of Site and Surroundings

Site

9. The site is located to south western side of Crewe Road and is rectangular in shape. It occupies part of a large agricultural field that is accessed from a field gate that is part of the front of curtilage of a property 5A Crewe Road.
10. The north western boundary is partially defined by a post and wire fence with the remainder undefined as it runs through the front garden and driveway of the adjacent property.
11. The south western boundary is currently undefined as it runs through part of an agricultural field.
12. The south eastern boundary is partially defined by a post and wire fence with some vegetation along it and the remainder of the boundaries are undefined as they are part of the wider agricultural field.

Surroundings

13. The site is located within the countryside and the surrounding area is mainly rural in character and the land predominantly in agricultural use.
14. There is evidence of a build-up of development along the road frontage with a single storey dwelling adjacent and north east of the application at 5 Crewe

Road, a property 5a Crewe Road which is a large two storey dwelling with a rear return used also as a guest house.

15. To the west of 5a Crew Road and the application site there is an existing farm complex consisting of various outbuildings and is accessed from a laneway that runs along the northern boundary of property 5a. Finally to the north of the laneway to the farm complex is property 5b Crew Road which is a one and half storey dwelling house and detached garage.

Proposed Development

16. This is an outline application for a dwelling, garage and associated site works.
17. The following information has been submitted for consideration:
 - Biodiversity checklist (received 12th March 2021);
 - Biodiversity checklist – Ecological Statement (received 26th August 2021).

Relevant Planning History

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

| Reference Number | Description | Location | Decision |
|--------------------|--|--|-------------------------------------|
| LA05/2022/0072/LDE | Existing detached split level dwelling with integral garage and use part of the house for bed and breakfast accommodation in association with the existing family home | Kilcreeny Lodge, 5A Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL | Permitted Development 18/03/2022 |
| S/2010/0673/F | Erection of farm dwelling and garage. | 100 metres South West of 7 Crewe Road, Upper Ballinderry, Lisburn. | Permission Granted 28/03/2012 |
| S/2001/0972/F | Replacement dwelling & garage including retention of existing dwelling farm outbuilding | 120m south west of 7A Crewe Road, Ballinderry Upper | Permission Granted 05/04/2002 |
| S/2001/0120/O | Replacement Dwelling and Domestic Garage with Retention of Existing Dwelling as Farm Outbuilding | 120m South West of 7A Crewe Road, Ballinderry Upper | Permission Granted 05/06/2001 |
| S/2005/1547 | Use of 3 bedrooms out of 7 for bed and breakfast accommodation | 5A Crewe Road Upper Ballinderry, Lisburn BT28 2PL | Permitted Development |

19. The planning history is a relevant material consideration as one of the buildings indicated to be part of the line of building to be counted in the assessment of the policy did not benefit from a planning permission as it was not built in accordance with the approved scheme.
20. An application was subsequently submitted for a Certificate of Lawfulness and sufficient evidence was provided to demonstrate the building and its associated curtilage were immune from enforcement action (see application LA05/2022/0072/LDE).

Consultations

21. The following consultations were carried out:

| Consultee | Response |
|--|--------------|
| NI Water | No objection |
| DAERA Water Management Unit | No objection |
| DAERA Natural Environment Division | No objection |
| LCCC Environmental Health | No objection |
| DoC Historic Environment Division : Historic Monuments | No objection |
| DfI Roads | No objection |

Representations

22. A number of representations have been received relation to the proposal. Eight of which are letters of objection. There is one letter of support.

23. In summary, the following issues of concern are raised in the objections:

- Contrary to Policy CTY 8 and does not qualify for an infill
- Contrary to Policy CTY 13 and the SPPS
- Inaccuracies on the submitted plans
- Impact on Natural Heritage
- Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicants disregard for planning policy
- Impact on residential amenity
- Character of the area / contrary to Policy CTY 14
- Impact on archaeological sites and monuments
- View and open countryside
- Prospective residents would suffer loss of amenity
- Third party land / applicants land

24. The following views are expressed in the letter of support:

- There are a number of sections on the Crewe Road where infill have been granted.

- The section between 5 and 5a currently looks more untidy as a gap between the two properties, a dwelling would look better and add to that section of the road.
25. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

26. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
27. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

28. 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.
29. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
30. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
31. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.

32. Page 49 of the Lisburn Area Plan 2001 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 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 also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

34. The SPPS states that

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

35. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
36. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
37. Paragraph 3.8 of the SPPS states
- that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.*

38. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
39. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.
40. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
41. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
42. Paragraph 4.12 of the SPPS states
that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.
43. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
44. 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.
45. Paragraph 6.78 of 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.

Sustainable Development in the Countryside

46. 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.

47. 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.

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.*

48. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.

49. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.

50. 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.

51. A building is defined in statute to include a structure or erection, and any part of a building as so defined.

52. Regard is also had to the justification and amplification that 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

53. 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.

54. The guidance also suggests

- a. It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- b. Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- c. 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.
- d. 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.
- e. 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.

55. It also notes at the following paragraphs that

4.5.0 *There will also be some circumstance 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.*

56. 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.

57. 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

58. 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.

The policy directs 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.*

59. 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.

60. 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.*

61. 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.

62. 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.

63. 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

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

65. Policy NH 1 – European and Ramsar Sites states

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

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

66. The policy also states that

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

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

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

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

67. 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.

68. 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.*

47. 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.

PPS 3 - Access, Movement and Parking

47. 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.

69. 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

70. 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.

Archaeology and Built Heritage

71. PPS 6 – Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
72. Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings states

The Department 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 other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

73. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Settings states

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.

PPS 15 - Planning and Flood Risk

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

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

75. 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

76. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

77. As the Courts have noted, Officers bear in mind that the policy in CTY8 is restrictive, and there is a prohibition against ribbon development. The first step is to consider whether the proposal adds to ribbon development, and if it does, does the proposal fall into the permissible exceptions to that policy.
78. Officers are satisfied that the proposal does engage ribbon development.

The issue of exception

79. The next step of the policy test is to consider whether the proposal comes within the exception set out in the policy.
80. The applicant must satisfy the policy exception and demonstrate that **an otherwise substantial and continuously built up frontage** exists. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

81. The assessment that follows assesses those buildings that are considered to form part of the frontage.
82. A context map has been submitted in support of the application. It identifies four buildings that are noted as hatched in black on the plan. They are the buildings at 5 Crewe Road which consists of a dwelling house, the building at 5a Crewe Road which is a dwelling house and the building at 5b Crewe Road which consists of a dwelling house and detached garage.
83. The gap is identified on the site concept plan as the space between 5 and 5a Crewe Road and it is identified that the gap is large enough to accommodate one dwelling with a detached garage – See Annex A.
84. The continuously built up frontage is taken as the dwelling house number 5, the dwelling house at 5a (as this benefits from a Certificate of Lawfulness), and the detached garage and dwelling house at 5b all of which present a frontage to the road.
85. For the reasons outlined above, the first part of the policy test is met.
86. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
87. 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, it is not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy.
88. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy. With that in mind, the characteristics of the gap identified have been considered as follows.
89. The gap is measured as the distance between two buildings. In this case, the gap is identified as the land between the dwelling house number 5 and the dwelling house number 5a. The gap measures 86 metres.
90. The submitted context plan denotes one detached dwelling with a detached garage within the gap and demonstrates that the gap could only accommodate one house with associated garage. The gap is accepted to be a small gap in the context of the surrounding development and this part of the policy test is considered to be met.
91. Furthermore, the assessment of other planning matters pertaining to the plot frontages and plot sizes as outlined below, demonstrates that a dwelling within this gap will respect the pattern of development making the gap suitable in this instance for infill.

92. The exceptions test of Policy CTY 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.**
93. The frontage widths and plot sizes vary slightly either side of the gap. The average existing frontage width is measured at 36 metres. The total frontage width of the proposed site is 31 metres which means the site can accommodate one dwelling whilst ensuring the pattern of development along the frontage is respected.
94. The context plan details the respective frontages as follows:
- 5 Crewe Road – 43 metres
 - Application site – 31 metres
 - 5a Crewe Road – 30 metres
 - 5b Crewe Road – 50 metres
95. The figures provided by the agent of the frontages on the context plan, for the application site is measured to include the proposed access which is currently also the access point to property 5a, and for the frontage to 5a does not include the existing access to the property but includes the adjacent laneway.
96. A dual access is proposed through the current access point to property 5a to serve both 5a and the proposed site. Therefore measurements are taken from the middle of the existing/proposed access for the purposes of measuring site frontage. The existing frontages are considered to be:
- 5 Crewe Road – 43 metres
 - The existing gap – 22 metres
 - 5a Crewe Road – 29 metres
 - 5b Crewe Road – 50 metres
97. On the ground at the moment the gap site has a frontage of 22 metres. The application site includes the access to 5a which increases the frontage to 31 metres. A shared access is proposed to serve both 5a and the proposed dwelling and garage.
98. The proposal is for the existing access to be served by both 5a and the proposed dwelling and garage. This in turn means that the existing frontages would change and taking the measurements of the proposed frontages from the middle of the access, they would be 27 metres for the application site and 25 metres for property 5a. Taking the full measurement of the frontage as including the access (and not from the middle of the access as a dual access is proposed) then the proposed site would have a frontage of 31 metres.
99. The concept plan details the respective plot sizes as follows:
- 5 Crewe Road – 2201 square metres
 - Application site – 6880 square metres
 - 5a Crewe Road (excluding the access) – 5400 square metres

5b Crewe Road – 1760 square metres

100. The figures provided by the agent of the plot sizes on the context plan, for the application site is measured to include the proposed access which is currently also the access point to property 5a, and for the plot size to 5a it does not include the existing access to the property and does not include the adjacent laneway that was previously included as part of the frontage.
101. The existing plot sizes are considered to be:
 - 5 Crewe Road – 2162.5 square metres
 - Existing gap site – 5255.6 square metres
 - 5a Crewe Road – 6008.3 square metres
 - 5b Crewe Road – 1653.8 square metres
102. The average existing plot size is measured at 3770.05 square metres.
103. The proposed plot size of the application site is calculated at 5721.1 square metres.
104. Given the pattern and situation on the ground and the proposed dual access point, it is considered that the proposed frontages and plot sizes are considered to be similar and in keeping with the surrounding development.
105. The concept plan also demonstrates how the proposal would be in keeping with the existing pattern and building line along this portion of the road.
106. For the reasons outlined above, the proposed development is capable of being sited and designed so as to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
107. Consideration is also given to the significance of the gap. There are no local features recorded or observed to indicate that the gap frames a viewpoint or provide an importance 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 and built up appearance at this location.
108. 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 important visual break. For the reasons outlined above, this is not considered to be an important visual break.
109. An assessment against other planning and environmental requirements are set out below.

Integration and Design of Buildings in the Countryside

110. Turning then to policy CTY13 in terms of criteria (a), although the site is roadside, the land slopes away from the road gradually and the notational layout and concept plan denotes the proposed dwelling and garage positioned back on the site more in line with property number 5a rather than in line with properties 5 and 5b. It is considered that the proposal would not be a prominent feature in the landscape due to the existing built form.
111. In terms of criteria (b), there are three portions of the proposed boundary to the site is existing and it consists of a post and wire fence. Part of the fencing along the existing boundary with 5 Crewe Road is supplemented with vegetation, along with part of the existing road frontage.
112. The site boundaries to the open field side are currently not defined as it is part of an existing agricultural field. It is also considered that any undefined boundaries can be conditioned to have a post and wire fence with hedgerow to its inside.
113. Considering the proposal from public viewpoints and from along Crewe Road, it is considered that the proposal would have a suitable degree of enclosure for IT to integrate into the landscape.
114. On approach to the site from the south there is existing vegetation and built development in the form of dwelling number 5 that would screen the proposal, and on approach to the site from the north there is existing built development of properties 5b and 5a which would screen the proposal.
115. In terms of criteria (c), and as demonstrated above, the proposal would not rely primarily on the use of new landscaping for integration.
116. In terms of criteria (d), as the application is for outline permission, no detail is provided in terms of ancillary works. That said, the proposal does include detail of a shared access with property 5a. It is considered that ancillary works could be designed to integrate into the landscape and that this detail would be further considered at reserved matters stage.
117. In terms of criteria (e), as the application is for outline permission. No detail is provided with regards to design. The design of the building would be assessed at Reserved Matters stage if this application is approved and must also comply with Building on Tradition.
118. In terms of criteria (f), the site level drops gradually as you move away from the road in a south westerly direction. There are some existing trees and vegetation south west of the site and there is a rolling landscape to the rear which would provide a backdrop. A dwelling and garage on the site could be designed to blend with the landform and development around it.
119. Criteria (g) is not applicable in this instance.

