

**Submission to Local Development Plan Draft
Plan Strategy**

Lands north of Ballymaconaghy Road, including
Nos 14 & 22-24 Ballymaconaghy Road,
Castlereagh

January 2020



Turley

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Client
Johncorp (No1) Ltd
Our reference
BENB3003

January 2020

Executive Summary

1. This representation is submitted behalf of Johncorp (No. 1) Ltd in response to consultation on the Lisburn & Castlereagh City Council (LCCC) draft Plan Strategy (dPS).
2. The table below summarises the changes sought.

Schedule of key draft Policy Comments

Policy	Comment	Cross ref.
Draft Policy HOU8	The Council has failed to provide evidence to justify the departure from the current thresholds.	Section 5

The draft policy therefore fails against soundness test C3.

1. Introduction

1.1 This representation sets out Johncorp (No. 1) Ltd ('the Company') position in response to Lisburn City and Castlereagh Council Draft Plan Strategy 2030 proposals.

1.2 The Company is currently seeking full planning permission for a residential development on lands north of Ballymaconaghy Road, including Nos 14 & 22-24 Ballymaconaghy Road, Castlereagh (Planning Ref: LA05/2019/0712/F). The lands set the context of this representation.

1.3 The planning application was submitted to Lisburn City and Castlereagh Council on 5 July 2019 on behalf of The Company. The proposal comprises:

'proposed residential development comprising the erection of 139 dwellings (65 detached, 58 semi-detached and 16 apartments), associated open space and landscaping, access and ancillary works'.

1.4 The site location map is at **Appendix 1** of this submission.

1.5 The land encompassed by the planning application, and the subject of this representation are affected by the following proposed DPS designations:

- Proposed housing designation MCH 04/15
- Proposed designation MCH 01 Castlereagh Greater Urban Area.

1.6 The representation comprises the following sections:

- Section 2 sets out the Legislative Context of Plan Making;
- Section 3 provides a summary of soundness in Plan Making;
- Section 4 provides an overview of the Planning Application proposals; and
- Section 5 considers a review of the Plan Policies.

2. Legislative Compliance

2.1 In preparing their draft Plan Strategy (dPS), Lisburn and Castlereagh City Council ('the Council') is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

2.2 This section identifies issues in the compliance of the dPS with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

2.3 Part 2 of the Act stipulates that the Plan Strategy should be prepared in accordance with the Council's timetable, as approved by the Department for Infrastructure ('DfI') and in accordance with the Council's Statement of Community Involvement.

2.4 The Council's Local Development Plan (LDP) Timetable, as approved and published on their website is dated November 2018. We note that the Council did publish the dPS within the timeframes indicated (Q3 2019 to Q2 2020), and that this timeframe is also to include for the review of representations received and the consultation period for site specific counter-representations. The Council should carefully monitor future progress against the timetable to ensure no future conflict.

2.5 In preparing a Plan Strategy, legislation sets out that the Council must take account of:

- "the Regional Development Strategy;
- The council's current community plan;
- Any policy or advice contained in guidance issued by the Department;
- Such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."

2.6 This representation identifies specific instances where policy issued by the Department has not been adequately assessed.

3. Soundness in Plan Making

- 3.1 The keystone of the local development plan system is the principle of 'soundness'. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:
- (a) whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
 - (b) whether it is sound.
- 3.2 The Planning Act (Northern Ireland) 2011 does not define the meaning of 'soundness'. However, Development Plan Practice Note 6 – Soundness (DPPN 6), dated May 2017, suggests that it may be considered in the context of its ordinary meaning of 'showing good judgement' and 'able to be trusted'.
- 3.3 Furthermore, DPPN 6 states that the tests of soundness are based upon three categories. These three categories relate to:
- how the development plan document (DPD) has been produced;
 - the alignment of the DPD with central government regional plans, policy and guidance; and
 - the coherence, consistency and effectiveness of the content of the DPD.
- 3.4 DPPN 6 advises that 'soundness' involves testing the principles, content and preparation process of the DPD against a list of key criteria. DPPN 6 then sets out the following tests which '...aim to provide a framework to assess the soundness of the DPD, whilst taking account of all relevant procedural, legislative and policy considerations':

Procedural tests

- P1. Has the plan been prepared in accordance with the council's timetable and the Statement of Community Involvement?
- P2. Has the council prepared its Preferred Options Paper and taken into account any representations made?
- P3. Has the plan been subject to sustainability appraisal including Strategic Environmental Assessment?
- P4. Did the council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- C1. Did the council take account of the Regional Development Strategy?

