



28th September, 2022

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, 3rd October 2022 at 10:00 am**, in the **Council Chamber and Remote Locations** 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 September 2022

▢ *PC 05 09 2022 Draft Minutes for Adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

▢ *Item 1 - Schedule of Applications -October 2022 - FINAL - Amended.pdf*

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- (i) LA05/2022/0295/F Refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works at Laurelhill Sports Zone, 22 Laurelhill Road, Lisburn BT28 2UH

▢ *Appendix 1 (a) - DM Officer Report - LA0520220295 - Laurel Hill - FINAL....pdf*

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- (ii) LA05/2021/0288/F Proposed "dutch barn style" hay shed at Site 88m east of No 75 Grove Road, Dromore, BT25 1QY

▢ *Appendix 1 (b) (i) - DM Officer Report - LA0520210288F - Grove Road Shed...pdf*

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▢ *Appendix 1 (b) (ii) - DM Officer Report - LA0520210288F - Grove Road She...pdf*

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▢ *Appendix 1 (b) (iii) - Note of Site Visit - LA0520210288F - Grove Road -...pdf*

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▢ *Appendix 1 (b) (iv) - DM Officer Report - LA0520210288F - Grove Road She...pdf*

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- (iii) LA05/2020/0496/F - Erection of a Dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh

▢ *Appendix 1 (c) - DM Officer Report - LA0520200496F - Knockbracken CTY6 -...pdf*

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(iv)	LA05/2021/0206/O - Demolition of existing building. Construction of 4 detached two storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn.	<ul style="list-style-type: none"> ▢ <i>Appendix 1 (d) - DM Officer Report - LA0520210206O - Feumore Road - FINA...pdf</i> <i>Page 129</i>
(v)	LA05/2022/0331/O - Site for Dwelling at Clogher Road approximately 40m northwest of 58 Clogher Road and immediately north of 115a Saintfield Road, Lisburn	<ul style="list-style-type: none"> ▢ <i>Appendix 1 (e) - DM Officer Report - LA0520220331O - Clogher Rd Infill -...pdf</i> <i>Page 158</i>
4.2	Statutory Performance Indicators - August 2022	
	<ul style="list-style-type: none"> ▢ <i>Item 2 - Statutory Performance Indicators - August 2022 - FINAL.pdf</i> <i>Page 184</i> ▢ <i>Appendix 2 - Lisburn_Castlereagh_August_Monthly_MI.pdf</i> <i>Page 188</i> 	
4.3	Appeal Decision in respect of planning application LA05/2021/0079/O	
	<ul style="list-style-type: none"> ▢ <i>Item 3 - Appeal Decision - LA0520210079O - FINAL.pdf</i> <i>Page 189</i> ▢ <i>Appendix 3(a) - Appeal Decision - LA0520191292O Report of Commissioner....pdf</i> <i>Page 193</i> ▢ <i>Appendix 3(b) - Appeal Decision - LA0520191292O Report of Commissioner....pdf</i> <i>Page 206</i> 	
4.4	Submission of Pre-Application Notice (PAN) for a proposed residential development on lands north of Ballymaconaghy Road including 14 and 22-24 Ballymaconaghy Road Castlereagh	
	<ul style="list-style-type: none"> ▢ <i>Item 4 - LA0520220823PAN - FINAL.pdf</i> <i>Page 207</i> ▢ <i>Appendix 4(a) - Report in relation to LA0520220823PAN - FINAL.pdf</i> <i>Page 210</i> ▢ <i>Appendix 4(b) - LA0520220823PAN - Form - Amended.pdf</i> <i>Page 214</i> ▢ <i>Appendix 4(c) - LA0520220823PAN - Site Location Plan.pdf</i> <i>Page 218</i> 	
4.5	Notification by telecommunication operator(s) of intention to utilise permitted development rights	
	<ul style="list-style-type: none"> ▢ <i>Item 5 - Notification by telecommunication operator(s) of intention - Fl...pdf</i> <i>Page 219</i> ▢ <i>Appendix 5 - List of Notification of Intention to utilise PD October 202...pdf</i> <i>Page 222</i> 	

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn on Monday 5th September 2022 at 10.00 am.****PRESENT:** Present in Chamber

Councillor John Palmer (Vice-Chairman)

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

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

IN ATTENDANCE: Present in Chamber

Director of Service Transformation
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (MB)
Senior Planning Officer (RT)
Member Services Officers (BS, CR and CH)

Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Mr S Cash (DfI Roads)

Commencement of Meeting

The Vice Chairman, Councillor John Palmer, who was chairing the meeting in the absence of the Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings. He advised that recording of the meeting was not permitted.

The Vice Chairman stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had the option of attending in person or on a remote basis. It was noted that the Head of Planning and Capital Development would be joining the meeting later in the proceedings.

The Principal Planning Officer advised on a number of housekeeping and evacuation procedures.

The Member Services Officer then read out the names of the Elected Members and Officers in attendance at the meeting.

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of the Chairman, Alderman J Tinsley and Councillor J McCarthy.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for remote attendance.

Alderman W J Dillon referred to LA05/2017/0021/F and advised that he had been lobbied on this application recently and had said at the time that he would not be taking a view on the application until he had heard all the evidence at the meeting.

Councillor A Swan referred to LA05/2017/0021/F and advised that he had been lobbied too on this application and that he had listened to the arguments but expressed no opinion.

Alderman D Drysdale referred to LA05/2022/0133/F and advised that he had met with both the applicants and the objectors to discuss the situation, both having expressed their points well. Alderman Drysdale stated he would withdraw from the meeting for consideration of this application and take no part in the discussions thereon.

A completed Declaration of Interest form had been completed by Alderman D Drysdale in relation to LA05/2017/0021/F which outlined that given the length of time this application had taken to come to the Council's Planning Committee, he had been contacted by a number of people seeking information. Alderman Drysdale recorded that he had not at any time expressed an opinion on the outcome of this application.

3. Minutes of Meeting of the Reconvened Planning Committee held on 8th August 2022

It was proposed by Alderman W J Dillon seconded by Councillor M Gregg, and agreed that the minutes of the Meeting of Committee held on the 8th August 2022 as circulated be signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

4.1.1 Applications to be Determined

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

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

At this juncture Councillor D J Craig referred to his employ in the DUP Constituency Office for Lagan Valley and pointed out that one of the speakers for the above application was the DUP MLA for Lagan Valley, Emma Little-Pengelly, for whom he worked on a part-time basis. Councillor Craig stated that for the record the MLA had at no time discussed the planning application with him and therefore he had no conflict of interest in relation to this application.

At the outset the Principal Planning Officer advised that the DfI Roads Official, Mr S Cash, was present in the Council Chamber and that a representative from their consultancy, AMEY, was also in attendance remotely for this item of business should any Members have questions in relation to roads or other technical matters.

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report and drew attention to the following:

- a site visit that had taken place on 15th October 2021, an addendum report having been provided to the Committee in this regard
- the main issues of concern expressed by Members previously were in connection with roads related matters but no new substantive evidence had been received in this regard.

Mr Gregory Jones QC

The Committee received Mr Gregory Jones QC who wished to speak in opposition of the application. A copy of a written submission had been provided to the Committee in advance of the meeting. Mr Jones highlighted the following: -

- the proposal was a wrong development a wrong place for number of reasons
- intensification of traffic as a result of the proposed development, being noted that a traffic survey had been requested by Committee but no such survey undertaken
- the application is in contravention of care home regulations in relation to outdoor amenity seating
- the land in question is industrial development land (Colliers report is wrong) and also there is no extant planning permission given.

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)

Questions to Mr Gregory Jones QC

- Councillor D J Craig enquired what evidence Mr Jones had to back up his assertions that the information contained in the TRICS database was outdated, such information being what DfI Roads rely on. Mr Jones stated that the TRICS data was based on a site in Birmingham which he said was an inappropriate comparison and therefore could not be relied upon. Mr Jones stated that the best evidence is data from actual traffic surveys.

Mr Simon Warke SW Consultancy Roads Engineer

The Committee received Mr Simon Warke from SW Consulting to the meeting who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting.

Mr Warke elaborated on the intensification of traffic, based on his consultancy's own traffic study at the location of the proposed development, the findings of which were 108 arrivals and 107 departures daily. Mr Warke stated that that the number of journeys quoted currently were not based on a like-for-like comparison.

Questions to Mr Simon Warke

- Alderman D Drysdale sought clarification in relation to the vehicle number findings referred to by Mr Warke, in particular if the findings were based on peak travel times. He stated that most of the traffic associated with a care home would be during off-peak hours. Mr Warke advised that his traffic survey had been broken down throughout the day. Mr Warke added that there were also inaccuracies in relation to the visibility splays. There was in the region of 11000 cars travelling at speed on this road and traffic turning right from this entrance have to cross four lanes of traffic. He stated that this was dangerous at any point in the day.

Councillor Nathan Anderson

The Committee received Councillor N Anderson to the meeting who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting. Councillor Anderson responded to questions from the Committee in connection with a number of matters, including:

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Councillor N Anderson (Cont'd)

- Clarification was sought from Alderman O Gawith on Councillor Anderson's reference to 'a finely balanced decision.' Councillor Anderson emphasised that the proposed development prejudiced other businesses at that location and accordingly it was also important to consider the important issue of job creation.
- Alderman W J Dillon sought clarification in regard to Councillor Anderson's comments about speed cameras on the Saintfield Road. In response Councillor Anderson stated that the introduction of speed cameras helps make the road safer and there are fewer accidents as a result, and for that reason traffic assessments were required. Councillor Anderson stressed that there are other serious issues with this road – people have been killed at this location. Councillor Anderson stated that having weighed up all these factors – he was highly opposed to this planning application.
- Alderman D Drysdale questioned the speaker about the matter of road safety policy versus people driving badly, and was of the opinion that if the speaker's stance was applied to other projects – nothing would be built. In response, Councillor Anderson referred to driver error being an issue but the fundamentals of the road were also considered. On this occasion the factors to be taken into account were traffic intensification and the fact that the right hand turn from the site involves crossing four lanes of traffic and the need for an up-to-date traffic impact assessment. This was one of the most dangerous roads in Northern Ireland. Councillor Anderson concluded by stating that DfI Roads are a statutory consultee for major planning applications such as this one.

Emma Little-Pengelly MLA

The Committee received Mrs Emma Lyttle-Pengelly MLA to the meeting who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting.

At the outset Mrs Little-Pengelly advised that she was attending today on behalf of her party colleague Edwin Poots MLA who had been unable to attend.

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Questions to Mrs Emma Little-Pengelly MLA

- Councillor U Mackin asked Mrs Little-Pengelly to elaborate on her point about employment lands. In response Mrs Little-Pengelly highlighted a number of environmental issues that would arise should any of the current businesses at the site in question expand their operations or should new businesses move into this area. This was an industry employment issue as there would be detrimental impact on future growth.
- Councillor A Swan challenged the speaker on employment issues as the care home would create employment. He also challenged the speaker in saying that road safety issues would apply to any new development at this location. In response Mrs Little-Pengelly stressed that the nature of the difficulty in this case is that the people visiting the care home could be regarded as vulnerable at a time when they are trying to cross a significantly and busy road. She stated that currently the layout of the road is inadequate. If there was to be further investment on this area this junction would need addressed.
- Councillor A Swan also challenged the speaker on the vulnerability of people travelling to the care home in that a significant number of drivers would be staff and delivery vehicles. The speaker reiterated that the junction was already inadequate and people tend to feel distressed when making dangerous manoeuvres. There was a real risk of serious injury.
- Alderman W J Dillon pointed out to the speaker that DfI Roads had no objection to the proposals and stated that DfI Roads are the experts on these matters. In her response the speaker advised that a number of years ago she and her colleagues had pushed for further investigations by DfI Roads and the issues were then realised; there had been 788 speeding offences during a two-month period during the Covid-19 pandemic when the road traffic was significantly reduced. Average speed was to be assessed after two years of speed cameras in operation.

Mr William Orbinson QC

The Committee received Mr William Orbinson QC, who was in attendance remotely and who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting.

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)

Mr William Orbinson QC (Cont'd)

At the outset Mr Orbinson QC stated that in light of Councillor D J Craig's employment he objected to Councillor Craig taking part in the debate and decision in connection with this application.

During his contribution Mr Orbinson QC highlighted the points set out in his submission.

Questions to Mr William Orbinson QC

At this point Councillor D J Craig wished to receive legal advice from the Council's legal adviser (Mr B Martyn) who was present at the meeting on the matter of his participation in the debate and decision in regards to this application.

"In Committee"

It was proposed by Councillor U Mackin, seconded by Councillor A Swan, and agreed to go into Committee to consider Councillor Craig's matter in the absence of the press, members of the public and the registered speakers. The livestream was paused at 11.17 am.

A discussion ensued during which a number of comments were noted from the legal adviser (Mr B Martyn), the Director of Service Transformation and the Principal Planning Officer in connection with matters pertaining to the decision making process for this planning application.

It was proposed by Councillor A Swan, seconded by Alderman D Drysdale, and agreed to come out of Committee and normal business was resumed (11.35 am).

Resumption of Normal Business

Adjournment of Meeting

The Vice Chairman, Councillor J Palmer, declared the meeting adjourned for a comfort break at 11.35 am.

Resumption of Meeting

The Vice Chairman declared the meeting resumed at 11.41 am and the livestream was recommenced.

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Questions to the Applicant and the Applicant's Representatives

The Vice Chairman, Councillor J Palmer, provided the Committee the opportunity to ask questions to the applicants representatives who were in attendance at the meeting; namely Mr Michael Gordon (Turleys), Mr Gareth Macklin (Applicant), Mr Declan Diamond (Kevin McShane Transport Limited) and Mr Daniel O'Neill (Merit Retail Limited).

There then followed a question and answer session.

- Alderman O Gawith enquired about the weight that should be put on the fact that DfI Roads state that there would be no intensification of traffic as a result of the proposed development and also the fact that no further traffic survey had been carried out. Mr Orbinson QC was of the opinion that no weight should be put on these factors; a survey was not required by DfI Roads or AMEY, the consultant, rather the industry standard approach had been used and it had been deemed that intensification would not occur. Mr Diamond concurred with Mr Orbinson's comments.
- Alderman O Gawith sought further clarification and asked why the Committee was looking at a position that did not exist. In response Mr Diamond advised that the TRICS data was a tried and tested methodology, based on the extant land use, ie. the operators that were currently on the site.
- Alderman D Drysdale queried the reference in the objector's submission (page 3 item 3) 'as far as safety goes the access is substandard.' Mr Diamond stated that the issue of site access had been considered by DfI Roads – they were aware that the trigger for intensification had not been met. He also pointed out that the applicant has undertaken to enhance the visibility at the access.
- Councillor U Mackin made the point that TRICS data does not necessarily deal with reality and asked if Mr Diamond could advise him what the traffic movement was when the site was fully occupied. Mr Diamond stated that there had not been a traffic survey carried out when the site was fully occupied and that the TRICS data was the best method which provided a methodology for what a fully operational site would generate.

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Questions to the Applicant and the Applicant's Representatives (Cont'd)

- Alderman A Grehan sought clarification on the proposed new right hand turn that had been deemed necessary and which had been referenced in the original application. Mr Diamond advised that a number of considerations had been taken into account in relation to traffic egressing the site but on a review of the access DfI Roads had deemed that the new right hand turn was not required.
- Alderman O Gawith referred to Wrights being concerned about this proposed development. Mr Diamond stated he couldn't speak for Wrights and added that all of our analysis had satisfied our own opinion. Mr Michael Gordon, Turleys, said that Wrights had concern about juxtaposition of land uses, ie. land uses side by side both operating in a controlled and regulated environment. Wrights are continuing to invest in their operations having recently opened four new state of the art facilities.
- Mr Gordon then made reference to the acoustic fence outside and another acoustic fence inside the site that were included in Mr Macklin's proposed development. Mr Gordon stated that he was aware that planning conditions would be required in relation to minimal noise levels. He referred also to the care home regulations and that the building needs to be fit for purpose - to be approved by the Council's Environmental Health Officials. He stated that Macklins would be very familiar with the residential and care home regulations. Mr Gordon made comment about the proposed external amenity space at the care home and added that care homes like to be shielded.

Mr Macklin [applicant] referred to the sound impact issues and the requirement to meet with their own regulator and at that point families will make their decision. He said that his family has been operating care homes for 40 years and that we take our responsibilities extremely seriously. This type of elderly care supports the NHS.

- Alderman O Gawith asked Mr Macklin about how satisfied he was with the access and egress from the property. Alderman Gawith asked if Mr Macklin if he had considered all aspects of the 'reality on the ground' in terms of attracting customers. Mr Macklin responded that he looks to DfI Roads to assess the safety aspects of traffic coming to and from the care home. He elaborated on the shift patterns that staff would be working, ie. 12 hour shifts starting at

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Questions to the Applicant and the Applicant's Representatives (Cont'd)

7.30/8.00 am and in the evenings staff would be leaving at 7.30 pm. He referred to the economic impact and job creation that would result from this care home.

- Mr Gordon referred to the TRICS data again and also the fact that despite there being about 200K vehicles travelling on this road every year – there has not been one single accident attributed to this particular access.

Questions to Planners

A question and answer session with the Planning Officers followed. The following issues arose:-

- Alderman D Drysdale referred to comments that had been made about the access being substandard and asked if DfI Roads considered the access adequate. Mr S Cash said in his opinion it was not substandard as it exists currently.
- At this point the Vice Chairman permitted one of the registered speakers seated in the public gallery to make comment. Reference was made to a consultation response from DfI Roads dated 30 May 2022 when it had been noted that the access would be considered substandard if intensification was clearly demonstrated. In view of these comments Mr S Cash withdrew his previous comments – but provided Members with clarification that no intensification had in their opinion been demonstrated. Mr Cash also stated that if intensification had been the case previously the access would have had to be redesigned to current industry standards but because it is an existing access – policy does not dictate.
- Alderman A Grehan made a number of comments about the dangerous nature of the Saintfield Road and the right hand turning movement from the location of the proposal. Alderman Grehan asked Mr Cash if he accepted that the road was too dangerous. Mr Cash's response was that the term dangerous was subjective and that DfI Roads were tied by policy on this matter. Alderman Grehan expressed concern that the access was deemed substandard and that approval was being recommended.

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Questions to the Planners (Cont'd)

- Alderman W J Dillon questioned if DfI Roads consulted with PSNI on such matters of access. Mr Cash advised that whilst PSNI had been contacted in relation to accident history, PSNI are not consulted on matters of access. Alderman Dillon put it to DfI Roads that this access for the care home is as safe as can be under the circumstances. Mr Cash reiterated that this was an existing access and that there is an obligation for people to drive with due care.
- Councillor D J Craig noted with interest at the site meeting the many vehicles coming out of Brackenvale and turning right towards Belfast and who have to cut across any vehicles that could be potentially turning in to this new site. He enquired of DfI Roads why the right turn was removed and was advised that the matter was further considered at the request of Members and following internal discussions within DfI Roads, it was accepted that the changes to queuing capacity and right turn provision was not required.
- Councillor D J Craig expressed concern about vehicles turning right into Brackenvale. This is one of the biggest road issues – this is where potential collisions would happen. He asked why have there been no recommendations from DfI Roads on this issue and why is there no requirement for road improvement assessments to be carried out? Mr Cash stated that this was because there was no intensification therefore there was no need for any assessments or improvements to be carried out.
- Alderman O Gawith enquired from the Planners in relation to Mr Jones' QC comments about outdoor seating not being of sufficient quantity. He also referred back to the TRICS data and requested the Principal Planning Officer to expand on other businesses that could have been at this site – and the fact that a fast food outlet at this location had been refused.

The Principal Planning Officer (RH) discussed the earlier PAC decision in relation to the fast food outlet and to how this decision had acknowledged that this small portion of the site had been conceded to a retail use.

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- Alderman O Gawith asked what would be acceptable use on the site. He said that the movement on the site could change tomorrow if someone else came in. The Principal Planning Officer (RH) acknowledged that the earlier application was for a large supermarket and that this appeal had been dismissed.

Members were advised that the site had been zoned for employment use and that this small part of the site was currently in retail use. For this reason it was difficult to advise definitively as to what an acceptable use would be and that such considerations in terms of vehicle movements would require a full understanding of what was actually being proposed onsite.

- The Principal Planning Officer (RH) elaborated on the issue raised by Mr Jones QC regarding the amenity space. It was explained that Environmental Health had provided clarification on the advice provided and that the view expressed by Environmental Health was that they had no objection to the amenity space as provided in the application and were satisfied with the proposals.
- Councillor U Mackin sought clarification from DfI Roads on the definition of intensification, in particular if the movement on site increased from 32 vehicles per day to over 200 vehicles per day could be considered as intensification. Mr Cash stated that the industry standard was the TRICS data and this was what had been informed for the development on site. Mr Cash acknowledged that there were increased trips associated with the development proposal but that it was still deemed to be no intensification of permitted use.
- Councillor M Gregg referred to PED 7 and PED 8 and enquired about the loss of employment lands and if other sites had been considered for this development. He also challenged the calculation for the required number of parking spaces. The Principal Planning Officer (RH) discussed how the number of parking spaces within the proposal had been calculated with reference made to Parking Standards and relative advice note. Reference was also made to the site being on a main route in and out of the City and that it would be well serviced by public transport. Advice was provided that parking provision was adequate.

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In response to the question on PED 7 and PED 8 the Principal Planning Officer (RH) drew attention to the relevant slide of her presentation, with the policy context outlined. Members were advised that the assessment did acknowledge that the proposal was contrary to policy but that this had been balanced against a number of other material considerations. With regard to PED8 and issues raised in relation to compatibility, Members were reminded of the mitigation measures proposed and that adjacent operators were required to operate within control standards. In this case any impact on other uses was likely to be minimal.

- Councillor D J Craig sought clarification from DfI Roads in regard to the TRICS modelling for vehicle movement for retail use and if there were bands within retail use modelling. He asked how come the conclusion was that there would be no intensification. Mr Cash stated the reason was that the appropriate subcategories had been used. Councillor Craig asked further questions in relation to the issue of non-intensification.
- Councillor D J Craig asked for clarification in relation to the legal advice based on the issue of the area plan for the area. With the aid of the Plan presentation slides, the Principal Planning Officer (RH) explained that the site in both plans lay within the settlement limit of Carryduff and that the assessment demonstrated consideration of the local development plan context.
- Councillor A Swan enquired if this application was refused – what was the likelihood of another business coming forward and making minimal improvements to the building that is in place – would that business get planning approval. Members were advised of the fall back position associated with the existing uses on the site whereby another retail business could operate from within the existing site with minimal intervention at a more intense level than what is currently happening. Any new business that required permission would have to be dealt with by the normal planning process with intensification of use being considered as a material consideration.
- The Chairman, Councillor J Palmer, enquired from DfI Roads why the PSNI Traffic Management had not been consulted on the road layout as it is the case that the PSNI have to deal with the aftermath of any collisions. In response Mr Cash advised that DfI Roads would not ask the PSNI their opinion on road layout but that PSNI would be consulted on speeding issues and speed limits. Following further comments from Alderman D Drysdale and the Vice Chairman, Councillor J Palmer, Mr Cash reiterated that when it comes to permitted use with an existing access - DfI Roads are led by policy.

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)

Debate

During debate, the following comments were made:-

- Alderman W J Dillon:
 - acknowledged that he had listened carefully for the past 2 hours and had heard two very convincing sets of evidence both in conflict with each other. He also acknowledged that Mr Macklin would not have persisted for the past 8 years if he felt there was a problem with the access.
 - A care home was very necessary in the area
 - Informed that it is a suitable use for the site
 - DfI Roads have made a recommendation that this application can be approved and DfI Roads are the experts
 - There has never been an accident at this junction according to the evidence
 - There is case law that we have to follow
- Councillor D J Craig stated:
 - this application is very reflective of major large applications in terms of the information and policies that are applied
 - several areas of our policies are silent on a number of issues
 - one concern is that a key consultee – DfI Roads - hands are tied in that any information on an up-to-date traffic impact assessment cannot be used
 - the decision taken will have an impact on those in the locality and also those travelling up and down that road.
 - the actual information that was required to make an informed decision was not provided to the Committee
 - situation could be that the Council cannot legally request this information and this is a dreadful situation that the Committee has been put in
 - no matter what decision is taken today there are going to be legal ramifications

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)
- Councillor A Swan stated:
 - he would be supporting the planners on this occasion
 - having attended the site visit – this was not an ideal location
 - some of the concerns of locals were more environmental concerns

 - Councillor M Gregg stated:
 - he would be going against the planners' recommendation to approve this application based on the same reasons as outlined by Councillor D J Craig
 - the Committee does not have the information needed but we do have the CCTV survey which is widely contradictory to the TRICS data
 - believes there will be intensification of traffic at an uncontrolled junction
 - DfI Roads have changed their minds many times during this process
 - the application has changed many times
 - he has concern in relation to the right turn pocket into Brackenvale
 - a further 200 uncontrolled movements will impact an already dangerous stretch of road
 - the land was uncontested as employment land and therefore the proposal is contrary to PED 7 and PED 8 with the view expressed the development would have an impact on the continued operation of existing businesses and potential expansion. Comment was also made in relation to the incompatible nature of residential in what was zoned industrial/employment land.

 - Alderman O Gawith stated:
 - the two QCs each presenting two different cases - both cannot be entirely right
 - we had reference after reference to TRICS and the extant number of vehicle movements but also advised by the Planners that if something else came on to the site there could be 150 movements per day
 - whilst there was reference to staff coming in before rush hour in the mornings and after rush hour in the evenings – there was no mention of visitors coming in during the day

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)
- Alderman O Gawith stated: (Cont'd)
 - whilst there has been work done to the Saintfield Road over the years as well as the introduction of speed cameras, the actual road layout is substandard
 - main concern is about road safety and given the number of vehicles travelling on that road, he was struggling to support the Planners' recommendation but he could understand their position.
 - Councillor U Mackin stated:
 - trying to look at it logically but hearing time after time about how the care home development will not increase traffic
 - we as a Council have asked time and time again for actual traffic movements but for some reason we are told by a Department we cannot get these figures. We have been told that traffic movement from that building is 32 per day and has been this same figure for years. Also told there will be in excess of 200 movements for this new development. This is quite a considerable intensification. This in an increased danger
 - during the site visit it took him five minutes to turn right towards the Carryduff roundabout. He had no doubt that with 200 traffic movements per day that some people would take chances
 - he was very fearful of road safety and that policies AMP 2 & 3 of PPS3 didn't sit well with this application.
 - would not be voting in favour
 - Alderman W J Dillon stated:
 - he could not disagree with all that had been said
 - the recommendations from a number of professional experts is to approve this application
 - the recommendation from DfI Roads and the Planning team is to approve this application
 - to vote against it will leave us in a dreadful situation and felt compelled to vote in favour of this application due to this situation

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)

It was proposed by Alderman W J Dillon, seconded by Councillor A Swan, and agreed that a recorded vote be taken on this application.

- Councillor M Gregg stated:
 - he did not feel the threat of a judicial review would make him change his mind
 - his decision to refuse planning permission would be based on intensification of the use of the access
 - one objector did bring forward the information required in the form of the CCTV data – we therefore do have this information and we are seeing serious intensification
- Alderman D Drysdale stated:
 - this was a health and safety matter.
- Alderman O Gawith stated:
 - he did not think anyone reviewing the Committee's decision would say we as a Committee had not given this robust consideration.

Vote

Having considered the information provided within the report of the Planning Officer and taking account of the robust consideration of a number of matters raised, the Committee agreed to refuse the Officers recommendation to approve this application, a recorded vote having been taken at the request of Alderman W J Dillon, as follows:

In favour: Vice Chairman, Councillor John Palmer, Alderman W J Dillon and Councillor A Swan **TOTAL: 3**

Against: Alderman D Drysdale, Alderman O Gawith, Alderman A Grehan, Councillor M Gregg, Councillor U Mackin and Councillor D J Craig **TOTAL: 6**

Adjournment of Meeting

The Vice Chairman, Councillor J Palmer, declared the meeting adjourned for lunch at 1.25 pm.

- (i) LA05/2017/0021/F - Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Cont'd)

Resumption of Meeting

The Vice Chairman, Councillor J Palmer, declared the meeting resumed at 2.03 pm.

The Vice Chairman stated that the Principal Planning Officer's recommendation to approve planning permission had fallen and that a new motion was now under consideration. Section 45 of the 2011 Planning Act stated that, in dealing with planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Principal Planning Officer (RH) by way of assistance to Members outlined the planning policy context associated with policy AMP 2 and AMP 3 and explained that Members needed to provide reasons linked to policy.

New Motion and Reasons for Refusal

Prior to the new motion being put to the meeting a number of comments were noted from Councillor M Gregg in relation to the issue of intensification of traffic which, in his opinion, would jeopardise road safety contrary to the requirements of policies AMP 2 and AMP 3 of PPS 3. He also stated that, as per the argument from DfI Roads, the right hand turning pocket into Brackenvale would also compromise road safety on the Saintfield Road.

Councillor M Gregg also stated the land is currently zoned for development land within the Carryduff settlement and as BMAP had yet to be adopted he felt that PED 7 and PED 8 of PPS 4 still applied. It was considered that the application be refused on the grounds of loss of industrial/commercial land and protection of existing employment land as the type of development proposed could have an impact on the continued operation of existing businesses and their potential expansion.

The new motion, as proposed by Councillor M Gregg and seconded by Alderman D Drysdale, was put to the meeting and declared carried, there being 7 votes in favour and one vote against, and one Member abstaining.

The Principal Planning Officer (RH) asked that the Committee, having agreed the reasons for refusal as put forward by Members during discussion, agree that the precise wording of the reasons for refusal be delegated to Planning Officers. This was agreed by Members present.

Alderman D Drysdale left the meeting and the Head of Planning and Capital Development arrived to the meeting at 2.15 pm.

- (ii) LA05/2020/0118/F - Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of two two-storey office buildings (Class B1) including associated car parking provision at land at 5 Ballygowan Road, Hillsborough BT26 6HX

The Senior Planning Officer (MB) presented this application as outlined within the circulated report and drew attention to the following:

- a site meeting had taken place on 25 January 2022
- PED4 provides for the redevelopment of an existing business within a countryside location subject to exceptional circumstances.
- One letter of support had been received

Questions to the Planning Officers

- Councillor D J Craig sought clarification in relation to the initial proposal that had been in front of the Committee before and he queried if all the concerns had been addressed since the site meeting in January 2022.