Rural Character

120. In terms of criteria (a), it is considered that the proposal would not be unduly prominent in the landscape for the reasons outlined above within the context of Policy CTY 13 considerations.
121. In terms of criteria (b), it would not result in a sub-urban style build-up of development when viewed with existing and approve buildings.
122. In terms of criteria (c), within the context of Policy CTY 8 considerations, the proposal would respect the traditional pattern of development exhibited within the area.
123. In terms of criteria (d), and as explained above, the proposal is considered to meet the exception within policy CTY 8 - Ribbon Development.
124. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.

Development Relying on Non-Mains Sewerage

125. In terms of policy CTY 16, the P1 form states that the proposed method of sewage disposal is by a septic tank.
126. The application being for outline permission means that no details are provided with regards to the proposed positioning of a septic tank and soakaway. However the indicative site plan denotes an approximate position for a septic tank and soakaway.
127. The site is large enough to accommodate both a septic tank and soakaway and Environmental Health and Water Management Unit have raised no objections to the proposal.
128. For the reasons outlined, it is accepted that the proposed method of disposal will not create or add to a pollution problem.

Access, Movement and Parking

129. The site location plans and context map provide an indicative/approximate position for a proposed vehicular access onto the Crewe Road. It is noted that Crewe Road is not a Protected Route.
130. The use of an existing unaltered access to Crewe Road is proposed and there is ample space within the site for car parking along with the proposed development.
131. DfI Roads have been consulted on the application and have raised no objections and provided conditions.
132. Taking the above into account, and having regard to the advice of DfI Roads it is accepted that the requirements of policy AMP 2 of PPS 3 Access, Movement and Parking can be met and that the access arrangements can be provided in

accordance with published standards in DCAN 15.

Natural Heritage

133. PPS 2 makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
134. The application site forms part of an agricultural field of semi-improve grassland.
135. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
136. To facilitate the proposed development a small area of grassland would be required to be removed. No buildings or other vegetation is required to be removed to accommodate the proposal within the site.
137. A biodiversity checklist was submitted for consideration which was completed by the agent. NED were consulted on the information and refer to their standing advice which is to review the checklist using the Biodiversity Checklist Decision Flow Chart.
138. The Natural Environment Divisions Biodiversity Checklist decision flow chart has been engaged to determine if any further consultation with NED or further information is required.
139. Based on a review of the flow chart and indeed the biodiversity checklist information and concerns raised in the representations, it was determined to return to the applicant/agent and request the ecological statement to be completed by an accredited ecologist or other suitably qualified person.
140. Following this the agent submitted a Biodiversity Checklist – Ecological Statement completed by Ecolas Ecology for consideration. This information was forwarded to NED for comment.
141. The statement details that the site is not located within a statutory designated area. The site was surveyed in line with standard guidance produced by JNCC, BCT and NIEA for habitats, bats, badgers and breeding birds.
142. It states that there is no suitable habitat for otter, smooth newt, common lizard, pine marten and red squirrel. The habitats on site are dominated by improved grassland which is intensively managed with fertiliser application noted. The habitats on site are considered to be of low (improved grassland, dry ditch, scrub) and moderate ecological value.
143. The proposed development will see the loss of an area of improved grassland. This is of low value habitat which is abundant within the immediate and wider areas. The loss of this will not have an adverse impact on local biodiversity.

144. The statement also details that the site and surrounding 30m buffer were searched for evidence of badger. No observations of this species were made. It also details that the field itself is considered unsuitable for breeding (ground nesting) birds due to the management i.e. cutting for silage. It also details that the development will not have an overall adverse impact on foraging birds/waders due to the abundance of habitat within the immediate and wider environs.
145. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.
146. The advice of NED is accepted and there is no evidence offered to suggest that the construction of a dwelling on these lands would result in demonstrable harm being cause to any features of natural heritage importance. The requirements of policy NH 2 of PPS 2 are considered to be met in full.

Archaeology and Built Heritage

147. PPS 6 Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
148. The application site is within a buffer zone of an archaeological site and monument – ANT 063:019 (Enclosure).
149. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.
150. Based on the information provided and taking into account the advice from Historic Environment Division, it is considered that the proposal complies with policy BH 2 of PPS 6 and that it will not have an adverse impact on built heritage features.

Planning and Flood Risk

151. There are no watercourses within or adjacent to the application site and Rivers Agency flood maps detail that the application site is not within a flood plain or near a watercourse.
152. The submission of a drainage assessment is not required for this application and it is considered that the proposal would not cause or exacerbate flooding.
153. DAERA Water Management Unit have also been consulted on the proposal and refers to standing advice.
154. It is considered that the proposal complies with policies FLD 1 and 3 of PPS 15 and that no flood risk will occur.

Consideration of Representations

155. Eight letters of objection and one letter of support have been received in receipt of this proposal.

156. The objections are considered below:

Contrary to Policy CTY 8 and does not qualify for an infill

157. The view is expressed that it is contented that the application site does not sit squarely with the provision of policy CTY 8 and no justification has been presented how it meets any of the other exceptional tests for residential development listed in policy CTY 1.

158. The view is expressed that the proposal does not fall within Policy CTY 8 as the established settlement pattern comprises road frontage development of rectangular plots and wrap around gardens and not long linear plots, and that the proposal does not respect the surrounding development grain.

159. The proposal has been assessed against the SPPS and Policy CTY 8 and it is considered that the proposal complies with these policies and therefore also complies with policy CTY 1 of PPS 21.

Contrary to Policy CTY 13 and the SPPS

160. The view is expressed that the proposal is contrary to policy CTY 13 and that it offends criteria (a), (b), (c), (d) and (f) and that development on the site would be prominent and conspicuous in the open landscape resulting in harm on the countryside.

161. The view is expressed that as new planting is necessary to provide an adequate means of enclosure this would directly affect the amenity of property number 5 and could lead to the possibility of overshadowing and visual obstruction. Reference is also made to paragraph 4.12 and to the responsibility that the local planning authority plays in safeguarding residential environs.

162. For the reasons demonstrated above, the proposal is considered to comply with the SPPS and policy CTY 13. Whilst the application is for outline permission and detailed drawings have not been submitted an indicative concept plan is provided. The detail associated with this plan demonstrates that the development could be sited and designed so as not to impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.

Inaccuracies on the submitted plans

163. The view is expressed that number 5b Crewe Road has been labelled incorrectly on the plans and that the conservatory of number 5 Crewe Road has

not been annotated on the plans.

164. Through the processing of the application amended plans have been submitted these issues have been addressed.

Impact on Natural Heritage

165. The view is expressed that priority species have been seen at the site, in particular, a priority bird species, Lapwing, feeds at the application site and nests nearby.
166. It has also been stated that other priority species such as the Irish Hare, Pine Martin and Hedgehogs are resident in this area and are seen commonly within the application site and surrounding land, and that there is a plethora of wildlife in general that should be protected.
167. The view is expressed that no consideration has been given within the application to the impact the proposed development will have on protected species and thus conflicts with policies NH2 and NH 5 of PPS 2. And that the biodiversity in the area needs to be protected. Further information must be submitted demonstrating the impact of the proposal. Views have also been expressed about the content of the submitted ecology information.
168. Through the processing of the application a biodiversity checklist and ecological statement has been submitted for consideration. As part of the assessment, the proposal has been assessed against PPS 2 Natural Heritage and it is considered that the proposal complies with PPS 2. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.

Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicant disregard for planning policy

169. Concern has been raised that the dwelling and curtilage of 5a Crewe Road is not in accordance with approved plans and asks the question 'regarding the submission of a CLUD for this site. Concern is also raised about the applicants disregard for planning policy.
170. The view is also expressed that as policy CTY 8 requires that consideration is given to the substantial and continuously built up frontage, what weight can be given to a dwelling and curtilage, in the assessment of the current application against policy CTY 8 if no permission or CLUED exists to acknowledge that it is lawful.
171. It is acknowledged that the dwelling and curtilage of 5a Crewe Road was not built in accordance with the stamped approved plans. Through the processing of this application an application for a Certificate of Lawfulness was submitted for consideration under LA05/2022/0072/LDE and was approved on 18/03/2022.

172. As the dwelling and curtilage of 5a Crewe Road has now been approved it can be considered as part of the substantial and continuously built up frontage, and used as part of the assessment against policy CTY 8.

Impact on residential amenity

173. The view is expressed that the current proposal will result in demonstrable harm to the overall amenity of property number 5 Crewe Road including but not limited to, overlooking, invasion of privacy, obstruction of their outlook and general disruption. The view is also expressed that a siting and curtilage restriction would need to be attached to mitigate against demonstrable harm being caused to number 5 Crewe Road. Concern has also been raised about the impact on property number 5b Crewe Road.
174. The application is for outline permission and as such, detailed drawings have not been submitted with the proposal. That said, an indicative concept plan of the site has been provided to demonstrate that a dwelling could be sited and designed so as not to impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.

Character of the area / contrary to policy CTY 14

175. The view is expressed that another dwelling in this area would change the character of the rural area and is contrary to policy CTY 14.
176. For the reasons outline above, the proposal is considered to comply with the policy tests associated with Policy CTY 14.

Impact on archaeological site and monuments

177. The view is expressed that the surrounding area is a very special area of great historical value and beauty and that there are approximately 8 archaeological sites and historical monuments within a 1 mile radius.
178. The constraints detail that the site is within a buffer zone surrounding an archaeological site and monument – ANT 063:019 (Enclosure). As part of the assessment, the proposal has been assessed against PPS 6 Planning, Archaeology and the Built Heritage and it is considered that the proposal complies with PPS 6.
179. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.

View and open countryside

180. The area at 5/5a has open countryside vistas and views and the area is good for health and wellbeing.
181. A view is a material consideration that is not given determining weight in this instance.

Prospective residents would suffer loss of amenity

182. The view is expressed that the proposal is contrary to the SPPS paragraph 6 as it has not been demonstrated that prospective residents of the proposed dwelling would not suffer loss of amenity due to noise, odour and pests arising from the slurry tank located immediately behind the site and within 80 metres of the boundary.
183. Environmental Health have been consulted on the proposal and have raised no objection in principle. They recommend an informative advising that 'any prospective owner should be made aware that the proposed development is located in close proximity to a farm which is current under the control of the applicant. This may give rise to offensive conditions and as a result impact upon the amenity enjoyed by the proposed development due to noise, odour and insects'.

Third party land / applicants land

184. The view is expressed that in their opinion the red line is on third party land cutting a corner off number 5's land at the roadside. Concern has also been raised that the applicant has not fully disclosed what land he owns and marked in blue as the view is expressed that in previous applications the land in blue was different.
185. Land ownership is a legal issue and the onus is on the applicant / developer to ensure that he has ownership / control of all lands necessary to implement a planning permission. The onus is also on the applicant/agent to declare the correct information on the application with regards to the land outlined in blue which would be in his ownership or control.
186. One letter of support has been submitted and it is considered below:
187. The view has been expressed that there are a number of sections on the Crewe Road where infill have been granted. And that the section between 5 and 5a currently looks more untidy as a gap between the two properties, a dwelling would look better and add to that section of the road.
188. The planning history and visual impact of the proposal has been considered as part of the assessment of the application.

Conclusions

189. For the reasons outlined above, the proposal complies with the SPPS and Policy CTY 8 of PPS 21 in that a small gap exists within an otherwise substantial and continuously built up frontage comprised of three or more buildings. Furthermore, it is considered that the concept plan submitted in support of the application demonstrates that the development will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
190. The proposal complies with the SPPS and Policy CTY 13 in that the proposal if appropriately designed can be visually integrated into the surrounding landscape.
191. The proposal complies with the SPPS and Policy CTY 14 of PPS 21 in that the concept plan demonstrates that the proposal would not have a detrimental impact on the rural character of the area.
192. The proposal complies with the SPPS and policy AMP 2 of PPS 3 – Access, Movement and Parking in that the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic.
193. The proposal also complies with the SPPS and policy NH 2 of PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
194. The proposal also complies with the SPPS and policy BH 2 of PPS 6 – Built Heritage in that the proposal would not have a negative impact on any archaeological features.
195. The proposal also complies with the SPPS and policies FLD 1 and FLD 3 of PPS 15 – Planning and Flood Risk in that the proposal would not cause or exacerbate any flooding.