- C2. Did the council take account of its Community Plan?
- C3. Did the council take account of policy and guidance issued by the Department?
- C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and Effectiveness tests

- CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring councils.
- CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- CE3. There are clear mechanisms for implementation and monitoring.
- CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

3.5 Although the tests of soundness are based upon three categories – procedural, consistency, coherence and effectiveness, there is a degree of overlap in terms of the criteria used for each test. The purpose of the IE will be to examine how the DPD meets each test and determine whether the DPD is sound as a whole.

4. Planning Application Proposals

4.1 A planning application was submitted to Lisburn City and Castlereagh Council on 5 July 2019 on behalf of The Company in respect of lands north of Ballymaconaghy Road, including Nos 14 & 22-24 Ballymaconaghy Road, Castlereagh (Planning Ref: LA05/2019/0712/F). The proposal comprises:

'proposed residential development comprising the erection of 139 dwellings (65 detached, 58 semi-detached and 16 apartments), associated open space and landscaping, access and ancillary works'.

4.2 The planning application was supported by a comprehensive package of information including:

- A detailed drawings package was prepared by Consarc Design Group;
- Play park details;
- Pre Application Community Consultation Report;
- Design and Access Statement;
- Planning Statement;
- Transport Assessment;
- Flood Risk & Drainage Assessment;
- Preliminary Risk Assessment; and
- Archaeological survey

4.3 The site was not included within the proposed development limit of the draft Belfast Metropolitan Area Plan (BMAP) 2015 when draft BMAP was released in 2004. Representations were made through the statutory plan process in support of the lands being included (along with adjoining lands across 3 sites) within the development limit to enlarge an adjacent zoning.

4.4 The representations were pursued through the statutory plan process and discussed at the public inquiry before the PAC in April 2007 – May 2008.

4.5 The recommendation from the PAC which followed in their written report to the Department for Environment (now Department for Infrastructure) was that all the lands i.e. those on this site and the adjoining lands, be included within the development limit.

4.6 The PAC report also provides an indication of likely Key Site Requirements that can be considered in the determination of this planning application. An extract of the PAC Report 'Public local inquiry into objections to the Belfast Metropolitan Area Plan 2015 Part 2 Report on Castlereagh Borough Council Area' dated 8 July 2011 is at **Appendix 2**.

Design Principles

4.7 The proposals have been informed by the PAC report findings, take cognisance of neighbouring application proposals (see Section 4.10 below) and also incorporate the following design principles:

- Respond to the landform as far as possible keeping built form within acceptable visual parameters;
- Connect and integrate with the surrounding area, the adjoining lands and the rural area/former golf course beyond;
- Achieve a sense of place through the delivery of high quality housing and a quality residential environment;
- Retain and augment existing vegetation, where possible, and utilise the existing mature boundary vegetation of the rural/golf course landscape; and
- Provide a linear park as an integral part of the development.

4.8 The planning application has progressed through the initial consultation stages. Comments were requested from DfI Roads, NI Water, Rivers Agency, Historic Environment Division, Environmental Health, NIEA and Northern Ireland Housing Executive.

4.9 The majority of statutory consultees having now provided comment to the proposals and the application is at an advanced stage of negotiation with Council.