The Planning Officer explained that the original proposal was for 4 buildings and that this had been reduced to two to meet solely the needs of the existing business. This was not a proposed business park.

- Councillor A Swan also enquired about the previous application in relation to a third party letting arrangement and asked if this current application was for the use of Grahams solely. The Planning Officer confirmed that this was the case. He also commented further on the reasons for the business requirement for two buildings, one reason being that permanent accommodation was required for the IT support staff who had been working in temporary accommodation within the site. He also explained that it had not been possible to extend the main building.

There were no further questions to the Planning Officers.

Debate

- Alderman W J Dillon
 - welcomed the changes that had come forward since January 2022. He stated that Grahams was a first class company and that the Council should be grateful that this company was located in the Council area as there was in the region of 2200 employees. Alderman Dillon had no doubt that this development would bring great benefit to Hillsborough.

- (ii) LA05/2020/0118/F - Demolition of existing storage and warehouse buildings, containers and portacabins and the erection of two two-storey office buildings (Class B1) including associated car parking provision at land at 5 Ballygowan Road, Hillsborough BT26 6HX (Cont'd)

Debate (Cont'd)

- Councillor D J Craig
 - having concurred with Alderman Dillon's comments stated that Grahams was a world class employer which carried out major construction across the world.
 - referred to the row of very tall trees along the boundary which blocked out most of the visibility. He stated that he welcomed the recommendation to approve this application and that this was a large step forward for this company and a huge step forward for the Council also.
- Alderman O Gawith
 - stated he had found the site meeting in January past to be useful and stated that he welcomed this development.
- The Vice Chairman, Councillor J Palmer,
 - stated that he too welcomed these new proposals which would reduce the buildings on site from four buildings to two buildings.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to adopt the recommendation of the Planning Officers to approve the application.

- (iii) LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn

The Senior Planning Officer (RT) presented this application as outlined within the circulated report and drew attention to the environmental statement that had accompanied this application.

Questions to the Planning Officers

Councillor U Mackin stated whilst he had no issues overall with this application he sought clarification around the landscaping at the section of the Comber Road and Moss Road (South & South West of the site). Councillor Mackin stated that his reason for asking this question was due to another quarry operating a mile from

- (iii) LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn (Cont'd)

Questions to the Planning Officers (Cont'd)

this site from which there had been noise issues at night for a number of neighbouring dwellings.

- The Planning Officer explained that as part of the application submission some 'tapering' had been carried out to make the proposed bunds less engineered to more natural levels at that part of the site – this having been completed as a consequence of issues raised by residents during the Pre-Community Consultation event.
- Councillor U Mackin stated that the plant itself was very well run and that the height issue was his only issue with this application. The Head of Planning and Capital Development explained that the importance of landscape and visuals had been addressed as part of the environmental statement and that chapter 11 set out what would happen over time. He stated that this was very much a critical consideration in informing the recommendation in front of the Members.
- Councillor M Gregg enquired about the boundary planting to replace planting that had been removed at the area in the direction of south/south west. The Planning Officer advised that the planting of shrubs at this location would assist with the visual impact. This planting would extend around the entire site.

In response to questions from Councillor M Gregg, the Head of Planning and Capital Development confirmed that water was deemed to be a waste material and that a licence was required for the pumping of water from the site. He also advised that drainage was addressed as an impact in the environmental statement and that acceptable mitigation was offered.

- The Head of Planning and Capital Development elaborated on a number of drainage issues and highlighted that drainage and the collection of water need to be managed on an on-going basis in conjunction with the Council's Environmental Health Unit and the Northern Ireland Environment Agency. Change to the actual environment needs checked to make sure no harm to species or people and for that reason this application was supported by an Environmental Statement and that acceptable mitigation was offered.

- (iii) LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn (Cont'd)

Questions to the Planning Officers (Cont'd)

- Alderman O Gawith sought clarification on an acronym AMOD. During his response the Head of Planning and Capital Development noted comments from Members regarding the absence of explanations of acronyms in the report.
- The Head of Planning and Capital Development then elaborated on the process of blasting and the need for controls to ensure no harm or damage.
- Alderman Gawith enquired about the economic viability of the quarry, what mitigations would be required in the future and if conditions were required as part of the overall application process.
- During his response, the Head of Planning and Capital Development explained that operations could continue for 30+ years but that operations could stop if the operations were not economically viable and restarted so it was not normal to place a time condition of the mining operation.

Debate

During the debate the following comments were made:

- Councillor A Swan
 - stated he was supportive of the Officer's recommendation to approve this application and that he was not aware of any complaints thereon.
- Alderman O Gawith
 - commented that this application was a classic case of where drone footage would be useful in aiding the Committee's understanding.
- Councillor M Gregg
 - concurred with Alderman Gawith's comments in relation to the benefits of drone footage.
 - he was of the opinion that this was a well-run site with good operations and
 - he would be happy to support the planning officers' recommendation to approve this application.

- (iii) LA05/2020/1009/F – Southern lateral extension to extraction operations, consolidation and deepening of the quarry void, relocation of processing plant, improvements to the existing quarry access, relocation of overburden and associated works including landscaping and planting; and quarry restoration at 11 Leverogue Road, Ballynagarrick, Lisburn (Cont'd)

Debate (Cont'd)

- Alderman W J Dillon
 - stated that this was a long-established business and that he had no issues with this application
 - he referred to the increase in the cost of operations following Central Government's policy in respect of red diesel being no longer permitted for use in quarry machinery.
 - stated he would be supporting the Officers' recommendation to approve this application.
- Councillor U Mackin
 - stated that he was content with the Officer's recommendation this was a long established organisation of over 50 years
 - this was a well-respected organisation and that it was good to see a local company developing in this manner.
- The Vice Chairman, Councillor J Palmer
 - concurred with the previous speakers, and
 - stated that he would also support this application.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to adopt the recommendation of the Planning Officers to approve the application.

- (iv) LA05/2022/0133/F - Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald, Belfast

The Senior Planning Officer (RT) presented this application as outlined within the circulated report, highlighting the following:

- works had already been completed
- some of the drawings were inaccurate
- the structure was longer than the existing dwelling
- the decking area was accessible currently via the upstairs bedroom window
- there was overlooking at the dwelling at 10 Robbs Road

(iv) LA05/2022/0133/F - Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald, Belfast (Cont'd)

- works were not in character with the area
- the applicant had offered to carry out additional works to raise screening and other works that would help blend the development

Mrs C Scott – Registered Speaker

The Committee received Mrs C Scott to the meeting who wished to speak in opposition to the application and who had provided the Committee with a written submission, including a number of photographic images, in advance of the meeting.

Questions to the Speaker

- Councillor A Swan enquired from the speaker at what point the applicant had approached her. Mrs Scott said the contact from the applicant had been made at the outset when she had been informed that the project would consist of a small decking area and that it would not impede or encroach upon the neighbour's privacy. Mrs Scott also indicated that the construction then went up in a matter of days and that the construction was significantly greater than expected.
- Councillor D J Craig asked how long ago had this all taken place to which Mrs Scott replied that this had taken place last February/March.
- Alderman W J Dillon enquired if planning permission had been granted for the car port at the time and stated that he felt this development was wrong.
- Alderman O Gawith enquired if the construction overlooked any other properties. Mrs Scott believed two properties were overlooked by the construction and elaborated on the extent of the overlooking.

At this point the Head of Planning and Capital Development advised that he was in receipt of late information by way of further clarification from the applicant and sought agreement from the Vice Chairman to circulate this information. The Vice Chairman agreed that the late information be circulated at the meeting.

Mr & Mrs S McMillen – Applicant

The Committee received, Mr and Mrs S McMillen, the applicants, to the meeting who wished to speak in support of their application and who had provided the Committee with a written submission in advance of the meeting.

Mrs McMillen at the outset stated that up until recently they had had a good relationship with the Scott family and proceeded to highlight the salient points from the written submission.

- (iv) LA05/2022/0133/F - Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald, Belfast (Cont'd)

Mrs McMillen responded to questions from the Committee:

- Alderman W J Dillon advised that he concurred with the concerns raised by the neighbour, Mrs Scott, and enquired if the applicants had any plans to remove the construction. Mrs McMillen stated that they had no immediate plans to remove the construction.
- Councillor A Swan enquired about the access to the decking area and what was currently sitting on the decking area. Mrs McMillen discussed a number of matters in relation to the access which was via the upstairs bedroom and advised that there was a table and a BBQ on the decking area currently.
- Alderman O Gawith enquired from Mrs McMillen the reason for building the car port in the first instance and how long they had lived at that location before realising they needed such a structure. In her response Mrs McMillen referred to a classic car that they owned that needed covering and also their plans to have shrubs and climbing flowers planted to conceal parts of the construction.
- Alderman O Gawith enquired about the decision to go for the current height of the balustrades as opposed to something lower or higher. Mr McMillen advised that he had built the balustrading himself and that 900mm is a standard height for such a construction and mentioned that when seated on the decking it was not possible to see over the balustrading into the Scott's back garden. He discussed the conversations they had had with the Council's Planners about the proposed balustrading. He also referred to the actions he had taken with the Council's Building Control unit. Mr McMillen stated that he would be more than willing to erect screening or higher fencing.

Questions to Planning Officers

- Councillor M Gregg asked the planners what their opinion was on the current access to the upper level of the decking and also on the 900 mm balustrade. The Head of Planning and Capital Development reminded the meeting that this was a retrospective application. He referred to the plan to erect a doorway and door which would require a separate planning application.
- The Head of Planning & Capital Development stated that there were 3 options for the Committee in this instance; either agree or disagree with the Officer's recommendation or defer the application for further consideration and/or negotiation. He highlighted a number of issues for consideration:

- (iv) LA05/2022/0133/F - Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald, Belfast (Cont'd)

Questions to Planning Officers (Cont'd)

- a) the 900 mm balustrade not being permitted development
 - b) the adverse impact of neighbourhood amenities,
 - c) the car port being acceptable in its own right
 - d) the decking above the car port being incongruous with other dwellings (which Mr McMillen has indicated he is content to alter)
 - e) the impact on amenity of the houses adjacent,
 - f) the plans to install a door,
 - g) the objector's views, and
 - h) the applicant's views
- Councillor U Mackin enquired if there was merit in deferring this application to consider the issue of 'permitted development' and other mitigation.
 - Councillor A Swan referred to the current access and pointed out that the window is halfway along the structure and enquired if it would be possible to end the structure at that point.
 - The Head of Planning and Capital Development pointed out that it was important to consider as a matter of fact and degree whether the structure was necessary for the car port or is an elevated deck area with parking underneath. It is being noted that the deck is not considered permitted development and the applicant has indicated it is an integral part of the proposal. The decision can be made solely on the information provided. He reminded Members had they had the right to request a deferral.
 - Alderman W J Dillon expressed concern that if this application was approved that the Council would be allowing 'a wrong' in view of the apparent planning and building control regulations being flouted. He was of the opinion that a decision should be made now.
 - Alderman A Grehan stated that the two main reasons for not passing this application were based on street scape and privacy, and felt that the Committee was in a difficult position and enquired if there was anything else that could be done by the applicant.
 - The Head of Planning and Capital Development discussed permitted development policies further and in particular the issue of the proposed door.
- Alderman O Gawith supported Councillor U Mackin's proposal to defer the application to allow for further remedial negotiation.

(iv) LA05/2022/0133/F - Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald, Belfast (Cont'd)

- Councillor A Swan was of the opinion that raised decking would change the main issue of street scape and felt that a solution would be to remove the decking and have a car port solely. He also said there was no point in deferring this application.
- The Vice Chairman, Councillor J Palmer, asked that the Committee vote on Councillor U Mackin's proposal to defer the application for further remedial negotiation. Alderman O Gawith seconded this proposal.
- Alderman W J Dillon stated that he was uneasy about the way in which this debate was going and that the Committee should not be coming in between a neighbour dispute. We have an application before us which contravenes planning regulations and this was fundamental to the whole debate.

The Head of Planning and Capital Development reminded the Committee that planning regulations allow planning permission to be granted retrospectively. He also stated that the applicant or third party had the right to request that the application be deferred. It is important to consider the reasons for deferral. He stated that the applicant could request to defer in order to consider whether or not additional privacy screening would address the concerns expressed in the recommendation. A further report would be brought to the Committee.

At this point the Senior Planning Officer (RT) provided the Committee with an overview of the dwelling of the applicant and it was deemed that there was no windows overlooking.

Vote on Deferral

Having considered the information provided within the report of the Planning Officer, and taking account of the ensuing debate, the Committee agreed on a show of hands that:

- a) the application be deferred for further remedial negotiation
- b) the applicant consider the issues raised
- c) a further report be brought forward to the Committee in due course

The voting was 5 votes in favour of the above proposal and 4 votes against, the Vice Chairman having used his casting vote.

Councillor M Gregg emphasised that it was important to put on record that the above decision was due to planning reasons and not due to the fact that the neighbour had objected to the application.

Adjournment of Meeting

The Chairman, Councillor J Palmer, declared the meeting adjourned at 4.16 pm.

Resumption of Meeting

The Chairman declared the meeting resumed at 4.25 pm.

- (v) LA05/2022/0047/F - Shed for housing agricultural machinery, feed and materials at 11 Tower Lane, Hillsborough Road, Moneyreagh, BT23 6AY

The Senior Planning Officer (RT) presented this application as outlined within the circulated report and drew attention to the apparent insufficient evidence of significant farming activity by the applicant since 2017.

Mr Jonny Martin, Clyde Shanks Limited

The Committee received Mr Jonny Martin from Clyde Shanks Limited to the meeting who was in attendance remotely and who wished to speak in support of the application. Mr Martin had provided the Committee with a written submission in advance of the meeting.

Mr Martin responded to questions from Alderman W J Dillon in connection with the applicant's application in relation to the acreage of the holding, special farm payments from DAERA and other possible locations for the shed within the farm holding. Mr Martin confirmed that farm payments had not been received by the applicant. He also explained that an extension had not been considered due to the extensive hedges.

Questions to the Planning Officers

- Councillor D J Craig asked further questions in connection with the existing sheds on the holding and was of the opinion that there appeared to be little evidence for the need for the additional shed. Councillor Craig asked why the applicant had not extended the shed on the holding.
- The Head of Planning and Capital Development stated that it was the applicant's responsibility to demonstrate that the shed was necessary and that no evidence had been offered.

Debate

- Councillor A Swan
 - indicated that he would be supporting the Officer's recommendation to refuse this planning application as he could see no justification for the additional shed.

-
- (v) LA05/2022/0047/F - Shed for housing agricultural machinery, feed and materials at 11 Tower Lane, Hillsborough Road, Moneyreagh, BT23 6AY (Cont'd)
 - Alderman W J Dillon
 - stated that he felt he had not received satisfactory answers to his questions to Mr Martin and that he would be supporting the Officer's recommendation.
 - The Vice Chairman, Councillor J Palmer
 - stated that he too would be supporting the Officer's recommendation. He stated that he could see no reason why the applicant could not opt for an extension to the existing shed.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to adopt the recommendation of the Planning Officers to refuse the application.

- (vi) LA05/2020/0496/F Erection of a dwelling in compliance with PPS21 CTY6 Adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh

The Head of Planning and Capital Development advised the Committee that the above application would not be considered at the meeting but would be on the schedule for consideration at the October meeting of the Committee.

4.2 Statutory Performance Indicators – July 2022

It was proposed by Councillor M Gregg, seconded by Alderman A Grehan, and agreed that the Statutory Performance Indicators for July 2022, together with the explanatory narrative in this regard, be noted.

Councillor M Gregg left the meeting at 4.57 pm.

4.3 Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2021 – March 2022)

The Head of Planning & Capital Development stated that the Annual Statistical Bulletin, which had been published by the Department for Infrastructure, provided an overall view of planning activity across Northern Ireland including a summary on the performance of Council's measured against the two statutory targets for major and local planning applications. The bulletin also noted that planning activity and processing performance in 2021/22 had been impacted by the restrictions put in place due to the Coronavirus pandemic.

It was proposed by Councillor A Swan, seconded by Councillor D J Craig, and agreed that the Annual Statistical Bulletin (April 2021-March 2022) be noted.

4.4 Appeal Decision in respect of Planning Application LA05/2020/0791/F Application for an agricultural fodder store on lands 30m north east of 10 Killynure Road West Carryduff

It was proposed by Alderman A Grehan, seconded by Councillor A Swan, and agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

4.5 Appeal Decision in respect of Planning Application LA05/2021/1081/F for the realignment of the roadway and 10 new dwellings at Governor's Gate Demesme, Hillsborough

It was proposed by Alderman A Grehan, seconded by Alderman W J Dillon, and agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

5. Any Other Business

There was no other business of a non-confidential nature.

There being no further business, the meeting concluded at 5.02 pm.

CHAIRMAN



Planning Committee

03 October 2022

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 four local applications all of which were Called in and two of which were previously deferred.

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) LA05/2022/0295/F - Refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works Laurelhill Sports Zone, 22 Laurelhill Road, Lisburn, BT28 2UH.
Recommendation – Approval
 - (b) LA05/2021/0288/F - Proposed "dutch barn style" hay shed on a site 88m east of 75 Grove Road, Dromore.
Recommendation – Refusal
 - (c) LA05/2020/0496/F – Erection of a dwelling on lands adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh. Recommendation –
Recommendation - Refusal
 - (d) LA05/2021/0206/O – Demolition of existing building. Construction of 4 detached two-storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn
Recommendation - Approval
 - (e) LA05/2022/0331/O - Site for dwelling at Clogher Road approximately 40m NW of 58 Clogher Road and immediately North of 115a Saintfield 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
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

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

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 1a** - LA05/2022/0295/F
- APPENDIX 1b (i)** - LA05/2021/0288/F
- APPENDIX 1b (ii)** - LA05/2021/0288/F [01 August 2022]
- APPENDIX 1b (iii)** - LA05/2021/0288/F – Site Visit
- APPENDIX 1b (iv)** - LA05/2021/0288/F [04 July 2022]
- APPENDIX 1c** - LA05/2020/0496/F
- APPENDIX 1d** - LA05/2021/0206/O
- APPENDIX 1e** - LA05/2022/0331/O

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 October 2022
Committee Interest	Major Application
Application Reference	LA05/2022/0295/F
Date of Application	28 February 2022
District Electoral Area	Lisburn South
Proposal Description	Refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works
Location	Laurelhill Sports Zone, 22 Laurelhill Road, Lisburn BT28 2UH
Representations	None
Case Officer	Rachel Taylor
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation in that the proposal will not result in the loss of existing open space or land zoned for the provision of open space.
3. The proposal is also satisfies the policy tests of Policy OS4 of PPS8 in that the site is located within the settlement limits and it has been demonstrated that there will be no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated.

4. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Also the buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
5. The proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.
6. The proposal is also considered satisfies the policy tests of Policy OS 5 of PPS8 as it has been demonstrated that there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; there is no unacceptable level of disturbance to farm livestock and wildlife; and there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.
7. The proposal complies with the SPPS and satisfies the policy tests of Policy OS 7 of PPS8 – Open Space, Sport and Outdoor Recreation in that it has been demonstrated that no unacceptable impact on the amenities of people living nearby will arise. It has also been demonstrated that there will be no adverse impact on the visual amenity or character of the locality and that public safety will not be prejudiced.
8. The proposal complies with the SPPS and satisfies the policy tests of policy AMP2 and AMP 7, of PPS 3 - Access Movement and Parking in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.
9. The application is considered to comply with the SPPS and satisfies the policy tests of policies FLD 1 and FLD 3 of PPS 15 - Planning and Flood Risk in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Description of Site and Surroundings

Site

10. The site is located at the Laurelhill Sports Zone adjacent to Killowen Primary School, Laurelhill Community College. It is accessed from the Laurel Hill Road.
11. The whole site is approximately 1.39 hectares and includes an existing shale athletics pitch, grassed embankments and car parking areas which are for the users of the playing fields and as a drop-off and pick-up area for Killowen Primary School.

Surroundings

12. The surrounding is mainly suburban in character with a mix of uses including a primary school and community college which serve the residential areas in the neighbouring areas.

Proposed Development

13. This is a full application the replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, improvements to the access arrangements and associated ancillary works.
14. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application as the threshold for a Pre-application Notice and community consultation was reached.
15. The application was also supported by a number of documents including a:
 - Design and Access Statement;
 - Supporting Planning Statement;
 - Transport Statement; and
 - Flood Risk and Drainage Assessment.

Relevant Planning History

16. There planning history associated with the application site is set out in the table below:

Application Reference	Description of Proposal	Address	Decision
LA05/2021/1243/PAN	Refurbishment works comprising replacement of the existing shale athletics pitch with new 3G pitch, new floodlighting, new fencing, new ball catch, reconfiguration of existing car park, car park lighting, access improvements and all associated works	Laurelhill Sports Zone 22 Laurelhill Road Lisburn BT28 2UH	PAN accepted 5/1/22
LA05/2017/1086/PAN	This new development is to be located adjacent to the existing Astro Turf Hockey Pitch and comprises: 1. a 100m by 65m 3rd generation floodlit soccer pitch with a spectator stand 2. a 65m by 43m 3rd generation floodlit training pitch 3. associated car-parking, ball stop fencing and other fencing, etc. 4. an indoor club room, attached to the existing changing pavilion, for the purpose of boxing, aerobics, keep-fit and other similar fitness activities.	Laurelhill Community College 22 Laurelhill Road Lisburn BT28 2UH	PAD concluded
S/2002/1489/F	Proposed new car park incorporating a 2.4 metre high Paladin boundary fence and construction of new lay by.	Laurelhill community college, 22 Laurelhill Road, Lisburn, BT28 2UH.	Approved 14/08/03
S/2001/0033/RM	Artificial Surfaced Hockey Pitch and Dust Pitch with Associated Floodlighting, Pavilion and Car Park	Laurelhill Community College, Laurelhill Road, Lisburn	Approved 14/03/01
S/1998/0888	Artificial surfaced hockey pitch and dust pitch,	LAURELHILL COMMUNITY	Approved 06/02/99

Application Reference	Description of Proposal	Address	Decision
	floodlighting, pavillion and car park	COLLEGE 22 LAURELHILL ROAD LISBURN	
S/1978/0439	NEW GRASS AND ALL WEATHER PLAYING FIELDS	BALLYMACOSS PLAYING FIELDS	Approved 13/12/78
S/1976/0819	PLAYING FIELDS	BALLYMACOSS, LISBURN	Withdrawn
S/1976/0512	SCHOOL PLAYING FIELDS	BALLYMACOSS, LISBURN	Withdrawn

Consultations

17. The following consultations were carried out:

Consultee	Response
Historic Environment Division	No Objection
Environmental Health	No Objection
Natural Heritage	No Objection
Water Management Unit	No Objection
DfI Roads	No Objection
NIE	No Objection
Rivers Agency	No Objection
NI Water	No Objection
Shared Environmental Services	No Objection

Representations

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

Planning Policy Context

Relevant Policy and Guidance Documents

19. 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 3 – Access, Movement and Parking
 - Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 15 – Planning and Flood Risk

Environmental Impact Assessment

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
21. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

22. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
23. In this case the PACC process was held virtually with a dedicated website used to provide opportunity for consultation with the local community. This website replicated, as closely as possible, the level of information and engagement normally available at a public exhibition event. The consultation material was available online from 16 November 2021 to the 25 January 2022, in an accessible format. The method used enabled broad participation across both mobile and desktop devices.

24. The content of the website included illustrative plans and designs of the proposed development, key dates for the consultation, indicative visualisations and an online feedback facility and questionnaire.
25. An online consultation event was carried out via Microsoft Teams on 12 January 2022 at 18.00. This included the project team presenting the proposed development followed by a Q&A session. This format allowed the public to engage with the project team and ask questions, similar to an in-person consultation event.
26. A dedicated email address was available for those wishing to make comment or seek more information on the proposed development.
27. A public advert notice providing details of the consultation website, MS Teams consultation session and how to access hard copies of the questionnaire was published in the Ulster Star on 03 December 2021.
28. An information leaflet was distributed to properties in a 1km radius surrounding the site.
29. In conclusion the vast majority of respondents support the proposed development and the concerns raised during the PACC process were addressed as part of the final design process before the application was submitted.

Local Development Plan Context

30. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
31. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
32. As a consequence, the Lisburn Area Plan (LAP) 2001 is the statutory development plan however the draft Belfast Metropolitan Plan (BMAP) 2015 remains a material consideration.
33. The application site is identified within the settlement limit for Lisburn as unzoned land within LAP. Page 12 of the Lisburn Area Plan 2001 states

In making its decisions the Department will also assess proposals against all planning policies and other material considerations that are relevant. The contents of the plan must therefore be read in conjunction with the relevant contents of the Departments regional policy publications and supplementary planning guidance documents.

34. Within draft BMAP the shale pitch is designated as an area of existing open space. 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

35. 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.

36. Paragraph 3.8 of the SPPS states

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

37. 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.
38. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to the policies contained in the plan documents.

39. Paragraph 4.11 of the SPPS states that

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

40. Paragraph 4.12 of the SPPS states that

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

41. Paragraph 6.3 of the SPPS states that

the planning system has a key role in the stewardship of our archaeological and built heritage.

42. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

43. It is outlined in paragraph 6.174 that planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

44. Paragraph 6.200 of the SPPS states that

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

Open Space, Sport and Outdoor Recreation

45. 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.

46. Policy OS 1 - Protection of Open Space states that

development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against the loss of existing open space will apply irrespective of its physical condition or appearance.

47. The policy also states that

an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where the following circumstances occur:

- (i) in the case of an area of open space of two hectares or less, alternative provision is made which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.*
- (ii) In the case of playing fields and sports pitches within settlement limits, an exception will be permitted if it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the overall area-and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.*

48. Policy OS4 - Intensive Sports Facilities states that

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;*
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement; (iii) there is no adverse impact on the setting of the settlement; and*
- (iv) the scale of the development is in keeping with the size of the settlement.*

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;*

- *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- *buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
- *the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and*
- *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.*

49. Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities states that

The Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;*
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and*
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude*

50. Policy OS 7 - The Floodlighting of Sports and Outdoor Recreational Facilities states that

The Department will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;*
- (ii) there is no adverse impact on the visual amenity or character of the locality; and*
- (iii) public safety is not prejudiced.*

Access, Movement and Parking

51. 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.
52. 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.
53. 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.*

54. Policy AMP7 states that

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards⁹ or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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

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

55. The policy also states that

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Planning and Flood Risk

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

58. 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.

59. 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.

Planning Archaeology and the Built Environment

60. PPS 6 – Planning, Archaeology and the Built Environment sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage.

61. Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings states that

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

62. It advises that these compromise 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.

63. Policy BH3 - Archaeological Assessment and Evaluation states that

where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, a planning authority will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

Assessment

64. Within the context of the planning policy tests and other material considerations outlined above, the following assessment is made.

Loss of Open Space

65. Policy OS1 protects against the loss of open space. The area would currently be classed as existing open space as it contains an existing shale athletics pitch, grassed embankments and car parking.

66. The proposal is for the refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works. Therefore it is considered that there will be no loss of existing open space by this proposal as existing and proposed both provide for open space.
67. The proposal is therefore considered to be compliant with policy OS1.

Intensive Sports Facilities

68. For the purposes of this policy intensive sports facilities include stadia, leisure centres, sports halls, swimming pools and other indoor and *outdoor sports facilities* that provide for a wide range of activities. Apart from facilitating sport such facilities often serve as a focus for the community and are therefore best located in settlements.
69. It is considered that the existing shale athletics pitch is already an existing intensive sports facility as it provides a space for a wide range of outdoor sports activities to be carried out. The application involves the replacement of an existing pitch which will still be able to facilitate a wide range of outdoor sports and activities. . The site is already within the settlement as required by policy, and whilst the nature and scale of the development is different because a modern all weather playing surface is used it is still in accordance with the requirements of the policy as Laurelhill is known as a place for intensive sports and the use is established.
70. The new and enhanced facilities will improve the quality of the outdoor sports area, providing an up to date facility for its users, enhancements and connections of entrances, as well as new parking arrangements and floodlights, creating a safe and accessible space.
71. The supporting statement confirms that the site currently facilitates a Floodlit Astro Turf Hockey Pitch, an all-weather pitch (used for hockey/athletics) and a changing pavilion, all of which are managed by LCCC under a Licence Agreement with the Education Authority.
72. There are currently 77 parking spaces available to serve the site including four disabled spaces and minibus spaces. The Council is proposing to add to the facilities on offer at Laurelhill Sports Zone by providing a full sized 3G pitch. Additional car parking is proposed to take account of the enhancements proposed.
73. The pitch will be a 100 metres x 65 metres and will be able to accommodate soccer as well as other sporting activities. It will also include spectator and ball-stop fencing. The design will meet IFA intermediate football criteria and also to FIFA 1 Star Pitch quality standards.

74. In terms of the car park provision, there will be improvements made to current car park to accommodate 77 car parking spaces including 6 disabled bays and 4 coach parking spaces. In terms of access, there are new pedestrian access routes and upgraded paths. This will provide Laurelhill Community College with improved access to the site and help promote active travel alternatives such as walking and cycling.
75. In terms of impact on amenity of neighbouring residents, as the new pitch is proposed on the site of an existing pitch and whilst the enhancement of the facilities and use of the pitch particularly for playing football will have a different impact on the amenity of residents living closest to the pitch this is considered and dealt with later in the report.
76. The Council's Environmental Health Unit advised in a response received on 11 April 2022 that they had reviewed the detail of the application and have no objection in principle to the proposed development on the grounds of noise or nuisance.
77. In terms of impact on the general amenity of neighbours by virtue of scale, extent, frequency or timing of the activities, 15 metre floodlighting will be provided around the 3G pitch which will allow for longer hours of use and the potential impact is considered further in the report within the context of Policy OS7.
78. As the site is bounded to the west by Prince William Road, to the north by Killowen Primary School, south by Laurel Hill High School and some open space, there is limited potential for an adverse amenity impact due to the separation distances from the closest residential properties at 29 Lombard Avenue which is 30 metres from the closest corner of the existing/proposed pitch to the rear boundary fence.
79. In terms of adverse impact on features of importance to nature conservation, archaeology or built heritage, there are no listed buildings and no natural heritage features within the application site which consists of an existing pitch, embankment and car park.
80. Natural Environmental Division have also confirmed that they have no objections to the application in terms of its potential impact on natural heritage features.
81. Historic Environment Division [HED] were consulted as the site was identified as lying within the area of influence of an archaeological enclosure ANT064:025.
82. They confirmed through the process that they had assessed the application and on the basis of the information provided were content that the proposal complies with the requirements of SPPS and satisfies the policy tests of policies BH 1 and BH 3 of PPS 6.