Conditions

196. It is recommended that planning permission is approved.

Conditions

197. 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.

198. 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.

199. 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.

200. 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.

201. 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.

202. The width of the vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

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

203. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

Reason: In the interest of visual amenity.

204. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

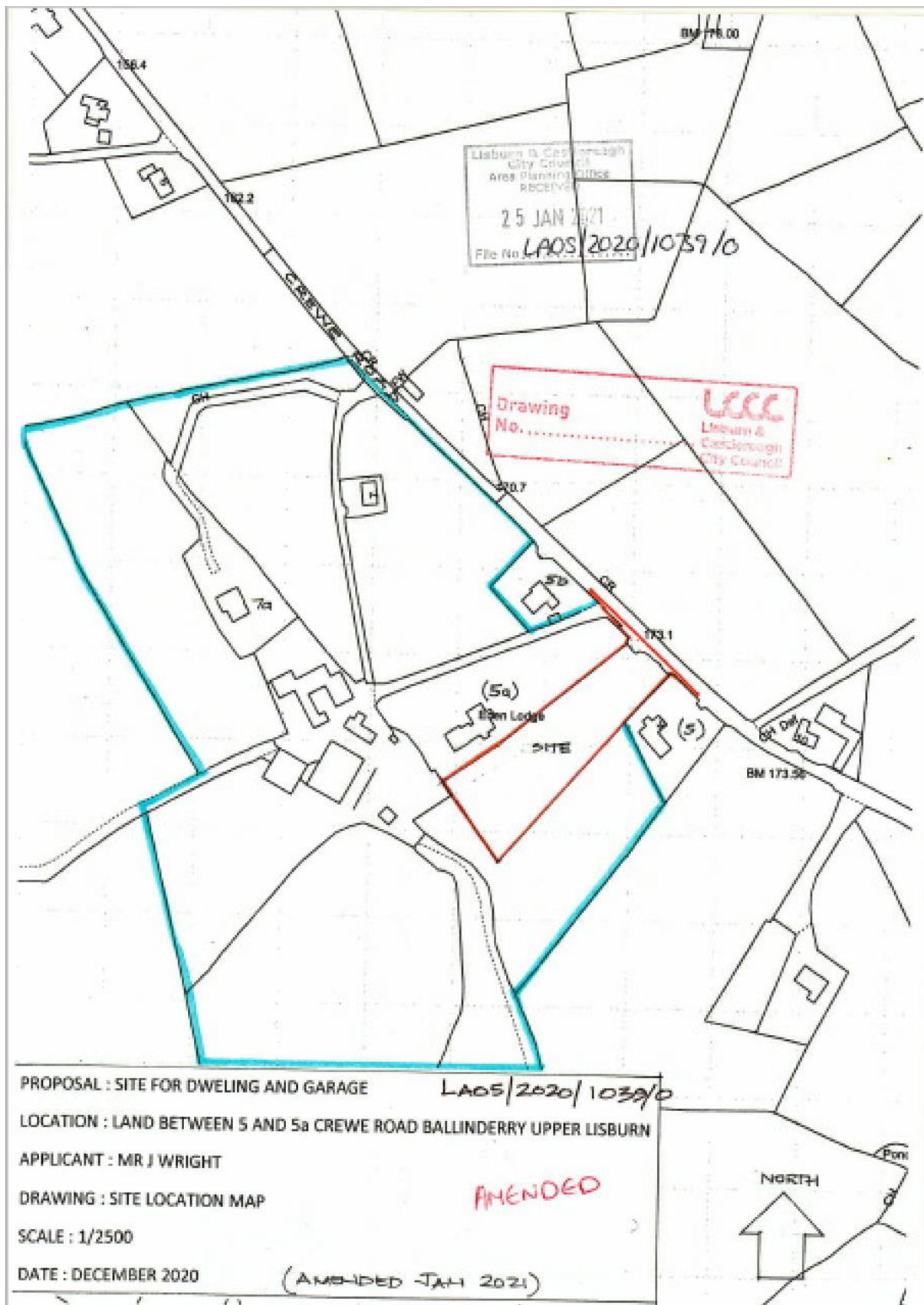
205. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

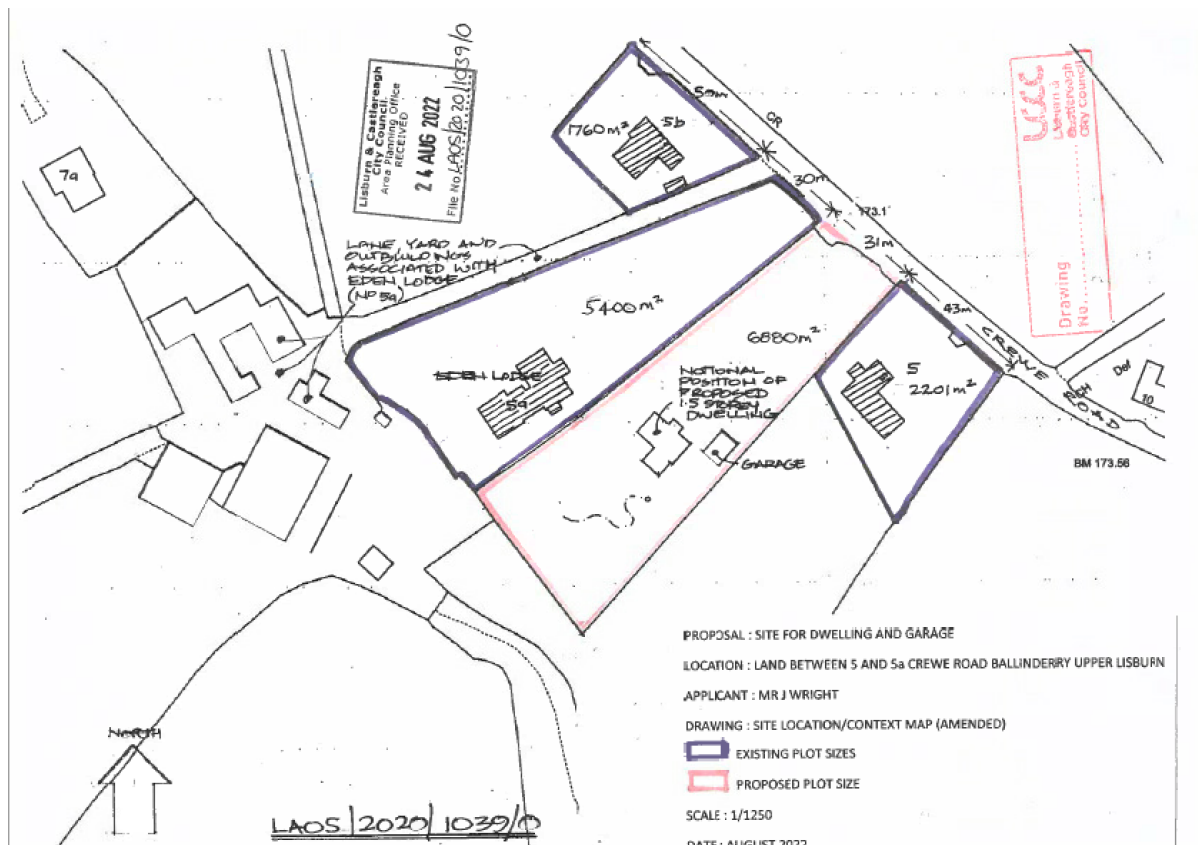
206. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Site Location Plan – LA05/2020/1039/O



Annex A – Concept Plan – LA05/2020/1039/O



Lisburn & Castlereagh City Council

| | |
|---------------------------|---|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 9 January 2023 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2021/1263/F |
| Date of Application | 04/11/2021 |
| District Electoral Area | Downshire East |
| Proposal Description | Proposed two storey dwelling with alterations to existing garage so it is part of the curtilage and accessed from 5 Ballycrune Road |
| Location | Site between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt BT26 6NQ |
| Representations | 9 objections |
| 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 Planning Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to approve as the requirements of the SPPS and policy QD 1 of PPS 7 are met in full. The detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
3. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.

4. It is also considered that the proposal complies with the SPPS and policies AMP 2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.

Description of Site and Surroundings

Site

5. The application site is located on lands between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt and comprised of a 0.08 hectare parcel of land which is currently part of the residential curtilage of 5 Ballycrune Road.
6. The site is currently accessed via an existing vehicular access point onto the Ballynahinch Road. The land is relatively flat throughout.
7. The north eastern boundary of the application site is undefined; the north western boundary is demarcated by a 1.8 metre (approximately) high painted render wall and a smaller rendered wall with decorative planted border to the inside; the south western boundary is defined by a rendered wall with coping stones to top and matching vehicular entrance piers with decorative conifer trees to the inside; and the south eastern boundary is defined by a 1.2 metre (approximately) high post and rail timber fence. A section of mature hedgerow is planted to the outside of this from the Ballynahinch Road to the dwelling at. 1B.

Surroundings

8. The site towards the edge of the settlement limit of Annahilt and the surrounding context, to the south, southeast and west is primarily residential in nature and is composed of a mix of dwelling types including both single storey and two storey.
9. The lands beyond to the north and the northeast is primarily rural in character and mainly in agricultural

Proposed Development

10. Full Planning permission is sought for a proposed two storey dwelling with alterations to existing garage so it is part of the curtilage and accessed from 5 Ballycrune Road.

Relevant Planning History

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

Consultations

12. The following consultations were carried out:

| Consultee | Response |
|-----------------------------|-----------------|
| NI Water | No objection |
| LCCC Environmental Health | No objection |
| DAERA Water Management Unit | No objection |
| NIE | No objection |
| DfI Roads | No objection |

Representations

13. Nine representations (9 objections) in relation to the proposal have been received by the Council to date following the statutory advertisement and neighbour notification (publicity) process.

14. In summary, the issues raised in the objections are as follows;

- Siting of Proposed Dwelling too Close to 1B Ballycrune Road
- Height of Dwelling Unacceptable
- Impact of Vehicular Access/Road Safety Concerns
- Overshadow No. 277 – Block Solar Panels
- Hinder Appearance of Village
- Overlooking
- Overshadowing of 3 Ballycrune Road
- Increase Noise and Light Pollution
- Construction Disruption Would Damage Well-Being

Planning Policy Context

Relevant Policy and Guidance Documents

15. The relevant policy documents are:

- Regional Development Strategy (2035)
- Lisburn Area Plan (2001)
- Belfast Metropolitan Area Plan (Draft) 2004
- Strategic Planning Policy Statement for Northern Ireland; Planning for Sustainable Development (2015)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements

16. The relevant guidance is:

- Development Control Advice Note 8: Housing in Existing Urban Areas
- Development Control Advice Note 15: Vehicular Access Standards
- Creating Places

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 of applications must be in accordance with the plan unless material considerations indicate otherwise.

18. On 18th May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had not been lawfully adopted.

19. As a consequence, the Lisburn Area Plan (2001) operates as the statutory development plan for the area. However, the Belfast Metropolitan Area Plan (Draft) 2004 remains a material consideration in the assessment of individual Planning applications.

20. In both the statutory development plan and the draft BMAP, the application site is identified within the defined settlement limits of Annahilt, and as such, there is no distinguishable difference in the local plan context.

21. No other plan designations are applicable to the application site.

Regional Policy Context

22. The SPPS states;

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

23. The local development plan is currently at Stage 1, and there is no Stage 2 draft. Thus, no weight can be given to the emerging plan at present.
24. The transitional period remains operational.
25. During this transitional period, planning policy within existing retained documents and guidance will apply.
26. It is stated that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.
27. Paragraph 3.8 of the SPPS states;
- ‘The guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.’*
28. In practice, this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
29. Paragraph 4.11 of the SPPS outlines that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by Planning authorities when proposing policies or managing development.
30. By way of example, it explains that the Planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
31. It also advises that the Planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the Planning process is set out at Annex A of the SPPS.
32. Paragraph 4.12 of the SPPS states;

‘Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

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

PPS 7 – Quality Residential Environments

34. PPS 7 – Quality Residential Environments sets out planning policy for achieving quality in new residential development.