Neighbouring Application

4.10 Proposals on lands adjacent to and south of the Ballymaconaghy site are progressing through the Council's planning system. A planning application was submitted to on 31 July 2018 at Land East of the Ballymaconaghy Road including 30 32 and 34 Ballymaconaghy Road south of 24 Ballymaconaghy Road and north of 52 Knockbracken Road for 198 houses comprising 128 detached and 70 semi-detached houses, with associated open space, with a new access junction off the Ballymaconaghy Road. (LPA Ref: LA05/2018/0847/F).

4.11 The wider lands are identified at **Appendix 3**.

5. Plan Policy Review

Vision and Ambition

- 5.1 The Company welcomes and supports the Council's Vision set out within the Draft Plan Strategy (dPS) that by 2032 the plan '*...will respond to the needs of the community in providing a sustainable economy, society and environment. It will support a thriving, vibrant and connected place in which people live, work, visit and invest; and an attractive, green and quality place which will enhance the wellbeing and quality of life for all*'.

Strategic Policies

- 5.2 The Plan sets out its Six Plan Objectives on page 33 from which a range of strategic policies have been developed and then a number of subsequent supporting operational policies are proposed. The Plan's Spatial Strategy is presented at page 47 comprising a number of elements which outline the Council's priorities for the development and use of land across the Council area.
- 5.3 The Plan's Settlement Hierarchy is presented at Figure 3, page 49 and is consistent with the Regional Development Strategy Spatial Framework recognising Lisburn and Castlereagh as growth areas consistent with their strategic location. This follows to Plan Objective A1 (p54).
- 5.4 Plan Objective A 'A Quality Place' Enabling Sustainable Communities and Delivery of New Homes provides the relevant details in respect of Housing Growth and Allocations.

Strategic Policy 08 Housing in Settlements

- 5.5 Strategic Policy 08 Housing in Settlements recognises Lisburn and Castlereagh as a growth area consistent with the RDS and reflective of its strategic location.
- 5.6 The Strategic Housing Allocation across the district is supported by Technical Supplement 1: Housing Growth Study, October 2019. Table 6 in Technical Supplement 1 sets out the Housing Allocation over the 2017-2032 Plan Period. This table reports the total potential housing units remaining from various sources of supply to arrive at a total housing allocation of 11,367 on undeveloped and ongoing sites over the Plan Period. The Technical Supplement identifies the Ballymaconaghy site within the Castlereagh Greater Urban Area 2 and as being a housing zoning and undeveloped site. The lands fall within that area labelled as '3' on Map located at Appendix A.
- 5.7 Furthermore at para 2.25 of the Technical Supplement 1 the following is stated:

Draft BMAP, in its most recent, post-examination form remains a significant material consideration in future planning decisions. It was at the most advanced stage possible prior to formal adoption. Draft BMAP referred to throughout this document therefore refers to that version. However, in preparing this document the council has also had regard to the provisions of the draft BMAP which was published in 2004, the objections which were raised as part of the plan process and the Planning Appeals Commission Inquiry report.

- 5.8 Consistent with the eight indicators provided within the Strategic Planning Policy Statement, allowance for existing housing commitments is included. The Council's Annual Housing Monitor Report 2016/2017 supporting the technical evidence and identifies the Ballymaconaghy site as follows:

Table 5.1: Housing Monitor evidence

Site Ref	Remaining Potential	Area Developed	Area Remaining	Development Status
21526	313	0	20.84	Not Started

- 5.9 The Company welcomes the identification of the lands at Ballymaconaghy Road within the Strategic Housing Allocations and settlement limit.

Operational Policies

Draft Policy HOU6 – Design Concept Statements, Concept Masterplans & Comprehensive Masterplans

- 5.1 Draft Policy HOU6 states:

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development.

A Concept Masterplan will be required for major planning applications involving:

a) 50 dwellings or more

b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans

c) housing development on any other site of 2 hectares or more.