83. Their advice that due to the level of previous ground disturbance at the application site, the potential for impacting on below-ground remains is negligible is accepted.
84. Policy OS 4 requires buildings or structures to be designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
85. As stated earlier the pitch will be a 100 metre x 65 metre full size 3G Pitch for soccer and other sporting activities. The design will meet IFA intermediate football criteria and also to FIFA 1 Star Pitch quality standards.
86. A pitch designed to this criteria is typical of an urban environment and commonly found in settlements of this size. It is collocated with other pitches and its siting and design is appropriate to this large open space setting.
87. The proposal also includes spectator and ball-stop fences. The height of the fences area as follows:
 - 30 metre x 12 metre ball catch netting for soccer to the rear of the goals at either end of the pitch (north and south);
 - 1.2 metre high green spectator fencing rising to 2 metre behind the goal storage areas. This fence is around the inner perimeter of the site; and
 - 6 metre high welded mesh paladin ball stop fencing round the exterior of the eastern, western and northern external perimeters.
88. The fencing is new but designed to have a minimal visual impact by the use of dark paint colour (green). This assists in blending the new fencing in the wider landscape setting. No requirement for additional landscaping is identified.
89. In relation to the final criterion the proposed facility is on level ground with full gated access. It is designed to current DDA standards for accessible use. It is demonstrated that the proposed facility has been designed to take into account the needs of people with disabilities. It also is located in a place that is accessible to a large population offering choice to all.
90. In respect of accessibility, the site is located on Laurelhill Road and this is suitable for all types of road vehicles including cycles.
91. Immediately west of the site is Prince William Road which has a designated walk and cycleway and which provides an additional means of pedestrian access to the Laurelhill Sports Zone and promotes active travel.
92. The site also benefits from several bus stops in close proximity to Laurelhill Sports Zone, Accordingly, the site is well serviced by public transport.

93. Further consideration of the access arrangements and parking provision is provided for later in the report in the section dealing with PPS 3 - Access, Movement and Parking.
94. Further detail regarding drainage considerations are set out later in the report in the section dealing with PPS 15 - Planning and Flood Risk.
95. For the reasons outlined above, the proposal is considered to fully comply with policy OS4.

Noise Generating Sports and Outdoor Recreational Activities

96. As explained above, policy OS 5 only permits development of sport or outdoor recreational activities that generate high levels of noise where there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses.
97. As this is the redevelopment will of an existing sports pitch the principle of a recreational facility at this location is already been established.
98. The Planning Statement explains that the proposed facilities will be used by the college and that they will also be made available for public use. It is also stated that to limit potential disturbance, outside of school operating times, it is proposed that the facilities will be made available for public use, through a booking system with the hours of operation subject to a planning condition limiting the hours of operation during the night time.
99. This is similar to other facilities owned by the Council in urban locations and is necessary as the booking of pitches for football can give rise to some noise from players, the use of whistles and spectators.
100. As the site is within an urban area there will be no unacceptable disturbance to farm livestock and wildlife and Natural Environment Division have offered no objection.
101. In relation to the third criteria, as this is an already a functioning sports pitch, there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.
102. For the reasons outlined above the proposed development is considered to be comply with the requirements of Policy OS5.

The Floodlighting of Sports and Outdoor Recreational Facilities

103. Policy OS7 will permit floodlighting associated with sports and outdoor recreational facilities where all the above listed criteria are met.
104. As explained within the context of policy OS 4 considerations, there is no unacceptable impact on the amenities of people living nearby and this

conclusion has been endorsed by advice received from the Councils Environmental Health Unit.

105. The Supporting Planning Statement confirms that the proposed lighting columns have been designed and positioned through the use of Lighting Reality specialist software. This is to ensure that there is no unacceptable impact on amenities on the people living nearby.
106. There are 8 x 15 metre poles proposed around the pitch perimeter at equal spacing. The light spill and luminaires have been calculated on a Lighting Plan which has been considered by both Environmental Health and DfI Roads.
107. DfI Roads have not identified any road safety issues from the level of illumination proposed spilling on to the surrounding road network. This is dealt with in more detail later in this report.
108. No objection is raised and Environmental Health on amenity grounds but have requested the inclusion of a condition to protect the amenity of neighbouring dwellings with respect to obtrusive light. This requires the installed lighting to be in accordance with the specified LUX levels provided in support of the application.
109. In relation to natural heritage considerations, Natural Environment Division [NED] were consulted regarding the lighting plan. In their response NED notes that the proposed 3G pitch is planned to replace an existing gravel pitch with new floodlighting.
110. The advice received states that floodlighting has the potential to impact nocturnal species such as bats. The response continues to note that bats are nocturnal species and are highly sensitive to artificial lighting in their environments which can have a significant adverse effect on their natural behaviour such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive.
111. NED continues to state that illumination of a bat roost can also prevent or delay emergence from the roost, reducing the time available for foraging and potentially leading to starvation and/or abandonment of the roost.
112. NED, however, notes from the LED proposal report that the light spill, shown in the Figure titled ML1518 - Laurelhill Sports Zone - HMs Description & Isolines, will not reach any trees or surrounding habitat that may be utilised by bats.
113. NED recommend that if any vegetation clearance is required for this development that it is done outside of the bird breeding season, which runs from 1st March to 31st August inclusive to avoid potential impacts to breeding birds.
114. NED noted that the application site has little or no natural heritage interests, with no vegetation or habitat present suitable to host protected/priority species,

therefore they consider significant impacts on natural heritage features unlikely as a result of the proposal.

115. Shared Environmental Services also provided a response to confirm that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.
116. Additionally no impact on public safety is envisaged. The scale of the proposed floodlights is considered acceptable given the application site's location just outside the built-up town centre. It already has street lighting in place.
117. It is not considered that there will be any detrimental impact on the visual amenity or character of the locality as there is an existing sports ground already operating and it is adjacent to other sports grounds in an area of open space.

Access, Movement and Parking

118. The P1 form indicates that the access arrangements for this development involve the use of an existing unaltered access to the public road for both vehicular and pedestrian use.
119. A Transport Assessment Form (TAF) was submitted with the application. The TAF identifies that a Floodlit Astro Turf Hockey Pitch, an all-weather pitch (used for hockey/athletics) and changing pavilion which are managed by LCCC under a Licence Agreement with the Education Authority already operates at this location.
120. It explains that there are currently 77 parking spaces that serve the site at present which is currently comprised of 54 parking spaces within the site (of which four are for disabled parking) and 23 layby spaces located on the access road. These spaces are used by both visitors to the site and users of Killowen Primary School.
121. There is also room within the site for parking minibuses but the actual numbers of spaces is not specified.
122. The TA confirms that it is proposed to add to the parking facilities on offer at Laurelhill Sports Zone to take account of the increase in the range of sports that can be played on the 3G pitch.
123. A total of 23 additional parking spaces are proposed within the site of which 2 are additional disabled spaces. Four new coach spaces are also provided. The car parking on the access road is currently used for Killowen Primary School drop offs and pickups as well as for the proposed Sports Zone at busy times is not redesigned and will remain available to users of the pitch.
124. This addition of 23 parking spaces and four coach spaces brings the total available parking provision to 104 spaces.

125. In terms of cycle provision policy promotes the use of cycling as a travel opportunity in order to promote sustainable means of travel. The Guidance specifies a minimum 2 cycle spaces per pitch under Sui Generis – Soccer, Hockey Pitches. The proposed development incorporates 4 cycle space
126. Adequate provision for car parking and appropriate servicing arrangements are provided in the site for the reasons outlined above and the requirements of policy AMP 7 are met.
127. There are no amendments required to the existing access provision which is designed to current DfI Roads standards. No road safety or adverse traffic impact is identified as a consequence of the redevelopment of the existing pitch.
128. For the reasons outlined above it is accepted that policy tests of policy AMP 2 are met.

Planning and Flood Risk

129. A Drainage Assessment has been submitted which the application and a Schedule 6 consent to discharge has been submitted confirming that the discharge rate of 48.67l/s has been agreed which is the equivalent to the existing discharge rate to go to the undesignated section of the Flush Bridge Stream via the revised drainage layout.
130. Rives Agency provided a response dealing with the following aspects of PPS 15.
131. In respect of policy FLD1 Development in Fluvial Flood Plains - The Flood Map (NI) indicates that the proposed site lies outside the 1 in 100 year fluvial flood plain and the policy tests are not required to be assessed.
132. In respect of policy FLD3 - Development and Surface Water the applicant included a Schedule 6 Consent from DfI Rivers local area office in their submission that agrees to discharge rate of a maximum of 48.67 l/s of storm water runoff from the proposed site to the undesignated section of the Flush Bridge Stream.
133. Rivers Agency did request additional evidence to show how exceedance flows will be managed on site and an updated drainage layout drawing was subsequently agreed with Rivers Agency in their response. Flow control devices and attenuation storage are proposed for times of exceedance. A condition is required
134. For the reasons outlined above and taking into account advice received from DfI Rivers, it is considered that the proposal meets the policy tests associated with policies FLD 1 and FLD 3 PPS15 are met in full.

Conclusions

135. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation in that the proposal will not result in the loss of existing open space or land zoned for the provision of open space.
136. The proposal is also satisfies the policy tests of Policy OS4 of PPS8 in that the site is located within the settlement limits and it has been demonstrated that there will be no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated.
137. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Also the buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
138. The proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.
139. The proposal is also considered satisfies the policy tests of Policy OS 5 of PPS8 as it has been demonstrated that there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; there is no unacceptable level of disturbance to farm livestock and wildlife; and there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.
140. The proposal complies with the SPPS and satisfies the policy tests of Policy OS 7 of PPS8 – Open Space, Sport and Outdoor Recreation in that it has been demonstrated that no unacceptable impact on the amenities of people living nearby will arise. It has also been demonstrated that there will be no adverse impact on the visual amenity or character of the locality and that public safety will not be prejudiced.
141. The proposal complies with the SPPS and satisfies the policy tests of policy AMP2 and AMP 7, of PPS 3 - Access Movement and Parking in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.

142. The application is considered to comply with the SPPS and satisfies the policy tests of policies FLD 1 and FLD 3 of PPS 15 - Planning and Flood Risk in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Recommendations

143. It is recommended that proposed development is approved subject to condition.

Condition

144. The following conditions are recommended:

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

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

2. The floodlighting shall be installed in accordance with the requirements of the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 (Suburban) and the level of illumination not exceed the levels specified in table 2 of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 of the unless otherwise agreed in writing with the Council.

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

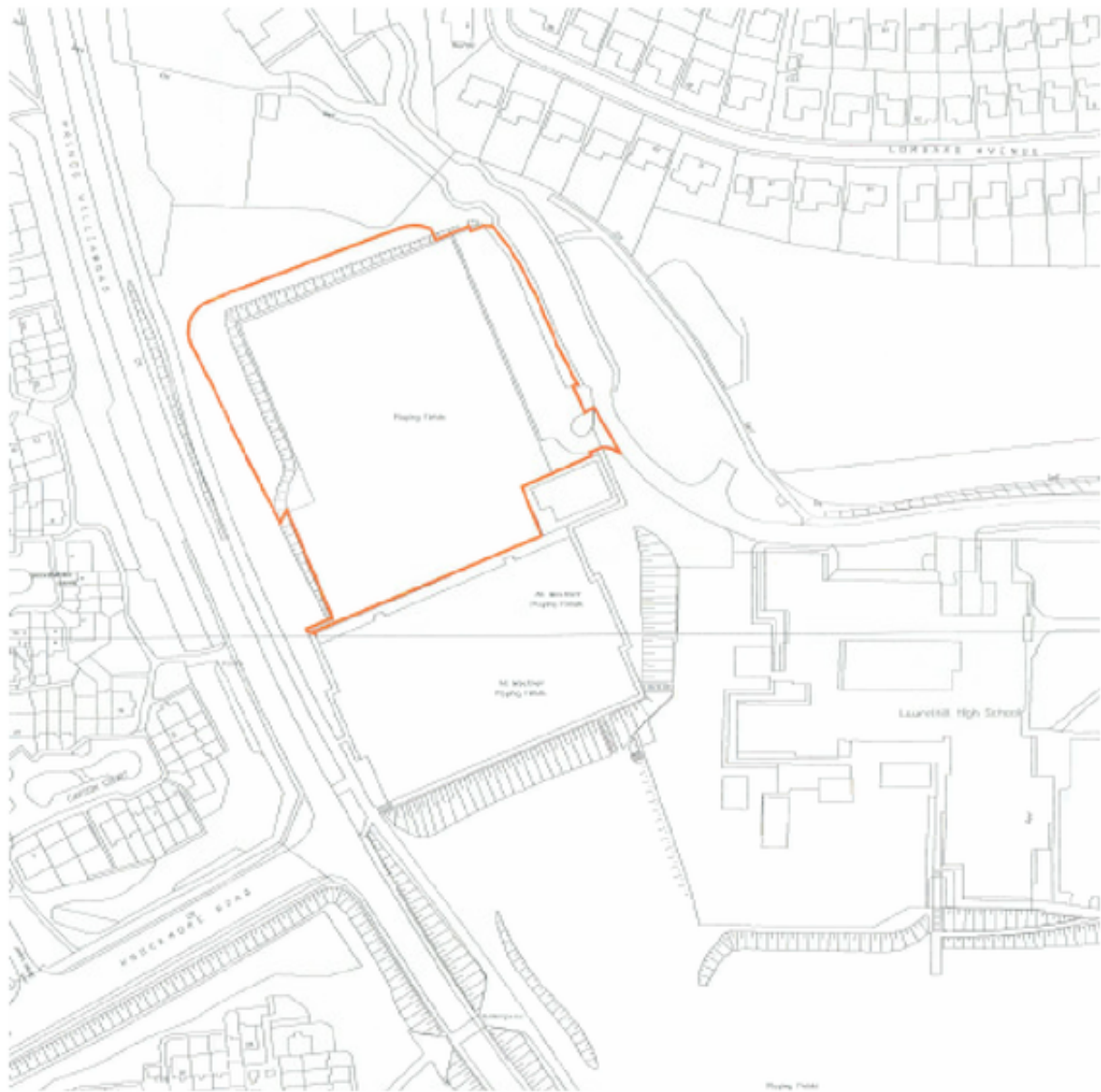
3. The development hereby approved shall not be operated between 22:00 and 09:00 hours Monday to Sunday unless otherwise agreed in writing with the Council.

Reasons: In the interests of amenity

4. The proposal shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing no. 06, bearing date stamp 28 February 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.

Site Location Plan – LA05/2022/0295/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	03 October 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Background

1. A recommendation to refuse planning permission was included in the Schedule of Applications to be determined by the Committee on 04 July 2022 and the 08 August 2022 for the reason that:
 - there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given; and
 - the proposal would, if permitted, result in the creation of ribbon development along the Grove Road
 - fails to integrate into its surrounding
2. Following the presentation and at the request of Members, it was agreed to defer determination of this application to allow for further clarification to be provide by the applicant team in relation to matters raised at the Committee.

Further Consideration

3. The speaking note submitted by the applicant prior to the Committee meeting on 08 August 2022 made reference to the following:
 - CTY1 – The applicant has shown case for need.
 - CTY12 – The applicant has received verbal confirmation from DAERA that the unregistered land within his farm maps can be rectified but not until the end of the next financial year due to the current subsidies. This would facilitate clearer identification for the department that it is within the 'agricultural holding'.
 - CTY 8 - The proposal schedules the retention of all surrounding mature foliage to prevent the building from being viewed on approach from the Grove Road or the Backnamullagh Road. The proposed site is lower than the Grove Road and suitably screened by mature foliage and least likely to provide ribbon development.
 - CTY14 - This policy hangs on the coat hooks of the interpretation of CTY 8 and equally doesn't truly qualify as a legitimate reason for refusal when viewed in context.
4. Reference was also made at the meeting to a charge/covenant on some of the applicant's land by a family member. No further explanation was provided in relation to this charge at the committee meeting.
5. An office meeting was facilitated with the applicant on 15 August 2022 to allow for clarification to be provided in relation to (i) the additional information presented at the committee meeting in respect of the reference to a charge/covenant on the land and (ii) to allow for further detail to be provided to demonstrate the farm was being actively farmed for a period of six years.
6. It was evident from the discussions that the applicant was requesting that significant weight be attached to the impact that a charge placed on the land through a restrictive covenant would have on the operation of the business.
7. Officers explained that a statement would be required to further understand the purpose of the covenant and to detail what lands the covenant applied to.
8. The applicant team was also requested to provide details of the farm accounts for the required period of time.
9. Information received by email on 31 August 2022 included a letter from the applicant's accountant confirming their involvement in the submission of farm accounts for the applicant.

10. The letter from BMC Accounts Ltd also stated:

We acknowledge that the applicants farming activity has been less than what he would desire but is reflective of issues posed by his health concerns. It is however worthy of note that there has been a slow and steady increase in capital and productivity since 2014 to the present day and that there have been no gaps in his farming activity despite his various personal health circumstances. We can confirm that the applicant owns the following farm equipment and as such needs storage of these assets on the land at Grove Road so as to permit the effective and efficient economic growth of the farm enterprise. There is not financial basis to support transport of this machinery from the nearest settlement back and forth to Grove Road which would be counter intuitive. The cost of fuel, loss of time in freight and the rental cost of other buildings would significantly limit the viability of the farm business to detach the land from the machinery and ability to store the silage where it will be used as fodder. As the company managing the applicants financial matters it would be our advice that any financial investment going forward would permit the progressing growth of the farm holding, namely expenditure for services and road entrance geometry, should permit the effective growth of the business so as not to be limited to a field boundary that cannot expand in response to his farming needs.

11. The agricultural equipment owned by the applicant in connection with his farming practices at Grove Road is stated as follows:
1. Ford vintage 610 tractor
 2. 1 x Teagle SX 4000 Dry fertiliser Spinner
 3. Plough Naud RCX 457
 4. Hey Claas Liner 420 for making bales/kicker for grass
 5. Nugent bale handling for round bales
 6. Kane grass trailer
12. Reference is also made to the charge on the land and the accountant advise against capital investment on land where it would impact on the viability of the farm business.
13. Further information received by hand on 01 September 2022 included the following information:
- Drawing 02 Rev B – Proposed site layout (A3) illustrating the site block plan with site levels retained;
 - Drawing 04 Rev A – Proposed site section illustrating no increase of site levels;
 - The applicants solicitors letter confirming the release of the 'charge on lands associated with the current application'; and
 - Farm accounts prepared by BMC Accountants illustrating the level of farming activity.
14. With the information received the additional comment is also made:

Currently the lack of any farm buildings is thwarting the applicant's ability to expand the farm and improve its profitability. The itinerary of farm machinery has to be stored remotely which is both expensive and inconvenient.

Agricultural Development

15. The additional information provided with would indicate that the level of activity on the farm is low and with no or minimal expenditure on salaries and other staff costs since 2015. That said there is no reason to dispute the accuracy of the submitted information and the policy does not specify that a business needs to have a minimum level of activity to satisfy the test.
16. As a consequence the recommendation that the application be refused on the grounds of a lack of farming activity is withdrawn.
17. In respect of the need for the building whilst reference is made in the correspondence from BMC Accountant Ltd dated 09 August 2022 to the transport of machinery from the nearest settlement back and forth to Grove Road being counter intuitive financially, no detail is provided to identify where the plant and machinery has been stored over the last number of years and why this current arrangement cannot be continued without impacting adversely on the operation of the business.
18. Furthermore, the site identified is on land out with an active and established agricultural holding and as such remains contrary to Policy which states:

*In cases where a new building is proposed applicants will also need to provide sufficient information to confirm **all** [emphasis added] of the following:*

- *There are no suitable existing buildings **on the holding** [emphasis added] or enterprise that can be used;*
 - *The design and materials to be used are sympathetic to the locality and adjacent buildings; and*
 - *The proposal is sited beside **existing** [emphasis added] farm or forestry buildings;*
19. The situation remains that the proposal is not sited beside existing farm buildings on the holding and the exceptional circumstance cited in relation to the Covenant on the land is considered to be a civil matter and not one that can be given significant weight in this assessment for the reasons outlined later in this report.
 20. It is also not explained why this part of the folio is released from the covenant and why other land including land with the benefit of planning permission could not have been.

Ribbon Development

21. With regard to Policy CTY 8 and as explained at paragraph 119 of the DM Officer report dated 04 July 2022, the proposed shed would sit on its own (as in not surrounded by other development) and it has a road frontage being located adjacent to the Grove Road.
22. The fact that the proposed site is lower than the Grove Road and suitably screened by mature foliage does not change. The advice provided that the proposal would create a ribbon of development at this location along the Grove Road and as such, is contrary to policy CTY 8 and Policy CTY 14 is not changed as a result of any clarification/information provided.

Rural Character

23. At the committee meeting in August 2022 and following consideration of level information provided by the applicant team, advice was provided to Members that ancillary works associated with infill required to provide an area of hardstanding and access land would impact on integration into the surrounding which in turn would cause a detrimental change to the rural character.
24. Information received from the applicant team on 01 September 2022 in the form of drawing 02 Rev B and drawing 04 Rev A confirms that there will be no increase in site levels.
25. The proposed building will be constructed against the existing field contours with the building positioned approximately two metres below the existing road level. The ground either side of the access lane down into the site will be re-grade using clay at 1:3 gradient embankment and tops soil seeded in grass.
26. Based on the detail submitted, it is still considered on balance that the ancillary works associated with the construction of the access will open up the frontage and detrimentally change the rural character of Grove Road by reason of a build-up of development and an extension of a ribbon of development along Grove Road.

Recommendations

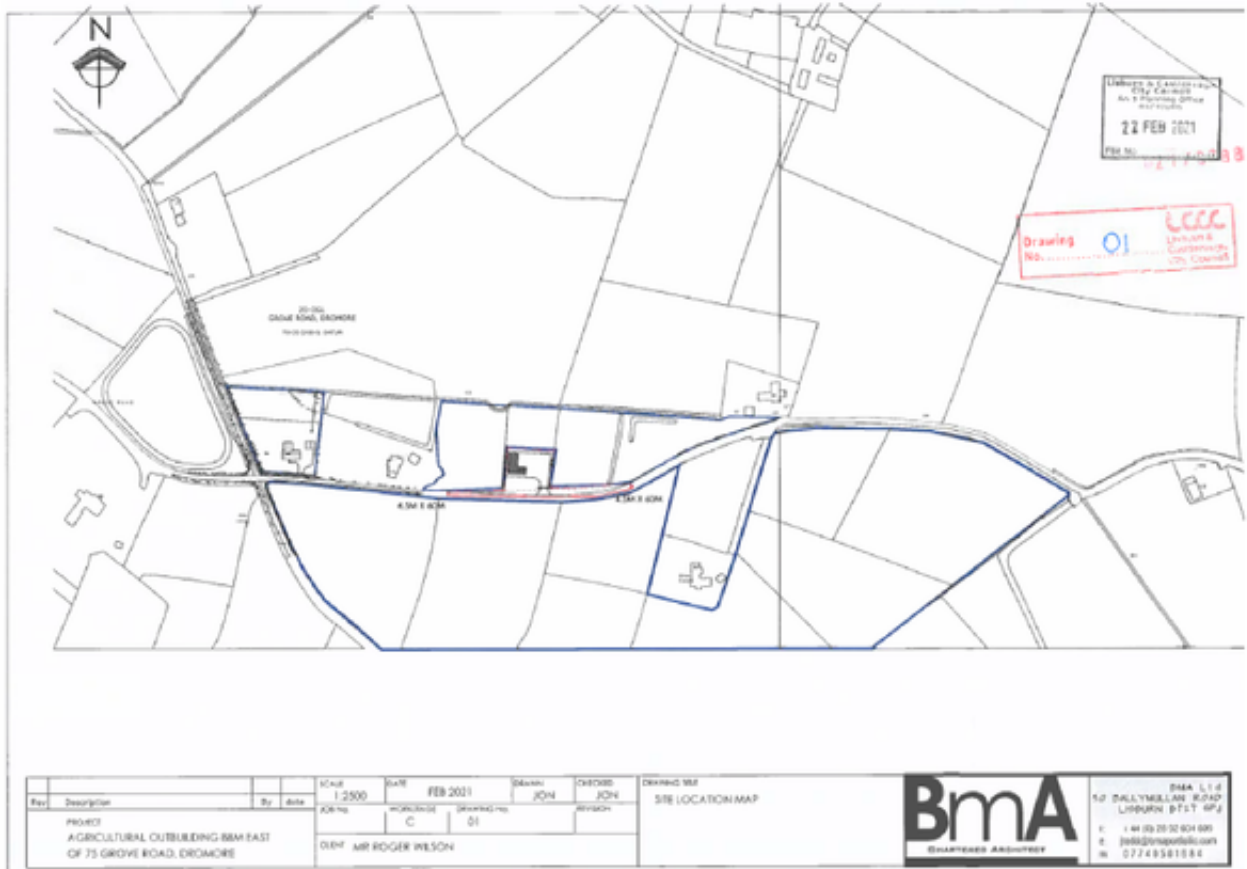
27. Consideration of the additional information is set out above and the planning advice previously offered that planning permission should be refused is not changed.
28. The recommendation to refuse planning permission for the reasons set out in the initial report with consideration of additional pieces of information demonstrated in subsequent reports remain valid.

29. The information contained in this second addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 July 2022 and the first addendum report and site visit report all of which are provided as part of the papers for this meeting.

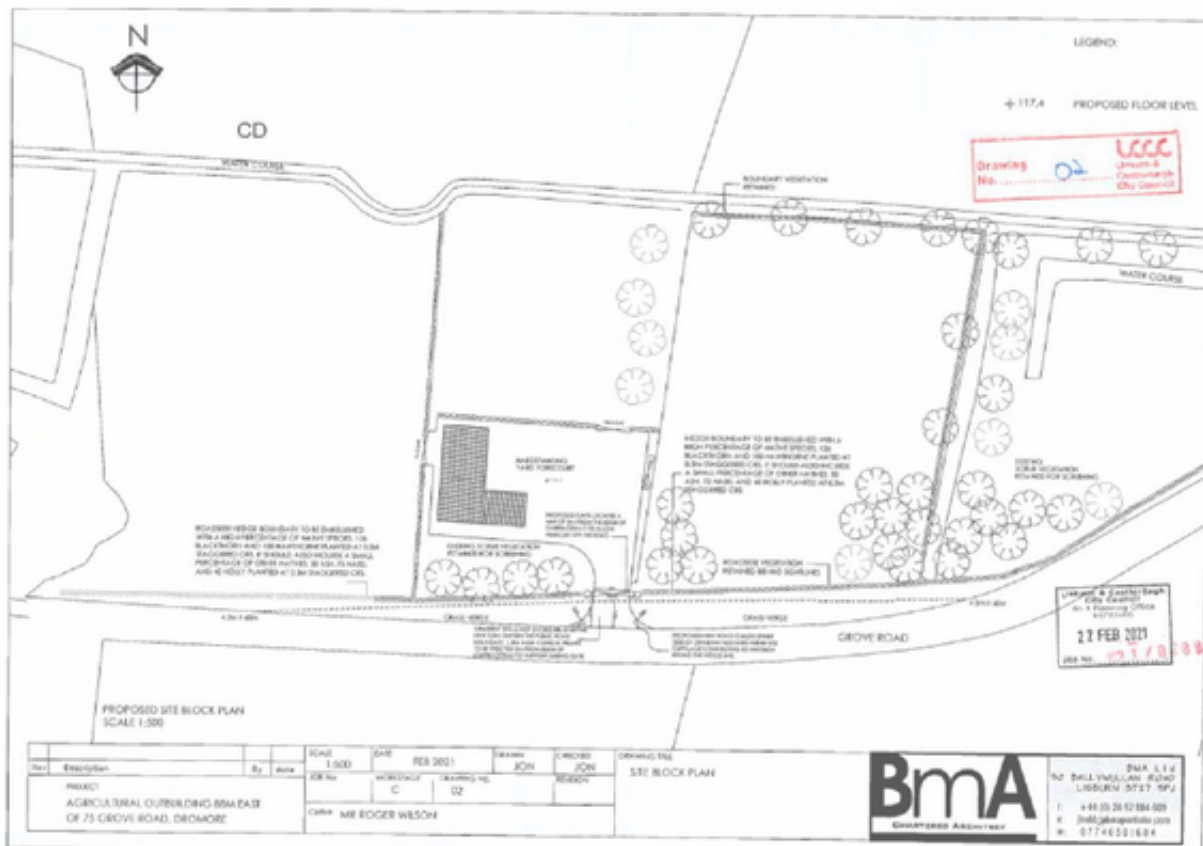
Refusal Reasons

30. 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 CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
 - The proposal is contrary to the SPPS and policy CTY 8 and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
 - The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the impact of ancillary works would result in a sub urban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Site Location Plan – LA05/2021/0288/F



Site Layout Plan – LA05/2021/0288/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	01 August 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Background

1. A recommendation to refuse planning permission was included in the Schedule of Applications to be determined by the Committee on 04 July 2022 for the reason that:
 - there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given; and
 - the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
2. Following the presentation and at the request of Members, it was agreed to defer determination of this application to allow for a site visit to take place.

3. A site visit was facilitated on Thursday 21 July 2022. A separate minute of the meeting was taken and informs the detail of this report. This minute is provided as part of the bundle of papers presented to the committee.

Further Consideration

4. At the site meeting, the location of the application site relative to number 75 Grove Road was observed and described with the use of the site location and block plans.
5. Members noted that the application site was in a hollow some three to four metres below the existing road level. Having observed the site context and the extent of the dense vegetation cover, Members sought clarification as to finished floor levels relative to the finished ground level of the road.
6. Whilst finished floor level of the building were noted on one of the related drawings, there was no level associated with the proposed access point or road.
7. The Agent has been asked to provide clarification as to the road level relative to the proposed building. This detail was not available at the time of writing this report but will be made available to Members as part of the presentation.
8. The detailed siting of the building was observed from the block plan was and the extent of the hardstanding noted.
9. Members sought further clarification in relation to the size of the proposed agricultural building.
10. The area of hardstanding measures 35 metres by 20 metres [700 metres squared]. The larger section of the L shaped building measures 16 metres by 7.5 metres. It also measures 5.3 metres to the eaves and has a ridge height of 7.3 metres. The smaller lean to section of the building is 5.5 metres by 7.5 metres [161 metres squared]. It also has a ridge height of 5 metres.
11. The larger area of the barn is to be used as a hayshed with the smaller area identified to be used as transfer pens.
12. Members then moved to the site associated with an earlier approval for a dwelling on a farm at the junction of the Backnamullagh Road and Grove Road. With the aid of stamped approved drawings, Members observed the approximate location of the proposed farm dwelling and associated garage.

Recommendations

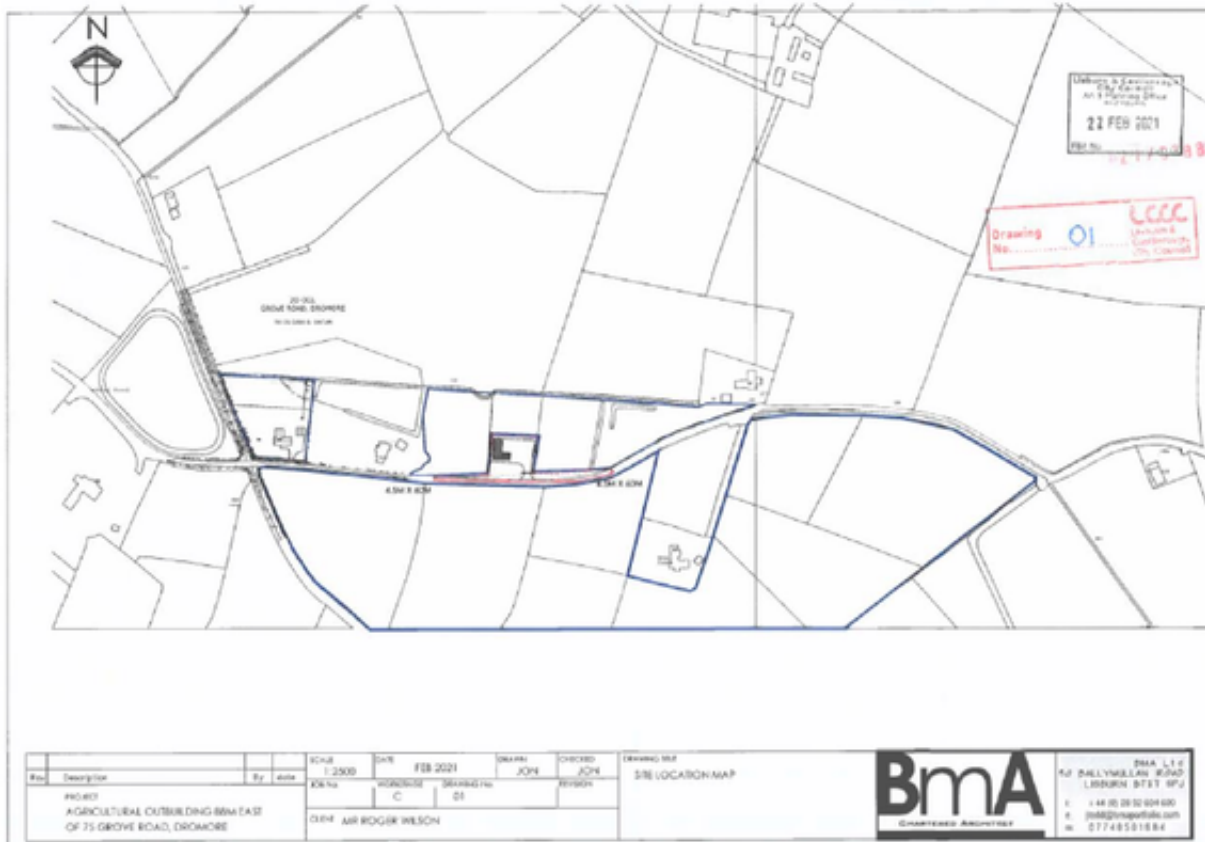
13. The purpose of the site visit was to provide opportunity for Members to observe the site and its immediate context.
14. Additional clarification requested by members in attendance at the site visit in relation to the size of the proposed agricultural building and a level at the Grove Road will be incorporated into the presentation back to Members on 01 August 2022 so they can understand the relationship between the level on the site and the impact the building will have in the landscape
15. The planning advice previously offered is not altered and the recommendation to refuse planning permission as outlined in the initial officer's report is not changed.
16. The recommendation to refuse planning permission for the reasons set out in that report remain valid.
17. The information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 July 2022 which is provided as part of the papers for this meeting.

Refusal Reasons

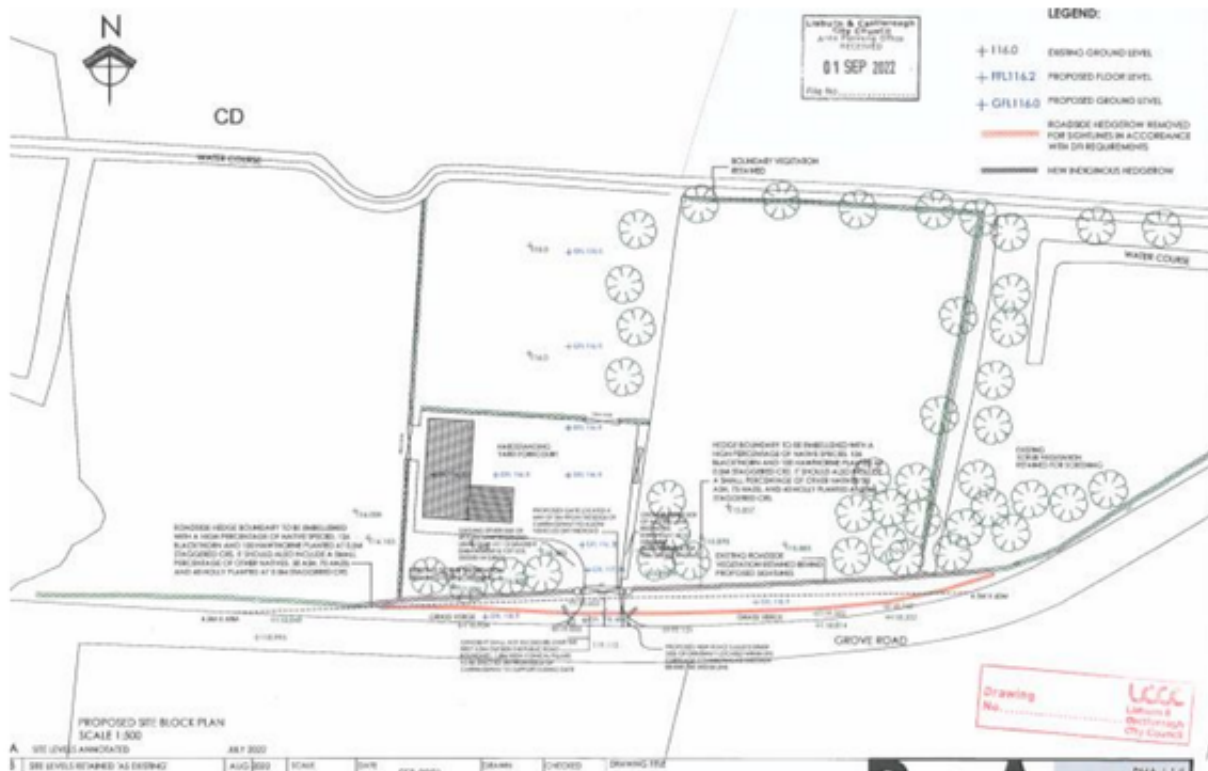
18. The following refusal reasons are recommended:
 - The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
 - The proposal is contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.

- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Site Location Plan – LA05/2021/0288/F



Site Layout Plan – LA05/2021/0288/0



LISBURN & CASTLEREAGH CITY COUNCIL**Minute of a site visit by the Planning Committee held at 11:00pm on Thursday 21st July 2022 to lands at 88 metres west of 75 Grove Road, Dromore**

<u>PRESENT:</u>	Alderman J Tinsley (Chairman)
	Councillor John Palmer (Vice-Chairman)
	Aldermen J Dillon, D Drysdale and O Gawith
<u>IN ATTENDANCE:</u>	Head of Planning and Capital Development (CH)
	Principal Planning Officer (RH)
	Member Services Officer (BF)

Apologies for non-attendance at the meeting were recorded on behalf of Alderman Grehan and Councillors D J Craig, U Mackin and A Swan.

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

- LA05/2021/0288/F – Proposed 'Dutch barn style hay shed' at site 88 metres west of 75 Grove Road, Dromore, Co. Down.

The application had been presented for determination at the meeting of the Planning Committee on 1st July 2022. The Committee agreed to defer consideration of the application to allow for a site visit to take place to enable Members to observe the site and its immediate context.

Members and Officers met at the site in accordance with the Protocol for the Operation of the Planning Committee. With the aid of a site location plan, the Principal Planning Officer provided an overview of the application site and surrounding context.

The Committee viewed the proposed site location and its proximity to the existing road and noted that the road was at a higher elevation. Members sought clarification as to whether the entrance to the proposed development would be level with the road. Information in relation to the size of the proposed agricultural shed was also requested.

The Committee then proceeded to the junction of Grove Road and Backmullagh Road to view the proposed location of a farm dwelling which had been granted in 2019.

The Head of Planning and Capital Development reminded Members of the reasons why the application had been recommended for refusal and advised that the application would be presented back to the Committee for determination at its meeting in August 2022. An assurance was also that detail would be provided in relation to levels relative to the road and size of the building.

There being no further business, the site visit was terminated at 11:25am.

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
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.
3. It is considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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.
4. It is also considered that proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;

- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
5. In addition, the proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
 6. And the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Description of Site and Surroundings

Site

7. The site is located to the northern side of the Grove Road, Dromore. It appears to be a paddock, relatively flat in nature with a few wispy trees to the rear of the site.
8. The land is slightly lower level than the road. Along the frontage to the south of the site there is a bank with mature hedging and vegetation along it.

Surroundings

9. The site is located within the countryside and the surrounding area is rural in nature characterised by farm land, farm outbuildings and residential properties.
10. The nearest residential properties to the site are 75 metres to the west and also approximately 200 metres to the east of the site.

Proposed Development

11. This is a full application for a proposed 'dutch barn style' hay shed.

Planning History

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

Reference Number	Description	Location	Decision
LA05/2018/0390/O	Proposed storey and a half dwelling with detached garage	Site West of no. 75 Grove Road, Dromore, BT25 1QY	Permission Granted 11/03/2019
LA05/2018/0909/F	Agricultural building for livestock and crops	Site 100m west of 85 Grove Road, Dromore, BT25 1QY	Permission Refused 20/06/2019
LA05/2022/0204/O	A new building house	Site west of 75 Grove Road, Dromore, BT25 1QY	Decision pending

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Countryside Management Inspectorate Branch	Detail provided below
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection

Representations

14. No representations have been received to the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

15. 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

16. 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

17. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
18. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
19. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
20. 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.
21. 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.
22. 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

23. 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.

24. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
25. 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.
26. 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.

27. 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.
28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

Building on Tradition

35. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal.

36. 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.

PPS 21 - Sustainable Development in the Countryside

37. 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.

38. 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.

39. 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.*

40. Planning permission will also be granted in the countryside for:

- *a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;*
- *the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;*
- *the provision of social and affordable housing in accordance with Policy CTY 5;*

- *a residential caravan or mobile home in accordance with Policy CTY 9;*
- *the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;*
 - *an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or*
- *Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.*

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

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

42. This is a proposal for the development of hay shed and is to be assessed against the requirements of policy CTY 12.

43. In addition to CTY 12, there are other CTY policies that are engaged as part of the assessment including CTY8, 13 and 14, and they are also considered.

44. Policy CTY 12 – Agricultural and Forestry Development states:

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) *it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) *in terms of character and scale it is appropriate to its location;*
- (c) *it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) *it will not have an adverse impact on the natural or built heritage; and*
- (e) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used;*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings; and*

- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

45. Regard is also had to the justification and amplification that states:

5.50 As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.

5.51 Under the Planning (General Development) Order (Northern Ireland) 1993, known as the "GDO", certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is deemed to be granted. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

5.52 Where permission is sought for a new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.

5.53 New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.

5.54 A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

5.55 All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

5.56 *For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.*

46. 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.

47. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
48. 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.*

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.

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.*

50. 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.

51. 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.*

52. 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.

Natural Heritage

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

54. 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.*

55. 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.*

56. 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.*

57. 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

58. 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.

59. 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

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

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

Planning and Flood Risk

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

62. 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.

63. 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.

64. Policy FLD 3 Development and Surface Water (Puvial) 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

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

Agricultural and Forestry Development

66. Detail submitted with the application states that the applicant is Mr Wilson of 71 Laney Road, Moira and that he has a farm business ID which has been established for more than 6 years. The P1C form also states that no claims are made to the Department for subsidies.

67. The P1C form also states that

the land associated with the farm outbuildings is too marshy, to develop for residential accommodation and the placement was chosen next to a cross roads intersection adjacent to an existing dwelling.

68. The above statement seeks to sever the relationship between the farm dwelling (not constructed) and the farm buildings based on ground conditions and siting as a material consideration. This matter is dealt with later in the report.
69. A farm map has been submitted dated 2013. It is noted that the proposed site is not within the mapped area of the farm holding.
70. DAERA Countryside Management Inspectorate Branch have confirmed that the applicant's farm business has been in existence for more than 6 years being allocated on 09/05/2005. It is category 1, but the applicant hasn't claimed payments in each of the last 6 years, , and that the site is not on land currently being claimed and also located within an unmapped area.
71. Policy CTY12 Agricultural and Forestry Development states that planning permission will be granted on [my emphasis] an active and established agricultural or forestry holding where it is demonstrated that certain criteria are met.

The first policy test in relation to agricultural or forestry development requires the development to be located on an established agricultural or forestry holding. DAERA has confirmed that the proposal is not within the mapped area of the farm holding the business is established and this part of the policy test is met.

72. The second policy test is to ascertain if the **farm holding is active**. DAERA have confirmed that the farm business has been in existence for more than 6 years however no claims have been made.
73. Additional information has been submitted in support of the application in which the applicant believes shows that the farm is active for the requisite period of 6

years.

74. A letter from the agent received on 11 May 2021 provides copies of invoices which relate to both the baling of haylage from September 2011 to 2017. Also included are invoices for the same period of time, these relate to the supply and sowing of fertiliser on the land which up to this point has been done by external contractors.
75. The letter also states that the applicant intends to have the capabilities to store and sow this himself which requires the ability to have a farm shed on his land. However the location of the shed is on land that is of poor agricultural value in comparison to the good arable land identified on his farm maps.
76. This statement provided by the agent acknowledges that the site for the proposed farm shed is not within/on the applicant's farm holding as is demonstrated by the farm maps.
77. Further details provided by the agent advises on some history/medical circumstances of the applicant however it is considered that this does not provide evidence of farming activity on the holding for the requisite 6 years.
78. Details of invoices were also submitted from McKelvey Bros who provided farm supplies to Roger Wilson of 71 Lany Road, Moira (the applicant):
 - Invoice number 75059 dated 19/04/2011 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75060 dated 18/04/2012 for 1.5 tonnes of 27% N supplied and sowed at Grove Road;
 - Invoice number 75061 dated 22/04/2015 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75062 dated 06/04/2017 for 1.5 tonnes 27% N supplied and sowed;
 - Invoice number 75063 dated Sept 2011 for baled haylage;
 - Invoice number 75066 dated 08/04/2016 or 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75069 dated 26/04/2013 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75072 dated Sept 17 for baled haylage;
 - Invoice number 75073 dated Aug 2016 for haylage;
 - Invoice number 75074 dated Sept 2015 for baled haylage;
 - Invoice number 75075 dated Aug Sept 2013 for baled haylage;
 - Invoice number 75076 dated 16/04/2014 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75077 dated Aug 2014 for baled haylage;
 - Invoice number 75078 dated Sept 2012 for baled haylage;
79. It is noted that all of the above invoices are not signed and that there are consecutive invoice numbers with different dates on them.

80. Detailed below is information that the agent advises is from the applicants farm accounts which shows details of hedge cutting, digger work, round baling and fertilizer produce. These were supplied by James English running concurrently from 2018 to present day :-
- Copies of invoices from James English to Rodger Wilson of 71 Lany Road:
 - Invoice number 3 dated 30/09/2018 Ref Grove Road for hedges cut and digger work;
 - Invoice number 4 dated 19/09/2019 Ref Grove Road for hedges cut and digger work;
 - Invoice number 5 dated 23/09/2020 Ref Grove Road for hedges cut and digger work;
 - Invoice number 6 dated 22/09/2021 Ref Grove Road for hedges cut and digger work;
 - Invoice number 9 dated 19/08/2019 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 10 dated 22/08/2018 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 11 dated 26/08/2020 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 12 dated 20/08/2021 Ref Grove Road for Fertiliser sowed and supplied and round baling;
81. It is noted that all of the above invoices have consecutive invoice numbers with different dates on them.
82. It is accepted that the information provided by the agent shows some activity from 2011 to 2021.
83. Whilst the agent advises that the information supplied is from the applicant's farm accounts no evidence of actual far accounts are provided in support of the application.
84. The agent has stipulated that the information supplied is the same deemed eligible and used for the attainment of the farm dwelling on Grove Road under application LA05/2018/0390/O.
85. The information supplied for consideration at the time of application LA05/2018/0390/O was also considered not to comply with policy and a recommendation to refuse the application was presented to the Planning Committee.
86. That said, Members cited the following reasons for going contrary to the officer recommendation in that case:

In respect of criteria (a) of policy CTY10 – this is a finely balanced decision however the Committee are satisfied that the evidence presented is consistent with the farm being established for more than 6 years and that it is currently

active. The Committee are also satisfied that the reason the applicant is not in receipt of Single Farm Payment is due to ill health.

In respect of criteria (b) of policy CTY10 - the Committee is satisfied that there is no evidence presented contrary to the advice of the applicant to demonstrate that any development opportunities had been sold off the farm in the last 10 years.

In respect of criteria (c) of policy CTY10 – The applicant was bequeathed a farm with no buildings to cluster with and it is the Committee’s opinion that this is the optimum location for the development on this farm.

In respect of policy CTY13 – This proposal provides the least prominent location on the site due to it being in a dip, it does not require landscaping to integrate as the site has established boundaries and there will not be any ancillary works.

As this is outline planning permission, the design can be conditioned under Reserved Matters. The Committee consider that it blends with the land form.

In respect of policy CTY14 – This will not result in urban sprawl and will respect the rural character of the area.

87. Additional information was submitted by e-mail on 24 March 2022 for consideration. The email stated the following:

‘the client has provided proof that the fields being applied for are all within his folio of ownership. This correlates to the Farm Business Maps but for reasons unknown DARD have not outline it in Purple it does form part of the scrub land of his farmland.

88. The applicant has also provided confirmation via an accountant, BMC Newry, that he has been filing his farm accounts for the past 25 years. They have confirmed the farm machinery that they have accounted for in their accounts’.
89. The evidence/information attached to the agents e-mail for consideration is as follows:

A letter on headed paper from BMC Accountants Ltd dated 23rd March 2022 and details that they act as accountants and tax agents for Rodger Wilson of 71B Lany Road, Moira, Antrim, BT67 0PA. It states ‘We confirm that BMC Accountants Ltd has been preparing Farm Accounts & Tax Returns for Mr Wilson for over 25 years. Mr Wilson is the owner of Farm land at Grove Road, Dromore, Co. Down’.

90. A list is provided of the machinery owned by Mr Wilson – Ford vintage 610 tractor; 1 x Teagle SX 4000 Dry Fertiliser spinner; plough NAUD RCX 457; Hey Claas Liner 420 for making bails / kiker for grass; Nugent bale handling for round bale; and a Kane grass trailer.

91. The letter from the accountant states that they have been preparing farm accounts and tax returns for Mr Wilson for over 25 years, however no other evidence has been provided of farm accounts etc. to support this.
92. Whilst the letter from the accountant also details what machinery the applicant owns it does not show farming activity for a 6 year period.
93. A letter from James Ballentine and Son Solicitors dated 18th March 2020 which states 'We hereby confirm Mr Rodger Wilson of Flatfield House, 71 Lany Road, Moira is the registered owner of lands comprised in Folio Number DN 98394 County Down and 6421 County Down'. And the folio maps are attached. The folio maps details land north and south of the Grove Road.
94. The folio maps provided shows that the land detailed on the farm maps is within the applicant's ownership and also land to the north of the Grove road not detailed on the farm maps which includes the application site is within the applicant's ownership.
95. Previous planning appeal decisions such as 2014/A0227, provide an indication of the level of evidence required to prove that a farm business is active and established. It is considered that the submission made by the agent/applicant falls short of this.
96. It is noted that the onus is on the applicant to provide sufficient/accurate evidence to demonstrate that the farm business in which the application rests is active and established for at least 6 years.
97. It is considered that the submitted evidence detailed above does not conclusively demonstrate that the farm business has been active and established for at least 6 years.
98. It is considered that on the basis of the information/evidence provided that the farm business is not active for the requisite period of 6 years.
99. Turning to the balance of the policy test (a) – (e) and assessment is set out in the paragraphs below for completeness.
100. In terms of criteria (a), from site inspection and information from the agent it can be seen that the applicant has no other outbuildings that could be used in association with the operation of the holding. This is the first farm building. .
101. It is considered that no evidence has been submitted to show that a building to store hay / animal feed at the proposed location is necessary for the efficient use of the agricultural holding as it is indicated that the farm is established for more than six years (notwithstanding the view expressed above that based on the evidence the farm is not active).
102. In terms of criteria (b), the proposal is located within the rural area and farm buildings are relatively common in this part of the countryside. The proposed shed is described as a dutch barn style hay shed and is L shaped.

103. The main part of the shed measures 16.2 metres by 7.5 metres and a section of it from one end for transfer pens and it protrudes out from the main part of the shed by 7 metres and is 5.6 metres in width.
104. The maximum height of the shed is 7.3 metres. The exterior finishes are as follows: roof to be corrugated tin in black, black aluminium rainwater goods, walls to be corrugated tin in black and rendered blockwork and doors to be plastisol in colour black. These are considered to be acceptable for a farm shed and at this location in the rural area.
105. The character and scale of the proposal would fit with and be appropriate to its location.
106. In terms of criteria (c), the site is relatively flat and the proposal is positioned towards the front of the field. It is set at a lower level than the existing road to which the access to the site is from.
107. The existing landscaping to the front boundaries would be retained and supplemented where necessary with only existing landscaping being removed where a gate access is proposed.
108. The existing vegetation to the rear of the site and beyond would act as a backdrop to the proposal. Public views of the proposal would be limited. It is considered that the proposal would visually integrate into the local landscape. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
109. In terms of criteria (d), the proposal is not within a buffer zone of any built heritage. Existing landscape boundaries are being retained except where the proposed entrance gate would be and there are no conditions on site that present any concerns with its impact on natural heritage.
110. It is considered that the proposal would not have an adverse impact on the natural or built heritage. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
111. In terms of criteria (e), the proposal is for the storage of hay. The nearest neighbouring residential dwelling to the proposal is approximately 75 metres away. Environmental Health have been consulted and have no objections to the proposal.
112. It is considered that the proposal would not result in detrimental impact on the amenity of residential dwellings outside the holding.
113. As a new building is proposed applicant must also provide sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used, that the design and materials to be used are sympathetic to the locality and adjacent buildings and that the proposal is sited beside existing farm or forestry buildings.

114. As previously stated and based on the information provided and from site inspection it can be seen that there are no suitable existing buildings on the holding that can be used, and the agent has submitted in writing that there are no other buildings on the farm holding.
115. The design and materials proposed for the shed, as detailed above, are considered to be sympathetic to the locality. The proposal is however not sited beside existing farm or forestry buildings and fails to comply with the policy on this point. A dwelling is approved on the holding but not constructed. It is normal for farm buildings to be collocated with the place of residence of the farmer for the purpose of ease of access to livestock and equipment. No justification is provided for the location of the first farm building distant from the proposed dwelling.
116. Policy makes provision for an alternative site away from the existing farm or forestry buildings, in exceptional circumstances, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
117. It has not been demonstrated that the proposal is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons for the proposal at this location and therefore this exception is not applicable.
118. Based on the information submitted it is considered that the proposal does not comply with policy CTY 12 of PPS 21 and that it fails to satisfy the policy test associated with policy CTY 1 of PPS 21.

Ribbon Development

119. The proposal would sit on its own (as in not surrounded by other development) and has a road frontage being located adjacent to the Grove Road.

It is considered that the proposal would create a ribbon of development at this location along the Grove Road and is therefore contrary to policy CTY 8 in that the building if approved would create a ribbon of development along the Grove Road.

Integration and Design of Buildings in the Countryside

120. Turning then to policy CTY13, in terms of criteria (a), and taking into account the topography of the site, the existing vegetation along the roadside and the setback position from the road, it is considered that the proposal would not be a prominent feature in the landscape.
121. In terms of criteria (b), the existing boundary treatments and surrounding vegetation would provide a suitable degree of enclosure for the proposal to

integrate.

122. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration.
123. In terms of criteria (d), any ancillary works including the yard and entrance will integrate into their surroundings for the reasons outlined above.
124. In terms of criteria (e) and for the reasons outlined above, the design is considered to be appropriate for the site and its locality.
125. In terms of criteria (f), it is considered that the proposal would blend into the locality and have an existing backdrop of trees to the rear and rolling topography behind it.
126. Criteria (g) is not applicable.
127. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13.

Rural Character

128. Turning to policy CTY 14, In terms of criteria (a) and for the reasons outlined above, it is considered that the proposal would not be unduly prominent in the landscape.
129. 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.
130. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.
131. In terms of criteria (d), the proposal would create a ribbon of development as discussed above under policy CTY 8 Ribbon Development.
132. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.
133. The proposal is therefore contrary to criteria (d) of policy CTY 14 in that it would create a ribbon of development.

Access, Movement and Parking

134. PPS 3 sets out policies to ensure that any new development does not create a traffic hazard.
135. The proposal involves the creation of a new access onto the Grove Road to the south eastern end of the application site. The Grove Road is not a protected route. Visibility splays of 4.5 metres by 60 metres in both directions are

proposed.

136. DfI Roads have been consulted and have no objection to this development proposal with conditions and informatives provided.
137. On the basis of the information submitted and consultation with DfI Roads it is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic. It is considered that a safe access can be provided in accordance with the requirements of criteria (a) of policy AMP 2PPS 3 and DCAN 15. The Grove Road is not a protected route and compliance with criteria (b) of the policy is not required.

Natural Heritage

138. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
139. The application site is not within or adjacent to any designated areas such as ASSI's etc. There are no existing structures or buildings within the site and it consists of grassland.
140. In this case no unnecessary vegetation or trees are being removed. The only vegetation being removed would be a small portion of the boundary to the front of the site to accommodate a safe access.
141. For the reasons outlined, no protected habitat would be negatively affected by the proposal nor will the development have a negative impact on any natural heritage. It is considered that the proposal complies with PPS 2.

Planning and Flood Risk

142. From site inspection it can be seen that there is a small watercourse that runs along a small section of the eastern boundary of the field which the application site sits within and a sheugh along the southern boundary between the site and the road.
143. A review of the Rivers Agency flood maps confirms that the application site is not located within a flood plain.
144. The submission of a drainage assessment is not required for this proposal.
145. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with PPS 15.

Conclusions

146. For the reasons outlined in the report, the application is considered to be contrary to the SPPS and Policy CTY 1 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.
147. In addition, the proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
148. The proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
149. In addition, the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Recommendations

150. It is recommended that planning permission is refused.

Refusal Reasons

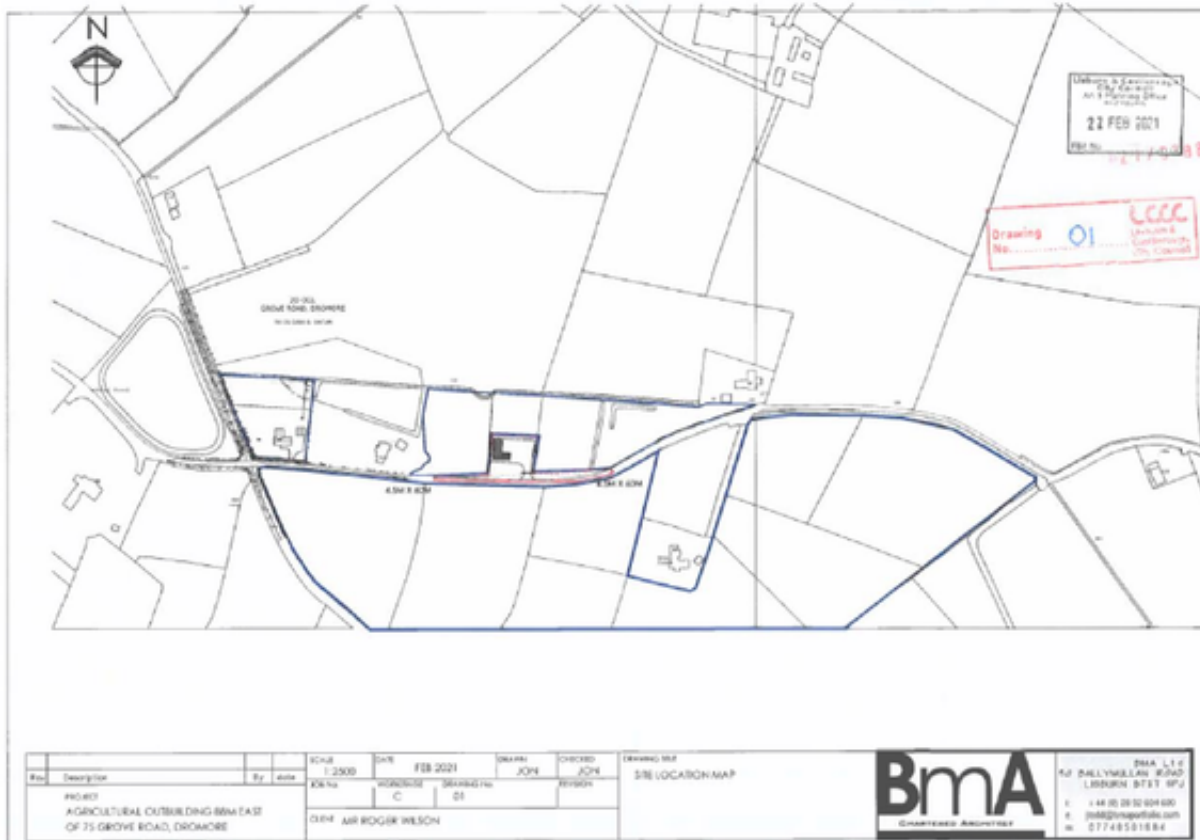
151. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the

efficient use of the agricultural holding;

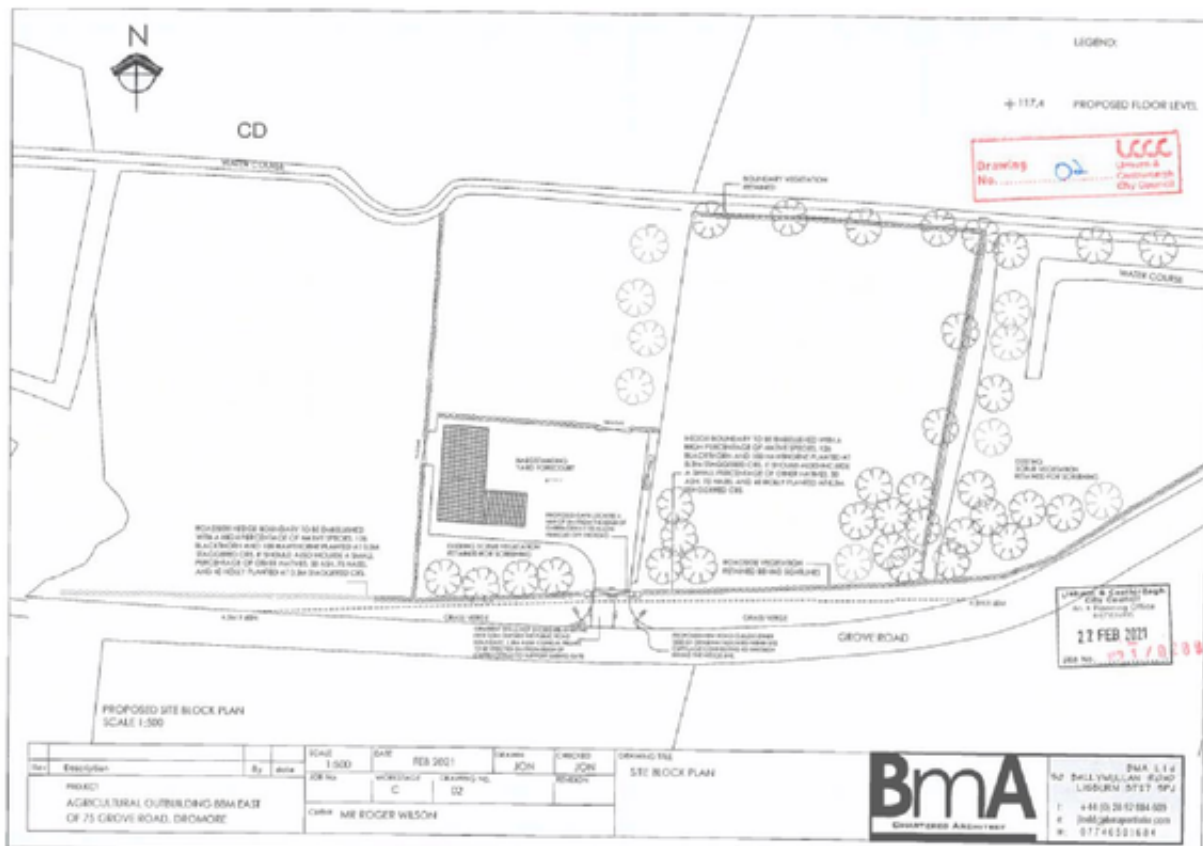
- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

- The proposal is contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Site Location Plan – LA05/2021/0288/F



Site Layout Plan – LA05/2021/0288/02



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	03 October 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0496/F
Date of Application	30/06/2020
District Electoral Area	Castlereagh East
Proposal Description	Erection of a dwelling
Location	Adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh
Representations	One [in support]
Case Officer	Catherine Gray
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 that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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 CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4. In addition, the proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in an addition to a ribbon development along Knockbracken Road.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development therefore further eroding the rural character of the countryside.

Description of Site and Surroundings

Site

6. The site is located to the northern side of the Knockbracken Road. It occupies part of an area of land that is comprised of dense woodland.
7. The southern boundary is defined by a mature native species hedgerow that abuts the Knockbracken Road. The western boundary is also defined by a mature hedgerow. The northern boundary is currently undefined and runs through the dense woodland. And the eastern boundary is a low lying bank with some vegetation and trees along it.
8. Immediately adjacent and to the east of the application site is a dwelling at 66 Knockbracken Road that is one and a half storeys in height (appearance of a single storey from the front) with a single storey rear return and a single storey outbuilding to the east.

Surroundings

9. The site is located within the countryside and the surrounding area is comprised mainly of agricultural land.
10. The closest neighbouring property is directly adjacent the application site which are the applicants, and the next closest is the property 68a Knockbracken Road which is approximately 55 metres from the eastern boundary of the application site.

Proposed Development

11. This is a full application for the erection of a dwelling to meet the personal and domestic circumstance of the applicant. The following documents have also been submitted in support of the application:
- Supporting information/letters (received 29th June 2020);
 - Biodiversity checklist (received 1st Sept 2020); and
 - Biodiversity checklist and Preliminary Ecological Appraisal (received 27th October 2020).

Relevant Planning History

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

Planning Reference	Site Address	Proposal Description	Decision
Y/2000/0788/F	66 Knockbracken Road, Castlereagh	Extension and improvements to dwelling	Permission Granted 12.06.2001
Y/2000/0221/F	66 Knockbracken Road, Lisnabreeny, Castlereagh	Extension and improvement to dwelling.	Permission Granted 05.06.2000
Y/1981/0187	Adj. 66 Knockbracken Road, Belfast	Provision of skid pan for driving instruction	Permission Refused

Consultations

13. The following consultations were carried out:

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

Representations

14. One representation has been received and is available to view on the Planning Portal via the following link:

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?guid=35468bff-fcf8-4e86-b950-e4e8ca517053>

15. In summary, the representation is in support of the application and advises of the applicant's medical status, that a new dwelling would allow close proximity to his family and asks that planning permission is granted .
16. The issues raised in this representation have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
- The Belfast Urban Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS)
 - 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

18. 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

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. 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.
23. The Belfast Urban Area Plan provides a statement of the rural planning policy for the Belfast Urban Area Greenbelt. Page 60 states that

the objectives of the plan with regard to the Green Belt is to

- *Control expansion of urban development into the surrounding open countryside*
- *To maintain the rural character of the countryside within the Green Belt and prevent its spoliation by ribbon development or scattered development;*
- *To prevent the towns and settlement around Belfast from merging with the Belfast Urban Area or with each other.*

24. 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

25. 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.
26. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.

33. 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.

34. 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.

35. This application is for a dwelling in accordance with Policy CTY 6 of PPS 21 – Personal and Domestic Circumstances.

36. Paragraph 6.73 of the SPPS states that

A dwelling where there are personal and domestic circumstances: provision should be made for a dwelling to meet the long terms needs of a person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case.

37. 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

38. 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.

39. 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.*

40. This is a proposal for the development of a dwelling based on special personal and domestic circumstances and is to be assessed against the requirements of policy CTY 6.

41. In addition to CTY 6, there are other CTY policies that are engaged as part of the assessment including CTY8, 13, 14 and 16, and they are also considered.

Personal and Domestic Circumstances

42. Policy CTY 6 – Personal and Domestic Circumstances states:

Planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and*

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

43. Regard is also had to the justification and amplification which states:

5.28 There may be cases where special personal or domestic circumstances require a new house in the countryside. Such cases will include instances where a young adult who requires a continuing and high level of care, but who could also benefit from a greater degree of independent living.

5.29 Applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- *a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.*
- *details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.*
- *an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.*
- *details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.*
- *any other information considered relevant to the particular case.*

Ribbon Development

44. 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.

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

46. 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.

47. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in Building on Tradition 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.*

48. 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.*

49. 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.

Integration and Design of Buildings in the Countryside

50. 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 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.*

Rural Character

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.

Development Relying on Non-Mains Sewerage

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 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.

59. 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.*

60. 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

61. 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.
62. 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

63. 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 the Built Heritage

64. 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.
65. 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.

Planning and Flood Risk

66. 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.

67. 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.

68. 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.

69. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*

- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

70. Policy FLD 5 Development in Proximity to Reservoirs states

"New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

71. Within the context of the planning policy tests outlined above, the following assessment is made. .

Personal and Domestic Circumstances

72. The evidence submitted with the original submission in support of the application and a further letter provided on 29 July 2020 states that the proposed dwelling is to accommodate the applicant's son ,to provide for his particular needs and to allow for his care to be administered in close proximity to the family home.
73. Evidence from a medical professional states that due to a medical condition it is necessary for him to have immediate care and assistance.
74. The information details that the applicant [Mr Dobbins] has two sons, one of which currently lives with him in a single storey dwelling adjacent to the proposed site. The application is for another son who requires a level of care and that this care is currently provided for by both the father and son from their current residence at 66 Knockbracken Road.
75. The information details that the applicant's son currently lives in a ground floor apartment and that there are no dedicated facilities to cater for his growing needs. It states he is in a wheel chair and that he often requires assistance to get from his bed into his living area, and assistance from bed to bathroom to living room. It also details that he has severe difficulties preparing food as the small kitchen area is not designed to accommodate wheelchair access to the worktop and cooking areas.
76. Reference is made to the son wearing an emergency assistance bracelet and that on several occasions other family members have had to travel during the night to assist lifting him off the floor and back into his chair or bed.
77. The information details that it is their intention to provide him with accommodation with dedicated facilities to reduce the risk of injury due to falls caused by unnecessary movement, and a wet room type washing area and wheelchair accessible cooking facilities to have a decent quality of life and safer living environment.
78. The information also states that if permission were granted for this accommodation adjacent to the family home it would greatly reduce the travel time to come to assistance should something go wrong.
79. It is also stated that the son who resides with his father is in full time employment and is often required to work away from home for extended periods, leaving the father to provide care. When this occurs, and the father is called upon at night he struggles to drive due to his age.

80. The information provided also details that the father has mobility issues and general health issues and that it would be extremely beneficial that his son can assist his father with his daily living and general wellbeing.
81. Medical details indicate that the condition which the applicants son suffers from renders it essential for him to have constant care and attention and would require a dwelling designed and constructed to optimise his quality of life.
82. The medical evidence also details that the brother and father, are and will be his main carers. It also states that

'without this quality of life will be totally reduced or non-existent. In the interest of the Dobbin family wellbeing the proposal for a new dwelling is a necessary response to the current situation'.
83. The view is expressed that should a proposal for such not be forthcoming there is no doubt genuine hardship and stress on the Dobbin family could have dire consequences.
84. The information from a medical professional also details that they fully support the Dobbins family application to move into a bungalow suitably adopted to facilitate the management of his disability needs. It states that

'ideally the bungalow should be close to the family home to facilitate ongoing care provided by his immediate family'.
85. Whilst the medical condition of the applicant's son is not disputed and the need for more suitable and wheel chair friendly accommodation is recognised, based on a review of the information/evidence submitted it is considered that the applicant has not provided satisfactory evidence to demonstrate that there are compelling and site specific reason for a new dwelling at this location nor has it been demonstrated that this is a necessary response to the particular circumstances of the case and that genuine hardship would be cause if planning permission was refused.
86. No information has been provided in relation the current living arrangements of the applicant's dependent son other than reference him currently living in a ground floor apartment. No information is provided in relation to the layout of the apartment he currently lives in and whether the kitchen and bathroom could be adapted to provide for greater accessibility.
87. It is not clear from the evidence provided, what the travel distances are from the applicant's home at 66 Knockbracken Road to the accommodation the dependant person is living in. It is not clear if there if any other properties in closer proximity to the applicant's own residence have been considered and discounted. No evidence is provided to demonstrate that genuine hardship would be caused if planning permission were refused.
88. Whilst reference is made to the dependent son wearing an emergency assistance bracelet and that on several occasions family members have had to

travel during the night to provide much needed assistance, no evidence is provided as to which family members have provided this assistance nor has information been provided in relation to the frequency of such incidents to justify a new dwelling as a necessary response.

89. For the reasons outline above, the test associated with criteria (a) is not considered to be met.
90. With regard to criteria (b) of Policy CTY 6, no information was submitted with the original submission to demonstrate what consideration had been given to alternatives such as an extension or annex attached to the existing dwelling, the conversion or re-use of another building within the curtilage of the property, or the use of a temporary mobile home for a limited period are considered.
91. Whilst the supporting information from a medical professional recognises the benefits to the applicant's son living in a bungalow suitably adapted to facilitate the management of his needs explain why other alternative solutions such as an extension or annex to the existing dwelling, the conversion or reuse of another building within the curtilage or the use of a temporary mobile home would not meet the needs of the son.
92. In August 2020 the agent was provided with an opportunity to make available a supporting statement detailing what alternative solutions have been considered to meet the particular needs of the case. To date no additional information has been submitted.
93. From site inspection it is evident that the applicants existing dwelling is a bungalow situated on a reasonable sized plot of land. There would appear to be sufficient scope within the existing curtilage to provide a suitable extension to meet the particular needs of the case.
94. There is also an outbuilding within the curtilage of the applicant's property - of permanent construction that might be capable of conversion if the layout of the existing building does not lend itself to being extended. .
95. For the reasons outline above, and in the absence of any explanation of why an alternative can be offered it is considered that the requirements of criteria (b) of Policy CTY 6 are not met.

Ribbon Development

96. The application site is located adjacent to and west of an existing ribbon of development along the Knockbracken Road. The existing ribbon of development consists of property numbers 66, 68A, 68 and 70 Knockbracken Road.
97. The application site is a roadside site adjacent to number 66 and for this reason, the proposal would be contrary to Policy CTY 8 of PPS 21 in that it would add to and extend an existing ribbon of development along the

Knockbracken Road.

Integration and Design of Buildings in the Countryside

98. Turning then to policy CTY13, the proposed dwelling is single storey with an attached one and a half storey double garage. The garage is attached to the main dwelling via a proposed car port.
99. Overall the proposal has a total length of 31.5 metres. The main body of the dwelling has a frontage of 13 metres. There is a single storey front porch and a side projection in the form of a sun room. It has a maximum height of 6.5m above the finished floor level.
100. The attached car port and garage is set back slightly from the main dwelling. The proposed garage has a frontage of 8.5m and a proposed height of 6.3 metres above the finished floor level. An external staircase is also proposed to access the upper floor within the garage which is annotated as a carer rest/space.
101. The proposed dwelling has a floor area of approximately 190 square metres with two bedrooms shown. Whilst no details are shown it is presumed that the space is designed to provide adequate space for wheelchair turning.
102. The proposed garage has a total floor space of approximately 158.2 square metres which includes an upper floor room that is denoted on the plans as a carers rest/den with access only from an external staircase which could be utilised as separate living accommodation. No internal access is noted on the plans. Overall the total floor space of the proposal is approximately 347 square metres and which has approximately twice the floor area of the dwelling.
103. The design is simple in nature with an appropriate solid to void ratio, the chimneys are on the ridge and the windows are vertical in emphasis. The scale and massing is broken up with part being set back and projections for different element of the proposal.
104. The proposed upper floor to the garage building also has a proposed juliet balcony to the rear elevation. This would not cause any overlooking into any neighbours private amenity space.
105. The proposed external material finishes include concrete interlocking roof tiles in blue/grey, render finish to the walls, whinstone cladding to the front porch, the car port and external staircase and triple glazed upvc window frames. These are considered to be acceptable for the site and its location.
106. In terms of criteria (a), although the proposal is a roadside location, it is considered that the proposal would not be a prominent feature in the landscape. It would have a backdrop of dense woodland with a rolling landscape behind it. Given the proposals positioning and the levels in relation

to the surrounding land along with the surrounding development, it is considered that the proposal would not be prominent.

107. In terms of criteria (b), the proposal has long established natural boundaries and woodland surrounding it to provide a suitable degree of enclosure for the building to integrate into the landscape. New planting is also proposed to the front boundary which will aid with integration.
108. The proposal would have limited long distance views and only short distance views on passing the site, which is set back from the road slightly and would read with the existing surrounding development.
109. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration.
110. The front hedgerow along the southern boundary would need to be removed in order to accommodate a safe access and the visibility splays. New planting is proposed in the form of replacement trees to the west of the dwelling and along the driveway. A new hedgerow is also proposed (hawthorn/beechn/hazel/holly) along the driveway and to the rear of the visibility splays.
111. In terms of criteria (d), any ancillary works such as the access and gardens the development should integrate into the surroundings. A proposed driveway would run alongside the rear of the visibility splays as close to the new boundary line as possible.
112. In terms of criteria (e), the design (discussed above) is considered to be acceptable for the site and its locality and complies with the guidance Building on Tradition as the mass and form of the building integrates into the landscape and the design is has simple vernacular details and finishes that are appropriate to this location.
113. In terms of criteria (f), the existing and proposed levels have been considered and are considered to be acceptable for the site and its location. The proposal would blend into the landform and not have a detrimental effect on the landscape.
114. Criteria (g) is not applicable as the application does not relate to a farm dwelling.
115. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13 and that a building could be sited and designed so as to be visually integrated into the surrounding landscape.

Rural Character

116. In terms of policy CTY 14, and for the reasons outlined above, the proposal would not be unduly prominent in the landscape.
117. In terms of criteria (b), the proposal would result in a sub-urban style build-up of development when viewed with existing buildings along Knockbracken Road
118. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area which is typically detached single storey dwellings with pitched roof and garage.
119. In terms of criteria (d), and as detailed above the application site is located adjacent to and west of an existing ribbon of development along the Knockbracken Road.
120. The existing ribbon of development consists of property numbers 66, 68A, 68 and 70 Knockbracken Road. The application site is a roadside site adjacent to number 66 and for this reason, the proposal would be contrary to Policy CTY 8 of PPS 21 in that it would add to an existing ribbon of development along the Knockbracken Road
121. In terms of criteria (e), detail associated with drawing 02 shows an access [with an unusual hump shaped section to the road] running along the front of the site parallel with the Knockbracken Road. It is considered on balance that the nature and form of the ancillary works would not damage rural character.
122. For the reasons outlined, the proposal fails to comply with criteria (d) of Policy CTY 14 and that the development if permitted would cause a detrimental change to and further erode the rural character of the area.

Development Relying on Non-Mains Sewerage

123. In terms of Policy CTY 16, the P1C form states that the proposed method of sewerage disposal is by septic tank.
124. The site layout plan, drawing number 02D date stamped received 24th Nov 2021, details a proposed packaged sewage treatment plant with 98.5 purity discharge.
125. Environmental Health and Water Management Unit have both been consulted on the proposal and have raised no objections to the proposal.
126. For the reasons outlined, it is accepted that the applicant has demonstrated that the development will not create or add to a pollution.

Access, Movement and Parking

127. The P1 Form indicates that the proposal involves the creation of a new access to the public road, in this case the Knockbracken Road.
128. The site layout plan drawing number 02D date stamped received 24th Nov 2021, details the proposed positioning of the access point along with the proposed visibility splays.
129. There is provision of the parking and manoeuvring of three vehicles within the site alongside the proposed garage.
130. DfI Roads have been consulted and have no objection to the proposal and provided standard conditions and informatives.
131. 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 are met and that the access arrangements can be provided in accordance with published standards in DCAN 15.

Natural Heritage

132. No ecology information was submitted with the original submission for consideration. On 1st September 2020 a biodiversity checklist was submitted for consideration and it was completed by the agent (G.T. Design). Each question in the checklist was completed with a 'no' answer.
133. From site inspection it can be seen that the application site is located within a plantation woodland along with the front boundary being a mature hedgerow that is proposed to be removed.
134. From inspection, it was considered that the information completed in the biodiversity checklist (received 1st Sept 2020) was incorrect and the agent was then asked to provide an updated biodiversity checklist completed by a qualified ecologist and any further surveys that may result from it.
135. On 27 October 2020 the agent submitted a revised Biodiversity Checklist and Preliminary Ecological Assessment (completed by ATEC NI) for consideration. A summary of the ecologist's findings can be found in page 23 and 24 of the PEA.
136. 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.
137. The application site is however located within a 20 year old broadleaf plantation woodland bounded by mixed native species hedgerows. These hedgerows qualify as NI priority habitat and include some juvenile trees.
138. To facilitate the proposed development an area of woodland would be required to be removed and a length of priority habitat hedgerow to allow for visibility

splays.

139. New planting is proposed in the form of replacement trees to the west of the dwelling and along the driveway. A new hedgerow is also proposed (hawthorn/beechn/hazel/holly) along the driveway and to the rear of the visibility splays.
140. Natural Environment Division have been consulted throughout the processing of the application. A number of revised site layout plans have been submitted to deal with issues raised by NED and includes a development exclusion zone.
141. In their latest consultation response of 16 March 2022 they advise that they have considered the impacts of the proposal on designated site and other natural heritage interests and, on the basis of the information provided, is content with the proposal subject to conditions.
142. NED have advised that they are content with a length of the existing hedgerow being removed, provided that it is adequately mitigated for. They also note that the PEA recommends installation of at least four bat boxes within the development.
143. NED have stated that they would encourage the applicant to ensure that any external lighting on site is directed away from trees and boundary vegetation so as to minimise any potential disturbance to protected wildlife. And also that any necessary tree and/or hedgerow removal should be undertaken outside the bird nesting season (1st March and 31st August inclusive).
144. Taking the above into account, it is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage importance and as such the requirements of PPS 2 are considered to be met subject to conditions.

Archaeology and the Built Heritage

145. The application site is located within a buffer zone surrounding an archaeological site and monument – DOW 009:019 (an enclosure).
146. Historic Environment Division (Historic Monuments) have been consulted and advise that they have assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
147. Based on a review of the information provided and the advice received it is accepted that the proposed development will not have an adverse impact on archaeological features.

Planning and Flood Risk

148. From site inspection it can be seen that there are no watercourses within or adjacent the application site. Rivers Agency flood maps detail that the proposal

is not sited within a flood plain or near a watercourse.

149. The submission of a drainage assessment is not required for this proposal and it is considered that the proposal would not cause or exacerbate flooding consistent with PPS 15.

Consideration of Representations

150. One representation has been received in support of the proposal. It advises on the applicant's medical status, that a new dwelling would allow close proximity to his family and asks that the planning application be given approval.
151. The issues raised in the representation have been considered as part of the assessment of this application. Whilst living in close proximity to family is a material consideration significant weight cannot be added as the option of alternatives such as extending the existing dwelling is not explained to justify treating this proposal as an exception to the strict planning controls that apply in the open countryside.

Conclusions

152. For the reasons outlined above, it is considered that the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
153. The proposal is also considered to be contrary to the SPPS and Policy CTY 6 of PPS 21 in that
- the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
 - it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of the case.
154. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in an addition and extension to a ribbon development along Knockbracken Road.
155. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development therefore further eroding the rural character of the countryside.

Recommendations

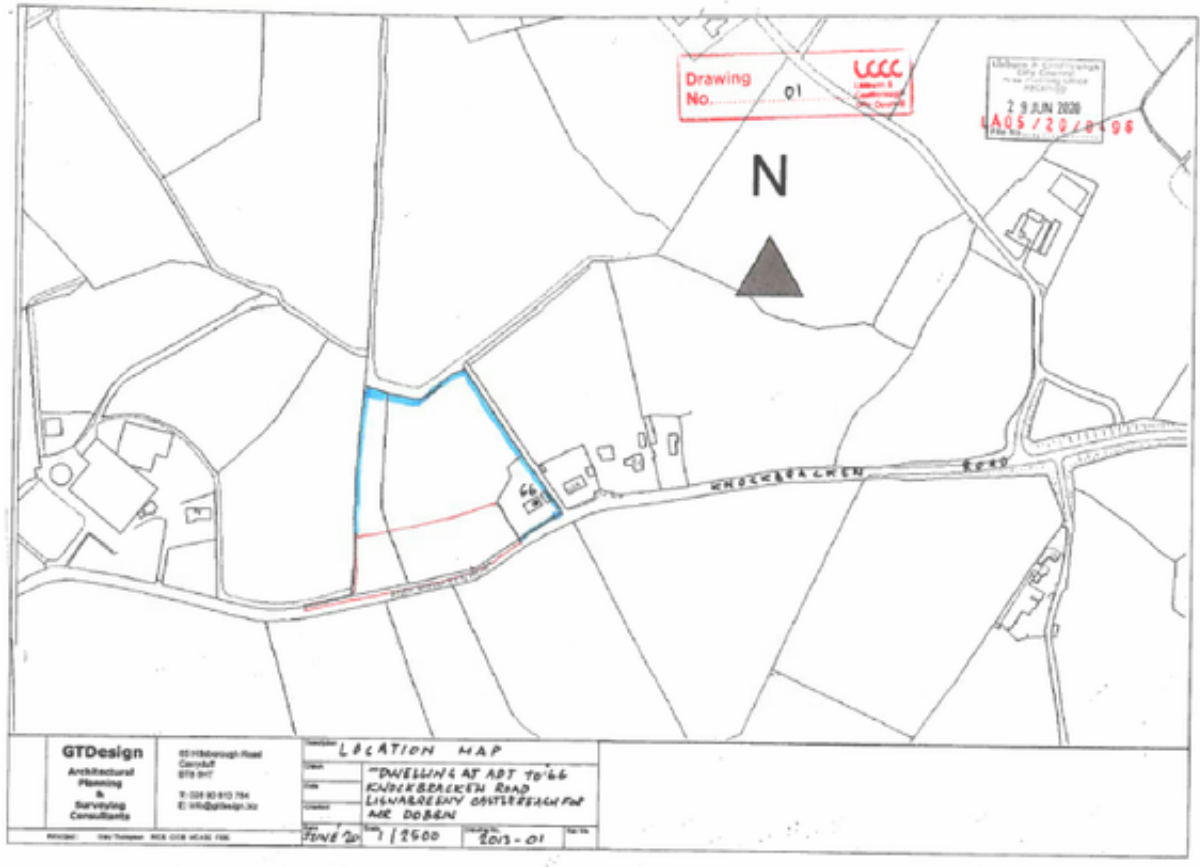
156. It is recommended that planning permission is refused.

Refusal Reasons

157. 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 CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Knockbracken Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development therefore further eroding the rural character of the countryside

Site Location Plan – LA05/2020/0496/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	03 October 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0206/O
Date of Application	23/02/2021
District Electoral Area	Killultagh
Proposal Description	Demolition of existing building. Construction of 4 detached two storey dwellings with garages.
Location	14a Feumore Road, Ballinderry Upper, Lisburn.
Representations	Thirteen
Case Officer	Catherine Gray
Recommendation	APPROVAL

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to approve as it considered to comply with the requirements of the SPPS and policy QD 1 of PPS 7 are met in that the 4 dwellings on the site would create a quality residential environment that would 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.
2. It is also considered that the proposal will comply with the SPPS and the addendum to PPS 7 in that the proposal would not have a negative impact on the character of established residential areas.
3. The proposal is considered to comply with the SPPS and policies NH1, NH 2 and NH 5 of PPS 2 in that the proposal would not have a negative impact on any special designations or natural heritage features.
4. The proposal is considered to comply with the SPPS and Policy AMP 2 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.

Description of Site and Surroundings

Site

5. The site is located to northern side of the Feumore Road and is comprises the buildings and curtilage of a former primary school.
6. The derelict school building is single storey with the windows and doors blocked up. It is of brick construction timber facia, metal rainwater goods and dark colour roof tiles. The small outbuilding is positioned to the rear of the main building and is to the western side, close to the boundary.
7. The southern boundary abuts the Feumore Road and is currently defined by a mature hedgerow with a ranch style wooden fence to its inside to one portion of it and there is a layby to pull in, with a wall just north of it finished in brown brick set back from the road.
8. The western boundary is currently defined by a post and wire fence with the neighbouring fence of a wooden ranch style fence abutting it all along the boundary except to the side of where the dwelling house sits where there is a two- metre high closed boarded wooden fence.
9. The northern boundary is defined by a concrete post and wire fence. The eastern boundary is also defined by a concrete post and wire fence and abuts an adjacent laneway that serves a pumping station.

Surroundings

10. The site is located within the small settlement of Feumore which is mainly comprised of detached dwellings extending along one side of the Feumore Road.
11. The land beyond the settlement is mainly rural in character and primarily in agricultural use.

Proposed Development

12. This is an outline application for demolition of existing buildings and construction of 4 detached two storey dwellings with garages.
13. In support of the application the following have been submitted for consideration:

- Landscape Development Concept and Analysis dated received 14th July 2021
- Biodiversity checklist and Ecological Statement dated received 31st August 2021
- Bat Survey Report dated received 26th October 2021.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2021/0197/O	Renewal of outline approval for 2 no. two storey dwellings with garages, previously approved ref no. LA05/2017/0361/O	14A Feumore Road, Ballinderry Upper, Lisburn	Permission Granted 19/05/2022
LA05/2017/0361/O	2 no two storey dwellings and garages	14A Feumore Road Ballinderry Upper Lisburn	Permission Granted 13/02/2018
LA05/2019/0556/F	Proposed development of 5 houses including altered access to No. 7 Feumore Road	Lands opposite 14A Feumore Road, Feumore Upper Ballinderry BT28 2LJ	Permission Granted 28/04/2020
LA05/2018/1263/NMC	2 two storey dwellings and garages (LA05/2017/0352/F).	Adj to No 14A Feumore Road, Ballinderry Upper Lisburn.	Consent Granted 31/05/2019
LA05/2017/0352/F	2 no two storey dwelling and detached garages (amended site plan and landscaping plan)	Adjacent to 14A Feumore Road Ballinderry Upper Lisburn	Permission Granted 22/01/2018
LA05/2017/1213/O	Site for 2 no two storey dwellings and detached garages	Lands 100M SE of 14B Feumore Road, Ballinderry Upper, Lisburn, BT28 2LH	Permission Granted 12/11/2019
LA05/2017/0417/O	Four number two storey dwelling house and garages	Land opposite 14 Feumore Road Ballinderry Upper Lisburn	Permission Granted 16/06/2017
S/2013/0730/F	Proposed dwelling and garage	Approx 80m West of 14 Feumore Road, Upper Ballinderry, Lisburn.	Permission Granted 22/05/2014

Consultations

15. 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	No Objection
Shared Environmental Services	No Objection
DfI Roads	No Objection

Representations

16. Letters of objection have been submitted in respect of the proposal. In summary, the following issues are raised:

- Overdevelopment of the site/built pattern/density/layout
- Planning History
- Emerging local development plan / SPPS
- Rural Character
- Area of High Scenic Value
- Noise levels
- Natural Heritage / Ecology
- Impact on privacy / residential amenity
- Access / road safety
- Positioning of proposed dwellings / building line
- Drainage
- Neighbour notification

17. 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 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
19. The relevant guidance is:
- Creating Places – Achieving Quality in Residential Developments
 - 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 as within the defined Settlement Development Limit of Feumore.
24. The application site is also within an Area of High Scenic Value, within an Area of Constraint on Mineral Developments and within a buffer zone surrounding a Ramsar Site, which in this case is Lough Neagh and Lough Beg. Other

constraints are Lough Neagh Area of Special Scientific Interest (ASSI) and Lough Neagh and Lough Beg Special Protection Area (SPA).

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. 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.

28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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

36. 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.

37. 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.

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

- (a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
- (b) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
- (c) *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
- (d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
- (e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
- (f) *adequate and appropriate provision is made for parking;*
- (g) *the design of the development draws upon the best local traditions of form, materials and detailing;*
- (h) *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and*
- (i) *the development is designed to deter crime and promote personal safety.*

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

Safeguarding the Character of Established Residential Areas

39. The Addendum to PPS 7 relates to safeguarding the character of established residential areas and Policy LC1 (Protecting Local Character, Environmental Quality and Residential Amenity) states that

in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;*
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.*

Creating Places

40. Creating Places – Achieving Quality in Residential Developments' (May 2000) is the principal guide for use by intending 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.

Natural Heritage

41. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
42. 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.*

43. 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.*

44. 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.

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

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

- 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.

46. 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

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.

48. 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

49. 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

50. 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.

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

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

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

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

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

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

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

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

Assessment

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

Quality Residential Environments

53. The proposal relates to an outline application for the demolition of the existing building on the site and the construction of 4 two storey dwellings.
54. As explained above, the site is within the Settlement Development Limit of Feumore where there is a presumption in favour of development. The land is not zoned for any particular use and the existing school building has been derelict for many years.
55. All proposals for residential development will be expected to confirm to the criteria (a) to (i) contained within Policy QD1.
56. It is noted that this application seeks outline planning permission in terms of the principle of development only. No details of the proposed housing have been submitted for consideration. That said, an indicative layout of the four dwellings and their proposed design has been provided.

Impact on Character of the Area

57. The immediate area is comprised of dwellings with a mixture of house types. The majority of the dwellings are two storey.
58. The dwellings in the immediate area are largely detached dwellings set on medium sized plots with in curtilage parking.
59. The proposal is for a total of 4 dwellings within a site of 0.422 hectares in size. Development of this site would provide for detached dwellings on medium sized plots in keeping with the existing built form with the indicative general arrangement capable of being carefully designed to be in keeping with the character of this small settlement.
60. It is acknowledged that many of the dwellings within the area front the road and do not have in depth residential development behind them, however the plot sizes and general arrangements of the proposed housing is considered to be consistent with the general character of the settlement.
61. Consideration has been given to the indicative plans and it is considered that the scale and massing of the proposed dwellings would not appear to be out of character with the established residential area.

Layout/Design/Materials

62. As indicated above the application is for outline permission. Details of the design and external finishes are matters to be reserved for the subsequent application stage.
63. That said and for the reasons outlined above, it is considered that 4 dwellings could be appropriately designed to comply with policy and guidance set out in Creating Places without having a negative impact on any neighbouring properties.
64. The dwellings are sensitively positioned within the site with front and rear gardens and in curtilage parking provided consistent with the parking standards set out in the Creating Places document.
65. The design draws upon the characteristics of the existing buildings in the surrounding area and would be similar in character to the existing built form in terms of height, scale and massing.
66. The proposed dwellings are two storey with a single storey element. They have a maximum ridge height of 8.0 metres above the finished floor level.
67. For the reasons outlined above, it is accepted that the proposed dwellings can be designed to be in keeping with the existing dwellings in the area and the use of appropriate materials would integrate the buildings into the site.

Residential Amenity

68. The proposed residential use adjacent to existing dwellings is considered to be acceptable and for the reasons outlined below, the development can be accommodated without having a negative impact on any neighbouring properties.
69. The proposed indicative layout and design demonstrates that adequate separation distances between existing and proposed can be achieved and that these distances are in keeping with the guidance in Creating Places.
70. The indicative plan indicates that the closest neighbouring dwelling to the western side (14G) is positioned to be approximately 11.2 metres away from the side elevation of the dwelling at plot A, with the existing neighbour's garage and the boundary treatment in between.
71. The proposed side elevation of the dwelling on plot A is measured to be approximately 4.8 metres at its closest point from the common boundary with the adjacent property at 14G. The proposed dwelling at plot D is approximately 23 metres away from the same neighbouring dwelling.
72. The existing adjacent dwelling to the eastern side (14E) is located approximately 34.2 metres away from the dwelling at plot B at the nearest

point, and approximately 60.6 metres away from the proposed dwelling in plot C at the nearest point.

73. There is also existing boundary treatments in between the proposal and the neighbour to the eastern side as well as the laneway that runs in between the proposed site and the neighbour's site.
74. Within the proposed development the dwellings to plot A and plot B are separated by 22.2 metres with the vehicular access separating all of the dwellings.
75. The separation distance between the dwellings at plot A and plot D is approx. 20.4 metres, the separation distance between the dwellings at plot B and C is approx. 25.4 metres and the separation distance between the dwellings at plot C and plot D is approximately 9.4 metres at the narrowest point.
76. The separation distances along with the proposed design and flat topography of the site will ensure that there would not have a negative impact on any neighbours' private amenity.
77. No unacceptable overlooking would be caused and it is considered that there would not be an unacceptable loss of light in relation to the neighbouring properties.
78. Given the relationship, orientation, design and separation distances between the proposed dwellings it is considered that there would not be a detrimental impact on residential amenity of either proposed or existing dwellings.

Provision of Open Space / Landscaping

79. The level of private amenity space and illustrated in the indicative layout is considered to be acceptable. It demonstrates that the site could easily accommodate more than the 70 square metres indicated in the Creating Places document for each of the dwellings.
80. Landscaping has been provided in the form of an indicative landscaping on the layout plan and also within the landscape development concept and synthesis. The final landscaping details would be a reserved matter.
81. It is considered that the site could make provision of private open space, and adequate landscaping proposals.

Safeguarding the Character of Established Residential Areas

82. Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings or the infilling of vacant sites (including extended garden areas) to accommodate new housing

where all of the criteria in policy QD1 of PPS 7 and all the additional criteria set out in points (a) to (c) set out below are met.

(a) the proposed density is not significantly higher than that found in the established residential area;

83. As detailed above, the proposed plot size is similar to that found within the local area which demonstrates that the proposed development is in keeping with the local character/pattern of established residential area.
84. The proposed density as discussed above is no greater than that found in the surrounding residential area and it is considered to be acceptable for the site and its location.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

85. As demonstrated in the context of policy QD1 considerations, the proposed development is in keeping with the overall character and environmental quality of the established residential area.
86. Two storey dwellings also with a single storey element are proposed and the established character comprises mainly of two storey detached dwellings. The design and layout is in keeping with the existing development pattern and is considered to be acceptable within this context.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

87. The associated Annex A sets out space standards against which new dwellings units should comply to ensure that adequate living conditions are provided. Space standards comprise a calculation of internal floor space area.
88. Whilst the application is outline the detail submitted with the application indicates that the site could accommodate 4 dwellings that would be above the minimum size/space standards and is therefore considered to be acceptable in relation to this criterion of the policy.

Access, Movement and Parking

89. Detail submitted with the application indicates that the proposal will involve the alteration of an existing access to the public road for both vehicular and pedestrian use.
90. The submitted site layout plan, drawing 02 indicates one proposed access will serve the proposed 4 dwellings within the application site. The site layout also shows that each plot could accommodate sufficient in-curtilage parking.

91. DfI Roads have been consulted on the proposal and offer no objections and provided standard conditions. They stipulate that an access with visibility splays of 2.4 metres by 97 metres in both directions with an access position to be located to achieve the above requirements.
92. Based on the detail provided and the advice from DfI Roads, it is considered that the proposal complies with policy AMP 2 of PPS 3 and that a safe means of access can be provided without inconvenience caused to road users.

Natural Heritage

93. PPS 2 Natural Heritage sets out the planning policies for the conservation, protection and enhancement of our natural heritage.
94. The application site is located within Lough Neagh and Lough Beg Ramsar site and is within 100m of Lough Neagh Area of Special Scientific Interest (ASSI) and Lough Neagh and Lough Beg Special Protection Area.
95. Through the processing of the application a biodiversity checklist and ecological statement and bat survey has been submitted for consideration.
96. The survey indicated that bats had been observed entering and leaving the vacant building on site and the report suggested mitigating measures to deal with this including removing the bats without injuring or killing them and alternative bat roost replacements in the immediate area.
97. Natural Environment Division (NED) have been consulted on the application proposal and they stated that:

The Bat Entry and Re-entry survey notes that four/five bats were observed emerging from the old school building in the initial dusk survey, one bat re-entering during the dawn survey and a final single bat was observed emerging during the final dusk survey, confirming the existence of a roost within the onsite structure. The proposed works will ultimately lead to disturbance and destruction of the identified roosts within this feature.

In order for the works to proceed, a licence application will need to be submitted to NIEA Wildlife Team for the exclusion of bats from their roost and subsequent destruction of the roost. In order to apply for this licence, a method statement must be produced outlining all works to be undertaken on site and mitigation measures to be included into the development. Given the presence of roosting bats within the building proposed for demolition, mitigation is required.

NED stated that they would require the following.

- *A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours before any further development work continues.*

- *Works on the identified buildings due for conversion to be restricted to the periods of 15th August -1st November and 1st March – 15th May to minimise impacts to bats.*
 - *Compensatory bat roosting opportunities must be incorporated into the proposal to provide alternative roosting habitat for bats. It is recommended that a minimum of 3 bat bricks/cavities are utilised.*
98. NED concluded that subject to the recommendations above and conditions they were content with the proposal
99. Shared Environmental Services (SES) have also been consulted on the proposal.
100. Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitat, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 29/06/2022. This found that the project would not be likely to have an adverse effect on the integrity of any European site.
101. SES advised that
- Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the mitigation measures being conditions in any approval.*
102. On the basis of the information submitted and taking on board the advice of NIEA and SES, 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

103. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.
104. There are no watercourses within or adjacent to the application site and the Rivers Agency flood maps detail that the site is not located within a flood plain.

105. A drainage assessment is not required for this proposal and it is considered that the proposal would not cause or exacerbate flooding.
106. NIEA Water Management Unit have been consulted and offer no objection.
107. For the reasons outlined, it is considered that the proposal complies with PPS 15 and that no flood risk will occur.

Consideration of Representations

108. The issues raised by way of third party representations are considered below

Overdevelopment of the site/built pattern/density/layout

109. Concern is raised that the proposal is overdevelopment of the site and that the application is more akin to a sub-urban environment and has little appreciation of the local rural character and that the linear built pattern should be preserved. It is considered that the proposed density is out of character for the area, that the proposal would constitute back land development and is out of character for the area.
110. The proposal is within the Settlement Development Limit of Feumore and is a designated urban environment. The proposal is considered to meet the relevant planning policy context and guidance. It is considered that four dwellings on the site is appropriate for the site and its locality. The density of development on a site of 0.422 hectares is considered to be acceptable. It is considered that the proposal would not detract from the local character of the area.

Planning History

111. An objector refers to application S/2008/0144/F and states that this application was successfully challenged and refused, being reduced to 2 dwellings which preserved the linear build pattern. In their view this has set a precedent and that tandem developments should not be tolerated.
112. Application S/2008/0144/F was an application at 1 Shore Road (Off Feumore Road), Upper Ballinderry, Lisburn, BT28 2LQ which was granted planning permission for the demolition of existing dwelling house and erection of 2 dwelling houses with detached garages.
113. This is a different site with its own characteristics. It was the site of a former primary school and it has depth which allow for the type of response propose. Each application is assessed on its own merits and the planning history of the site and surrounding area and it is considered that in depth development of this site will not harm the overall character of the settlement of Feumore..

Emerging local development plan / SPPS

114. The view is expressed that the application conflicts with the preferred options paper and detail of the emerging local development plan which aims to restrict inappropriate expansion into the surrounding countryside and that the proposal is also contrary to the SPPS.
115. The application site is within the Settlement Development Limit and does not expand into the surrounding Countryside. The emerging local development plan has only recently went through an independent examination and is therefore not a material consideration to be weighed against of this proposal. The appropriate regional policies are considered.

Rural Character

116. The view is also expressed that under PPS 21 it is clear that the local rural character of Feumore is clearly under significant pressure and threat of significant change and therefore necessitates a countryside type assessment.
117. PPS 21 is not the relevant policy context for the proposal, the application site is located within the Settlement Development Limit and is therefore assessed against the relevant planning policy PPS 7.

Area of High Scenic Value

118. Concern is raised that the proposal would undermine the Area of High Scenic Value.
119. The impact of the proposal upon the area has been assessed in detail and it is considered that the proposal would not have a negative impact on the Area of High Scenic Value.

Noise levels

120. The view is expressed that given the speed and amount of traffic using the Feumore Road, it is unlikely that plot A and B's gardens will be able to achieve World Health Organisation standards of 55dB in private gardens, which is required for peaceful enjoyment of amenity areas.
121. Residential use beside residential use is considered to be compatible. Environmental Health have been consulted with regards to the proposal and have raised no objections or concerns with regards to noise levels.

Natural Heritage / Ecology

122. Concerns have been raised about the proposals impact on Natural Heritage and ecology. Concern has been expressed about the proposals proximity to Lough Neagh and Lough Beg and that any proposed development must have due regard to PPS 2. The view is expressed that the lack of surveys with the

application is a serious omission and must be remedied before any decision can be taken.

123. Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitat, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 29/06/2022. This found that the project would not be likely to have an adverse effect on the integrity of any European site.
124. Through the processing of the application and biodiversity checklist and ecological statement and bat survey has been submitted for consideration. Natural Environment Division have also been consulted on the proposal and have raised no objections.
125. A full assessment has been made and it is considered that the proposal complies with Planning Policy Statement 2 Natural Heritage.

Impact on privacy / residential amenity

126. Concerns have been expressed about the impact on privacy. Concerns have been raised about the impact on the closest neighbouring dwellings and their private amenity. Property number 14E have specifically highlighted their concern over the reasonable enjoyment of their garden and property 14G specifically highlight their bathroom and bedroom window to their rear elevation along with their amenity space.
127. This application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said indicative plans have been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of the existing adjacent residents by way of overlooking. Detail design of all elements of the proposal would be considered at reserved matters stage.

Access / road safety

128. Concerns have been expressed about the access. The view is expressed that the shared access to multiple dwellings is not in keeping with the rural character of the area and that four dwellings using the same access provides for road safety concerns.
129. The proposal is within a designated Settlement Development Limit and a shared access to the site is considered to be acceptable in this context. DfI Roads have raised no objections to the proposal and it is considered to comply with PPS 3 Access, Movement and Parking.

Positioning of proposed dwellings / building line

130. Concern has been expressed about the positioning of the dwellings and the building line.
131. The existing building line along the Feumore Road will be maintained. The indicative site layout provided shows that the existing building line can be maintained and the final detail of the positioning of the dwellings would be dealt with at Reserved Matters stage if this application is approved.

Drainage

132. Concern has been raised that the application proposes a soak-away for its surface water drainage scheme given its adjacent to a Ramsar site.
133. Water Management Unit have been consulted and have no objection in principle to the proposal and refer the applicant agent to standing advice. Shared Environmental Services have been consulted with the proposal and have no objections subject to conditions.

Neighbour notification

134. Concern has been expressed about neighbour notification.
135. The Council is content that it has fulfilled its statutory obligations with regards to neighbour notification.

Conclusions

136. This application is presented to the Planning Committee with a recommendation to approve as it considered to comply with the requirements of the SPPS and policy QD 1 of PPS 7 are met in that the 4 dwellings on the site would create a quality residential environment that would 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.
137. It is also considered that the proposal will comply with the SPPS and the addendum to PPS 7 in that the proposal would not have a negative impact on the character of established residential areas.
138. The proposal is considered to comply with the SPPS and policies NH1, NH 2 and NH 5 of PPS 2 in that the proposal would not have a negative impact on any special designations or natural heritage features.
139. The proposal is considered to comply with the SPPS and Policy AMP 2 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.

Recommendations

140. It is recommended that planning permission is approved.

Refusal Reasons/Conditions

141. The following conditions are recommended:

1. 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.

2. 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.

3. 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.

4. The dwellings 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.

5. 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.

6. The width of the shared 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.

7. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife Licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

8. A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours shall be undertaken before any further development work continues.

Reason: To ensure protection of bats and their roosts.

9. Works on the identified buildings due for demolition shall be restricted to the periods of 15th August – 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

10. Compensatory bat roosting opportunities shall be incorporate into the proposal to provide alternative roosting habitat for bats. It is recommended that a minimum of 3 bat bricks/cavities are utilised.

Reason: To ensure compensatory roosting opportunities for bats are provided.

11. There shall be no external lighting directed towards any proposed new hedgerow vegetation and new trees.

Reason: To minimise the impact of the proposal on bats.

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

weeks of works commencing.

Reason: To protect breeding birds.

13. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

14. No development shall take place on-site until the method of sewerage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999.

Reason: To ensure a practical solution to sewerage disposal at this site that will protect features of Lough Neagh and Lough Beg SPA/Ramsar from adverse effects.

15. The appointed contractor shall submit a Final Construction Environmental Management Plan (CEMP) for approval by Lisburn and Castlereagh City Council Planning before commencement of any works on site. This plan shall contain all the appropriate environmental mitigation as advised in the ATEC Biodiversity checklist and Ecological Statement dated August 2021 and the advice of NIEA WMU/NED in responses dated 25/03/2021 and 08/12/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phases that will protect connected features of the Loughs.

16. A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage providing for species, siting, planting distances, presentation and programme of planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of the development.

Reason: To ensure the continuity of amenity afforded by existing trees, and the provision, establishment and maintenance of a high standard of landscape.

17. 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 development.

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

Site Location Plan – LA05/2021/0206/O



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	03 October 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0331/O
Date of Application	28 March 2022
District Electoral Area	Downshire East
Proposal Description	Site for Dwelling
Location	Clogher Road approximately 40m northwest of 58 Clogher Road and immediately north of 115a Saintfield Road, Lisburn
Representations	Four
Case Officer	Cara Breen
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a Local Planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation, in that it has been 'called in'.
2. The application is presented with a recommendation to refuse as the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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 Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage and if permitted would add to a ribbon of development along Clogher Road.
4. In addition, it is considered that the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy

Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Clogher Road.

Description of Site and Surroundings

Site

5. The application site is approximately 0.2 hectares in size and located approximately 40 metres north west of 58 Clogher Road and immediately north of 115A Saintfield Road, Lisburn.
6. It is accessed from an agricultural field gate as the southeastern corner and the land within is comprised mainly of a sand school (enclosed on three sides by a d-rail fence) and part of an agricultural field.
7. A domestic stable block was under construction in the field behind the sand school and on the date of the site visit three block walls had been constructed to form a means of enclosure.
8. The roadside (north eastern) boundary is defined by a grass verge with a 1.2 metre high post and wire fence with mature trees behind. The south eastern boundary is formed by a wall and the side elevation of the detached outbuilding at 115a Saintfield Road. The south western boundary was undefined and part of a larger field. The north western boundary is defined by mature trees set behind a 1.2 metre high timber post and rail fence.

Surroundings

9. The lands surrounding the site are primarily rural in character and the land mainly in agricultural use.
10. There is evidence of a build up of residential development around the junction of Clogher Road and Saintfield Road with three single detached dwellings with frontage to one or both roads.

Proposed Development

11. The application seeks outline planning permission for a dwelling as an infill. In a planning statement supplied in support of the proposal in March 2022 reference is made to the reasons why this application should be treated as an exception to policy.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2020/0856/F	Stables to shelter horses (for domestic purposes) at existing horse paddock	Immediately north of 115a Saintfield Road Lisburn	Permission Granted

13. The detail associated with this permission indicated that this stable was to shelter horses (for domestic purposes at existing horse paddock immediately north of 115a Saintfield Road, Lisburn. The applicant in this case was the owner and occupier of 115a Saintfield Road.

Consultations

14. The following consultations were carried out:

Consultee	Response
DAERA Water Management Unit	Refer to Standing Advice
NI Water	Offer no objection
LCCC Environmental Health	Offer no objection in Principle
DfI Roads	Offer no objection

Representations

15. Four representations in opposition to the proposal have been received by the Council to date following the statutory advertisement and neighbour notification process.
16. The representations are available to view on the Planning Portal via the following link;

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?guid=2b4dfb15-509d-461c-989a-a2c47028e581>

17. In summary, the issues raised in the objections are as follows;
- Ribboning
 - Would not form part of a cluster under Policy CTY 2a
 - Not a gap
 - Not a continuously built up frontage
 - Road safety
 - Contrary to Policies CTY 1,3,4,5,9,10,12 and 13
 - No existing mains sewerage – could lead to pollution problem
 - Risk of precedence
 - Structure on the north west boundary should not be used for infill development
 - The felling of two trees is an infringement of the Wildlife and Countryside Act 1981 and is in breach of the European Habitats Directive 1992/Nesting Birds Directive and is a criminal offence under the Wildlife (N.I) Order 1985
 - Would lead to the suburbanisation of a rural area – destroy character
18. The issues raised in the objections have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

19. The relevant policy documents are:
- Regional Development Strategy (2035)
 - Lisburn Area Plan (2001)
 - Belfast Metropolitan Area Plan (Draft) 2004
 - Strategic Planning Policy Statement (SPPS) 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 21: Sustainable Development in the Countryside
20. 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

21. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
22. On 18th May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had not been lawfully adopted.
23. 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.
24. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside, outwith any designated settlement limit, and as such, there is no difference in the local plan context.
25. Page 49 of the Lisburn Area Plan 2001 states

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.

26. 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

27. The SPPS states

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

28. The local development plan is at Stage 1, and there is no Stage 2 draft. Thus, no weight can be given to the emerging plan. The transitional period remains operational.
29. The SPPS states

'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.'
30. 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.
31. 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.'
32. 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.
33. 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.'
34. 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.

35. 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.

36. 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.'

37. 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.

38. In relation to development in the countryside and infill development (to which this application seeks approval for, as per the associated Supporting Planning Statement and Concept Plan) specifically, Paragraph 6.73 of the SPPS states

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

39. Paragraph 6.78 of the SPPS states

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

Sustainable Development in the Countryside

40. 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.

41. Policy CTY 1 states

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

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

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

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

42. The policy states

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

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.'*

43. As per the submitted Supporting Planning Statement and Concept Plan, this application pertains to a proposal for the development of a gap site for a single dwelling. As such, it is to be assessed against the requirements of policy CTY 8.

44. In addition to Policy CTY 8, it is noted that there are other CTY policies that are engaged as part of the assessment including; Policy CTY 14 and Policy CTY 16.

45. 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.'

46. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.
47. Regard is also had to the Justification and Amplification text associated with CTY 8 which states

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

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

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

Building on Tradition

48. The SPSS states;

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

49. With regards to Policy CTY 8, Building on Tradition states;

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

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

applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

50. 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.

51. It also notes at the following paragraphs that;

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

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

52. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement has been applied to the issues to be addressed.

53. 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.

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

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

55. The policy states

'A new building will be unacceptable where:

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

56. Policy CTY 14 – Rural Character states

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

57. The policy states

'A new building will be unacceptable where:

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

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

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

59. The policy also states

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

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

60. With regards to Policy CTY16, Building on Tradition [page 131] states;

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

Natural Heritage

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

62. 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.'*

63. 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.'

64. 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.'*

65. The policy also states

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

Access, Movement and Parking

66. 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.

67. Policy AMP 2 – Access to Public Roads states

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

69. Within the context of the Planning policy tests outlined above, the following assessment is made relative to this particular application.
70. As the Courts have noted in the Glassdrumman 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 but none of the exceptions are met.

Ribbon Development

71. The first step of the policy test is to demonstrate that an **otherwise substantial and continuously built up frontage** exists.
72. In terms of a substantial and continuously built up frontage, it is acknowledged from the site inspection that a 115A Saintfield Road comprises a 1.5 storey detached residential dwelling and single storey outbuilding located immediately to the south east of the application site.
73. Whilst the vehicular access to and from 115A is from Saintfield Road, which the front elevation of the dwelling faces. The dwelling is designed to have a dual frontage, with its rear private amenity space (curtilage) abutting Clogher Road, to which access is also achieved via a pedestrian gate. It is accepted that the dwelling and outbuilding at 115A both present a frontage to Clogher Road.
74. The site at 58 Clogher Road, which is comprised of a 1.5 storey detached roadside dwelling and a single storey detached outbuilding, is located

immediately to the south east of 115A Saintfield Road. It is accepted that both the dwelling and outbuilding present a frontage to Clogher Road.

75. The application site is located to the north west of 115A Saintfield Road. No buildings neighbour the application site to the north west. Essentially, there is no 'bookend' or third building that defines the other edge or side to a gap.
76. It is acknowledged that at the time of the site visit that building works were taking place. The works appeared from visual inspection to be generally consistent with a grant of planning permission for a domestic stable block described in the planning history.
77. However these works were not complete and the three walls erected only formed an enclosure and could not be described as a building within the meaning of the policy.
78. Even if the building works had been completed the structure was located behind a sand school in a field which has no frontage to the Clogher Road. .
79. The policy clearly refers to a gap site within (my emphasis) an otherwise substantial and continuously built up frontage. As there is not an existing built up frontage on both sides of the application site the proposal cannot represent a small gap within a substantial and continuously built up frontage and a dwelling at this location would extend an existing ribbon of development along the Clogher Road.
80. Whilst no further assessment is required for the purpose of completeness the other criteria of the policy are considered.
81. If the applicant was able to demonstrate that a building had been completed in the intervening period that had a frontage to the road and that this created a small gap in accordance with the second policy test they would still be required to demonstrate that the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
82. The plot size of the application site as shown on the concept plan is shown as 0.2 hectares in size to provide a numerical comparison with the other plots adjacent. No explanation is provided as to why the third dwelling is excluded from the assessment but considering all the plots in the round the shape and size of the application is not consistent with the established pattern, whereby the other dwellings have larger plots and/or present a wider frontage to the road.
83. The proposed site is narrow and the curtilage is unduly restricted by two constraints. The first being the potential domestic stable which will no longer be linked to the dwelling it serves or have any practical function as the sand school is redeveloped. The second being the agricultural access which is required to service the agricultural land to the rear of the site.

84. Without prejudice to the assessment that this is an extension of a ribbon of development along the Clogher Road it is also considered that the proposal would not meet the the third test of the first exception to policy CTY 8 as the dwelling indicated on the concept plan would not respect the existing pattern of development along the frontage to the south east for the reasons outlined above.
85. The fourth and final step of the exceptions test of Policy CTY 8 that must be considered is whether the proposal **meets other Planning and environmental requirements**.
86. As it is considered that the proposal does not fulfil the exceptions test, in that the application site does not constitute a small gap within an otherwise substantial and continuously built up frontage, it is considered that if permitted the proposal would result in a suburban style build up of development when viewed with existing buildings (Policy CTY 14(b)), would not respect the traditional pattern of settlement exhibited in the area (Policy CTY 14(c)) and would add to a ribbon of development along the south western side of Clogher Road (Policy CTY 14(d)).
87. As a result of this it is considered that the proposal does meet the fourth test of the exceptions to policy CTY 8.

Integration and Design of Buildings in the Countryside

88. This is an outline planning application which seeks to establish the principle of development and as such, full plans have not been submitted for consideration, nor have they been requested.
89. A Concept Plan depicting a proposed dwelling with an approximate footprint of 104 metres squared has been submitted for consideration. It is presumed given the restricted nature of the footprint that two floors of accommodation are proposed. Only a modest sized dwelling could be accommodated in this footprint and the buildings adjacent plots are much larger.
90. Taking the topography of the application site, the existing mature vegetation to the north western boundary and north eastern boundary and the existing neighbouring buildings in situ immediately to the south east into account, in addition to intervening mature vegetation and surrounding drumlin topography and with the aid of a ridge height restriction condition of 7 metres above the finished floor level, it is considered that the application site could accommodate a single residential dwelling without appearing unduly prominent feature in the surrounding landscape.
91. It is acknowledged that existing mature boundaries are in situ to the north west and north east (roadside) of the application site and the retention of these could be conditioned as part of any approval. Building on Tradition guidance advises that two to three established boundaries should be in situ to aid with integration,

to which this application site meets. In addition, the existing neighbouring buildings immediately to the south east would also provide a degree of enclosure for the purposes of integration.

Whilst it is acknowledged that new landscaping would be required to the south western boundary of the application site, taking the above into account, it is not considered that the proposal would rely primarily on new landscaping for the purposes of integration.

92. In terms of ancillary works, a Concept Plan (indicative layout) and a Site Access Plan have been provided.
93. Taking this indicative layout into account, in addition to the Site Access Plan, it is not considered that the proposal would involve the creation of a large suburban style sweeping driveway.
94. Taking the above into account it is accepted that the proposal meets the requirements of to the policy CTY 13 and that if an exception had been demonstrated a dwelling could be integrated into the landscape. . .

Rural Character

95. Consistent with the advice offered earlier in this report and, for the reasons outlined, it is not accepted that the proposal complies with the exceptions test of Policy CTY 8 and therefore it would by virtue of visual linkage/common frontage result in an addition to ribbon development along the south western side of Clogher Road resulting in a suburban style build up of development when viewed with existing buildings that would not respect the traditional pattern of settlement and harm the rural character of the area.
96. The requirements of criteria (b), (c) and (d) of Policy CTY 14 are not met for the reasons outlined above.

Development Relying on Non-Mains Sewerage

97. As per Q18 of the P1 Form, the disposal of foul sewage is proposed to be via a septic tank.
98. The Councils Environmental Health Unit were consulted as part of the application process. In a response, dated 22nd April 2022, they state they have no objection in principle to the means of disposal proposed. This advice is accepted and no policy objection on the grounds of policy CTY 16 is offered.

Natural Heritage

99. The application site was not occupied by any buildings/structures at the time of site inspection.
100. It is noted that mature boundaries exist to the north west and north east of the application site.
101. Cross-referencing what was observed on the ground at site inspection and what is depicted on the Site Access Plan, it is not considered that the proposal would involve unacceptable vegetation clearance to accommodate the proposed scheme.
102. The retention of existing boundary vegetation could be conditioned if the application if the Members were not minded to accept the advice of the officers.
103. When asked if they are aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended) within Q14 of the submitted P1 Form, the applicant/agent confirmed that none were identified.
104. Taking the above into account, no are rasied to the proposal on th e grounds of policies contained in Planning Policy Statement 2

Access, Movement and Parking

105. The Clogher Road is not a designated Protected Route.
106. The P1 Form and the Site Access Plan drawing, indicate that the proposed scheme would incorporate the installation of a vehicular access from Clogher Road to serve the site. It is noted that an agricultural access exists along the north eastern boundary currently.
107. Visibility splays of 2.0 x 45m have been proposed in each direction.
108. Dfl Roads were consulted as part of the application process. In a response dated 13 June 2022, Dfl Roads offer no objection subject to conditions.
109. The advice of Dfl Road is accepted and no policy objections are raised to the proposal for a new access on the grounds of policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking.

Consideration of Representations

110. As noted, four representations in opposition to the proposal have been received by the Council to date following the statutory advertisement and neighbour notification (publicity) process.

111. The issues raised in the objection are identified and addressed as follows;

Ribboning

112. It is contended that the proposed scheme does not fulfill the exceptions test for infill development as outlined in Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside and that any dwelling on the application site would by virtue of visual linkage and common frontage result in the addition to ribbon development along the south western side of Clogher Road.

Would not form part of a cluster under Policy CTY 2a

113. As per the associated Supporting Planning Statement which accompanied the Planning application and the submitted Concept Plan, the application has been submitted for assessment for infill development under the exceptions test of Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside. No consideration has therefore been given to Policy CTY 2A.

Not a gap

114. It is acknowledged that there is an existing structure (incomplete stable block approved under LA05/2020/0856/F) in situ within the application site and no buildings are in situ in close proximity to the north western side of the application site. For these reasons, it is not perceived that the application site constitutes a gap.

Not a continuously built up frontage

115. Whilst there are four buildings which present a road frontage to the south eastern side of the application site, there is no built development in close proximity to the north western side of the application site. It is therefore considered that the application site does not fall within a substantial and continuously built up frontage.

Road safety

116. DfI Roads were consulted as part of the processing of the Planning application. In their final consultation response, dated 13th June 2022, they offer no objection to the proposal, subject to the inclusion of 3no. stipulated conditions, as per their consultation response, with any approval.

Contrary to Policies CTY 1,3,4,5,9,10,12 and 13

117. The assessment above demonstrate that the proposed scheme is contrary to Policy CTY 1, Policy CTY 8 and Policy CTY 14 (b),(c) and (d) of Planning Policy Statement 21: Sustainable Development in the Countryside.

No existing mains sewerage – could lead to pollution problem

118. The proposed method of foul sewage disposal is via septic tank is provided for in the P1 Form in response to question 18.
119. The Councils Environmental offer no objection in principle subject to the applicant providing a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent.
120. Advice received indicates that the drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling at the subsequent planning stage.
121. DAERA Water Management Unit and NI Water were also consulted as part of the processing of the application and subsequently offered no concerns, subject to advice.
122. For the reasons outlined in the report above, a dwelling would not lead to a pollution problem.

Risk of precedence

123. It is recommended that the application is refused. It is acknowledged that all Planning applications are assessed on their own merits and against relevant Planning policy/guidance and all other material considerations.

Structure on the north west boundary should not be used for infill development

124. It is acknowledged that an incomplete stable block (3 breeze block walls) which was approved under LA05/2020/0856/F has been erected in part within the application site. That said, there is no built development in close proximity on the north western side of the application site.
125. For these reasons it is not considered that the application site constitutes a small gap within an otherwise substantial and continuously built up frontage and for the reasons outlined in the assessment above, the proposed development does not satisfy the exceptions test as set out in Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside.

The felling of two trees is an infringement of the Wildlife and Countryside Act 1981 and is in breach of the European Habitats Directive 1992/Nesting Birds Directive and is a criminal offence under the Wildlife (N.I) Order 1985

126. Reference is made to the felling of two trees. From the Site Access Plan, it is not considered that the proposal requires the removal of trees.
127. No Tree Preservation Orders [TPO] exist/existed within the application site. The felling of trees is subject to separate legislation and is outside the remit of Planning.

Would lead to the suburbanisation of a rural area – destroy character

128. As demonstrated in the assessment above, the proposed scheme does not comply with the exceptions test set out in Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside.
129. As a result, and by virtue of visual linkage and a common frontage, it is considered for the reasons outlined that a proposed dwelling on the application site would add to a ribbon of development along this section to the south west of Clogher Road and that a dwelling if approved would lead to a suburban style build-up of development when viewed with the existing buildings at 58 Clogher Road and 115a Saintfield Road.

Conclusions

130. For the reasons outlined above, it is considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 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.
131. Furthermore the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which if permitted would add to a ribbon of development along Clogher Road.
132. In addition, it is considered that the proposal is also contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Clogher Road.

Recommendations

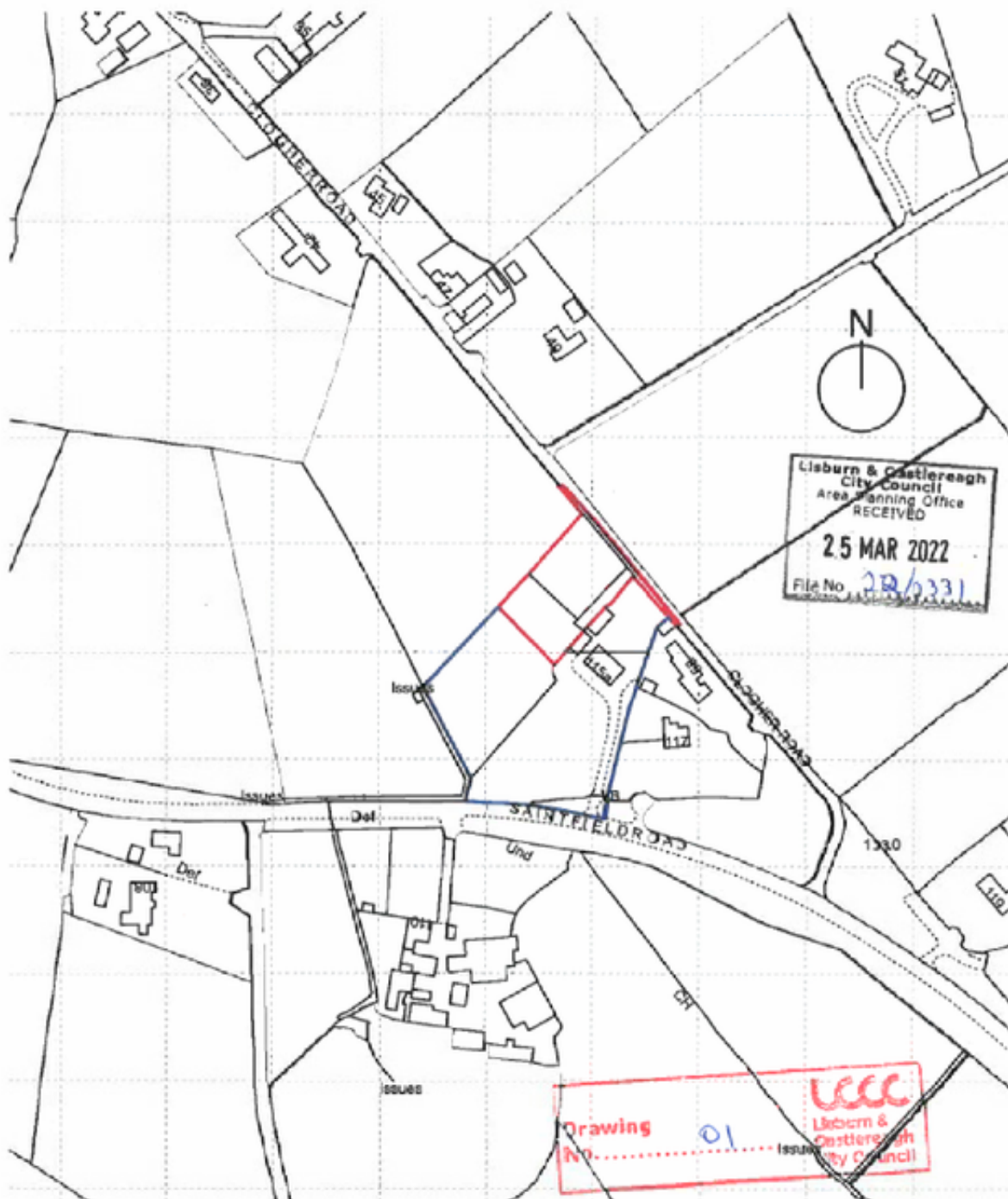
133. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

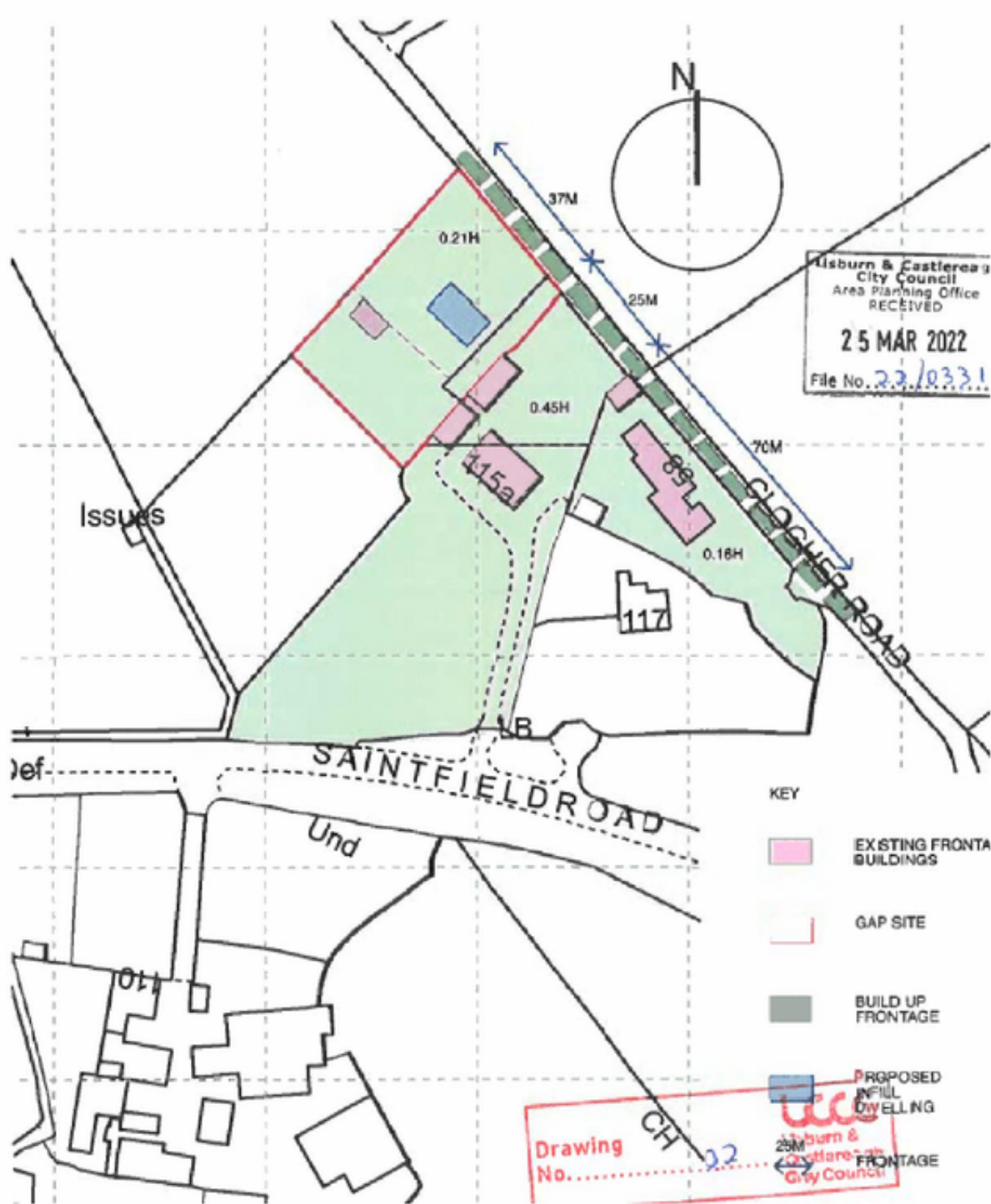
134. The following refusal reasons are recommended;

1. The proposal is contrary to the Strategic Planning Policy Statement (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.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Clogher Road.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Clogher Road.

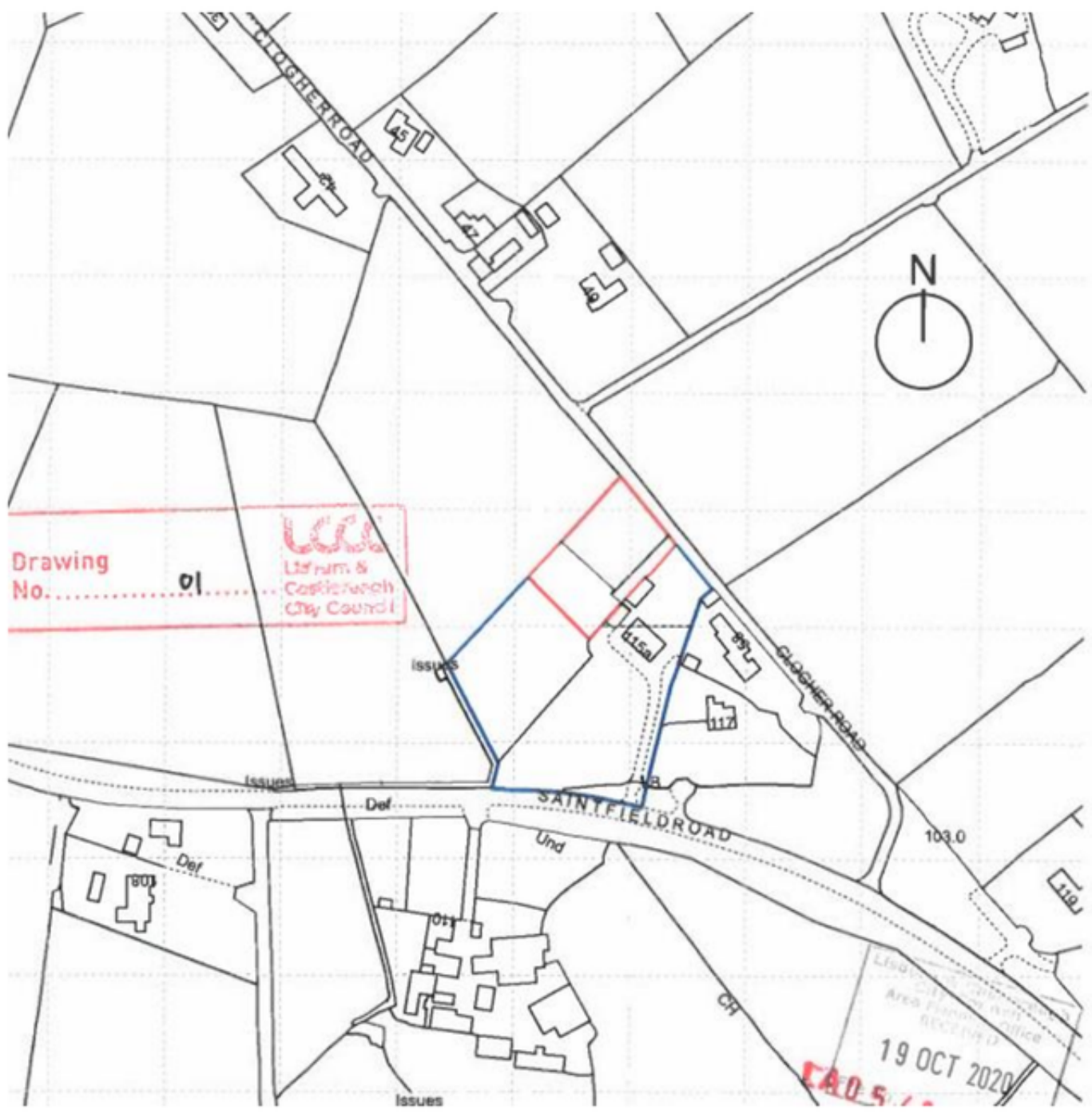
Site Location Plan – LA05/2022/0331/O



Concept Plan - LA05/2022/0331/O



Site Location Plan – LA05/2020/0856/F





Planning Committee

03 October 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – August 2022

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 functions.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet summarising the monthly position for each indicator for the month of August 2022.

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not Official Statistics and should not be publically quoted as such.
3. Members will note that the performance against the statutory target for local applications for August 2022 was 39.6 weeks with performance year to date noted to be 28.6 weeks.
4. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is still reflected in the performance for local applications this month.
5. It should be further noted that more decisions have been issued than received this month. The Planning Unit remains focused on improving performance in relation to local applications.
6. Performance in relation to major applications year to date is 83.4 weeks. As explained previously, there has been no opportunity to perform against the statutory target for major applications as a number of proposals brought forward in previous months are subject to Section 76 planning agreements.
7. Processing major applications remains a priority for the Planning Unit.

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?

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 give 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:

APPENDIX 2 – Statutory Performance Indicators – August 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Statutory targets monthly update - August 2022 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	83.4	0.0%	74	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	73	69	23.8	34.8%	26	25	32.2	72.0%
June	1	-	0.0	0.0%	76	74	29.4	36.5%	15	30	36.5	73.3%
July	0	-	0.0	0.0%	52	63	33.2	25.4%	27	23	21.2	91.3%
August	1	-	0.0	0.0%	62	67	39.6	13.4%	31	14	19.5	78.6%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	2	1	83.4	0.0%	337	351	28.6	32.2%	122	119	24.8	80.7%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



Planning Committee

03 October 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 - Appeal Decision in respect of planning application LA05/2021/0079/O

Background and Key Issues:

Background

1. An application for a replacement dwelling on land 200 metres north-east of 43 Ballykine Road Ballynahinch was refused planning permission on 11 May 2021 as it was considered that there were no overriding reasons why the development was essential in this rural location and could not be located in a settlement.
2. It was also considered that there was no permitted structure that exhibited the essential characteristic of a dwelling.
3. An appeal was lodged with the Planning Appeals Commission (PAC) on 02 June 2022. The procedure followed by the Commission was written representations with a Commissioner noted to have carried out site visits on 01 and 10 December 2021.
4. The Commissioner identified the main issue in the appeal to be whether the principle of development was acceptable in the countryside.
5. In a decision dated 17 August 2022 the PAC indicated that the appeal should fail and that the Council's reasons for refusal had been sustained.

Key Issues

1. The Commission's consideration of the case is set out at section 6.0 of the Commissioner's Report. At paragraph 6.9 it sets out a view as to whether the building exhibited the essential characteristics of a dwelling. The Commissioner noted the structure to have some characteristic of a dwelling namely a front door, three windows with domestic proportions, and internal subdivision providing two rooms one of had evidence of a fireplace.
2. Based on this evidence, it was accepted that this was sufficient to persuade them that at one time, a building on site was used as a dwelling and as such, that part of the policy requirement associated with Policy CTY 3 was met.
3. However at paragraph 6.10 the Commissioner goes on to make reference to the specific wording within Policy CTY 3 which refers to the 'building to be replaced' and expresses the view that this must mean the original building and not any subsequent structure that, for example is a new building or one that has been extensively rebuilt.
4. The Commissioner on review of aerial photography presented by the Council agreed that in the period 2012 – 2016, the appearance of the structure had materially changed from one in an apparent ruinous state to the one that appears on the ground today as a sound structure with the roof intact.
5. The Commissioner concluded that the building was not therefore the same building and that it had approximately 80% of the external walls rebuilt.
6. Whilst the applicant presented a case that some maintenance and remedial works had been carried out to the building to make it watertight, the Commissioner expressed the view that the rebuilding work went beyond what could be said to constitute basic maintenance and remedial works.
7. The decision by the Commission to refuse planning permission confirms the proper application and interpretation of policy in this case and that the Council continue to exercise good judgement in cases for this type of development proposals in the open countryside.

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 for this proposal

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

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

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

This is a report 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: 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 3(a) – Appeal Decision - LA05/2021/0079/O – Report of Commissioner

Appendix 3(b) – Appeal Decision - LA05/2021/0079/O – Decision of Planning Appeals Commission

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by
Mr Owen Miskelly
against the refusal of outline planning permission for a replacement dwelling
at
Lands 200 metres north east of 43 Ballykine Road, Ballynahinch**

**Report
by
Commissioner Kevin Gillespie**

Planning Authority Reference: LA05/2021/0079/O

Procedure: Written Representations

Commissioner's Site Visits: 1st and 10th December 2021

Report Date: 18th July 2022

1.0 BACKGROUND

1.1 Lisburn and Castlereagh City Council received the application on 19th January 2021 and advertised it in the local press on 29th January 2021. By notice dated 11th May 2021, the Council refused permission giving the following reasons:

1. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of PPS 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 in a settlement.**
2. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY 1 and CTY 3 of PPS 21, Sustainable Development in the Countryside, in that there is no permitted structure that exhibits the essential characteristics of a dwelling.**

1.2 The Commission received the appeal on 2nd June 2021 and advertised it in the local press on 16th June 2021. One third party representation was received at appeal stage.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is located on Ballykine Road approximately 200 metres north east of number 43 Ballykine Road. The appeal site is approximately 0.27 hectares in area, is rectangular in form and encompasses a single storey stone building, rectangular in its footprint, surrounded by rough grass.

2.2 The stone building incorporates a central timber doorway to its front elevation with one single pane timber-framed window on either side of the doorway and a single pane timber-framed window in its rear elevation. Both gable ends are devoid of any window or door. A single red brick chimney is sited on the ridgeline. Internally, two rooms have been delineated by a centrally positioned incomplete stone wall with one room incorporating a stone fireplace. Neither of the two areas has a finished floor surface. Two openings have been built up on the inside wall of the front elevation.

2.3 The appeal site is defined by post and wire fencing on all boundaries. It is accessed from Ballykine Road via a rectangular stoned area in which silage bales are currently stored and then via a single laneway, framed by post and wire fencing and incorporating a metal gate at either end.

2.4 To the north, east and west of the appeal site lies agricultural land. To the south of the site beyond the aforementioned stoned area lies Ballykine Road beyond which is agricultural land. The topography of the land generally rises in a northerly direction from Ballykine Road towards the appeal site and beyond.

3.0 PLANNING AUTHORITY'S CASE

3.1 Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) 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. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a replacement dwelling in accordance with Policy CTY 3 of PPS 21. It follows that if development complies with Policy CTY 3 of PPS 21 it will also comply with Policy CTY 1 of PPS 21.
- 3.2 The Council have found that the proposal fails to meet Policy CTY 3. It therefore also fails to meet Policy CTY 1.
 - 3.3 Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. In this case, no evidence has been provided to demonstrate that there are overriding reasons why the development is essential in this rural location and could not be located in a settlement. The proposal is therefore considered unacceptable in principle and contrary to Policy CTY 1.
 - 3.4 Policy CTY 3 states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of policy, all references to dwellings will include buildings previously used as dwellings.
 - 3.5 The supporting statement advises the building has all the external characteristics of a dwelling house such as window openings, door openings and chimneys and internally has a fireplace which is a key characteristic of a residential dwelling. It also advises the building dates back to the 1800s and includes historic OS maps dated 1830, 1860 and 1900 which show a building on site.
 - 3.6 The appellant advises the site was cleared in 2015 and vegetation growth around the building was removed. A roof, window frames and a door were then added between August 2015 and January 2016 in order to secure and weatherproof the dwelling. The appellant states the walls were substantially intact before the maintenance works were undertaken. Neighbours note the McGrath family resided in the building until the 1920s. Reference is made to a historic map from 1900 which shows a formal access and defined curtilage of the building.
 - 3.7 The supporting evidence demonstrates there was once a building on the site.
 - 3.8 The building/structure to be replaced as it stands now exhibits some characteristics of a dwelling and all external walls, as newly constructed are substantially intact. Domestic style window and door openings are apparent as is a fireplace and chimney. However, it is not accepted that this is the original structure of the original building as evident from the historic maps dated 1830, 1860 and 1900 given the significant volume of works and rebuild which have taken place in recent years.
 - 3.9 The building is barely evident in aerial photographs of the site dated 2008 and 2012. In an aerial photograph dated 2014 an outline of the structure is evident in ruins but it is very overgrown. By 2016 aerial photographs show a sound structure with a roof.
 - 3.10 It is clearly evident from the aerial photographs and a site inspection that the building has been subject to extensive works in the recent past which do not form part of the

original fabric of the building. Approximately 80% of the external walls have been rebuilt. Timber beams, underfelt and a chimney have been installed. New windows and a door have also been added.

- 3.11 The appellant claims the walls were substantially intact before the maintenance works were undertaken however visual inspection of the building would not support this claim. It is visually apparent the majority of the stonework is new as it does not reflect the colour of the original stonework. The cement work holding the stones together is fresh and unweathered. A new timber door and new timber framed windows have also been installed. New stonework is also evident around the fireplace and the red brick chimney is also a new addition. Although the building does not have an intact roof new timber beams and underfelt have been installed. The works represent a significant rebuilding of the structure.
- 3.12 The Planning Appeals Commission have previously dismissed appeals in similar cases where significant rebuilding of the structure has taken place eg 2018/A0154.
- 3.13 The sworn affidavit from Mr Hugh Barlow avers to certain material facts which are not supported by reference to any formal exhibits. There is no documentation verifying his retention (sic) to carry out works ie invoices for building materials/services, contract terms, insurance details etc.
- 3.14 More importantly, prior to these works being undertaken, all external walls were not substantially intact and the structure would not have exhibited the essential characteristics of a dwelling as required to comply with policy. The structure as now built has never been used as a dwelling. The proposal is therefore contrary to Policy CTY 3 and as such there is no replacement opportunity.
- 3.15 The Census of Ireland Records of 1911 link the McGrath family to the townland of Burren but do not directly link the family to the application site. Even if the McGrath family did reside in a dwelling at this address, they would not have resided in the building currently located on site. The photographs of 2008, 2012 and 2014 which show the former building in ruins clearly support this assertion.
- 3.16 The appellant refers to a previous planning application on the site (S/2004/1806/O) and advises question 2 of the application form confirmed the present use of the site as vacant/derelict dwelling house. The reference does not provide any evidence of the previous use of the building. This application and appeal were withdrawn without any decision.
- 3.17 The appellant refers to appeal decision 2019/A0082 which confirmed there is no conflict with planning policy as a result of maintaining the property and to appeal decision 2018/A0154 which considered a defined curtilage as a characteristic of a dwelling. Both these appeals are not directly comparable to the current application site as each application is site specific and must be assessed on its own merits.
- 3.18 In appeal decision 2019/A0082, the building concerned was maintained 'to keep it in basic repairs'. Other evidence of the residential nature of the building was presented including rates bills. Internally the layout of the building indicated a kitchen, living room and bathroom. There was also evidence of domestic electricity and a heating

supply. No such supporting evidence was submitted to prove a residential use of the building subject to this current appeal.

- 3.19 Appeal decision 2018/A0154 states 'The building stands within what appears to be a residential curtilage defined by trees and hedgerows that enclose it on all sides'. However that was not enough to persuade the Planning Appeals Commission to accept the principle of a replacement dwelling in the case of this appeal. On the contrary this appeal was dismissed as the Commission concluded prior to works being completed, all external structural walls were not substantially intact as required to comply with policy CTY 3 and as such there was no replacement opportunity.
- 3.20 The Council would refer to appeal decision 2015/A0068 which states, 'However CTY 3 also requires that as a minimum all external walls are substantially intact. All four walls are currently intact but there is evidence that large sections of the walls have recently been built. This was confirmed by the appellant who indicated that his father had employed a local tradesman approximately two years ago to repair some of the walls which had fallen down. Whilst the rear wall remains intact in its original state, it is apparent that approximately one third of the south western gable, two thirds of the north eastern gable wall and almost all of the front elevation have been rebuilt. The appellant argued that original stones had been reused but the significant number of large stones fallen inside the building and immediately outside would indicate otherwise. Much larger stones have been introduced which do not reflect the size or colour of the original stonework, roughly rendered with plaster. New lintels have also been introduced above all openings in the front elevation. Whilst the appellant argued that he had only carried out remedial works incorporating essential repairs to the building to make it weatherproof, I agree with the LPA that these works represent a significant rebuilding of the structure. I concur with their assessment that less than 50% of the original building remains intact. Whilst I acknowledge that the works do not represent a complete rebuild, the original building prior to these works being completed was not substantially intact as required to comply with policy. In this respect, it offends Policy CTY 3. I acknowledge that the appellant seeks to build a dwelling on the family holding and that any dwelling set so far back from the public road would be well integrated into the landscape but the existing structure fails to meet all the requirements of a replacement opportunity in accordance with Policy CTY 3'.
- 3.21 In comparison to this appeal, the application site is approximately 80% new build and thus conflicts with CTY 3.
- 3.22 On 20th May 2021, the Council received an application seeking a Certificate of Lawfulness for an Existing Use or Development for the concerned building. This application proposes 'Maintenance and remedial works to the property to include provision of new roof' (Ref: LA05/2021/0688/LDE). The application was approved on 16th August 2021 and included the following informative, 'This permission relates solely to the repair works to the building and does not acknowledge or endorse the use of the property as a dwelling'.
- 3.23 A decision to approve the Certificate of Lawfulness would have no bearing on the Council's opinion regarding compliance with the SPPS and policies CTY 1 and CTY 3 of PPS 21. Approval would not prove a residential use of the concerned building, as constructed, it would merely confirm that the building works which have been

undertaken to the ruins are immune from enforcement action by the passage of time. This does not give the building any defined use, nor does it confirm in any way that it is or has been a dwelling. It simply authorises the current building given it is immune from enforcement action by the passage of time.

3.24 If this appeal is allowed, the following conditions are suggested on a without prejudice basis:

- Submission of Reserved Matters application – time limit and commencement;
- The matters Reserved to include details of the siting, design and external appearance of the buildings, landscaping and the means of access;
- Full particulars, detailed plans and sections of the reserved matters to be submitted to the Council and carried out as approved;
- The construction of the dwelling hereby permitted shall not commence until the existing building is demolished and all rubble and foundations have been removed and the site restored as per a restoration scheme to be submitted and approved by the Council;
- Ridge height of the dwellings not to exceed 6 metres above finished floor level;
- Depth of underbuilding between finished floor level and existing ground level not to exceed 0.45 metres;
- A finished floor level plan indicating floor levels of the proposed dwelling to be submitted and approved by the Council;
- A 1:500 plan showing the access to be constructed to be submitted;
- The dwelling not to be occupied until parking for 3 private cars has been made and permanently retained in the curtilage;
- Details of existing and proposed contours, finished floor levels, and position, height and materials of any retaining walls and the access road to be submitted to and approved by the Council and carried out as approved;
- Existing natural screenings to be retained
- Submission of a landscaping scheme to include location, numbers, species and size of trees and shrubs to be planted and carried out during first planting season after commencement of development to be submitted to and approved by the Council and the replacement of any trees or shrubs dying, removed or damaged within 5 years from the date of planting.

4.0 **OBJECTOR'S CASE**

- 4.1 The objector states that they are puzzled by the description as they have lived in this part of the country since the mid 1970's and do not remember a dwelling on the appeal lands.
- 4.2 A derelict run-down shed was renovated by the present owner in the last couple of years. The aerial Department of Agriculture maps should confirm my (sic) description.
- 4.3 The extra traffic the development would bring would be unwelcome.
- 4.4 The criteria for a replacement dwelling has not been met. The application should be refused.

5.0 APPELLANT'S CASE

- 5.1 The Council's claim as per the refusal reason that there is no permitted structure that exhibits the essential characteristic of a dwelling is strongly disputed and is manifestly incorrect. Evidence was provided which clearly demonstrates that the existing dwelling at the site, to be replaced, has been present at the site for approximately 200 years. The Council acknowledge that in line with Policy CTY 3 all reference to dwellings will include buildings previously used as dwellings. The site has a long history of being used for residential purposes and was resided by the McGrath family who brought up 11 children in the property in the 1920's. The census evidence and local testimony clearly demonstrate the building was previously used as a dwelling house.
- 5.2 Paragraph 5.10 of the Council's Statement of Case states, 'The building/structure to be replaced as it stands **now** (emphasis added) exhibits **some** (emphasis added) characteristics of a dwelling'. This appears to be at odds with the Case Officer's report for the original planning approval which states, 'The building /structure to be replaced also exhibits the essential characteristics of a dwelling'.
- 5.3 It would appear that the Council are attempting to underplay the characteristics of the building as a dwelling to make it appear at odds with Policy CTY 3 which is unquestionably not the case. Planning appeal 2018/A0154 asserts that the characteristics of a dwelling can include, 'a front door and two windows that have domestic proportions. The building stands within what appears to be a residential curtilage defined by mature trees and hedgerows that enclose it on all sides'. The appeal building benefits from an internal stone fireplace, window and door openings of domestic proportions and sits within its own well defined residential curtilage, all well established dwelling characteristics. To now claim that the building has 'some characteristics of a dwelling' and infer that they have been recently added is manifestly incorrect.
- 5.4 The Council contends that the building/structure on site, is not the same as that on the historical mapping, by virtue of remedial works carried out to the structure. It also claims that it is not the appeal building on the historical mapping as vegetation around the building has obscured its view on aerial photography. Historically buildings of this nature benefitted from thatched roofs, which due to their organic nature degrade over time. Vegetation overran that site until it was cleared by the appellant. Stone walls mixed with over growing vegetation will be more difficult to identify on aerial imagery when compared to a cleared site, the addition of the roof clearly identifies the footprint of the building.
- 5.5 There are clear similarities between the former dwelling that sits on the site today including access, curtilage, siting, floorspace as which existed on the site in the early 1900s confirming that they are the same building. The appeal building is located in the exact position as outlined by the historical mapping, as it is the same building.
- 5.6 It is acknowledged that some minor works were carried out at the site, including maintenance and remedial works to the property and replacement of the roof. However, these works were carried out lawfully and for the preservation of the dwelling house. The Council has not provided any photographic evidence to indicate

the state of repair of the building prior to the maintenance works carried out by the appellant.

- 5.7 The walls were substantially intact prior to the maintenance works as confirmed by the contractor. The brickwork was repointed to reinforce the building and preserve the integrity of its structure, a replacement roof was added to make the building watertight. It is likely that this building would have had a thatched roof which has degraded over time. There has been no evidence provided by the Council to demonstrate the veracity of their claim aside from visual inspection of the dwelling which asserts the colour of the stonework is different. This minor difference in colour is as a result of works to the existing stone, it however does not confirm it's a new build. Vegetation and lichens are present on the stone, this would not be the case if the stone was fresh. Maintenance works to keep the property in basic repair do not require planning permission and do not result in a conflict with the policy as confirmed in PAC decision 2019/A0082 (paragraph 7).
- 5.8 The Council's claim that 80% of the external walls have been rebuilt is an incorrect assumption with no evidential basis. The Council has submitted 17 photographs in its Statement of Case. These demonstrate that 80% of the building has not been rebuilt. Photographs 1 and 2 clearly show the intact structure with some minor repointing work visible on the gable of photograph 2. Photographs 3 and 4 do not provide any evidence that it has been substantially reconstructed, windowpanes and a timber door have been added to the existing openings to weather tight the building. Photographs 5 and 6 show the red brick chimney and some minor repointing works to the gable. Photographs 7 and 8 provide a view of the gables and show the extent of the repointing works carried out by the contractor.
- 5.9 An application for a CLUED (Ref: LA05/2021/0688/LDE) was submitted on 20th May 2021 and was approved on 16th August 2021 with the Council certifying that 'maintenance and remedial works to the property to include the provision of a new roof' are lawful. The certificate completely refutes the Council's reason for refusal, in that there is a lawfully permitted structure that exhibits the essential characteristics of a dwelling.
- 5.10 The Council have forwarded no further information other than the lawfulness of the structure to claim the proposal is contrary to CTY 3. The appellant has demonstrated the lawfulness of the structure and its compliance with CTY 3, accordingly reason 2 cannot be sustained and the appeal should succeed.
- 5.11 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. One of these exceptions relates to a replacement dwelling in accordance with Policy CTY 3. Similarly, the SPPS (paragraph 6.73) supports a proposal for a replacement dwelling provided it meets a range of criteria which is generally consistent with Policy CTY 3. The appeal complies with Policy CTY 3 and accordingly is in compliance with Policy CTY 1 and the SPPS.
- 5.12 The objector referred to the building as 'a derelict run down shed, which was renovated in the last couple of years by the present owner'. The objector doesn't claim the building was demolished and as such must be considered to be the existing building. As clearly demonstrated, the building is not a shed, it exhibits the

essential characteristics of the dwelling house, as has been confirmed by the Council. Minor works to the house were completed over 5 years ago.

- 5.13 The Council is incorrect to state that appeals 2018/A0154 and 2019/A0082 are not directly comparable to the appeal site. In fact, the Council refers to 2018/A0154 in support of its own case.
- 5.14 The Council cites appeals 2018/A0154 and 2015/A0068 to support its claim that all minimum external walls of the building were not substantially intact. Both buildings in those appeals had undergone a large degree of rebuilding. That is not the case with the appeal site where a small amount of repointing works has occurred and been carried out for maintenance purposes as demonstrated by aerial photography in the statement of case and the CLUED.

6.0 CONSIDERATION

- 6.1 The main issue in this appeal is whether the principle of development is acceptable in the countryside.
- 6.2 Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Lisburn Area Plan 2001 (LAP) operates as the local development plan (LDP) for the area where the appeal site is located with the draft Belfast Metropolitan Area Plan (dBMAP), published in 2004, remaining a material consideration. In the LAP, the appeal site is located in the countryside and outside of any settlement limit, green belt or countryside policy area defined in the plan. In dBMAP, the site lies in the Green Belt. The rural policies in both plans are now outdated, having been overtaken by a succession of regional policies for rural development and determining weight cannot be attached to them. There are no other provisions in the plans that are material to the determination of the appeal.
- 6.3 The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) sets out transitional arrangements that will operate until a local authority has adopted a Plan Strategy for its council area. During the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs) including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for assessing this appeal.
- 6.4 Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are specified. The appellant argues that the appeal proposal represents a replacement dwelling opportunity in accordance with Policy CTY 3 of PPS 21.

- 6.5 Policy CTY 3 'Replacement Dwellings' states that 'planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings'.
- 6.6 Notwithstanding the appellant's argument that the case officer's report considered the building to display the essential characteristics of a dwelling, it is the corporate view of the Council that represents its decision and not the individual view of the case officer.
- 6.7 There is no dispute between the parties that there has been a building on the appeal site. From my site inspection, I conclude that the footprint and position of the building on the ground today is the same as that shown in the Historic Environment Map Viewer images of c. 1830, c. 1860 and c. 1900 submitted by the appellant.
- 6.8 The appellant submitted an excerpt from the 1911 Census of Ireland (the 1911 Census) to support his claim that the building had been used as a dwelling by the McGrath family at that time and stated further in evidence that neighbours also confirm the building was previously used as a dwelling. I note however that the neighbours' testimony was provided anecdotally. The 1911 Census evidence submitted by the appellant places the McGrath family within the townland of Burren, within which the appeal structure is sited, but does not expressly tie them to the appeal building itself.
- 6.9 At my site visit, I noted that the appeal structure had some characteristics of a dwelling including a front door, three windows each of which has domestic proportions, that it was internally subdivided into two rooms and that there was a fireplace within one of those rooms. Added to this, it lies within what appears to have been a residential curtilage defined by clear, mature hedgerow boundaries interspersed with trees that enclose it on all sides. Taking account of all the evidence on the ground, this is sufficient to persuade me that at one time a building on site was in use as a dwelling and therefore that part of the policy requirement of CTY 3 is met. Although the third party may not remember the building being used as a dwelling since the 1970's, this concern is not determining.
- 6.10 Policy CTY 3 of PPS 21 refers to the 'building to be replaced'. I consider that this must mean the original building and not any subsequent structure that, for example, is a new building or has been extensively rebuilt. The Council contends that the building on the ground is not the original structure because of the extent of the rebuilding works undertaken to it and that prior to these works, it was in a ruinous state where all external walls were not substantially intact such that the structure could not have exhibited the essential characteristics of a dwelling.
- 6.11 The Council referred to aerial photographs from 2008 and 2012 in which it states the building is barely evident and also to a 2014 aerial photograph which shows the outline of a structure in a ruinous state. From examination of the photographs and in particular the image of 23rd July 2014, it would appear that that the juncture of the north-east and north-western elevation of the structure was not present. The photographic evidence submitted by the Council in 2016 subsequently shows the structure as sound with a roof.

- 6.12 I agree with the Council that in the period between 2012 and 2016 the appearance of the structure has materially changed from one in an apparent ruinous state to the one that appears on the ground today as a sound structure with its roof intact. It is therefore not the same building.
- 6.13 The appellant stated that some maintenance and remedial works had been carried out to the building for its preservation and to make it watertight. An affidavit from the builder who undertook the maintenance and remedial works states that at the time of the works, 'the majority of the building was intact and the walls were standing up to eaves height'.
- 6.14 On evaluation of the Council's photographic evidence, I can discern that the structure was semi-derelict to the extent that the front, rear and gable ends appear to have gaps in their structure or were not present at all as in the case of the juncture of the north-east and north-western elevation and that there was no roof. From my own inspection of the property both externally and internally, it was evident that new stonework had been used to build up a large extent of the corner of the north-east and north-western elevation of the structure.
- 6.15 In addition to this, new stonework was also evident in areas between the wall plate and the apex and also below on both gable ends, in large areas along the length of the rear elevation and particularly around the rear window and also in large areas along the front elevation including the area between the front door and each window. I consider there to be rebuilding on each elevation of the building.
- 6.16 I would therefore agree with the Council that approximately 80% of the external walls have been rebuilt. However, what is more evident is that this rebuilding work goes beyond what could be said to constitute mere maintenance and remedial works. Rather it represents significant rebuilding. In this evidential context, and whilst the appellant asserts that the works constituted minor operations including the re-pointing and cleaning of the stonework, I am not persuaded that as a minimum all four external structural walls were substantially intact prior to these substantive works being undertaken. I therefore consider that the appeal building on site is not the same original structure and cannot be a dwelling to be replaced as envisaged by the policy.
- 6.17 A number of appeal decisions were referenced by the appellant to support their position. I do not consider that these are comparable with the appeal case. In any event, each appeal decision is made in its own evidential and site specific context.
- 6.18 On 16th August 2021 and after the Council had refused planning permission for the replacement dwelling, the Council granted a Lawful Development Certificate (LDC) for maintenance and remedial works to the appeal building to include provision of a new roof. The appellant contends that in so doing, the LDC confirms the appeal building as a lawfully permitted structure which exhibits the essential characteristics of a dwelling.
- 6.19 An LDC by its nature is a precise and legal document stating the lawfulness of past, present or future development and which, in simple terms, confers lawfulness in respect of operational development or a planning use. In this case, the LDC certifies that it relates to the operations described in the First Schedule', that is, operational

development as defined by Section 23 of the Act. In that regard, the LDC confers lawfulness solely in respect of the more recent operational development, that is, the maintenance and remedial works and the provision of a new roof and it is these works that are lawfully permitted through immunity. However, it does not provide either confirmation or any evidence to confirm that this is the original building that displayed the essential characteristics of a dwelling. Furthermore, the LDC does not confer lawfulness in respect of the use of the building as a dwelling.

- 6.20 Policy CTY 3 of PPS 21 goes on to state that in addition to the building exhibiting the essential characteristics of a dwelling and as a minimum all external walls are substantially intact, proposals for a replacement dwelling will only be permitted where five criteria are met. The Council remained silent on this matter. However, the third party raised concerns under the fifth criterion of the policy which requires that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.
- 6.21 In relation to access, the purpose of visibility splays is to allow those using an access point to see and be seen by other drivers using the public road network. I am satisfied that the provision of visibility splays of 2m x 65m to the east and 2.4m x 79m to the west would ensure safe entry and egress to and from the appeal site and there are no objections from DfI Roads.
- 6.22 As I have previously concluded that no replacement opportunity exists, the proposal does not meet the provisions of Policy CTY 3 of PPS 21. The Council's second reason for refusal is sustained.
- 6.23 Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. I was given no evidence of any overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement. The appeal proposal is contrary to Policy CTY 1 and the Council's first reason for refusal is also sustained.

7.0 RECOMMENDATION

- 7.1 As both reasons for refusal are sustained, I recommend to the Commission that the appeal be dismissed and outline planning permission be refused.
- 7.2 This decision relates to Drawing Number 01 titled 'Site Location Plan' and date stamped 19th January 2021.

List of Documents**Planning Authority:-****“A1” Lisburn and Castlereagh City Council
Statement of Case****“A2” Lisburn and Castlereagh City Council
Rebuttal Statement****Appellant(s):-****“B1” Carlin Planning Limited
Statement of Case****“B2” Carlin Planning Limited
Rebuttal Statement****Third Parties:-****“C1” Third Party
Statement of Case**



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2021/A0041
Appeal by:	Mr Owen Miskelly
Appeal against:	The refusal of outline planning permission
Proposed Development:	Replacement dwelling
Location:	Lands 200 metres north east of 43 Ballykine Road, Ballynahinch
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/0079/O
Procedure:	Written representations and Commissioner's site visits on 1 st and 10 th December 2021
Decision by:	The Commission, dated 17 August 2022

The Commission has considered the report by Commissioner Kevin Gillespie and accepts his analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the reasons for refusal have been sustained.

Decision – the appeal is dismissed.

This decision is based on following drawing:

Drawing Number 01 titled 'Site Location Plan' and date stamped by the Council 19th January 2021

ANDREA KELLS
Chief Commissioner



Planning Committee

03 October 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 4 – Submission of Pre-Application Notice (PAN) for a proposed residential development on lands north of Ballymaconaghy Road including 14 and 22-24 Ballymaconaghy Road Castlereagh.

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice attached (see **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

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?

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1
Screen out
without mitigation

Option 2
Screen out with
mitigation

Option 3
Screen in for
a full EQIA

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 given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

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 4(a) - Report in relation to LA05/2022/0823/PAN

Appendix 4(b) – LA05/2022/0823/PAN– PAN Form

Appendix 4(c) – LA05/2022/0823/PAN– Site Location Plan

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 Meeting	03 October 2022
Responsible Officer	Conor Hughes
Date of Report	09 September 2022
File Reference	LA05/2022/0823/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a proposed residential development comprising erection of c. 144 dwellings (comprising c.76 no. detached; c.62 semi-detached; c 1no. bungalow; and c 4 no. over 55's apartments), associated open space and landscaping, children's play area, waste water treatment works, access and all other associated site works (amendment to approval LA05/2019/0712/F).
2. The site is located on lands north of Ballymaconaghy Road and including 14 and 22-24 Ballymaconaghy Road Castlereagh.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 05 September 2022 with an updated PAN form received on 13 September 2022. The earliest possible date for the submission of a planning application is week commencing 05 December 2022.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is for proposed residential development comprising erection of c. 144 dwellings (comprising c.76 no. detached; c.62 semi-detached; c 1no. bungalow; and c 4 no. over 55's apartments), associated open space and landscaping, children's play area, waste water treatment works, access and all other associated site works.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

9. The postal address identified on the FORM PAN1 as Lands north of Ballymaconaghy Road including 14 and 22-24 Ballymaconaghy Road Castlereagh.
10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at TSA Planning, 20 May Street, Belfast, BT1 4NL.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant's volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

18. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates at Question 10 that notice that an online information event will take place via www.brackenridgeBelfast.com on Monday 10 October 2022 to Friday 11 November 2022 for a period of 5 weeks.

A community information event will also take place in the Four Winds, 11 Newton Park, Belfast, BT8 6LX on Thursday 13 October 2022 from 13:00 – 19:00 hrs.

Reference is made to the event being publicised in the Belfast Telegraph on Monday 03 October 2022.

Other publicity methods identified include:

- A neighbourhood information drop will take place to residents with a c. 200m radius from the edge of the subject site. Information will be provided in an envelope which will include a Tri-fold Leaflet, a comment card and a pre-addressed envelope for the return of feedback. The leaflet will include information in the Online Pre-Application Community Consultation (PACC) process and details of the point of contact within the Technical Team to ask questions, or to provide feedback on the proposal.
- A public notice will be published in the local newspapers, with additional information including details of the website address and a contact number for any interested parties to speak to a member of the development team. Key

stakeholders will also be asked to share details of the consultation event on their social media platforms.

Elected Members for the DEA identified as having an interest will receive a copy of the Proposal of Application Notice w/c 12 September 2022.

Recommendation

19. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.

Form PAN1

Official Use Only	
Reference No.:	
Associate Application No.:	
Registration date:	

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015



To be completed for all developments within the major category of development

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Lotus Homes and Benmore Group	Name:	TSA Planning
Address:	C/O The Factory 184 Newry Road	Address:	20 May Street
Town:	Banbridge	Town:	Belfast
Postcode:	BT32 3NB	Postcode:	BT1 4NL
Tel:		Tel:	028 9043 4333
E-mail:		E-mail:	info@tsaplanning.co.uk

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands north of Ballymaconaghy Road including No's 14 & 22-24 Ballymaconaghy Road
 Castlereagh

3. What is the area of the site in hectares?

10.1ha

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Proposed residential development comprising erection of c.144 dwellings (comprising c.76 no. detached; c.62 no. semi-detached; c.1 no. bungalow; and c.4 no. over 55's apartments), associated open space and landscaping, children's play area, waste water treatment works, access and all associated site works (amendment to approval LA05/2019/0712/F)

5. What is the total gross floorspace of the proposed development?

N/A

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to?

(Please tick)

Full planning permission

Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes (Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes (Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Online Information event	www.BrackenridgeBelfast.com	Monday 10th October 2022 to Friday 11th November (for a period of 5 weeks)
Community Information Event	The Four Winds 111 Newton Park, Belfast, BT8 6LX	Thursday 13 th October 2022 13:00-19:00
Name of publication(s) used: Belfast Telegraph		
Proposed newspaper advert date(s): Week Commencing Monday 3 rd October 2022		
<p>Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom):</p> <ul style="list-style-type: none"> A dedicated and bespoke website (www.BrackenridgeBelfast.com) will be made available for interested parties to view the consultation documentation and site proposals. The website will go live on Monday 10th October 2022 and will run for a period of 5 weeks, until Friday 11th November 2022. This will be an online version of the 'traditional' display boards for viewing, with a connected and easy to use feedback online comment card and direct email contact to the technical team. An in-person drop-in event will be held at The Four Winds, Belfast on Thursday 13th October 2022 from 13:00 to 19:00 to allow interested parties to view the display boards for the proposal and provide feedback via printed comment cards. The elected representatives listed below will be invited to this event. Members of the consultation team will attend the event to answer any questions that local residents and stakeholders may have, and to collect feedback on the proposal. A period of identification of key stakeholder such as local community and political representatives and a subsequent engagement program throughout the Community Consultation phase. Electronic copies of the exhibition boards will be issued to the DEA Councillors, constituency MP & MLA's. Information provided will also include details of the in-person event, website and a contact number if they require further information. A series of meetings with key stakeholders including MPs, MLAs, Local Councillors and community groups will be undertaken. 		
<p>Details of any other publicity methods (such as leaflets, posters, etc.):</p> <ul style="list-style-type: none"> A neighbourhood information drop will take place to residents within a c.200m radius from the edge of the subject site. Information will be provided in an envelope which will include a Tri-fold Leaflet, a comment card and a pre-addressed envelope for the return of feedback. The leaflet will include information on the Online Pre-Application Community Consultation (PACC) process and details of the point of contact within the Technical Team to ask questions, or to provide feedback on the proposal. A public notice will be published in the local newspapers, with additional information including details of the website address & a contact number for any interested parties to speak to a member of the development team. Key stakeholders will also be asked to share details of the consultation event on their social media platforms. 		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area</p> <p>Castlereagh East DEA Councillors Alderman David Drysdale (DUP) Councillor Martin Gregg (Alliance) Councillor Sharon Lowry (Alliance) Councillor John Lavery BEM (DUP) Councillor Sharon Skillen (DUP) Councillor Hazel Legge (UUP)</p> <p>Castlereagh South DEA Councillors Councillor Nathan Anderson (IND) Councillor Ryan Carlin (Sinn Fein) Councillor Fiona Cole (Alliance) Councillor Michelle Guy (Alliance) Councillor John Gallen (SDLP) Councillor Simon Lee (SDLP) Alderman Michael Henderson (UUP)</p>	<p>Date notice served</p> <p>w/c 12th September 2022</p>
<p>Other</p> <p>Belfast South MLAs Kate Nicholl MLA (Alliance) Paula Bradshaw MLA (Alliance) Deirdre Hargey MLA (Sinn Fein) Matthew O'Toole MLA (SDLP) Edwin Poots MLA (DUP)</p> <p>Belfast South MP Claire Hanna MP (SDLP)</p> <p>Strangford MLAs Kellie Armstrong MLA (Alliance) Nick Matheson MLA (Alliance) Michelle McIlveen MLA (DUP) Harry Harvey MLA (DUP) Mike Nesbitt MLA (UUP)</p> <p>Strangford MP Jim Shannon MP (DUP)</p>	<p>Date notice served</p> <p>w/c 12th September 2022</p>

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?


Yes No

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes, please provide details (name, relationship and role):

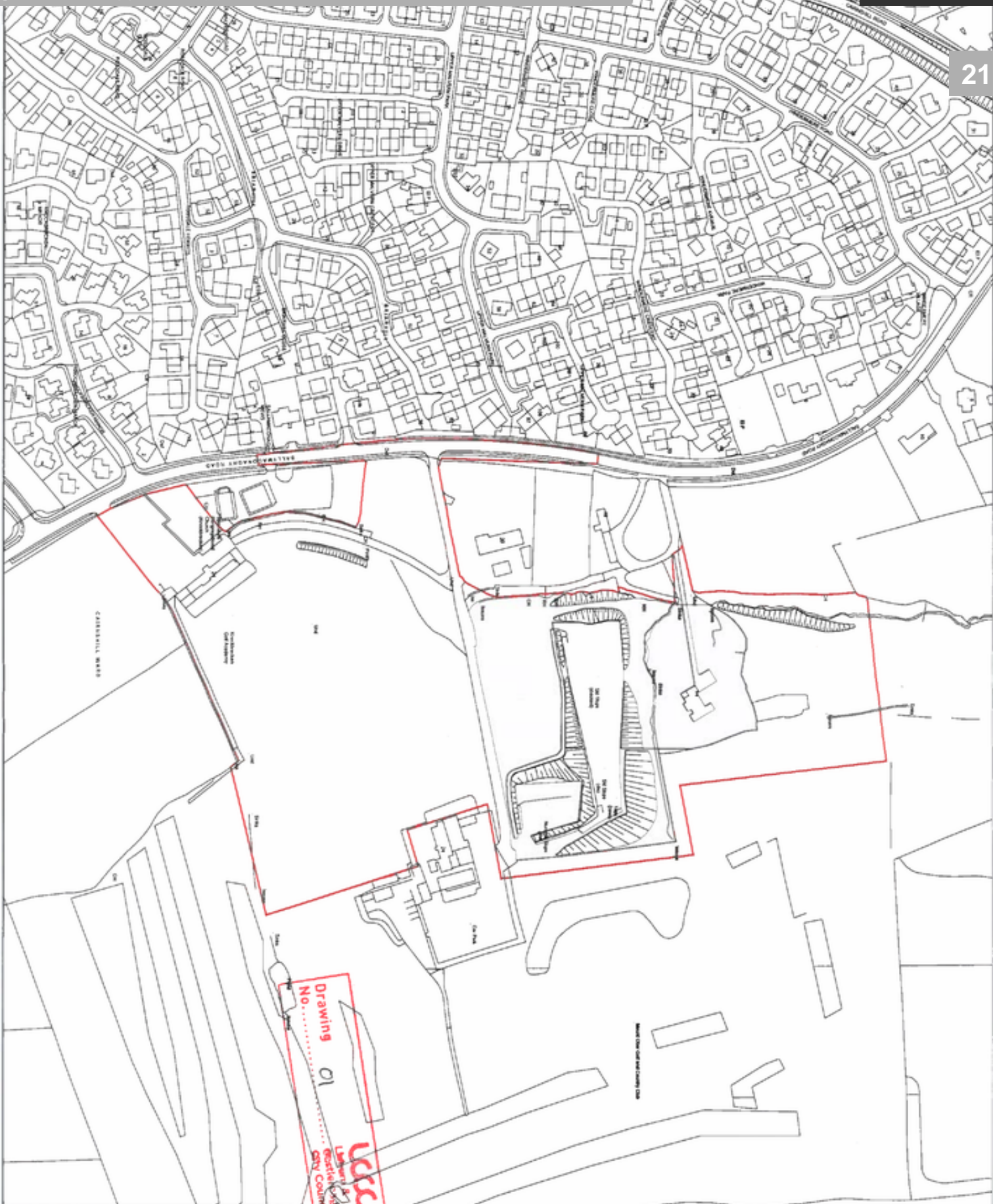
10. Declaration

Signature:	
Print name:	Emma McIlwaine (for TSA Planning)
Date:	8 th September 2022

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PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.



Drawing No. 01
 UCS
 Urban & Countryside
 City Council

Laburn & Castle
 Area Planning Office
 RECEIVED
 05 SEP 2022
 File No. LA05202210823



RESIDENTIAL DEVELOPMENT BALLYMACONAGHY ROAD	
LOTUS HOMES / RENMORE GROUP	
SITE LOCATION MAP	
Scale: 1:2500	Date: SEPTEMBER 2022
Ref No: 1588	App No: PL/SL/01
KEVIN CANTIN ARCHITECTS LTD. 23-25, BERRYMAN ROAD, BALLYVAUGHAN, CO. DUBLIN TEL: 01 856 978785 FAX: 01 856 978847 EMAIL: info@kevincantin.com	
DRAWING STATUS: <input checked="" type="checkbox"/> PLANNING <input type="checkbox"/> TENDERS <input type="checkbox"/> CONTRACTS	CONFIDENTIAL



Planning Committee

03 October 2022

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 a telecommunication operator of their intention to utilise permitted development rights at two locations within the Council area to install electronic communications apparatus 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 details of the notifications advises the Council of the locations 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.
2. No comment is provided on the requirement for planning permission for the equipment listed. This letter is 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 notification 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?

If no, please provide explanation/rationale

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

If yes, what was the outcome:

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

N/A

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>	
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If no, please given 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:

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 5 – Notifications from an Operator in respect of intention to utilise permitted development rights – October 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights October 2022 Planning Committee

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	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Blue Clarity Design services Ltd	Cornerstone	Land to rear of Sion Mill, 10 Ballygowan Road	Utilise permitted development rights	26/08/2022
2	Blue Clarity Design services Ltd	Cornerstone	Upper Newtownards Road, outside 1031 Upper Newtownards Road, Belfast	Upgrade of existing equipment	31/08/2022