35. Policy QD 1 – Quality in New Residential Development states;

‘Planning permission will only be granted for a new residential development where it is demonstrated that the proposal will create 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.

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.'

36. Policy QD 2 – Design Concept Statements, Concept Master Plans and Comprehensive Planning states the following;

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

PPS 7 (Addendum) – Safeguarding the Character of Established Residential Areas

37. The addendum provides additional Planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.
38. Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity states;

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 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:

39. Creating Places describes the contributions to quality and sustainability that developers in Northern Ireland will be expected to make through the design of new residential developments. It seeks to ensure that what is designed and built today will be cherished by both present and future generations.
40. It notes that the creation of attractive residential environments with a genuine sense of place is a prerequisite to achieving sustainability. The quality of where we live depends not just on the design of buildings, but on their layout and landscaping, the arrangements made for access, and in particular, how they relate to their surroundings.
41. Creating Places asserts the need to create places which serve the needs of all people who use them, not just car drivers. The layout of housing areas should be based on the nature of the local place, rather than as in the past, on rigid requirements for vehicle movement. Plans for new development should provide for travel by foot, cycle and public transport just as they should for travel by car.
42. Creating Places is a guide that is intended for use in the design of all proposals for residential development throughout Northern Ireland, from small-scale infill housing schemes to major projects on large sites incorporating a mix of uses. It therefore contains more information than is needed for any one site - nevertheless, the principles and standards in the guide will be used by the Council as a basis for assessing any proposal. Accordingly, the guide should be read and understood as a whole.
43. The Creating Places guide is supplementary planning guidance. It does not take precedence over the provisions of local development plans or regional policy publications, such as Planning Policy Statements but should be read in conjunction with the relevant contents of these publications and any applicable non-statutory local design guides, development briefs or master-plans.

Development Control Advice Note (DCAN) 8: Housing in Existing Urban Areas:

44. Development Control Advice Notes provide non-statutory Planning guidance which is intended to supplement, elucidate and exemplify policy documents, including Planning Policy Statements and development plans.
45. The purpose of DCAN 8: Housing in Existing Urban Areas, is to provide advice to assist in ensuring that urban and environmental quality is maintained, amenity preserved and privacy respected when proposals are being considered for new housing development in existing urban areas.

PPS 2 - Natural Heritage

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

47. 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.’*

48. The policy also states;

‘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.’

49. 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.’*

59. 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.'

PPS 3 - Access, Movement and Parking

60. 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.
61. 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.'*
62. Policy AMP 7 – Car Parking and Servicing Arrangements states;
- '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.'*

Development Control Advice Note 15 – Vehicular Access Standards

63. Paragraph 1.1 of Development Control Advice Note 15 – Vehicular Access Standards states;
- 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

49. Within the context of the Planning policy tests outlined above, the following assessment is made relative to this particular application.
50. It is considered that there is no conflict or change in policy direction between the provisions of the SPPS and the retained Planning policies, insofar as they pertain to this application.
51. Accordingly, the retained policies provide the appropriate policy context for assessing this application. In addition, Creating Places, DCAN 8 and DCAN 15 set out supplementary planning guidance which has been taken into account in the assessment.

Quality Residential Environments

52. The proposed building is 1.5 storeys with a ridge height (dual pitch) of 6.8 metres above a finished floor level (FFL) of 94.109. It would occupy a footprint of approximately 226.17 metres squared. It would be linear in form and relatively simple in design with a single storey dual pitched storm porch centrally positioned to the front elevation and a single storey dual pitched garden room to the rear elevation. Two dormer window units (dual pitch) would project from the front roof profile. A single velux type window would also provide light from the south western facing roof profile. Three dual pitched dormer units would project from the rear roof profile.
53. The proposed schedule of external finishes include smooth render (painted cream) to the external walls, grey non-profiled roof tiles, white UPVC rainwater goods, white fascias and soffits and white UPVC sliding sash and casement hung window units.
54. As noted, the proposal also includes alterations to the existing detached single storey domestic garage within the site. The primary alteration is the installation of a roller shutter to the existing north eastern elevation of the garage (Ballycrune Road end) and the blocking up of the existing roller shutter opening to the south western elevation. The garage will be used as ancillary accommodation for 5 Ballycrune Road.
55. The established residential character is comprised of a mix of dwelling types/designs, to include; single storey, 1.5 storey and two storey dwellings, set within various sized plots/curtilages.
56. The appearance of the proposed dwelling would not be dissimilar to the existing dwelling immediately to the south east of the site at No. 1B Ballycrune Road which was built in what appears to be the former garden area of No. 3 Ballycrune Road. Taking this into account, the proposal meets the requirements of criteria (a).

57. No features of archaeological or built heritage importance were identified within close proximity to the application site. The application site comprises an established residential curtilage. The majority of the area which would form the curtilage of the proposed dwelling is currently laid in lawn or is hard standing in form. Whilst some ornamental garden planting also is present and will largely be removed to accommodate the proposed development it is not of any merit and it is noted that new boundary landscaping in the form of a beech hedgerow has been proposed. Therefore, the proposal meets the requirements of criteria (b).
58. Public open space is not required for a scheme of this size. In terms of private open (amenity) space, an area in excess of 75 square metres is proposed to the rear of the dwelling. This exceeds the upper limit in the guidance of 70 square metres as outlined in Creating Places and is therefore considered to be acceptable. Boundary planting in the form of Beech hedgerow and 3 trees have been proposed to assist integrating the development into the streetscape. It is also considered that the landscaping would aid with the integration of the proposed dwelling into the surrounding area and would soften the visual impact of the proposed scheme.
59. It is further noted that the existing dwelling at 5 would be left with a private amenity space in excess of 60 square metres, which for the size of the property is considered to be acceptable. Taking this into account, the proposal meets the requirements of criteria (c).
60. Taking the scale of the proposal (for a single dwelling) into account, it is considered that the requirements for the provision of necessary local neighbourhood facilities by the developer is not required given the scale of development. Therefore the proposal meets the requirements of criteria (d).
61. Taking the scale of the proposal (single dwelling) into account again, it is not considered that it meets the requirements for a movement pattern. It is noted that the proposal pertains to a dwelling in the existing garden of No. 5 Ballycrune Road and it is therefore considered that the proposal could avail of the existing pedestrian footpaths, transport links etc. which already exist in the immediate vicinity. Therefore, the proposal meets the requirements of criteria (e).
62. A courtyard parking area has been proposed to the front of the proposed dwelling. This would essentially include two owner/occupier car parking spaces and one visitor car parking space. A manoeuvring bay which would permit vehicles to enter and leave the site from the Ballynahinch Road in forward gear has also been included. The parking provision is in accordance with the guidance in Creating Places. The requirements of policy AMP 7 are met in full.
63. The existing roadside walls and piers are to be demolished to upgrade the vehicular access and no gates between the new piers have been included in

order to improve the access geometry. DfI Roads offer no objection to the proposal on the grounds of road safety or traffic impact. The requirement of policy AMP 2 are met in full and criteria. (f) of PPS 7.

64. The design is considered to be relatively simple and typical of the suburban in character. No single dominant architectural style is observed. The design is similar to the existing dwelling at No. 1B Ballycrune Road, immediately to the south east of the application site. Therefore, the proposal meets the requirements of criteria (g).
65. No perceived conflict with adjacent land uses is identified. The proposed dwelling would largely follow the existing building line of 1B Ballycrune Road and 277 Ballynahinch Road. In terms of overlooking, it is noted that fenestration to the gable elevations only includes obscure glazed window units.
66. In terms of separation distances between rear to rear first floor windows, it is acknowledged that the minimum separation distance would be 17 metres (approximately) and this would be between the window serving bedroom 2 of the proposed dwelling and the closest of the two first floor windows of the two storey rear extension to 3 Ballycrune Road. However, it is acknowledged that the two closest first floor windows (to the extension) at 3 Ballycrune Road appear to serve a bathroom (a non-habitable room). It is noted that the main private amenity area of 3 Ballycrune Road appears to be to the south east of the dwelling some 20 metres plus and at an angle from the closest first floor window (bedroom 2) of the proposed dwelling. The minimum separation distance between the rear first floor windows of the proposed dwelling and those of No. 5 Ballycrune Road is 19 metres (approximately) and this is on balance considered to be acceptable.
67. There are no concerns with regards to potential overlooking to an unreasonable degree. It is noted that the site is to be primarily enclosed by 1.8 metre high timber fencing (to rear) and beech hedgerow.
68. In terms of overshadowing or loss of light, it is considered that the proposal complies with the 45 degree light test guidance (taken from 277 Ballynahinch Road). No adverse amenity impacts are identified. LCCC Environmental Health were also consulted as part of the processing of the application and offered no objection on the grounds of potential noise or nuisance. Therefore, the proposal meets the requirements of criteria (h).
69. The proposed dwelling will back on to an existing dwelling at 5 Ballycrune Road. The site will be enclosed by fencing and beech hedgerow predominantly. It is accepted that the site will benefit from informal neighbouring/public surveillance. Therefore, the proposal meets the requirements of criteria (i).
70. A Design Concept Statement was provided during the processing of the application for consideration in accordance with Policy QD 2 of PPS 7. This was taken into account in the assessment and this helped inform the assessment of criteria above.

71. This is a development within the development limit of Annahilt. NI Water are content that there is capacity at Annahilt/Ballycrune WWTW and that there is capacity for connection without the need for works to the network.

Safeguarding the Character of Established Residential Areas

72. The insertion of a new dwelling into this plot is considered to be in keeping with the overall character of the area. It is noted that the proposed dwelling would follow a similar building line to 1B Ballycrune Road and 277 Ballynahinch Road.
73. The size of the dwelling is considered acceptable in the context of the guidance set out at Annex A of the policy document.

Natural Heritage

74. The proposed dwelling is to be located within an existing maintained residential garden. Aside from the removal of some existing garden vegetation, it is not considered that the proposal would involve substantial vegetation clearance. The proposal would also not involve the demolition of any buildings.
75. Taking the above into account, there is no requirement to consider the proposal against the requirements of Planning Policy Statement 2: Natural Heritage.

Consideration of Representations

76. Nine representations (objections) in relation to the proposal have been received by the Council:

▪ **Siting of Proposed Dwelling too Close to No. 1B – Reduce Light**

The proposed dwelling would be sited 4.5 metres from 1B Ballycrune Road at its closest point and it would be a gable to gable relationship. The side by side relationships between the two buildings is fairly typical of the area. The proposed dwelling would be sited at a lower ground level than 1B and would have a ridge height 0.9 metres lower than 1B. It is acknowledged that two ground floor window units are located to the north western side elevation of 1B. There would normally be some loss of amenity in suburban locations but the insufficient evidence to suggest that a significant loss of light would occur as result of the construction of a dwelling at this location.

▪ **Height of Dwelling Unacceptable**

The proposed dwelling would present a ridge height of 6.8 metres above finished floor level (FFL). It would sit 0.9m below the ridge height of 1B Ballycrune Road and approximately 0.9m above the ridge height of No. 277 Ballynahinch Road. The height of the proposed dwelling is considered to be acceptable in the context of the adjacent buildings.

- **Impact of Vehicular Access/Road Safety Concerns**

The vehicular access from Ballynahinch Road would serve the proposed dwelling only. The proposal also incorporates the installation of a new vehicular access arrangement the dwelling at 5 Ballycrune Road. There is no evidence to support a conclusion that this access is unsafe.

- **Overshadow No. 277 – Block Solar Panels**

Whilst it is acknowledged that the proposed dwelling is set forward approximately 3.6 metres from the part of the dwelling at 277 closest to the application site, it is noted that it satisfies the 45 degree light test and no significant adverse impact is identified on the residents of the property.

- **Hinder Appearance of Village**

The proposed building is in keeping with the established character of other buildings in the vicinity of the site. It will not be out of keeping with the wider appearance of the village for the reasons outlined above.

- **Overlooking**

The question of overlooking is dealt with in the substance of the report above and there is no evidence to support a conclusion that the properties adjacent will be overlooked to an unacceptable degree.

- **Increase Noise and Light Pollution**

LCCC Environmental Health were consulted as part of the processing of the application. In their consultation response of 10th December 2021 they offer no objection to the proposal.

- **Construction Disruption Would Damage Well-Being**

The Council is concerned with the use of the impact and the question of whether the proposal will create an enduring adverse impact on the amenity of neighbouring residents.

The construction phase of any project will have some short term limited impact but this is not a matter which is afforded significant weight and for which a refusal of permission could be sustained.

▪ **Overshadowing to No. 3**

The question of overshadowing is dealt with in the substance of the report above and there is no evidence to support a conclusion that the properties adjacent will be overshadowed to an unacceptable degree.

Conclusions

77. It is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
78. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.
79. The proposal complies with the SPPS and policy tests associated with policies AMP 2 and AMP 7 of PPS an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.

Recommendations

80. It is recommended that Planning permission is granted, subject to stipulated conditions.

Conditions

81. The following conditions are recommended:
 - As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

- The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02\2, bearing the date stamp 13 May 2022, 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 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- The access gradient to the dwelling 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 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.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. 02\2, bearing date stamp 13 May 2022 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.

- 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.

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

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

- All hard and soft landscape works shall be carried out in accordance with Drawing 02/3 bearing the date stamped 8 November 2022 and the

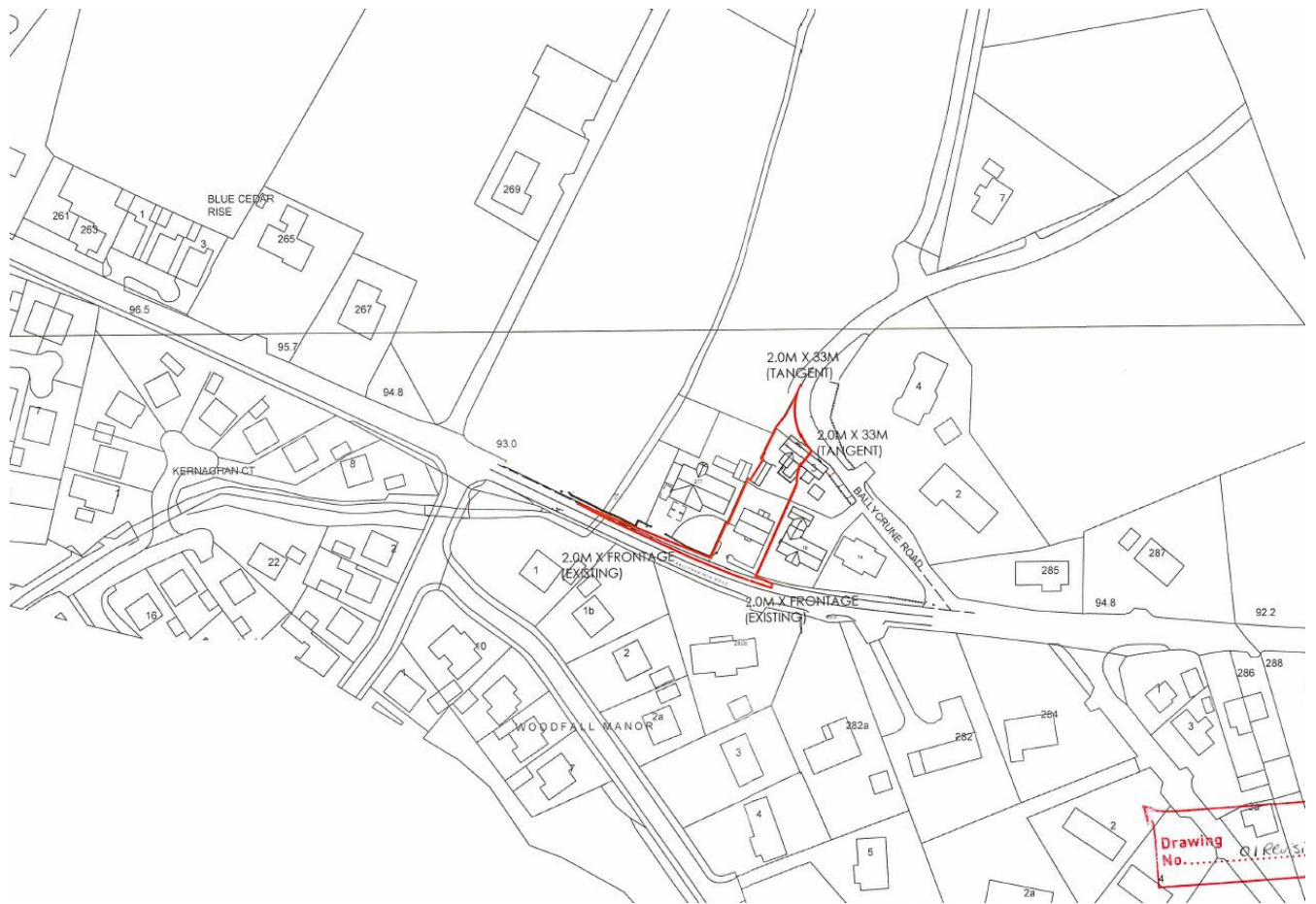
approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

- 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 – LA05/2021/1263/F



Lisburn & Castlereagh City Council

| Committee Report | |
|---------------------------|---|
| Date of Committee Meeting | 09 January 2023 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2021/1014/O |
| Date of Application | 21 st September 2021 |
| District Electoral Area | Downshire East |
| Proposal Description | Proposed infill dwelling and garage |
| Location | 50 metres northeast of 75 Drennan Road Lisburn |
| Representations | 7 objections |
| Case Officer | Grainne Rice |
| Recommendation | Refusal |

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it is considered to be 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.
3. It is also considered that the proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of siting and plot size and would, if permitted, result in the addition to a ribbon of development.

4. Finally 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 not respect the traditional pattern of settlement exhibited in the area and would result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Description of Site and Surroundings

Site

5. The site comprised part of a large agricultural field located to the western side of the Drennan Road, Lisburn.
6. The southern and eastern boundaries are defined by a mixed hedgerow with mature trees interspersed along the southern boundary. A low hedge and post and wire fence abuts the road. The northern (side) and western (rear) boundaries are currently undefined as the proposed site is part of a larger field.
7. The access to the site is from the Drennan Road and the land within the slopes gradually upwards in a northerly direction from the roadside boundary.

Surroundings

8. The site is located within the countryside and the surrounding area is predominantly rural in character and the land mainly in agricultural use.
9. There is some evidence of a build-up of development locally. Located to the south west of the proposed site is a two storey dwelling and associated ancillary buildings No. 75 Drennan Road. Further west is a single storey dwelling No. 73 Drennan Road which is located set back from the Drennan Road. To the north east beyond an existing laneway is No. 83 Drennan Road a two storey dwelling and garage. Located opposite No. 83 on the opposite side of the Drennan Road are two single storey dwellings No. 82 and No. 84 and associated outbuildings.
10. A watercourse is located to the east of the proposed site on the opposite side of the shared laneway.

Proposed Development

11. This is an outline application for a proposed 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 |
|------------------|-------------------------------------|---|---|
| LA05/2015/0752/F | Proposed infill dwelling and garage | 40m north east of 73 Drennan Road, Boardmills, Lisburn | Permission Refused 07/12/2016 |
| LA05/2019/0195/F | Proposed infill dwelling and garage | 50m north east of 75 Drennan Road, Bressagh Td, Boardmills, Lisburn | Permission Refused 01/08/2019 Appeal dismissed 08 June 2020 |
| LA05/2021/1013/O | Proposed infill dwelling and garage | 80m NE of 75 Drennan Road, Lisburn | Withdrawn |

13. The associated planning history is a material consideration and includes a previous refusal for full permission an infill dwelling and garage under application LA05/2019/0195/F.
14. This application was also the subject of a planning appeal and was dismissed by the planning appeals commission on 08 June 2020. The Commission did offer some direction to the appellant in respect of whether this proposal could be treated as an exception to policy CTY 8. This is addressed in more detail later in the report.

Consultations

15. The following consultations were carried out:

| Consultee | Response |
|-----------------------------|--------------|
| DAERA Water Management Unit | No objection |
| LCCC Environmental Health | No objection |
| Rivers Agency | No objection |
| NI Water | No objection |
| Dfi Roads | No objection |

Representations

16. The application was advertised and a neighbour notification took place. There are 7 objections to the application.
17. In summary, the following issues are raised:
 - The proposal does not meet the relevant planning policy tests.
 - Nothing has changed since the previously issued planning refusal
 - The site has recent flood history. Fear the proposed development will impede on the flood plain capacity and increase the likelihood of flooding (against point 6.18 of PPS 15). Concerns for neighbouring properties
 - Comments made regarding objectors are unprofessional and have no bearing on an application which does not satisfy PPS 21
 - Concern regarding safety of proposed vehicular access
 - Loss of privacy
 - Impact proposal will have on local wildlife
 - The same concerns apply to a separate application located in the same field
 - Proposal would result in ribbon development

The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

18. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
19. The relevant guidance is:
 - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

- Development Control Advice Note 15 - Vehicular Access Standards

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.
21. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
22. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
23. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit. In draft BMAP it also abuts Boardmills Local Landscape Policy Area.
24. Page 49 of the Lisburn Area Plan 2001 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.

25. 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 also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

26. The SPPS states that

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

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

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

27. Paragraph 3.8 of the SPPS states

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

28. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

29. Paragraph 4.11 of the SPPS states that

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

30. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

31. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

32. Paragraph 4.12 of the SPPS states

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

33. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The

above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

34. 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.

35. Paragraph 6.78 of 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.

Sustainable Development in the Countryside

36. 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.

37. 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.

38. 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.*
39. This is a proposal for the development of a gap site for a dwelling and garage and is to be assessed against the requirements of policy CTY 8.
40. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
41. 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.

42. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
43. 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

44. 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.

45. The guidance also suggests:

- 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.

46. It also notes at the following paragraphs that:

4.5.0 There will also be some circumstance 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.

47. 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.

48. 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

49. 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.

50. 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.*

51. 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.

52. 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.*

53. With regards to Policy CTY14, Building on Tradition [page 131] states that

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.

54. 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.

55. 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.

56. 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

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

58. Policy NH 1 – European and Ramsar Sites states

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

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

59. The policy also states that

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

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

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

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

60. 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.

61. The policy also states that

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

Access, Movement and Parking

62. 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.

63. 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

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

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

PPS 15 – Planning and Flood Risk

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

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

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

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.

67. 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

68. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

69. As the Courts have noted in the Glasdrumman Road, Ballynahinch case, officers bear in mind that the policy in Policy CTY 8 is restrictive, and there is a prohibition against ribbon development. There is a need to consider whether a proposal adds to ribbon development and if it does, does the proposal fall into the permissible exceptions to that policy. In this case, the proposal does engage ribbon development.
70. The dwelling with ancillary buildings 75 Drennan Road located to the south west of the proposed site are served by two individual accesses. The dwelling at 83 is a two storey dwelling and detached garage which are also served by an individual access off the Drennan Road. A further single storey dwelling at 73 Drennan Road is located further west and accessed via a laneway set back from the public road.
71. It is accepted that there are sufficient buildings at 75 and 83 Drennan Road to confirm that there is an existing ribbon of development at this location.
72. The next step of the policy test is to demonstrate that an **otherwise substantial and continuously built up frontage** exists.
73. As you travel along this portion of the Drennan Road it is acknowledged there is a line of three or more buildings along the Drennan Road consisting of the dwelling at 75 Drennan Road associated ancillary buildings located to the south west of the proposed site and the dwelling and garage at 83 Drennan Road located to the north east.
74. 73 Drennan Road is discounted from this assessment as it is accessed of an existing laneway that runs parallel to the public road and the buildings are set back with no frontage to the Drennan Road. As such it is considered it does not form part of the substantial and continuously built up frontage.

75. The next step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
76. In considering whether a small gap site exists, 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.
77. The gap is between the outbuilding to the rear of 75 and the large detached garage to the rear of 83. The gap has a width of 108 metres from building to building. However the frontages on number 75 and 83 are broad and practically meet in the middle but for an access lane and a field gate thus there is no frontage to Drennan Road within the gap except the access.
78. There is no indicative layout plan submitted however the distance building to building of 108 metres is nevertheless a small gap site sufficient only to accommodate up to a maximum of two houses exists.
79. It is considered that the second step of the policy test has been complied with.
80. The third step of the policy test is to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
81. The buildings at 75 and 83 Drennan Road both have a substantial frontage onto Drennan Road. In contrast it is noted that approximately 34 metres of the proposed site fronts a private shared laneway located to the east. Only 10 metres of the proposed site which would form the vehicular access to the site fronting the Drennan Road. If a building were sited anywhere in this site it would not have frontage to the road and be out of keeping with the established pattern of development.
82. It is further considered that the intervening vegetation by way of a river corridor consisting of mature trees and vegetation to the west of 83 and along the laneway provides a strong visual break and that a building on the proposed site could not be read in the same frontage as 75 Drennan Road and 83 Drennan Road.
83. An annotation added to show the entrance to site as 26 metres is not accepted as robust evidence of a frontage to Drennan Road. Nowhere in Policy CTY 8 nor in the justification and amplification section does it state that visibility splays should be considered part of an otherwise substantial and continuously built up frontage.
84. The average plot frontage width of the proposed site and relationship with adjoining properties is not considered to respect the established pattern in line with policy and guidance. It is contended the proposed frontage is not similar and not in keeping with the surrounding development.
85. For the reasons considered the frontage width and plot size of the proposed site is considered to be significantly at odds with the existing pattern of

development within the identified frontage.

86. It is considered that the proposal does not respect the existing development pattern along the frontage in terms of siting and plot size. It is considered that the gap is an important visual break that would help maintain rural character.
87. The agent submitted a number of documents are also considered as part of the assessment. They include a Statement of Case and Design and Access Statement received 17 September 2021, an e-mail from the planning agent to the Head of Planning dated 07 March 2022, additional supporting information received on 21 February and 27 April 2022.
88. The documents point out the application LA05/2019/0195/F for erection of dwelling was refused before and the subject of a planning appeal 2019/A0173 which was dismissed on 8 June 2020.
89. This appeal decision has been considered in the processing of this application. It is considered the Planning Appeals Commission are an independent authority and the assessment offered by the Commissioner in the appeal decision is expressed in evidential context. It is acknowledged the Commissioner provided a different policy emphasis on the relationship between the buildings along the frontage and the established pattern of development.
90. The appeal was dismissed and the Councils decision to refuse planning permission is sustained. The appeal decision is a material consideration in the determination of this application. The Council is concerned with making good decisions weighed against policy and other material considerations. On this basis any new planning application will be assessed on its own merits.
91. The agent makes reference to the site being referred to as the antithesis of what's on the ground in terms of plot shape as asserted by the Commissioner in Paragraph 18 of her decision. With regard to the PAC decision on this site (PAC case 2019/A0173) the assessment made by the commissioner in terms of CTY 8 was that the access only frontage and variation in plot width throughout the appeal site is indicative of the two adjoining plots, albeit as a mirror image.
92. The Council is not bound by the Commission's decision and the advice contained in the report is not consistent with the policy. It would be entirely improper to accept that a site in which only the access has a frontage to the road consistent with the established pattern of development.
93. The agent also offers two examples of approvals in different Council areas were provided application G/12/0092 and G/12/0093 in which the agent advised 175 had an entrance and used for two infills. The only information submitted was a typical design concept proposal.
94. Again on the basis of the information submitted it is considered this proposal is not comparable to the application site as the proposal is for 2 no. infill dwellings which have a common frontage of Knockan Road and the gap respects the existing pattern of development to accommodate a maximum of two houses

within an otherwise substantial and continuously built up frontage that respects the existing development pattern in terms of siting and plot size.

95. In turn a location map provided in Appendix D of the agents submissions 2012/A0260 is provided as an example of an approval in which existing frontage and plot sizes vary. From an overview of this decision it is considered this proposal is not comparable as the buildings relied upon to form the substantial and continuously built up frontage and the proposed site have a significant uniform common road frontage which is not the case with the subject application.
96. The agent also compares LA02/2021/1208/RM and previous outline application LA02/2021/0246/O, supplying a site layout drawing but no rationale with it. As such it is not possible to make specific comment other than from the site provided it is difficult to draw any comparison between the proposal and the application site and the proposal is also for a different council area.
97. The agent makes reference to the history of the site containing a row of 3 cottages and the Corn Mill and acknowledges they are no longer there but simply refers to the planning history for consideration. In consideration this is noted but as the buildings are no longer in existence they cannot be considered to form part of any substantial and continuously built up frontage as required as an exception under Policy CTY 8 Ribbon Development.
98. It is accepted the examples given in Building on Tradition do not preclude smaller frontages of the gap site. That said the examples given by the agent are in no way comparable to the proposed site. The assessment section of this report above clearly details how the Council considers with regard to this application the circumstances of under a small gap site can be developed within an otherwise substantial and continuous built up frontage are not met.
99. The examples given in Building on Tradition all have a clear substantial and built up frontage along the same road frontage which respects the existing pattern of development. This is not the case with the proposed site which has only a frontage of 10m to the Drennan Road and there is an adjacent lane (second frontage) serving another dwelling.
100. Under the heading "Plot Sizes" the agent puts forward the material consideration that the proposed site is a small gap site sufficient to accommodate one dwelling whilst recognising that plot sizes vary.
101. It is acknowledged that the agent has a different policy emphasis on the relationship between the buildings along the frontage and the established pattern of development. It is reiterated that the Councils consideration of the plot sizes and pattern of development in relation to the proposed site is fully considered in the assessment above.
102. Reference is made by the agent to further PAC cases recognising that sizes can vary, 2011/A0111, 2011/A0327, 2011/A0130, 2021/A0260, 2013/A0214 and 2017/A0109.

103. Unfortunately no further details how any of these examples sit on all fours with this application or are directly comparable were provided. It is for the agent to explain why these should be treated as precedent in this case.

Integration and Design

104. During the processing of application LA05/2019/0195/F the Council was satisfied that the proposed dwelling and garage would be visually integrated into the landscape and there was not issue in this regard. As such it is contended a refusal reason on the grounds of CTY 13 would not be sustained.
105. The present application is also an outline planning application and therefore the design of any proposed dwelling can be dealt with by of planning condition. As the land rises to the rear, a suitably designed dwelling could not be considered prominent in the landscape.
106. There is an existing hedgerow along the access lane to the north east and a mature boundary with the dwelling to the south west therefore it could not be contended that the site lacks established natural boundaries nor relies on new landscaping for integration.

Rural Character

107. Turning to policy CTY 14, in terms of criteria (a), as detailed above it is considered that the proposal would not be a prominent feature in the landscape.
108. In terms of criteria (b) and (d), it is considered that the proposal is not in compliance Policy CTY 14 in that it would if permitted result in a suburban style build-up of development when added to the other buildings along the frontage..
109. In terms of criteria (c), for the reasons explained above it is also contended the proposal would not respect the traditional pattern of development exhibited within the area.
110. It is considered that the proposal would have a detrimental impact on the rural character of the area and policy tests (b), (c) and (d) associated with Policy CTY 14 are not met.

Development Relying on Non-Mains Sewerage

111. In terms of policy CTY 16, the P1 form states that the proposed method of sewage disposal is by a septic tank.
112. Water Management Unit and Environmental Health have both been consulted and have raised no objections to the proposal. Environmental Health

requested at the subsequent planning stage the applicant shall provide 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.

113. Based on an assessment of the detail and the advice received, it is considered that the proposal will not create or add to a pollution problem. The policy tests associated with Policy CTY 16 are met.

Access, Movement and Parking

114. Detail associated with the application indicates the current field gate access is proposed to be used from the Drennan Road and this will be upgraded to provide the require visibility splays.
115. Dfl Roads have been consulted on the application and have raised no objections and provided conditions.
116. Taking the above into account, and having regard to the advice of Dfl Roads it is accepted that the requirements of policy AMP 2 of PPS 2 Access, Movement and Parking are met and that the access arrangements can be provided in accordance with published standards in DCAN 15. No road safety or adverse traffic impacts are identified.

Natural Heritage

117. The application site forms part of an agricultural field. The application site lies in the open countryside and abuts the Boardmills Local Landscape Policy Area.
118. There no significant vegetation being removed. As no landscape features are identified that will be impacted by the development the proposal is not assessed against the requirements of PPS 2.

Planning and Flood Risk

119. Policy FLD 1 states that development will not be permitted within a 1 in a 100 year flood unless the applicant can demonstrate that the proposal constitutes one of the specified exceptions.
120. Rivers Agency requested the submission of a Flood Risk Assessment under the previous planning application LA05/2019/0195/F so the applicant could demonstrate that all sources of flood risk to and from the proposed development were identified.
121. At this time and in the absence of the requested Flood Risk Assessment it was impossible to ascertain the potential impact of flooding for this site. As the appellants at that time failed to demonstrate how the proposal met the relevant

policies of PPS 15 the proposal was refused on these grounds and sustained at planning appeal.

122. A flood risk assessment was submitted with the current application and Rivers Agency having considered the proposal in line with the current Planning Policy Statement 15 Planning and commented that there were no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site and further confirmed that whilst not being responsible for the preparation of the Flood Risk Assessment, they accepted its logic and has no reason to disagree with its conclusions. There is no reason to not accept the advice of DfI Rivers and the requirements of policy FLD 1 is met in full.

Consideration of Representations

113. In consideration of the representations received:

- Issue: The proposal does not meet the relevant planning policy tests.

Consideration: This planning application was submitted as a proposed infill dwelling and garage and assessed accordingly. As demonstrated by the refusal reasons and recommendation it is considered the application is contrary to the planning policies SPPS, Policy CTY 1, CTY 8 and CTY 14.

- Issue: Nothing has changed since the previously issued planning refusal

Consideration: It is acknowledged that planning permission was refused for a similar planning application LA05/2019/0195/F. Since then circumstances have not significantly changed. That said each planning application is considered on its own merits.

- Issue: The site has recent flood history. Fear the proposed development will impede on the flood plain capacity and increase the likelihood of flooding (against point 6.18 of PPS 15).

Consideration: A flood risk assessment was submitted with the application and Rivers Agency has no reason to disagree with its conclusions..

- Issue: Comments made regarding objectors are unprofessional and have no bearing on an application which does not satisfy PPS 21.

Consideration: All comments made in assessing a planning application are processed in line with the General Data Protection Regulations (GDPR) requirements. All parties are informed that any details provided during the application process will be published on the internet on public access and will be made available for public viewing. The Council processes all information in an open and transparent manner and were necessary anything of a derogatory or offensive nature will be redacted.

- Issue: Concern regarding safety of proposed vehicular access

Consideration: DfI Roads have been consulted on the application and offers no objection to this development proposal in principle. The Council has no reason to disagree with the advice offered. It is considered the proposal complies with PPS 3 Access Movement and Parking.

- Issue: Loss of privacy

Consideration: The proposed site is located in the open countryside and given the separation distances and intervening boundary treatment it is considered that the proposal will not conflict with adjacent land uses and there is no unacceptable adverse effect in terms of loss of privacy or amenity of neighbouring residents.

- Issue: Impact proposal will have on local wildlife

Consideration: On the basis of the information submitted the proposal is unlikely to impact protected or priority species habitats. In this case no significant vegetation is being removed. No further assessment was required.

- Issue: The same concerns apply to a separate application located in the same field.

Consideration: It is acknowledged another planning application for a second dwelling LA05/2021/1013/O was submitted in conjunction with this planning application. The second planning application was withdrawn by the planning agent/applicant on 04th April 2022.

- Issue: Proposal would result in ribbon development

Consideration: It is contended the site would read with the existing development located at No.75 Drennan Road and No. 83 Drennan Road and would result in the addition of ribbon development along Drennan Road.

Conclusions

119. The proposal has been assessment against all relevant material planning and environmental considerations and it is considered to be 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.
120. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of siting and plot size and would, if permitted, result in the addition to a ribbon of development.

121. 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 not respect the traditional pattern of settlement exhibited in the area and would result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

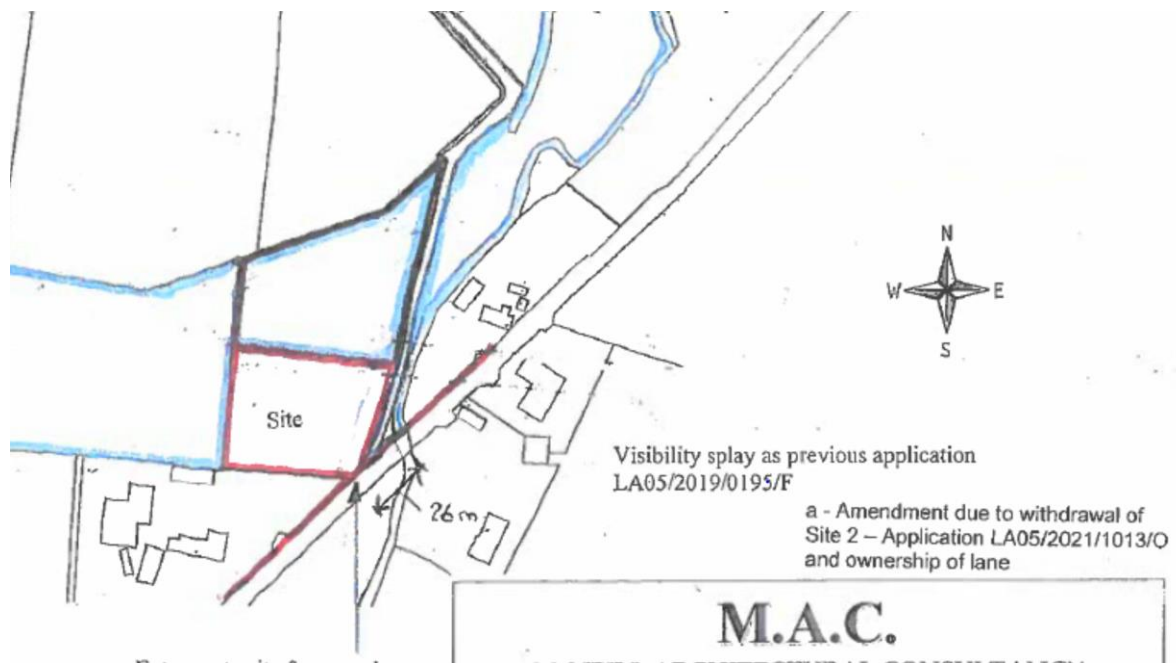
Recommendations

122. It is recommended that planning permission is refused

Conditions

123. The following refusal reasons are recommended:
- 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap in a substantial and built up frontage that respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and would, if permitted, result in the addition to a ribbon of development along Drennan Road.
 - 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 not respect the traditional pattern of settlement exhibited in the area and would result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Site Location Plan – LA05/2021/1014/O





Planning Committee

09 January 2023

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 – Planning Statistical Bulletin – Second Quarter 2022/23

Background and Key Issues:

Background

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The DFI Northern Ireland Planning Statistics covering the second quarter of 2022/23 were published on Thursday 8th December 2023.
2. The Bulletin provides an overview of planning activity across NI. It provides summary statistical information on Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid

out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

3. A copy of the documents can be accessed via the link:

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-july-september-2022>

4. There were 2663 planning applications received across the Council network during the second quarter of 2022/23, a decrease of nearly 13% on the previous quarter and down by almost 20% on the same period a year earlier. This comprised of 2627 local and 36 major applications.
5. It is highlighted in the Q2 bulletin that the number of legacy cases in the Lisburn and Castlereagh Council Area increased significantly in this period. This will be a significant focus for the team in this quarter.
6. In the second quarter of 2022/23, 2831 planning applications were decided upon; down by over 10% from the previous quarter and down by more than 13% from the same period a year earlier. Decisions were issued on 2792 local and 39 major applications.
7. The average processing time for local applications brought to a decision or withdrawal during the first six months of 2022/23 was 17.0 weeks across all Councils. This exceeds the 15 week target and represents an increase of 1.0 week from the same period a year earlier.
8. The processing times for applications in the Lisburn and Castlereagh Council Area was reported to be significantly above this but a downward trend in processing times is now noted.
9. The average processing time for major applications brought to a decision or withdrawal during the first six months of 2022/23 was 50.0 weeks across all Councils. This represents a decrease of 6.4 weeks compared with the same period a year earlier.
10. Across Councils 73.4% of enforcement cases were concluded within 39 weeks during the first six months of 2022/23.
11. The Department report planning activity and processing performance during 2020/21 and 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. Also during January and February of 2022 the Northern Ireland Planning Portal was inaccessible for a period of time. They indicate that these factors should be borne in mind and caution taken when interpreting figures and when making comparisons with other time periods.
12. This does also not take account of the impact on processing times locally as a consequence of the publication and withdrawal of the PAN in respect of applications for single dwellings in the countryside.
13. This Council had paused issuing decisions. Work is now recommenced which should see a return to more normal processing times and improved performance.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

| | | | | | |
|--|-----|---|-----|--|-----|
| Option 1 Screen out without mitigation | N/A | Option 2 Screen out with mitigation | N/A | Option 3 Screen in for a full EQIA | N/A |
|--|-----|---|-----|--|-----|

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

| | | | |
|--|----|---|----|
| Has consideration been given to Rural Needs? | No | Has a Rural Needs Impact Assessment (RNIA) template been completed? | No |
|--|----|---|----|

If no, please given explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

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

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Planning Committee

09 January 2023

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 - Appeal decision (2021/A0213) in respect of planning application LA05/2021/0202/O

Background and Key Issues:

Background

1. An application for a replacement two-storey dwelling and garage with associated site works and conversion of existing dwelling into domestic store at a site 40 metres west of 329 Gilnahirk Road, Belfast was refused planning permission on 5th October 2021.
2. An appeal was lodged with the Planning Appeals Commission on 07th February 2022. The procedure followed in this case was written representation and the Commissioner visited the site on 16th November 2022. The main issues in the appeal are whether the development would be acceptable in principle in the countryside and whether it would have a detrimental impact on the rural character.
3. A decision received on 2nd December 2022 indicated that the appeal was dismissed and that all four refusal reasons had been sustained.

Key Issues

1. The report of the Commission is included for the information and consideration of the Members of the Planning Committee and alerts Members to good practice in relation to decision making.

2. The decision by the Commission dismisses the appeal and confirms the proper application and interpretation of policy in this case, and that the Council continue to exercise good judgement in cases for replacement dwellings and infill development in the open countryside.
3. The Commissioner does highlight as a preliminary matter the late introduction of refusal reasons at the appeal stage. Whilst he identifies this as poor practice it is important that the Council should still address in full all the issues in front of the Commission.
4. Officers of the Unit are minded to write to the Commission at the earliest opportunity should there be a change to the reasons for refusal being presented. This should be in advance of the submission and exchange of evidence so the appellant has proper opportunity to prepare a statement of case which deals with all the Council's concerns.
5. In this case the Commission accepted that the appellant was not prejudiced in any way as they were able to deal with the additional reasons for refusal at the rebuttal stage.

Recommendation:

It is recommended that the Committee notes the report and decision of the Commission in respect of this planning appeal.

Finance and Resource Implications:

No cost claim was lodged in this instance.

Screening and Impact Assessment

1. Equality and Good Relations

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

No

If no, please provide explanation/rationale

This is a report updating the committee on a decision by the PAC and EQIA is not required.

If yes, what was the outcome?

Option 1

Screen out without mitigation

N/A

Option 2

Screen out with mitigation

N/A

Option 3

Screen in for a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

Has a Rural Needs Impact Assessment (RNIA) template been completed?

If no, please give explanation/rationale for why it was not considered necessary:

This is a report updating the committee on a decision by the PAC and RNIA is not required

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

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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| | |
|-------------------------------|---|
| Appeal Reference: | 2021/A0213 |
| Appeal by: | Mr Andrew Wallace |
| Appeal against: | The refusal of outline planning permission |
| Proposed Development: | Replacement 2 storey dwelling and garage with associated site works and conversion of existing dwelling into domestic store |
| Location: | 40m west of 329 Gilnahirk Road, Belfast |
| Planning Authority: | Lisburn and Castlereagh City Council |
| Application Reference: | LA05/2021/0202/O |
| Procedure: | Written representations and Commissioner's site visit on 16 th November 2022 |
| Decision by: | Commissioner Gareth Kerr, dated 2 nd December 2022 |

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refused outline planning permission for the appeal proposal on 5th October 2021 citing two refusal reasons based on the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21 (PPS 21). The Council's Statement of Case in the appeal, which was received by the Commission on 14th April 2022, listed two additional reasons for refusal under Policies CTY8 and CTY14 of PPS 21 (concerning ribbon development). This matter had not been raised with the appellant during the processing of the application and they first became aware of it on receipt of the Council's Statement of Case in the appeal.
3. It is poor practice to introduce additional reasons for refusal after the decision of the planning authority has been made, and particularly at such a late stage in the appeal process. No justification was offered for doing so. Notwithstanding the poor practice of the Council in this instance, the appellant acknowledged the two additional refusal reasons in his rebuttal statement and took the opportunity to comment upon them. Accordingly, the appellant has not been prejudiced by the Council's actions and the additional concerns raised can therefore be considered as part of the appeal.

Reasons

4. The main issues in this appeal are whether the development would be acceptable in principle in the countryside, whether the building to be replaced exhibits the

- essential characteristics of a dwelling and whether the proposal would add to a ribbon of development.
5. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
 6. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful on 18th May 2017. This means the previous Belfast Urban Area Plan 2001 (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, remain material considerations in the appeal. In both BUAP and dBMAP, the appeal site is located in the countryside within the Belfast green belt. In the BUAP, the site also lies within an Area of High Scenic Value. It lies just outside this designation in dBMAP.
 7. Policy GB2 of the BUAP relates to new and replacement houses within the green belt. It states that buildings to be replaced should exhibit the essential characteristics of a dwelling. The preamble of PPS 21 states that its policy provisions will take precedence over green belts designated in existing statutory development plans. As the green belt policy of the above plans is now outdated, no determining weight can be attached to them.
 8. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing Planning Policy Statements including PPS 21. The SPPS is no more prescriptive than the retained policies on the issues raised in this appeal and thus the retained policies take precedence in decision making in accordance with the transitional arrangements outlined in paragraph 1.12 of the SPPS.
 9. Policy CTY1 of PPS 21 identifies a range of types of development which, in principle, are considered to be acceptable in the countryside. One of these is a replacement dwelling in accordance with Policy CTY3. 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.
 10. Under Policy CTY3, planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The policy goes on to state that all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, will not be eligible for replacement under this policy. Where replacement is acceptable in principle, there are five additional criteria to be met relating to siting, size, design, services and access arrangements.
 11. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. It is considered detrimental to the character, appearance and amenity of the countryside. Policy CTY14 sets out instances where a new building would harm rural character including where it creates or adds to a ribbon of development.

12. The appeal site comprises the eastern half of a larger agricultural field and an adjacent building which it is proposed to replace. The field slopes from north to south away from the Gilnahirk Road. To the east of the appeal site is a two storey dwelling, 329 Gilnahirk Road. It is accessed from the Gilnahirk Road to the north, but fronts onto the Gransha Road to the east and is set within a substantial curtilage. The building to be replaced is within this curtilage to the rear of the dwelling and is in use as a domestic garage and play room. Although outline planning permission is sought, an indicative layout is provided showing the proposed dwelling and garage located centrally in the site with a new access to Gilnahirk Road to be provided at its north western corner. It is proposed to retain the existing building as a domestic store. It is not clear whether it would remain associated with the existing dwelling or become an outbuilding for the new dwelling.
13. The appellant has provided historical information relating to the site and building to be replaced including historic maps, deeds, census records and photographs. He has also provided a report on the condition of the building which concludes that its layout is that of a typical Irish vernacular dwelling. The evidence indicates that a dwelling on the site was occupied by the Magowan family since 1883. Rates were paid on the property by previous owners before 1883 as evidenced by extracts from the Griffiths Valuation and accompanying map. The evidence does not state when it ceased to be occupied as a dwelling. An extract from the Second Edition Ordnance Survey Map indicates that there was a building on the northern part of the site in the period 1832 – 1846. The building was recorded as a one room house in the 1901 census and by the 1911 census had two rooms. It appears that the buildings were extended down the slope to the south over time. Based on the totality of the evidence provided including the testimony of the previous owner of the building, I am persuaded that there was a dwelling house on the site, occupied by the Magowan family.
14. However, significant changes have occurred to the building over the years. The northern portion of the building, closest to the Gilnahirk Road, was demolished as shown in Figure 8 of the Existing Building Report. The northern portion of the original building contained the chimney and this along with the historic maps which show the oldest part of the building being adjacent to the road suggests that it was this part of the building that comprised the one room dwelling house. This part of the building, including the chimney no longer exists. The addition of another room before the 1911 census and the wider and taller hayloft section photographed in the 1950s were both later additions. The hayloft to the southern end was also demolished sometime in the 1950s. An electricity supply was installed around 1965, from which the dwelling at 329 is now powered.
15. The building now on site has two rooms which are not internally linked, but are separated by a stone wall which extends to and supports the roof. The Existing Building Report offers an analysis of the materials used in the building. This stone wall, along with a small section of the front and rear walls are the only sections of stone wall remaining in the building. Another section of the rear wall is constructed with red bricks. The report states that these were reclaimed from the hayloft which was demolished in the 1950s. The greater part of the building now on site is constructed from concrete breeze blocks. This includes both external gables and the remainder of the front and rear walls. There is a large window opening in the

upper play room and a steel beam in the lower gable of the garage above a double door opening. The extensive use of modern building materials and larger openings indicates that significant demolition of the original structure and rebuilding was undertaken to convert it to the present domestic outbuildings. It may have been built around the remains of the original dwelling house, but I consider that it was effectively purpose built as a garage and store.

16. The Council quotes from appeal decision 2019/A0254 which related to a replacement dwelling. The Commissioner stated, "The essential characteristics of a dwelling are not prescribed by the policy, however, it would not be unreasonable to expect to see a chimney, domestic scaled window and door openings, a chimney breast and some internal room divisions all of which would give a building the appearance of a dwelling." The building to be replaced does not exhibit the essential characteristics of a dwelling. There is no chimney or fireplace remaining. The wider window and door openings are at odds with those that would be found on an original vernacular dwelling. There are no internal room divisions or linkage between rooms. With the northern part of the original dwelling demolished and the remaining part so altered that only a small section of the original stone walls is left, the building to be replaced does not meet the minimum policy requirement that all external structural walls are substantially intact. Accordingly, replacement of the building is unacceptable in principle under Policy CTY3. The Council has sustained its second reason for refusal.
17. The Council's evidence raised concerns about the proposed siting of the dwelling and garage under Policies CTY8 and CTY14. They are concerned that the proposal would add to a ribbon of development which comprises the building to be replaced and the dwelling at 329 Gilnahirk Road. They have not engaged with the specific provisions for siting of replacement dwellings in Policy CTY3. It states that a replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. The building to be replaced is effectively within the curtilage of the dwelling at 329. It does not have its own curtilage within which a modest sized dwelling could be sited. Therefore, if the building met replacement standard, an off-site replacement dwelling would comply with criterion (a).
18. The appellant argues that due to the restricted curtilage, it is acceptable to retain the existing structure and incorporate it into the overall layout of the development. However, this provision in Policy CTY3 relates only to non-listed vernacular dwellings that do not make an important contribution to the heritage, appearance or character of the locality. As the only significant remains of the original vernacular dwelling are an internal wall, the building to be replaced cannot be described as a non-listed vernacular dwelling. Therefore it would be appropriate to condition its demolition if the principle of a replacement dwelling was established. If the existing building was demolished, a replacement dwelling nearby would not increase the number of buildings in the ribbon of development. Provided any garage was tucked behind the new dwelling, it would not add to a ribbon of development.
19. However, the appellant's proposal is for retention of the existing building as a domestic store. I consider that the addition of a new dwelling and garage to its west

would add to a ribbon of development along Gilnahirk Road as the four buildings would have a common frontage. The appellant refers to several pieces of case law which have not been provided in evidence. These decisions concern the ability to amend a planning application. He argues that they permit him to vary the application in respect of the siting of the building and that the proposed garage could be removed. While this is correct, it is not for the decision-maker to vary the application to make it acceptable and I must determine the appeal based on the proposal in front of me which includes retention of the existing building in its description. The indicative layout shown on drawing No. 02/A would add to a ribbon of development. This would also be the case if I were to accept any of the amended siting positions shown as appendices to the appellant's rebuttal statement. Accordingly, the Council has sustained its third and fourth reasons for refusal based on ribbon development.

20. As the proposal is not acceptable in principle under Policy CTY3 and no other overriding reasons why the development is essential in this location have been put forward, it is also contrary to Policy CTY1. The Council has therefore sustained its first reason for refusal. As the Council's four reasons for refusal have been sustained, the appeal fails.

This decision is based on drawing Nos. 01/A and 02/A (site location maps at scale 1:1250) which were received by the Council on 17th May 2021.

COMMISSIONER GARETH KERR

List of Documents

- | | | |
|----------------------|---|--|
| Planning Authority:- | A | Statement of Case and Appendices Lisburn and Castlereagh City Council |
| | B | Rebuttal Statement Lisburn and Castlereagh City Council |
| Appellant:- | C | Statement of Case and Appendices Mr Andrew Wallace |
| | D | Rebuttal Statement and Appendices Mr Andrew Wallace |



Planning Committee

09 January 2023

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 4 – Proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 to introduce validation checklists for planning applications

Background and Key Issues:

Background

1. The need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground, was highlighted by the Department for Infrastructure (DfI) in a Review of the Implementation of the Planning Act (NI) 2011.
2. The DfI explain that the Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
3. Validation checklists, are part of the planning legislation framework in other jurisdictions, and an important tool in improving the quality and completeness of planning applications coming into the system. The need to bring legislation in Northern Ireland in line with other jurisdictions is recognised.

4. The consultation document further highlights reports on the Northern Ireland Planning System by the Northern Ireland Audit Office (NIAO) (February 2022), and the Public Accounts Committee (PAC) (March 2022), both of which reference the need for, and benefits of, the introduction of validation checklists.
5. A copy of the consultation document can be viewed at the following link:
<https://www.infrastructure-ni.gov.uk/consultations/consultation-changes-improve-quality-planning-applications>
6. Comments are sought and the closing date for responses is 06th January 2023.

Key Issues

1. The consultation document sets out the current statutory arrangements for making an application provided for by Section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015.
2. It also details the information required to accompany an application for planning permission. This includes a written description of the development; an address or location of the land; the name and address of the applicant; a plan sufficient to identify the land; such other plans and drawings necessary to describe the development; a design/access statement, where required; a certificate of ownership/interest; and any fee.
3. It is noted in the document that the requirements are basic and many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.
4. The Department acknowledges that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with Councils, statutory consultees and other stakeholders.
5. The validation checklist is intended to provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
6. The amended Order proposed by the Department would enable a planning authority to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information/evidence which would be required to accompany different types of planning application.
7. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses.

8. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are accompanied by all necessary information should result in overall improved planning performance.
9. The report highlights the need for the introduction of validation checklists and there would also require to be a 'validation dispute' mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Two examples of dispute resolution processes operated in England and Wales are explained.
10. The Department seeks agreement in the consultation on the need to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications and for a 'dispute mechanism' to be available to applicants.
11. The benefits of introducing a validation checklist on a statutory basis are to be welcomed and consistent with a wider duty of continuous improvement. Front loading applications is preferred and a better and more efficient use of time and resources.
12. A dispute mechanism is important to protect the rights of applicants to a fair hearing without the need to consider judicial review proceedings. The example from England is preferred and places the burden on the applicant to demonstrate why the information is not required and the dispute resolution process does always give rise to a formal appeal process.

Recommendation:

It is recommended that the Committee notes the content of this consultation and that the response to the consultation will be made available to the Department, subject to consideration and agreement at the January Development Committee, in support of the introduction of the validation check lists.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

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

No

If no, please provide explanation/rationale

This is a report in relation to consultation in relation to Validation Checklist for Planning Applications. EQIA is not required.

If yes, what was the outcome?:

Option 1

Screen out without mitigation

N/A

Option 2

Screen out with mitigation

N/A

Option 3

Screen in for a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report in relation to a consultation in relation to Validation Checklist for Planning Applications. No RNIA is required.

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

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Planning Committee

09 January 2023

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 5 - Notification by telecommunication operator(s) of intention to utilise permitted development rights

Background and Key Issues:

Background

1. The Council is notified by Fibrus Networks Ltd of their intention to utilise permitted development rights at various locations within the Council area to install overhead communications apparatus.
2. The installations consist of 315 poles of 9 metres in height and associated overhead wires and 64 ducts and the operator indicates this is in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

1. 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 (**see Appendix**).
2. 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.

Recommendation:

It is recommended that Members note the detail of the notifications specific to the site identified and that hard copies are available to view at the Council Offices at Lagan Valley Island.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.

If yes, what was the outcome:

| | | | | | |
|--|-----|---|-----|--|-----|
| Option 1 Screen out without mitigation | N/A | Option 2 Screen out with mitigation | N/A | Option 3 Screen in for a full EQIA | N/A |
|--|-----|---|-----|--|-----|

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

| | | | | |
|--|----|---|----|--|
| Has consideration been given to Rural Needs? | No | Has a Rural Needs Impact Assessment (RNIA) template been completed? | No | |
|--|----|---|----|--|

If no, please give explanation/rationale for why it was not considered necessary:

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.

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

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 5 – Notifications from an Operator in respect of intention to utilise permitted development rights

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights January 2023 Planning Committee

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| | Applicant/Agents | Operator | Location | Summary of details | Date received |
|---|--------------------------|---------------------|-----------------------------------|--|---------------|
| 1 | Fibre Broadband Services | Fibrus networks Ltd | 1-3 Glenview, Carryduff | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 2 | Fibre Broadband Services | Fibrus networks Ltd | 1-75 Ballymullan Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 3 | Fibre Broadband Services | Fibrus networks Ltd | 10-14 Drumbo Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 4 | Fibre Broadband Services | Fibrus networks Ltd | 16-18 Orrs Lane, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 11 | 09/12/2022 |
| 5 | Fibre Broadband Services | Fibrus networks Ltd | 19-49 Braniel Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 6 | 09/12/2022 |
| 6 | Fibre Broadband Services | Fibrus networks Ltd | 226 Ballylesson Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 4 | 09/12/2022 |
| 7 | Fibre Broadband Services | Fibrus networks Ltd | 238-250 Ballylesson Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 8 | Fibre Broadband Services | Fibrus networks Ltd | 249 Ballylesson Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 9 | Fibre Broadband Services | Fibrus networks Ltd | 30 Quarterlands Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights January 2023 Planning Committee

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| | | | | | |
|----|--------------------------|---------------------|-------------------------------|---|------------|
| 10 | Fibre Broadband Services | Fibrus networks Ltd | 39-65 Fort Road, Belfast | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 11 | Fibre Broadband Services | Fibrus networks Ltd | 40-89 Tullyard Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 5 | 09/12/2022 |
| 12 | Fibre Broadband Services | Fibrus networks Ltd | 46-54 Drumbeg Road, Dunmurry | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 3 | 09/12/2022 |
| 13 | Fibre Broadband Services | Fibrus networks Ltd | 52-54 Dows Road, Belfast | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 2 | 09/12/2022 |
| 14 | Fibre Broadband Services | Fibrus networks Ltd | 69 Ballymullan Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 2 | 09/12/2022 |
| 15 | Fibre Broadband Services | Fibrus networks Ltd | 90 Tullynacross Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 2 | 09/12/2022 |
| 16 | Fibre Broadband Services | Fibrus networks Ltd | Braniel Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 17 | Fibre Broadband Services | Fibrus networks Ltd | Fort Road, Belfast | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires | 09/12/2022 |
| 18 | Fibre Broadband Services | Fibrus networks Ltd | Hillhall Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 2 | 09/12/2022 |
| 19 | Fibre Broadband Services | Fibrus networks Ltd | Orrs Lane, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 3 | 09/12/2022 |

**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
January 2023 Planning Committee**

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| | | | | | |
|----|--------------------------|---------------------|----------------------------|---|------------|
| 20 | Fibre Broadband Services | Fibrus networks Ltd | Tullynacross Road, Lisburn | Overhead communications apparatus consisting of Poles pf 9 metres in height and associated overhead wires x 5 | 09/12/2022 |
|----|--------------------------|---------------------|----------------------------|---|------------|