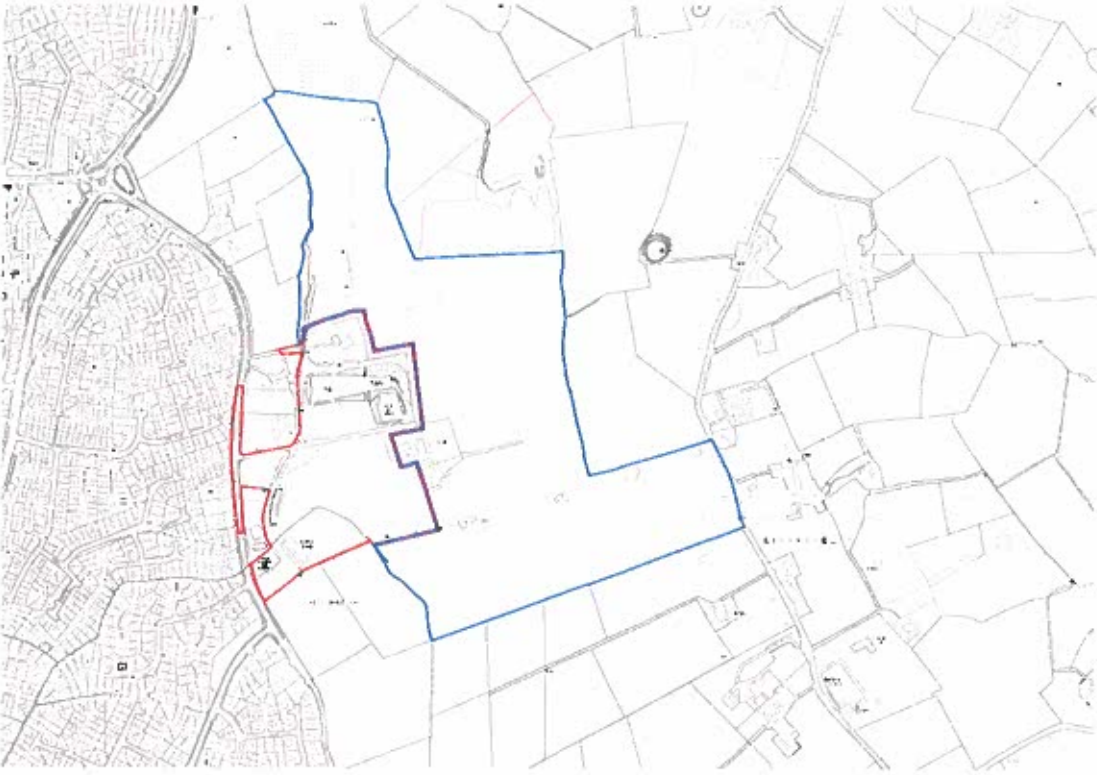
For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

- 5.2 It is noted that the requirement to submit a Design Concept Statement with all planning applications for residential development is consistent with the existing policy provisions of PPS7: Quality Residential Environments Policy QD2 Design Concept Statements, Concept Master Plans and Comprehensive Planning.
- 5.3 However, the proposed wording of draft Policy HOU6 requires that a concept masterplan is provided for submission with a planning application for 50 no. units or 2 no. hectares in size. Council has failed to provide evidence to justify the departure from the current thresholds as set out in PPS7 QD2 (300 no. dwellings or 15 hectares) and therefore does not comply with soundness test C3.

- 5.4 It appears that Council has mixed the existing policy requirements of PPS7 QD2 and the legislative requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015 and the General Development Procedure Order 2015 that require the submission of Design & Access Statements with major planning applications for residential development (50 no. units or 2 no. hectares).
- 5.5 In order to prevent a conflict with soundness tests C3, it is suggested that draft Policy HOU6 is revised to reference the same thresholds as currently stipulated in PPS7 QD2. The Policy or the 'Justification & Amplification' should also be revised to reference the statutory requirement for Design & Access Statements to be submitted with planning applications for 'major' developments or where any part of the development is located within a designated area.

Appendix 1: Site Location



Appendix 2: PAC Report extract

objection site would read as an illogical protrusion of the development limit. For these reasons we cannot recommend the inclusion of the objection site within the development limit and recommend no change to the Plan.

Lands east of Ballymaconaghy Road, Manse Road and Garland Hill

Objections 3704, 3382, 54, 55

We will consider these 4 sites together which lie to the east of Ballymaconaghy Road within the extensive proposed AOHSV. Objection site 3704 (12 hectares) has a site frontage of 600/700 m and is approx 200 m in depth. The original objection site 3382 was 34.7 hectares however the objector sought only part of the land to be identified for housing, the remainder of which will be retained as golf course. This developable area (approx 8.5 hectares) contains the disused ski slopes, a golf driving range and buildings associated with the golf course and a church building. There is an expired planning approval for an 80 bedroom hotel on the driving range. This objection site wraps around to the rear of objection sites 54 and 55 which are 2 adjacent small road frontage sites 0.83 and 0.53 hectares respectively. Objection site 54 consists of a single dwelling set within a large garden and a small field adjacent to the south. Objection site 55 consists of a single dwelling in a large garden.

Viewed from the Ballymaconaghy Road, the Knockbracken Country Club and driving range and associated buildings with large car parks, disused ski slopes, church and houses read as part of the wider urban area. We consider the lands to be distinguishable from the adjoining lands in the extensive proposed AOHSV. We agree with objectors that there is a feeling of urbanisation along the eastern side of Ballymaconaghy Road.

The objection sites gently rise to the east and are on a similar level to the developed housing at Laurelgrove on the opposite side of the road and we consider that the objection sites are not visually prominent when viewed from the Ballymaconaghy Road.

Collectively these objection sites lie into the landform within a 'saucer' and the lands rise to the east beyond. The slopes of the hills do not start to rise until significantly beyond the objection sites.

We consider that provided development was kept below the 140m contour line as proposed it would be seen against the backdrop of rising ground in the distance which is the justification for the designation of AOHSV. The golf course and rising parkland setting would provide the immediate backdrop to the northern portion with the slopes of the proposed AOHSV in the distance.

Views of the developed site from the higher level at Lisnabreeny Road to the north would be read against the extensive built up area within the settlement limit. Views from the Knockbracken Road are also limited and overall views of development on the site would be relatively localised.

Due to the extensive nature of the AOHSV and the localised topography as outlined above, we consider that the function of the AOHSV would not be prejudiced if the site was excluded.

To the east of objection site 3704, a new development limit would be defined by mature overgrown hedgerows with occasional trees. The eastern boundary of 3382 is irregular on the ground wrapping around the rear of the disused ski slope, around the front of the Country Club and across an undefined portion to the rear of the driving range. In view of the parkland setting provided by the golf course to the east, the irregular boundary formed by the objection site would be of limited visual impact. The provision of buffer planting to the settlement edge is covered by regional policy and in this case would require the strengthening of existing vegetation and defining new boundaries where required.

In view of our assessment about the suitability of the lands for development we disagree that the road should provide a stopline to development. We note that the Ballymacnaghy Road has been constructed to an urban standard as far as approximately midway along the road frontage of objection site 3704 which will provide spare infrastructure capacity for the development.

In addition, the site is in a sustainable location served by public transport, reasonably close to Cairnshill Park and Ride, the SuperRoute and employment zoning MCH 07. Once the link through MCH 03/11 is completed public transport penetration will be further improved.

In view of the Departments evidence that the Sainfield Road Relief Road is not a developer led scheme, we need give no further consideration to the developer's offer of a contribution for infrastructural improvements in the general area.

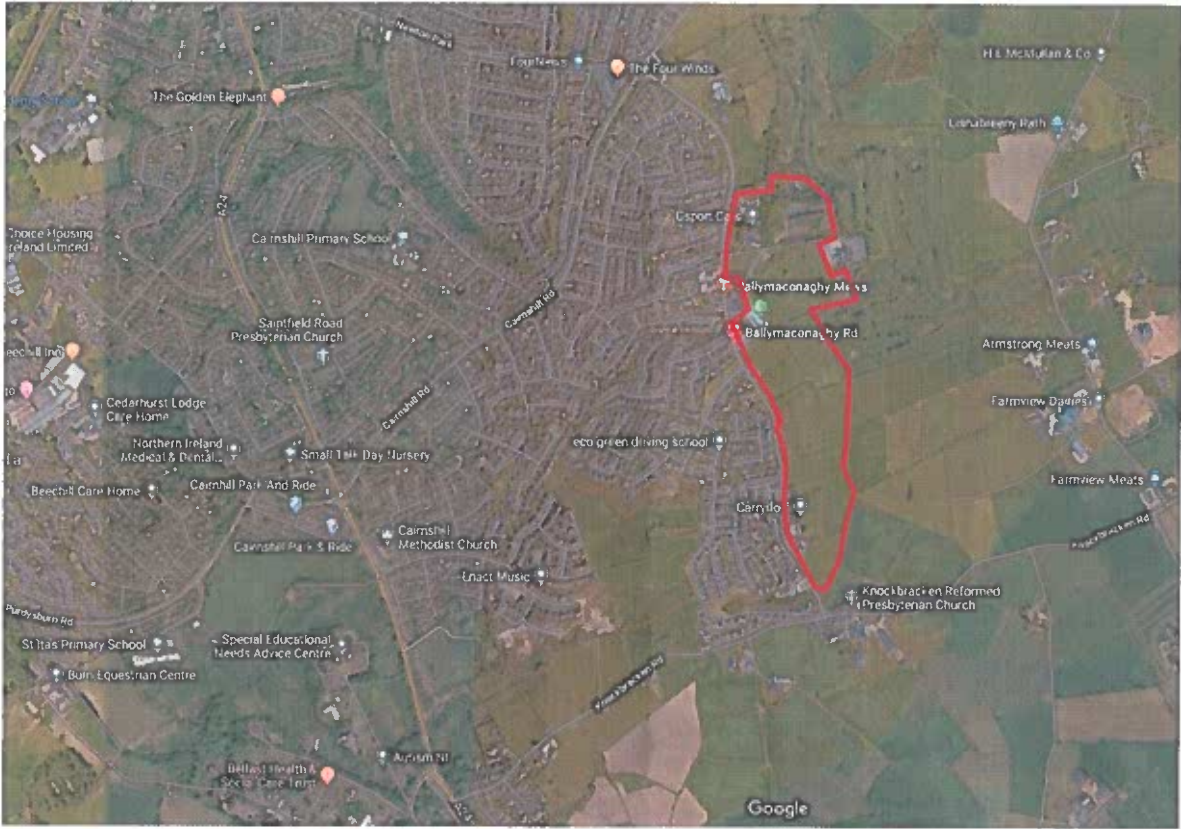
We consider that inclusion of any of these objection sites individually within the development limit would be unacceptable as each would present an illogical protrusion of the development limit. We consider, however that in combination the sites represent a logical extension to the development limit in this location. It is therefore necessary that all 4 sites are brought together within the development limit as a single zoning of approx 22 hectares.

Recommendation

We recommend that the sites are brought within the development limit as a single zoning for housing as shown on Plan 1, subject to the following KSRs :

- A Masterplan to facilitate the comprehensive development of the zoning shall be agreed with the Department.
- No development shall take place on any part of the site above 140m contour.

Appendix 3: Wider Lands



Turley Office
Hamilton House
3 Joy Street
Belfast
BT2 8LE

T 028 9072 3900

Turley

Form for the Submission of a Representation to the Development Plan Document



**Local Development Plan
Representation Form
(Plan Strategy)**

Ref:
Date Received:
(for official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Lisburn and Castlereagh City Council Draft Plan Strategy

Please complete separate form for each representation

SECTION A

1. Client Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone Number

2. Agent Details (if applicable)

E-mail Address

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (i) Paragraph _____
- (ii) Policy HOU8 _____
- (iii) Proposals Map _____
- (iv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:

Soundness Test No.

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

(Continue on a separate sheet if necessary)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

Please see enclosed report

(Continue on a separate sheet if necessary)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date: