



July 30th, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor S Burns

Aldermen : O Gawith and J Tinsley

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 5th August 2024** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📎 *Disclosure of Interests form.pdf*

Page 1

3.0 Minutes of the Planning Committee Meeting held on 1 July, 2024

For Approval

📎 *PC 01.07.2024 - Draft Minutes For Adoption.pdf*

Page 3

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

- (i) LA05/2022/1005/F - Erection of 19 dwellings (revision to layout and house types previously approved unde Y/2009/0303/RM), landscaping and all other associated site works on lands approximately 44 metres west of 32 Millmount Village Crescent, and 9 metres west of 9 Millmount Road, Dundonald

📎 *Appendix 1.1 - LA0520221005F - Millmount - 19 houses - FINAL.pdf*

Page 13

- (ii) LA05/2022/1006/F - Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works on lands approximately 88 metres west of 32 Millmount Village Crescent and 45 metres west of 9 Millmount Road, Dundonald

📎 *Appendix 1.2 - LA0520211006F - Millmount- 19 houses - FINAL.pdf*

Page 47

- (iii) LA05/2023/0953/F - Residential development comprising of 8 affordable units for the over 55's with associated and ancillary site works on lands off Old Kilmore Road, Moira, Down. Located to the immediate west of residential properties (1, 3, 5, 7, 9, 11, 15, 17, 19) of Danesfort and to the immediate north of Fitzwilliam House

📎 *Appendix 1.3 - DM Officer Report - LA0520230953F - Old Kilmore Rd - FINAL.pdf*

Page 79

- (iv) LA05/2022/0226/O - Site for dwelling on land between 6 Ballykeel Road and

1 Glebe Road, Hillsborough

▢ *Appendix 1.4 - DM Officers Report - LA05 2022 0226 O Ballykeel Road - FINAL.pdf* Page 108

- (v) **LA05/2022/0079/F - Proposed 1 infill dwelling with detached garage and all other associated site works on lands approximately 44 metres north east of 173 Ballycoan Road, Belfast**

▢ *Appendix 1.5 - DM Officer Report - LA0520220079F - Ballycoan Road - Infill.Cluster Page 128 - FINAL.pdf*

4.2 Housing development comprised of 121 dwellings [all social housing] on land to the immediate west of 29 Enterprise Crescent, and to the immediate east of Home Bargains, Ballinderry Road Lisburn (PAN)

For Decision

▢ *Item 2 - LA0520240511PAN.pdf* Page 153

▢ *Appendix 2(a) - Report in relation to LA0520240511PAN - FINAL.pdf* Page 155

▢ *Appendix 2(b) -LA05 2024 0511PAN - Application form.pdf* Page 158

▢ *Appendix 2(c) - LA05 2024 0511PAN - Site Location Plan.pdf* Page 164

4.3 Non-compliance with condition 1 of appeal decisions 2000/A277 and 2000/A278 to create two units with associated elevational changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast (PAN)

For Decision

▢ *Item 3- LA0520240534PAN.pdf* Page 165

▢ *Appendix 3(a) - Report in relation to LA0520240534PAN - FINAL.pdf* Page 167

▢ *Appendix 3(b) - LA05 2024 0534PAN - Application form.pdf* Page 170

▢ *Appendix 3(c) LA05 2024 0534PAN - Location Plan.pdf* Page 178

4.4 Statutory Performance Indicators - June 2024

For Noting

▢ *Item 4 - Statutory Performance Indicators - June 2024 To Update.pdf* Page 179

▢ *Appendix 4 - Lisburn_Castlereagh_June_Monthly_MI.pdf* Page 181

4.5 Draft procedure for dealing with Section 76 planning agreements for affordable housing

▢ *Item 5 - Procedure for HOU10 Section 76 Agreements.pdf* Page 182

	Appendix 5 - Section 76 - Procedure for HOU10 related Agreements - Final Draft.pdf	Page 185
4.6	Appeal Decision – LA05/2021/0609/O	
	<i>For Noting</i>	
	Item 6 - Appeal Decision - LA0520210609O.pdf	Page 191
	Appendix 6 - LA0520210609O - Appeal Decision.pdf	Page 193
4.7	Appeal Decision – LA05/2021/1178/F	
	<i>For Noting</i>	
	Item 7 - Appeal Decision - LA0520211178F.pdf	Page 200
	Appendix 7 - LA05 2021 1178F - Appeal Decision.pdf	Page 203
4.8	Appeal Decision – LA05/2020/0971/F	
	<i>For Noting</i>	
	Item 8 - Appeal Decision - LA0520200971F.pdf	Page 211
	Appendix 8 - LA05 2020 0971F - Appeal decision.pdf	Page 213
4.9	Update to DAERA website regarding advice on its consultation procedure and the use of checklists	
	<i>For Noting</i>	
	Item 9 - Updates to DAERA Consultation Procedure advice and Consultation Checklist published.pdf	Page 223
	Appendix 9(a) - DAERA - Consultation procedure - June 2024.pdf	Page 225
	Appendix 9(b) - Consultation Checklist [NED] - JUNE 2024.pdf	Page 229
4.10	Letter from Natural Environment Division (NED) of DAERA providing update on planning consultations for Agricultural Development	
	<i>For Noting</i>	
	Item 10 - Letter from NED Director - Planning Consultations for Agricultural Developments.pdf	Page 231
	Appendix 10 - Letter from NED Director - June 2024 - Planning Consultations for Agricultural Developments.pdf	Page 233
4.11	NIW Wastewater Capacity Update	
	<i>For Noting</i>	

📄 *Item 11 - NIW Wastewater Capacity Document.pdf* *Page 235*

📄 *Appendix 11 - WwTW Headroom L&C June 2024.pdf* *Page 237*

4.12 Notification by telecommunication operator(s) of intention to utilise permitted development rights

For Noting

📄 *Item 12 - Notifications from an Operator in respect of intention.pdf* *Page 241*

📄 *Appendix 12 - List of Notifications - August 2024.pdf* *Page 243*

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council. This information will be recorded in a Statutory Register. On such matters you must not speak or vote. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, you must withdraw from the meeting whilst that matter is being discussed

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code). Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and you must withdraw from any Council (including committee or sub committee meeting) when this matter is being discussed.

In respect of each of these, please can you complete the form below as necessary.

1. Pecuniary Interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:

If you have any queries please contact David Burns, Chief Executive, Lisburn & Castlereagh City Council

PC 01.07.2024

3

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 1 July, 2024 at 10.00 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors S Burns, P Catney and G Thompson

IN ATTENDANCE:

Director of Regeneration and Growth

Head of Planning & Capital Development

Principal Planning Officer (RH)

Senior Planning Officer (MB)

Senior Planning Officer (PMcF)

Senior Planning Officer (GM)

Member Services Officers (CR and RN)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

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

1. Apologies

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillors D Bassett, D J Craig and A Martin.

2. Declarations of Interest

Councillor U Mackin declared an interest in planning application LA05/2024/0263/F, given that a family member was involved by way of objection. Councillor Mackin had not been involved in any way but stated that he would leave the meeting, in the interests of transparency.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2022/0625/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

PC 01.07.2024

4

3. Minutes of Meeting of Planning Committee held on 3 June, 2024

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the minutes of the meeting of Committee held on 3 June, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 6 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

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

- (i) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) landscaping and all other associated site works at lands approximately 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald

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

The Committee received Mr G Dodds to speak in support of the application and a number of Members' queries were responded to.

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

Debate

During debate:

- Councillor S Burns welcomed the update in relation to the forthcoming commencement of works at the Millmount Road/Comber Road junction and hoped that the work at the Old Mill Road/Upper Newtownards Road junction would follow shortly; and
- the Chair, Alderman M Gregg, raised concerns in respect of a number of thresholds and conditions applied to previous planning permissions for wider development in the area not having been met, such as (a) 60 houses to be built before the link road was opened, but that had been missed with the link road only having opened in December 2022; (b) provision of a play park when 60 houses had been built, but that still had not been delivered; (c) signalisation at the Millmount Road/Comber Road junction when 168 houses had been built, but those works had not yet taken place; and (d) signalisation of Old Mill Road/Upper Newtownards Road when 218 houses had been built.

PC 01.07.2024

5

- (i) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) landscaping and all other associated site works at lands approximately 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald (Contd)

Alderman Gregg stated that there were 400 houses now built and occupied. He welcomed the fact that a number of accesses had been opened up into the main development to ease traffic flow. He also welcomed the fact that agreement had been reached with DfI Roads to provide the traffic lights at Millmount Road/Comber Road junction, which was long overdue. The fallback position had been mentioned at last month's Planning Committee meeting which was the overall permission which also had a threshold for 400 houses for agreement of the traffic lights. Even with the fallback position, Alderman Gregg considered that the Committee could have imposed a condition on the developer to force the provision of the lights. He believes that without the open enforcement action from the Council to put pressure on the developer, the lights would not be provided. Alderman Gregg stated that he welcomed the affordable housing element of the application. He was content to support the recommendation of the Planning Officer to approve planning permission but stated that he wished developers would be more proactive in meeting conditions and that enforcement was more active in holding developers to account to meet conditions.

Vote

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

- (ii) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff

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

There was no-one registered to speak in respect of this application.

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

During discussion, the Chair, Alderman M Gregg, stated that the report referred to an informative being added to the application highlighting the use of the construction access in the related planning permission for temporary access. He asked if his could be applied as a condition. The Head of Planning & Capital Development advised that this matter should be addressed by inclusion in the Section 76 Agreement Rather than by planning condition.

PC 01.07.2024

6

Debate

During debate:

- Councillor U Mackin stated that the water treatment plant was a huge issue. He referred to the Head of Planning & Capital Development having stated that, had the original application for 110 dwellings been before the Committee now, the recommendation may have been different. Councillor Mackin expressed concern in relation to private package treatment plants and referred to difficulties in the past with a number of those within the Council area where ultimate liability had fallen with the occupiers of the dwellings. The Council had been able to work up a scheme to enable residents to get the funds together to do what was required and in another case, the matter was dealt with through a bond that the developer placed with NI Water. Councillor Mackin referred to conditions 12 and 13 relating to the commencement of development and occupation of the development. On the basis of failure to provide adequate water treatment management, he was not in support of the recommendation of the Planning Officer to approve planning permission as he believed it was contrary to FLD3;
- the Chair, Alderman M Gregg, stated that it was a little heartening, but a little late, for NI Water and others to be catching up with concerns that Members of the Committee had raised a number of years ago. He recalled when this application had come before the Committee in the last Council term. There had been much discussion about the waste water treatment works and the fact that NI Water had accepted that as a solution but residents would have to pay for maintenance of that through a management company. Should waste water treatment works be a solution for a number of applications going forward, Alderman Gregg stated that consideration should be given to their location. They should perhaps be located at the interconnection point in the NI Water sewerage system so that if adoption of a connection became possible, it would be so much easier for NI Water to bring that connection in to upgraded works. He referred to the Head of Planning & Capital Development having stated that, had the original application for 110 dwellings been before the Committee now, the recommendation may have been different. As it was now, there was the fallback position of the current application that there was permission to build, albeit with a negative condition to provide the houses but not occupy any until the waste water treatment works were provided. Alderman Gregg would reluctantly support the recommendation of the Planning Officer to approve planning permission but would like Officers to learn from this and have discussions with NI Water. He would like NI Water to come to a future meeting of the Committee to outline their thoughts and how they wish to deal with such matters in the future; and
- Alderman O Gawith stated that he was heartened a little by the application of a negative condition. He did not believe any permission should be issued without sewerage arrangements firmly in place. By ensuring condition 13 was in place, should mean that there would not be a situation whereby additional houses were built and occupied that did not have a proper sewerage connection. Provided the negative condition was firmly in place, Alderman Gawith stated that he had no reason not to support the recommendation of the Planning Officer to approve planning permission.

PC 01.07.2024

7

- (ii) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff (Contd)

Vote

In favour: Councillor S Burns, Councillor P Catney, Alderman O Gawith, Alderman J Tinsley, Councillor G Thompson and the Chair, Alderman M Gregg (6)

Against: Councillor U Mackin (1)

It was agreed that the granting of planning approval would be subject to the Section 76 Agreement including an additional requirement for access to be taken through a temporary access for the duration of the construction phase of the proposed and would be provided before any construction work commenced on this development.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.36 am).

Resumption of Meeting

The meeting was resumed at 11.46 am.

- (iii) LA05/2023/0053/F – Retention of carport and raised decking at 8 Robbs Road, Dundonald

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

The Committee received Ms C Millar to speak in support of the application. There were no Members' queries put to Ms Millar.

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

Debate

During debate:

- Alderman O Gawith stated that the changes that had been proposed, such as black painting and using screened glass, were welcome; however, even with the shortening of the raised glass taking it much higher up, it struck him that the improvements being made did not render this more acceptable on planning grounds.

PC 01.07.2024

8

(iii) LA05/2023/0053/F – Retention of carport and raised decking at 8 Robbs Road, Dundonald (Contd)

- He referred to the refusal reason given by the Planning Officer relating to policy HOU 7 and that the wider impact this proposal has on the character of the area were not addressed by the changes and stated that was in support of the recommendation to refuse planning permission.

Vote

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

(iv) LA05/0263/F – Single storey rear extension at 57 Old Ballynahinch Road, Lisburn

Having declared an interest in this item of business, Councillor U Mackin left the meeting (12.07 pm).

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

The Committee received Mr B Maguire to speak in support of the application and a number of Members' queries were responded to.

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

Debate

During debate:

- Alderman O Gawith stated that objectors and applicants deserved to have their views heard. He did not consider the reason cited for call in carried much weight. Alderman Gawith was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that the use of dark cladding was not inappropriate and he was content to support the recommendation of the Planning Officer to approve planning permission.

Vote

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

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned for lunch at this point (12.31 pm).

PC 01.07.2024

9

Resumption of Meeting

The meeting was resumed at 1.11 pm.

Councillor U Mackin returned to the meeting after lunch break.

- (v) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on land approximately 255 metres northwest of 57 Magheradartin Road and 270 metres east-south-east of 39 Magheradartin Road, Hillsborough

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

The Committee received Mr I Armstrong to speak in support of the application and a number of Members' queries were responded to.

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

Debate

During debate:

- Alderman O Gawith stated that attending a site visit for this application had been useful. Having viewed the site and having heard that exceptions did not apply, he stated that he had no hesitation in supporting the recommendation of the Planning Officer to refuse planning permission.

Vote

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

- (vi) LA05/2022/0625/F – Planning application for the change of use of a loading bay to a new parklet adjacent to Café Nosh, Belfast (retrospective) at Café Nosh, 64 Comber Road, Belfast

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

There was no-one registered to speak in respect of this application.

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

PC 01.07.2024

10

- (vi) LA05/2022/0625/F – Planning application for the change of use of a loading bay to a new parklet adjacent to Café Nosh, Belfast (retrospective) at Café Nosh, 64 Comber Road, Belfast (Contd)

Debate

During debate:

- the Chair, Alderman M Gregg, asked that consideration be given to the content of the nearby billboard, given that a dog fouling advertisement was displayed on the photograph provided in the presentation; and
- Councillor P Catney welcomed the provision of this parklet. He stated that it was a novel way to enhance those businesses in the area that were trying to increase footfall.

Vote

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

4.2 Statutory Performance Indicators – May 2024

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed that information relating to Statutory Performance Indicators for May 2024 be noted.

Members also noted a verbal update from the Head of Planning & Capital Development in relation to issues associated with the processing of Section 76 Agreements for both major and local applications where social housing was a requirement. A protocol for dealing with the drafting of Section 76 Agreements was currently being developed, in consultation with the Legal Advisor, and this would be reported to the Planning Committee when finalised.

4.3 Appeal Decision – LA05/2021/0894/O

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal and the learning arising from this appeal process.

4.4 Appeal Decision – LA05/2021/1358/O

It was proposed by Councillor G Thompson, seconded by Councillor P Catney and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.5 Appeal Decision – LA05/2022/0195/F

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

PC 01.07.2024

11

4.6 Appeal Decision – LA05/2021/0387/F

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.7 Application Under Section 54 of The Planning Act (Northern Ireland) 2011 to Vary Condition 12 Relating to the Phasing of the Approved Scheme LA05/2022/0830/F

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to note information in respect of the above Pre-Application Notice and that it be submitted in accordance with the relevant section of the legislation and related guidance.

4.8 Holding Direction from Department in Relation to the Proposed Park and Ride Facility at Moira Train Station (LA05/2021/1245/F)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note the content of correspondence from the Department for Infrastructure Strategic Planning Group and that Officers would now proceed to finalise and issue the decision.

4.9 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note from the report, information regarding notifications by a telecommunication operator to utilise Permitted Development Rights at locations in the Council area.

5. Any Other Business

5.1 Attendance of NI Water Representatives at September Meeting

It was agreed that representatives of NI Water be invited to attend the September meeting of the Planning Committee in order to update Members on current constraints, as well as its policy regarding the discharge of sewage in exceptional cases.

5.2 Refresher Training for Members

It was agreed that refresher training would be provided for Members in relation to the Protocol for the Operation of the Planning Committee.

5.3 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 5 August.

PC 01.07.2024

12

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 2.19 pm.

Chair/Mayor

DRAFT

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 August 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/1005/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works.
Location	Lands approximately 44 metres west of 32 Millmount Village Crescent, and 9m west of 9 Millmount Road, Dundonald
Representations	One
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of Lisburn and Castlereagh City Council Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for

affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposal complies with Policy NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. The proposed complies with Policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
7. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal is considered to comply with the Policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
9. The proposal complies with Policies HE2, HE4 and HE9 of the Plan Strategy in that the detail demonstrates that archaeological excavations have been conducted to discharge conditions 21 and 22 of an earlier planning approval [Y/1996/0407/O] and these conditions are still applicable to the current proposal. The developer still is required to identify and record any archaeological remains in advance of any new construction, or to provide for their preservation in situ. Furthermore, the detail demonstrates that proposal will not adversely affect the setting of a Listed Building.
10. The proposed development complies with Policies FLD 1, 2 3 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

11. The application site is located to the south of Millmount Road and occupies land which is partially cleared for development and is currently used for storage of construction materials. There is an existing band of trees to the eastern portion of the site.
12. The site is approximately 1.48 hectares which includes the access Road to the proposed development. In the wider context the site is located northeast of the

Comber Road into Dundonald.

13. The site is adjacent to Millmount House (a Listed Building) however it is not within the red line of the application site.

Surrounding Context

14. The land to the north and west of the site are residential in character and comprised of recently constructed dwellings that are part of the Millmount village development. To the west of the site is land that has been cleared for further development. The surrounding area is comprised of medium to high density housing.

Proposed Development

15. This is a full application for the erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works.
16. The following documents are submitted in support of the application:
- Design and Access Statement
 - Outline Construction Environmental Management Plan (OCEMP)
 - Northern Ireland Biodiversity Checklist
 - Ecological Survey for Bats
 - Drainage Assessment
 - Landscape Management Plan
 - Tree Survey and Report

Relevant Planning History

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

Reference Number	Proposal	Decision
LA05/2018/0512/F	Erection of 49 apartments and 244 dwellings, realignment of Spine Road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping and associated site	Permission Granted 25/03/2020

	works (293 residential units in total).	
Y/2009/0303/RM	Reserved matters for a residential development of 483 dwellings comprising detached and semi-detached, townhouses and apartments including distributor road, cycle/footpaths, access, landscaping and associated site works (reduction in residential unit numbers).	Permission Granted 05/07/2017
Y/1996/0407	Residential Development	Permission Granted September 2002

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DfI Rivers Agency	No objection
Housing Executive	No objection
LCCC Environmental Health	No objection
LCCC Tree Officer	No objection
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
DfC Historic Environment Division: Historic Monuments	No objection
DfC Historic Environment Division: Historic Buildings	No objection

Representations

19. One representation has been received in respect of the application. The following issues are raised (summarised):
- How information is presented
 - Traffic
 - Lack of transparency

Environmental Impact Assessment (EIA)

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
21. The site area is 1.48 hectares and exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
22. An EIA determination was carried out and it was concluded that given the scale and nature of the proposal there is not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

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

Plan Strategy 2032

24. It is stated at Part 1 of the Plan Strategy that:

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

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

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

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

25. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
26. The BUAP identified the application site as being located outside the settlement limit of Metropolitan Castlereagh.
27. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for housing under designation MCH 03/12 – 91.60 hectares for housing at Millmount.
28. Significant weight is attached to the housing zoning in draft BMAP with development having already been completed on a large part of the zoning.
29. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

30. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

31. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design

should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

32. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

33. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

34. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

35. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

36. As this application is for residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed-use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

37. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

38. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
- l) *the development is designed to deter crime and promote personal safety.*

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

39. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

40. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

41. This proposal is for 19 dwellings (change of house types) on a site that measures 1.48 hectares. This measurement includes the road layout on approach to the site.

42. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

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

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance take into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

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

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

43. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*

- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

44. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

45. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

46. Given this is a large site the potential impact on the natural environment is considered. Policy NH1 European and Ramsar Sites – International states:

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

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

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after

having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

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

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

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

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

47. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

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

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

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

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

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

Access and Transport

49. The application proposes an access from the Millmount Road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

51. The justification and amplification states that:

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

52. Policy TRA7 – Car Parking and Servicing Arrangements states:

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

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

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

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

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

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

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

Historic Environment and Archaeology

53. The application site is within an Area of Archaeological Potential and also in close proximity to Millmount House which is a Listed Building. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

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

54. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will 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 Council will refuse planning permission.

55. Policy HE4 Archaeological Mitigation states:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

56. Policy HE9 Development affecting the Setting of a Listed Building states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

a) the detailed design respects the listed building in terms of scale, height, massing and alignment

b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building

c) the nature of the use proposed respects the character of the setting of the building.

Flooding

57. DfI Rivers Agency Flood Map (NI) indicates that the development does not lie within the Present Day or Climate Change 1 In 100-year fluvial floodplain. Due to the number of dwellings the drainage must be designed to take account of the impact on flooding elsewhere.
58. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

60. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

61. It states that:

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

62. Paragraph 3.6 of the SPPS states:

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

63. 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 interest of acknowledged importance.

64. 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.

65. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

66. Whilst not policy, the following guidance documents remain material considerations.

Creating Places

67. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
68. 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.
69. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

70. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

71. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

72. This application is for 19 residential units within the Settlement Development Limit of Metropolitan Castlereagh. Significant material weight is attached to the proposed housing zoning in draft BMAP under designation MCH 03/12. As new residential development is acceptable on zoned housing land the policy tests of Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

73. The application site is a portion of land within the wider Millmount housing development that is currently under construction.
74. The surrounding developed land contains a mix of detached, semi-detached and terrace housing and apartment blocks. The dwellings are set in medium sized plots with in-curtilage parking and communal off-street parking. Areas of open space and two playparks are also provided as part of the overall Millmount scheme.
75. This proposal comprises 4 detached dwellings, 3 sets of semi-detached dwellings (6 units) and one apartment block consisting of 9 units.
76. The dwellings and apartments vary in size and design but are typical of suburban residential setting.
77. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount Village.
78. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
79. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by wither the form or scale of the development proposed.
80. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
81. The separations distances between the existing and proposed developments are acceptable and would minimise any overlooking from existing properties.
82. The buildings are not dominant or overbearing and no loss of light would be caused.
83. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
84. With regard to criteria (b), the site is within an area of high archaeological potential. It is considered that provided archaeological mitigation is conditioned

in any planning permission that the proposal would not have a negative impact on any archaeological interests.

85. The site is also adjacent to Millmount House which is a Grade B1 Listed Building. Following consultation with Historic Environment Division Historic Buildings, it is considered that the proposal will have no adverse impact on the setting of the listed building.
86. There is a band of trees to the northeastern section of the site. The majority are to be retained and two are to be felled as per the tree survey report and detailed on the tree constraints plan.
87. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development and as such all the requirements of policy HOU3 are met.

Policy HOU4 - Design in New Residential Development

88. The layout as shown on the proposed site plan demonstrates that there are a number of different house types proposed. A description of these house types is outlined below. They propose different house types with similar design themes running throughout.
89. Site numbers 461 and 462 consist of house type MV4.1 which are four bedroom, two and a half storey detached dwellings, rectangular in shape with a small single storey rear projection, and a maximum ridge height of 8.8m above the finished floor level.
90. Site 552 consists of house type MV4.1 handed which is a four bedroom, two and a half storey detached dwellings, rectangular in shape with a small single storey rear projection, and a maximum ridge height of 8.8m above the finished floor level.
91. Site number 474 consists of house type MV4.2 which is a four bedroom, two and a half storey detached dwelling, rectangular in shape with a small single storey rear projection, and a maximum ridge height of 8.8m above the finished floor level.
92. Site numbers 463 & 464 and 475 & 476 are house type MV3 which are two storey three bed semi-detached dwellings with a ridge height of 8.6m above the finished floor level and a single storey rear projection sunroom.
93. Site numbers 550 & 551 are house type MV3 handed which are two storey three bed semi-detached dwellings with a ridge height of 8.6m above the finished floor level and a single storey rear projection sunroom.
94. Site numbers 465 to 473 is an apartment block, house type APT C, it is three storeys with a ridge height of 13.9m above the finished floor level. Each apartment is two bedroom and there are nine apartments in total. Juliet

balconies are proposed to the first and second floor to the rear elevation.

95. The external material finishes include concrete interlocking roof tiles grey or blue/grey in colour; walls to be smooth render in off white or white in colour and select facing brick and the windows and doors are a mixture of hardwood and upvc with rainwater goods to be upvc pipes and guttering. These are acceptable for the site and its location in the urban context.
96. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the separation distances between the properties will ensure that no loss of light to any adjacent property will arise.
97. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
98. Millmount House is located adjacent and east of the site and was excluded from the housing zoning. The proposed dwellings are set to the side and west of Millmount House with the closest dwelling having a separation distance of 24m from the Listed Building with the road layout in between. This ensures that there is no adverse impact on residential amenity by reason of overlooking or overshadowing/loss of light. The development on the site does not conflict with surrounding land uses.
99. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed dwellings all face towards the road network, in curtilage parking spaces are provided for each dwelling and the apartments will have adequate shared parking spaces.
100. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity varies by plot ranging from a minimum of approximately 40.8 square metres up to 109.2 square metres which is consistent with the guidance set out in Creating Places that the average amenity space standard for the development as a whole should be around 70 square metres per dwelling and not less than 40 square metres for any individual dwelling.
101. The apartments will be provided with approximately 186 square metres of communal amenity space at the rear of the apartment block which is greater than the 10 square metres amenity space provision advised within Creating Places.
102. The variety of house types are designed to current building control requirements to provide accommodation that is wheelchair accessible for persons with impaired mobility. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
103. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are met.
104. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger development at Coopers Mill and the site is accessible to shops and other neighbourhood facilities in Dundonald. Criteria (c)

of policy HOU 4 is met.

105. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls such as estate fencing proposed. These are acceptable for this type of development in the urban context.
106. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping to the area with the trees to be retained and to the boundaries and within the overall site. The proposed landscaping uses appropriate spaces of planting, and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 are considered to be met.
107. With regard to criteria (d) the proposal is for 19 units on a site measuring 1.48 hectares which is not considered to be overdevelopment, and in line with policy HOU 4.
108. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size as outlined earlier in the report exceeds space standards set out in supplementary planning guidance.
109. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meet the required parking standards. Criteria (g) and (h) of policy HOU4 are met.
110. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is met.
111. Provision is made for a designated bin storage for the apartment blocks and provision is available for householder waste storage within the driveways of each dwelling and its safe collection can be facilitates without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

112. Detail submitted with the application indicates that the site does exceed one hectare. As such open space must be provided as an integral part of this development.
113. Two small areas of open space are shown to be provided in the area around the strip of trees to be retained.
114. The application provides for a change of house type for 19 dwellings that were previously approved as part of a wider housing development under Y/2009/0303/RM. Detail submitted with this application demonstrates that areas of open space were provided throughout the site. The site is also easily

accessible to the Comber Greenway.

115. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 4 units.
103. A draft Section 76 agreement has been submitted for the Councils consideration. It details that 4 units for affordable provision is to be provided within the proposed apartments.
104. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement. No more than 12 of the dwellings are to be occupied until the four affordable dwellings are constructed and available for occupation.

Natural Heritage

105. A Biodiversity Checklist and Preliminary Ecological Appraisal along with Ecology Survey for Bats carried out by RPS Group Limited received 27 October 2022 were submitted in support of the application. An outline Construction Environmental Management Plan has also been submitted in support of the application.
106. The Ecological Survey was carried out in April 2022 and included an Extended Phase 1 Habitat Survey, an Ecological Badger Survey, Preliminary Roost Assessment of Trees and Preliminary Ecological Appraisal for Bats.
107. The Preliminary Appraisal states that:

The site of the proposal is not hydrologically directly connected to or located within 100m of any statutory designated sites of local or international importance. The nearest designated site is Dundonald Old railway SLNCl, located approximately 760m northwest of the proposed development boundary. The Enler River is located 54m west of the site boundary. The Enler River is Hydrologically connected to Strangford Lough SAC, SPA, ASSI and Ramsar Site, approximately 6.6km downstream. Pollution prevention measures as detailed in the Outline Construction Environmental Management Plan will be incorporated during the construction phase to prevent sediments and other pollutants entering watercourses. With the implementation of water pollution mitigation measures, there will be no effects to watercourses or downstream designated sites.

108. With regards to habitats, it states that:

The site is predominantly an operating construction site, with most of the land comprising of bare earth or gravel with occasional building material

stockpiles. Typical common re-colonising plant species are scattered in areas of lower traffic and disturbance. A large earth heap is present in the centre of the site and a smaller heap to the south. These heaps have been partially re-colonised by common agricultural and early colonising species, mainly including Yorkshire fog scattered gorse and broom saplings have also established in places.

109. With regards to semi-improved neutral grassland, it states:

An area of unmanaged semi-improved neutral grassland is present in the southwest of the site. Some patches occur in shallow, stoney soils. The species present include typical agricultural grasses.

110. The Preliminary Ecological Appraisal states:

Preliminary Ecological Appraisal for Bats

The proposed development site adjoins Millmount Village to the east and southwest. To the north and east by the Comber Greenway open space. These nearby areas may provide linkage for commuting or foraging bats; however, the site itself has been highly altered, with limited natural habitats available. The treelines, namely the large mature broadleaved treelines in the northeast which are largely being retained likely support a low number of foraging bats.

Given the presence of trees on the site, the site characteristic (active construction site), its connection to residential gardens and its partial connection to the wider countryside, it is considered that the site is of low foraging and commuting suitability.

Preliminary Roost Assessment of Trees and Structures

From ground level, a knothole type potential roost feature was identified on a mature beech tree which is located within the construction footprint of a proposed roadway. The feature is located approximately 4-5m on the eastern aspect. This tree will require felling to facilitate the development. To the immediate east, knothole PRFs were also identified on two horse chestnut trees. These features are considered to have moderate roosting suitability.

Badger and Otter

No evidence of badger or otter was recorded within 30m of the site boundary.

111. Details of mitigation/recommendations include the removal of any vegetation including hedgerows and shrubs should take place outside the bird breeding season which extends between 1st March and 31st August inclusive to ensure breeding birds are protected from harm. In relation to bats, two emergence/re-entry bat surveys comprising one dusk and one dawn survey is recommended to be carried out at the trees on site with bat roosting potential.
112. It is also recommended that a Lighting Strategy for the proposed development should be designed in accordance with the Institution of Lighting Professionals (ILP2011) and Bats and Artificial Lighting in the UK (ILP 2018) and that artificial

lighting will only be installed where and when necessary.

113. In line with NIEA Standing Advice and where badger activity is identified, all works will cease immediately, and further advice sought from NIEA Wildlife Team.
114. As recommended in the PEA, a Bat Survey was carried out at three trees on the site and the findings submitted for consideration. The three trees have been classified as having moderate bat roost potential. Emergence and re-entry surveys were carried out. The report details that bat activity was relatively low, with occasional brief bat passes and foraging and that for most of the duration of both surveys, bats were absent from the survey area. It also details that no bats were recorded emerging or entering and therefore there is no evidence to suggest that they are bat roosts. With the implementation of mitigation measures there will be no adverse impacts upon the local bat population.
115. The bat survey report recommends that prior to felling of tree, a survey must be carried out under NIEA licence between 15th March and 15th May or 15th August and 31st October inclusive, of any given year. If bats are found to be present, NIEA will be contacted for advice. It is also recommended that bat boxes will be erected on the trees which are to be retained on site to compensate for any loss.
116. The above documents were sent to NIEA Natural Environment Division (NED) for consultation. They responded and advised that NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no objection to the proposal.
117. Within the site there is a band of trees to the eastern section of the site. The information submitted details that all the trees are to be retained except for two trees that are to be felled due to their condition, as detailed in the submitted Tree Survey Report.
118. It is noted that in the previous planning approval on the site, the majority of these trees were to be retained and condition 19 of Y/2009/0303/RM offers protection for any retained tree.
119. Advice obtained from the Councils Tree Officer confirmed that there is no Tree Preservation Order in place at this location. They also note the information provided including the Arboricultural Method Statement and provides the proposed conditions should the application be recommended for approval.
120. Having regards to the content of the submitted reports and the advice of NED, for the reasons outlined above, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such NH1, NH2 and NH5 of the Plan Strategy are met.

Access Movement and Parking

121. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
122. Access to the site will be via Millmount Village Way which was approved under LA05/2018/0512/F and has been constructed. Millmount Village Way accesses onto Millmount Road.
123. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces.
124. DfI Roads have not expressed any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been returned.
125. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
126. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of a new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
127. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation.

128. Historic Environment Division (Historic Monuments) commented that there are a number of known archaeological monuments in its vicinity and archaeological excavations have been conducted under conditions 21 and 22 and planning approval Y/1996/0407/O. These conditions are still applicable to the current application site.
129. Historic Environment Division (Historic Monuments) advise that they are content that the proposal satisfies the policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
130. Based on the information submitted and taking on board the advice from HED it is considered that the proposal complies with Policy HE4.

Policy HE9 Development affecting the Setting of a Listed Building

131. The site is in close proximity to Millmount House (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011 therefore Historic Environment Division (HED), Historic Buildings were consulted.
132. HED Historic Buildings commented that it has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal without conditions.
133. It is considered that policy HE9 is met, and the proposal will have no adverse impact on the setting of the listed building.

Planning and Flood Risk

134. The information submitted indicates that water connection would be through the public mains, that the storm water would be disposed of through the mains and that the foul would be disposed with via the mains.
135. Due to the number of dwellings on site a Drainage Assessment has been submitted in the support of the application. DfI Rivers Agency have been consulted on the application and have no objections.
136. In accordance with policy FLD 3 a Drainage Assessment was submitted. DfI Rivers commented that

DfI Rivers PAMU have reviewed the Drainage Assessment by Marrac Design, and our comments are as follows: DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with FLD3, DfI Rivers requests that the Planning Authority includes a Condition as part of its planning permission if granted.

137. The condition states that prior to construction of the drainage network a final drainage assessment should be submitted which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in the event of a 1 in 100-year event.
138. Information submitted with the application indicates that water connection, surface water and foul sewerage will be through the public mains. NI Water was consulted and confirmed that there is available capacity at the Waste-Water Treatment Works and there is a public foul sewer within 20 metres of the

proposed development boundary which can adequately service the proposal.

139. Water Management Unit have also been consulted on the application and advise that it has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. However, if NI Water advise that they are content that both the receiving Waste-Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or the sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. As discussed above NI Water has confirmed there is capacity at the WWTW, and foul sewer connection and it recommends approval therefore it is considered that the proposal will not adversely affect the water environment.
137. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD1, 2, and 3 of the Plan Strategy.

Consideration of Representations

140. An objection has been received in relation to the proposal. Consideration of the issues raised (summarised) are set out in the below:

How information is presented.

141. The view is expressed that it would be helpful if any of the information that is provided for residents to consider is presented in a way that a normal person can understand. They state that a bunch of architectural drawings means nothing to those potentially affected by the application.
142. The information provided is standard information and drawings required for any planning application to allow the Council to make a full assessment on the proposal. It is necessary and important to the decision-making process.
143. The objector did not explain how they were prejudiced by how the information was presented and did not reach out to the case officer to seek clarification. No weight is afforded to this objection as no planning grounds for objection are offered.

Traffic

144. The view is expressed that to add more housing on a road that is already busy with through traffic and with poor visibility of oncoming traffic approaching Millmount Road, drivers existing Millmount Village Way or pedestrians crossing at the crossing point at the junction will have even less means of seeing oncoming traffic.
145. The application is for change of house types to that already approved on the application site. The number of houses is not increasing. DfI Roads have been consulted on the proposal and have no objection on the grounds of road safety or

traffic impact. Infrastructure improvements have been sought to the wider road network to facilitate this development and no contrary evidence is provided in support of the objection to justify the Council seeking further mitigation on the road network in terms of improvements to the road layout or by controlling junctions with signals.

Lack of transparency

146. The view is expressed that lack of transparency and straightforward information does not meet expectations for a genuine consultative process. All the information is available to the decision maker is disclosed on the public planning portal and due process has been followed. There is duty for the process to be transparent and in the absence of contrary evidence no weight is attached to this objection.

Recommendation

147. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

148. The following conditions are recommended:

- The development hereby permitted must be begun within five years from the date of this permission.

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

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Nos: P185/R511c & P185/R510d bearing the Area Planning Office date stamps 13 JUN 2023 and the Department for Infrastructure Determination date stamps of 18 JUL 2023.

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

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: P185/R511c bearing the Area Planning Office date stamp 13 JUN 2023...and the Department for Infrastructure Determination date stamp of 18 JUL 2023..., prior to the commencement of any other works or other development hereby permitted.

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

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

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

- If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing Nos...P185/R511c & P185/R510d.... Bearing the Area Planning Office date stamp...13 JUN 2023.....to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

- No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase.

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

- Once a contractor has been appointed, a Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

- The mitigation and ecological management measures as noted in the Outline Construction Environmental Management Plan (OCEMP) by RPS, date stamped 27th October 2022 by Lisburn and Castlereagh City Council, must be implemented and adhered to throughout construction of the development.

Reason: To minimise the significance of impacts on natural heritage features.

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

- No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site.
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ.
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

- No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 11.

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

- No work shall commence on external works shown hatched on drawing Site Plan App 2 2703-050-04-32-014 (drawing number 03) until detailed proposals and samples of all finish materials and lighting fixtures have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works.

Reason: To ensure that the proposal does not have a negative impact on the Setting of the Listed Building.

- No tree to be retained on the Soft Landscape Proposals Plan (drawing no. 24C and bearing the Council date stamp 13th June 2023) shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall

arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- If any retained tree is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

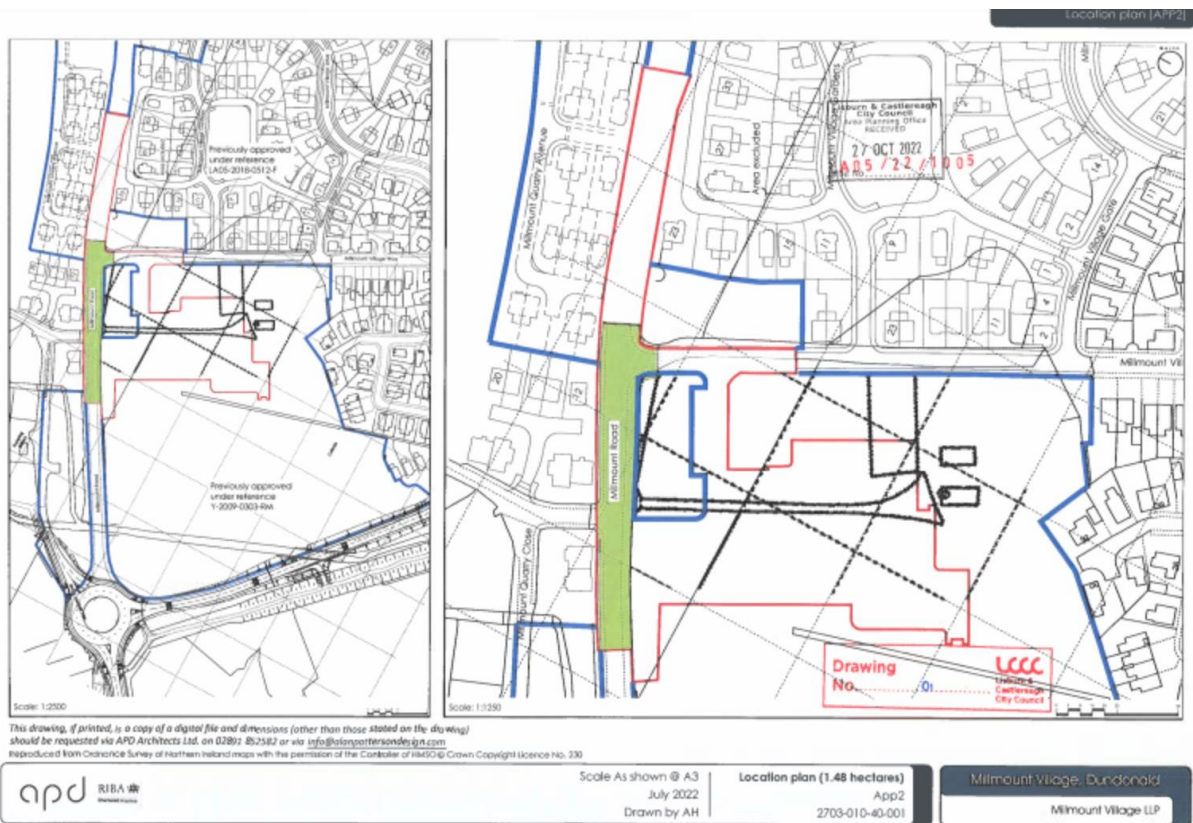
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 24C bearing the Council date stamped 26th June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2022/1005/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 August 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/1006/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works
Location	Lands approximately 88m west of 32 Millmount Village Crescent and 45m west of 9 Millmount Road Dundonald
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of Lisburn and Castlereagh City Council Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for

affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposal complies with Policy NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. The proposal complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
7. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
9. The proposal complies with Policies HE2, HE4 and HE9 of the Plan Strategy in that the detail demonstrates that archaeological excavations have been conducted to discharge conditions 21 and 22 of an earlier planning approval [Y/1996/0407/O] and these conditions are still applicable to the current proposal. The developer still is required to identify and record any archaeological remains in advance of any new construction, or to provide for their preservation in situ. Furthermore, the detail demonstrates that proposal will not adversely affect the setting of a Listed Building.
10. The proposed development complies with policies FLD 1, 2 3 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

11. The application site is located to the south of Millmount Road and occupies land which is partially cleared for development and is currently used for storage of construction materials. The Enler River is located west of the application site.
12. The site is approximately 1.36 hectares in size as the application includes the access road to the proposed development. In the wider context the site is

located northeast of the Comber Road into Dundonald.

13. The site is located in close proximity to Millmount House (a Listed Building) however it is not within the red line of the application site.

Surrounding Context

14. The land to the north and west of the site are residential in character and comprised of recently constructed dwellings that are part of the Millmount village development. To the west of the site is land that has been cleared for further development. The surrounding area is comprised of medium to high density housing.

Proposed Development

15. This is a full application for the erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works.
16. The following documents are submitted in support of the application:
- Design and Access Statement
 - Outline Construction Environmental Management Plan (OCEMP)
 - Northern Ireland Biodiversity Checklist, including PEA
 - Ecological Survey for Bats
 - Ecological Survey for Badgers and Otters
 - Drainage Assessment
 - Landscape Management Plan
 - Outdoor Lighting Plan

Relevant Planning History

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

Reference Number	Proposal	Decision
LA05/2018/0512/F	Erection of 49 apartments and 244 dwellings, realignment of Spine Road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping	Permission Granted 25/03/2020.

	and associated site works (293 residential units in total).	
Y/2009/0303/RM	Reserved matters for a residential development of 483 dwellings comprising detached and semi-detached, townhouses and apartments including distributor road, cycle/footpaths, access, landscaping and associated site works (reduction in residential unit numbers).	Permission Granted 05/07/2017.
Y/1996/0407	Residential Development	Permission Granted September 2002

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection.
DfI Rivers Agency	No objection
Housing Executive	No objection
LCCC Environmental Health	No objection
LCCC Tree Officer	No objection.
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
DfC Historic Environment Division: Historic Monuments	No objection
DfC Historic Environment Division: Historic Buildings	No objection

Representations

19. No representations have been received on this proposal.

Environmental Impact Assessment (EIA)

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
21. The site area is 1.36 hectares and exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
22. An EIA determination was carried out and it was concluded that given the scale and nature of the proposal there is not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

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

Plan Strategy 2032

26. It is stated at Part 1 of the Plan Strategy that:

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

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

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

27. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
28. The BUAP identified the application site as being located outside the settlement limit of Metropolitan Castlereagh.
29. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for housing under designation MCH 03/12 – 91.60 hectares for housing at Millmount.
30. Significant weight is attached to the housing zoning in draft BMAP as the zoning was not objected to and is largely developed.
31. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

32. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

33. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

34. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

35. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

36. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

37. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

38. As this application is for residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

39. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

40. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species*

- and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
- *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

41. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

42. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

43. This proposal is for 19 dwellings (change of house types) on a site that measures 1.48 hectares. This measurement includes the road layout on approach to the site.

44. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

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

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled*

- persons and it respects the amenity of nearby residents*
 - *landscape and heritage features are retained and incorporated in its design and layout.*

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

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

45. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

46. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

47. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

48. Given this is a large site the potential impact on the natural environment is considered.
49. Policy NH1 European and Ramsar Sites – International states:

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

a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*

b) *a listed or proposed Ramsar Site.*

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

In exceptional circumstances, a development proposal which could adversely affect

the integrity of a European or Ramsar Site may only be permitted where:

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

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

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

50. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

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

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

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

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

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

Access and Transport

52. The application proposes the creation of a new access. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

54. The justification and amplification states that:

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

55. Policy TRA7 – Car Parking and Servicing Arrangements states:

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

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

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

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

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

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

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

Historic Environment and Archaeology

56. The application site is within an Area of Archaeological Potential and also in close proximity to Millmount House which is a Listed Building.
57. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

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

58. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will 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 Council will refuse planning permission.

59. Policy HE4 Archaeological Mitigation states:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

60. Policy HE9 Development affecting the Setting of a Listed Building states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

a) the detailed design respects the listed building in terms of scale, height, massing and alignment

b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building

c) the nature of the use proposed respects the character of the setting of the building.

Flooding

61. DfI Rivers Agency Flood Map (NI) indicates that the development does not lie within the Present Day or Climate Change 1 In 100 year fluvial floodplain. Due to the number of dwellings the drainage must be designed to take account of the impact on flooding elsewhere.

62. Policy FLD1 Development in Fluvial (River) Flood Plains states:

New development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

63. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states that:

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

64. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

66. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

67. It states that:

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

68. Paragraph 3.6 of the SPPS states:

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

69. 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.

70. 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.

71. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

72. Whilst not policy, the following guidance documents remain material considerations.

Creating Places

73. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
74. 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.*

75. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

76. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

77. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

78. This application is for 19 residential units within the Settlement Development Limit of Metropolitan Castlereagh. Significant material weight is attached to the proposed housing zoning in draft BMAP under designation MCH 03/12. As new residential development is acceptable on zoned housing land the policy tests of Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

79. The application site is a portion of land within the wider Millmount housing development that is currently under construction.
80. The surrounding developed land contains a mix of detached, semi-detached and terraced housing and apartment blocks. The dwellings are set in medium sized plots with in-curtilage parking and communal off-street parking. Areas of open space and two playparks are also provided as part of the wider Millmount scheme.
81. This proposal comprises 7 detached dwellings and 6 pairs of semi-detached dwellings (12 units).
82. The dwellings vary in size and design but are typical of suburban residential setting.
83. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount Village.
84. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
85. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by wither the form or scale of the development proposed.
86. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
87. The separations distances between the existing and proposed developments are acceptable and would minimise any overlooking from existing properties.

88. The buildings are not dominant or overbearing and no loss of light would be caused.
89. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
90. With regard to criteria (b), the site is within an area of high archaeological potential. It is considered that provided archaeological mitigation is conditioned in any planning permission that the proposal would not have a negative impact on any archaeological interests.
91. The site is in close proximity to Millmount House which is a Grade B1 Listed Building. Following consultation with Historic Environment Division Historic Buildings, it is considered that the proposal will have no adverse impact on the setting of the listed building.
92. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development. The requirements of policy HOU3 are met.

Policy HOU4 - Design in New Residential Development

93. The layout as shown on the proposed site plan demonstrates that there are a number of different house types proposed. A description of these house types is outlined below. They propose different house types with similar design themes running throughout.
94. Site numbers 553 & 554 consist of house type MV4 which are two and a half storey 4 bed semi-detached dwellings with a single storey rear projection.
95. Site numbers 567 & 568 consist of house type MV3 which are two storey three bed semi-detached dwellings with a ridge height of 8.6m above the finished floor level and have a single storey rear projection sunroom.
96. Site numbers 569 & 570 are house type MV3 handed which are two storey three bed semi-detached dwellings with a ridge height of 8.6m above the finished floor level and a single storey rear projection sunroom.
97. Site numbers 563 & 564 are house type MV3 which are two storey three bed semi-detached dwellings with a ridge height of 8.6m above the finished floor level however they do not include the single storey rear projection.
98. Site numbers 565 & 566 consists of house type LAQ01 consists of two-bedroom two storey semi-detached dwellings rectangular in shape.
99. Site numbers 559 & 560 consists of house type SR15.2 which are three-bedroom two storey semi-detached dwellings with a single storey rear projection in the form of a sun room.
100. Site number 555 consists of house type MV4.2 which is a four bedroom, two and a half storey detached dwelling, rectangular in shape with a small single storey

- rear projection, and a maximum ridge height of 8.8m above the finished floor level.
101. Site number 562 consists of house type SR3.6 which is a three-bedroom two storey detached dwelling with a single storey rear projection sunroom.
 102. Site numbers 557, 558 and 561 consist of house type SR2.1 which are three-bedroom two storey detached with a single storey rear projection sunroom.
 103. Site number 556 consists of house type SR2.1 handed which are three-bedroom two storey detached with a single storey rear projection.
 104. And site number 571 consists of house type LG24 which is a four-bedroom two storey detached dwelling.
 105. The external material finishes include concrete interlocking roof tiles grey or blue/grey in colour; walls to be smooth render in off white or white in colour and select facing brick and the windows and doors are a mixture of hardwood and upvc with rainwater goods to be upvc pipes and guttering. These are considered to be acceptable for the site and its location in the urban context.
 106. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the separation distances between the properties will ensure that no loss of light to any adjacent property will arise.
 107. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
 108. Millmount House is located in close proximity to the site and was excluded from the housing zoning. There is intervening housing approved between the proposal and the Listed Building. The development on the site does not conflict with surrounding land uses.
 109. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed dwellings all face towards the road network and in curtilage parking spaces are provided for each dwelling.
 110. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity varies by plot ranging from a minimum of approximately 42.2 square metres up to 147.4 square metres which is consistent with the guidance set out in Creating Places that the average amenity space standard for the development as a whole should be around 70 square metres per dwelling and not less than 40 square metres for any individual dwelling.
 111. The variety of house types are designed to current building control requirements to provide accommodation that is wheelchair accessible for persons with impaired mobility. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.

112. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are met.
113. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger development at Coopers Mill and the site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) of policy HOU 4 is met.
114. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls proposed. These are acceptable for this type of development in the urban context.
115. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping to the area, some to the boundaries and within the overall site. The proposed landscaping uses appropriate spaces of planting, and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 are considered to be met.
116. With regard to criteria (d) proposed density. The proposal is for 19 units on a site measuring 1.36 hectares which is not considered to be overdevelopment, and in line with policy HOU 4.
117. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size as outlined earlier in the report exceeds space standards set out in supplementary planning guidance.
118. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meet the required parking standards. Criteria (g) and (h) of policy HOU4 are met.
119. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is met.
120. Provision is made for a designated bin storage for the apartment blocks and provision is available for householder waste storage within the driveways of each dwelling and its safe collection can be facilitates without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

121. Detail submitted with the application indicates that the site does exceed one hectare. As such open space must be provided as an integral part of this development.
122. The application provides for a change of house type for 19 dwellings that were previously approved as part of a wider housing development under

Y/2009/0303/RM.

123. Detail submitted with this application demonstrates that areas of open space were provided throughout the site, as demonstrated in the maintained open space drawing.
124. The site is also easily accessible to the Comber Greenway.
125. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met.

Policy HOU10 - Affordable Housing

126. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 4 units.
127. A draft Section 76 agreement has been submitted for the Councils consideration. It details that 4no units for affordable provision is to be provided as two sets of semi-detached dwellings, namely sites 563&564 and 565&566 as detailed in the site plan (HOU10 policy) drawing.
128. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement. No more than 12 of the dwellings are to be occupied until the 4 affordable dwellings are constructed and available for occupation.

Natural Heritage

129. A Biodiversity Checklist and Preliminary Ecological Appraisal along with Ecology Survey for Bats carried out by RPS Group Limited received 27 October 2022 were submitted in support of the application. An outline Construction Environmental Management Plan has also been submitted in support of the application.
130. The Ecological Survey was carried out in April 2022 and included an Extended Phase 1 Habitat Survey, an Ecological Badger Survey, Preliminary Roost Assessment of Trees and Preliminary Ecological Appraisal for Bats.
131. The Preliminary Appraisal states that:

Preliminary Ecological Appraisal for Bats

The proposed development site adjoins Millmount Village to the east and southwest. To the north and east by the Comber Greenway open space. These nearby areas may provide linkage for commuting or foraging bats; however, the site itself has been highly altered, with limited natural habitats available. The treelines, namely the large mature broadleaved treelines in the north east which are largely being retained likely support a low number of foraging bats.

Given the presence of trees on the site, the site characteristic (active construction site), its connection to residential gardens and its partial connection to the wider countryside, it is considered that the site is of low foraging and commuting suitability.

Preliminary Roost Assessment of Trees and Structures

From ground level, a knothole type potential roost feature was identified on a mature beech tree which is located within the construction footprint of a proposed roadway. The feature is located approximately 4-5m on the eastern aspect. This tree will require felling to facilitate the development. To the immediate east, knothole PRFs were also identified on two horse chestnut trees. These features are considered to have moderate roosting suitability.

Badger and Otter

No evidence of badger or otter was recorded within 30m of the site boundary.

132. Details of mitigation/recommendations include the removal of any vegetation including hedgerows and shrubs should take place outside the bird breeding season which extends between 1st March and 31st August inclusive to ensure breeding birds are protected from harm. In relation to bats, two emergence/re-entry bat surveys comprising one dusk and one dawn survey is recommended to be carried out at the trees on site with bat roosting potential.
133. It is also recommended that a Lighting Strategy for the proposed development should be designed in accordance with the Institution of Lighting Professionals (ILP2011) and Bats and Artificial Lighting in the UK (ILP 2018) and that artificial lighting will only be installed where and when necessary.
134. In line with NIEA Standing Advice and where badger activity is identified, all works will cease immediately, and further advice sought from NIEA Wildlife Team.
135. An Ecological Survey for Badger and Otter Report has been submitted for consideration. It was carried out further to correspondence with Natural Environment Division for a wider survey for badger and otter to be carried out if driven piling is proposed on site. Driven piling is proposed on site, and therefore a survey from the site boundary out to a minimum of 100m was carried out for badger and 150m for otter.
136. With regards to badgers, a badger survey was carried out in March 2023 to establish the presence of badger setts within 100m of proposed piling operations. The site including 100m beyond the site boundary was surveyed for the presence of badger setts and badger activity. Badger Setts were present outside the application site and it is recommended that an Ecological Clerk of Works should be employed to provide advice both pre-construction and during construction in relation to the relevant legislation relating to badgers.
137. With regards to otters, an otter survey was carried out in March 2023 in order to establish the presence of otter holts within 150m of proposed piling operations. The report details that an otter survey was carried out to beyond

150m from the proposed site boundary. No otter holts were recorded during the survey. Given that no holts were recorded within 150m of the proposed site boundary and the potential driven piling locations, therefore adverse impacts upon otters are not predicted.

138. The above documents were sent to NIEA Natural Environment Division (NED), along with a lighting plan at the request of NIEA, for consultation. They responded and advised that NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to condition.
139. The agent response was to submit a lighting plan and has provided the clarification required.
140. The information was forwarded on to NED for comment and they have responded to advise that on the basis of the information submitted, they have no objection to the proposal.
141. Having regards to the content of the submitted reports and the advice of NED, for the reasons outlined above, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such NH1, NH2 and NH5 of the Plan Strategy are met.

Access Movement and Parking

142. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
143. Access to the site will be via Millmount Village Way which was approved under LA05/2018/0512/F and has been constructed. Millmount Village Way accesses onto Millmount Road.
144. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces.
145. DfI Roads have not expressed any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD have been agreed in principle and will be finalised imminently.
146. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
147. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of a new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing

accesses and the standard of the existing road network.

148. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation.

149. The application site is in an area of high archaeological potential.
150. Historic Environment Division (Historic Monuments) commented that there are a number of known archaeological monuments in its vicinity and archaeological excavations have been conducted under conditions 21 and 22 and planning approval Y/1996/0407/O. These conditions are still applicable to the current application site.
151. Historic Environment Division (Historic Monuments) advise that they are content that the proposal satisfies the policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
152. Based on the information submitted and taking on board the advice from HED it is considered that the proposal complies with Policy HE4.

Policy HE9 Development affecting the Setting of a Listed Building

153. The site is in close proximity to Millmount House (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011 therefore Historic Environment Division (HED), Historic Buildings were consulted.
154. HED Historic Buildings commented that it has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal without conditions.
155. It is considered that policy HE9 is met, and the proposal will have no adverse impact on the setting of the listed building.

Planning and Flood Risk

156. The information submitted indicates that water connection would be through the public mains, that the storm water would be disposed off through the mains storm sewer and that the foul would be disposed with via the mains foul sewer.

157. Due to the number of dwellings proposed a Drainage Assessment has been submitted in the support of the application. Dfl Rivers Agency have been consulted on the application and have no objections.

158. In accordance with policy FLD 3 a Drainage Assessment was submitted. Dfl Rivers commented that

Dfl Rivers PAMU have reviewed the Drainage Assessment by Marrac Design and our comments are as follows: Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with FLD3, Dfl Rivers requests that the Planning Authority includes the a Condition as part of its planning permission if granted.

159. The condition states that prior to construction of the drainage network a final drainage assessment should be submitted which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in the event of a 1 in 100 year event.

160. Information submitted with the application indicates that water connection, surface water and foul sewerage will be through the public mains. NI Water was consulted and confirmed that there is available capacity at the Waste-Water Treatment Works and there is a public foul sewer within 20 metres of the proposed development boundary which can adequately service the proposal.

161. Water Management Unit have also been consulted on the application and advise that it has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. However, if NI Water advise that they are content that both the receiving Waste-Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or the sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. As discussed above NI Water has confirmed there is capacity at the WWTW, and foul sewer connection and it recommends approval therefore it is considered that the proposal will not adversely affect the water environment.

162. Based on a review of the information and advice received from Dfl Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD1, 2, and 3 of the Plan Strategy.

Recommendation

163. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

164. The following conditions are recommended:

- The development hereby permitted must be begun within five years from the date of this permission.

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

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

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

- Prior to commencement of the development hereby approved, a Detailed Construction Environmental Management Plan shall be submitted for approval by the Council.

Reason: To protect the amenity of neighbouring dwellings with respect to noise, air quality, dust and odour.

- During the construction phase of the development no activity which is likely to generate excessive noise e.g. deliveries, should be undertaken between 0700 and 2100 hours.

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

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E2 (Rural). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

- In the event that previously unknown land contamination is discovered development on the site shall cease. The Council should be advised and a full written risk assessment in line with current government guidance (DAERA, Environmental Advice for Planning, Practice Guide, Redeveloping Land

Affected by Contamination and the Environment Agencies LCRM) that details the nature of the risks and any necessary mitigation measures shall be submitted for approval by the Council.

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

- Once a contractor has been appointed, a Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

- There shall be no site clearance or development activity within 100 metres of badger sett B3, as shown on the badger survey map until written evidence has been provided to the Planning Authority that badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers and their setts.

- No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 10 metres of the Enler River or the drainage ditch on site with hydrological links to the Enler River.

Reason: To protect/minimise the impact of the development on the biodiversity value of the Enler River corridor.

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

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

- The identification and evaluation of archaeological remains within the site.

- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

- No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 11.

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

- No tree to be retained on the Soft Landscape Proposals Plan (drawing no. 33B and bearing the Council date stamp 08 July 2024) shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- If any retained tree is removed, uprooted or destroyed or dies it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- All hard and soft landscape works shall be carried out in accordance with Drawing No. 33B bearing the Council date stamped 08 July 2024 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

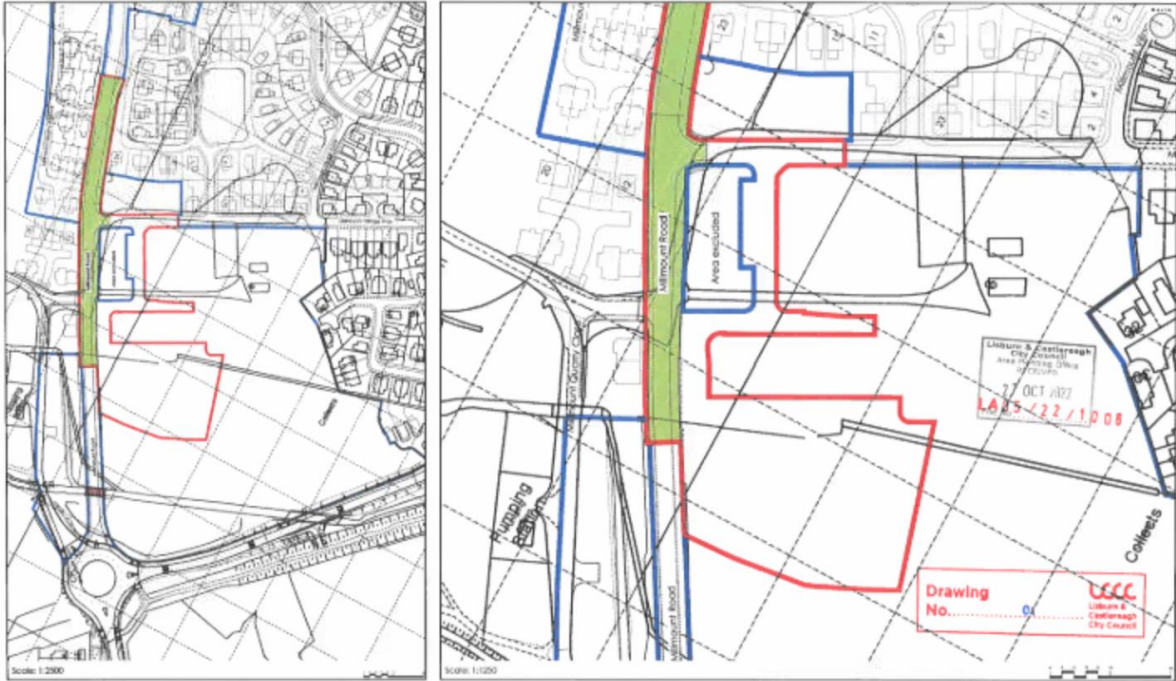
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

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

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

Site Location Plan – LA05/2022/1006/F

Location plan (APP3)



This drawing, if printed, is a copy of a digital file and dimensions (other than those stated on the drawing) should be requested via APD Architects Ltd. on 02891 852582 or via info@alanpattersondesign.com
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	Scale As shown @ A3	Location plan (1.34 hectares)	Millmount Village, Dundonald Millmount Village LLP
	October 2022 Drawn by JCP	App3 2703-010-41-001	

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 August 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0953/F
District Electoral Area	Downshire West
Proposal Description	Residential development comprising of 8 No. affordable apartments for the over 55's with associated and ancillary site works.
Location	Located to the immediate west of residential properties at 1,3, 5, 7, 9, 11, 15, 17, 19 Danesfort and to the immediate north of Fitzwilliam House, Old Kilmore Road Moira,
Representations	One
Case Officer	Sinead McCloskey
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Council Scheme of Delegation in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for

affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposal complies with the SPPS and policies NH1, NH2 and NH 5 of the Plan Strategy in that the development will not result in the unacceptable adverse impact on, or damage to known protected species or priority species habitats, or features of Natural Heritage Importance including any European designated sites.
6. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points to the wider neighbourhood.
7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policies FLD 1 and FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.
9. The adjacent listed structure and its setting is taken account of in the design and layout of the proposal and the landscaping and open spaces preserve the heritage of this building of special and historic interest. Officers have no reason to disagree with the advice of the statutory consultee Historic Environment Division and it is considered that the proposed development complies with policy HE9 of the Plan Strategy.

Description of Site and Surroundings

Site Context

10. The application site is approximately 0.36 hectares in size and is within a larger agricultural field. It was noted on the day of the site inspection that some ground clearance had begun on site, with the topsoil mostly removed in preparation for development.
11. The topography of the site is relatively flat throughout, gently sloping from the lowest point on the northern boundary alongside the Old Kilmore Road to the highest point on the southern boundary.
12. The site is defined hedgerows. The northern boundary, along the Old Kilmore Road consists of a post and wire fence with 1m high hedgerow intertwined along parts. It is noted the site is at a lower level than the adjacent road. The eastern boundary is defined by the rear gardens of the adjacent development of Danesfort and consists mostly of hedging. The grounds of the listed property (Fortwilliam House) define the southern boundary of the site, beyond which the Moira Industrial estate is located. The western boundary is defined by a hedge

lined avenue, with young trees planted, that serves as the entrance to Fortwilliam House, beyond which is open agricultural land.

Surrounding Context

13. The site is located on a parcel of land close to the edge and within the settlement limit of Moria. Whilst the site is agricultural, lands to the east and south-east have been developed for housing and consists of medium density residential development of single storey and two storey properties. To the north, west and southwest of the site is open countryside, consisting of agricultural land.

Proposed Development

14. The proposed development comprises the erection of 8 apartments as affordable housing with associated and ancillary site works.
15. The following documents are submitted in support of the application:
 - Planning Supporting Statement
 - Supporting letter from Alpha Housing

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2022/0964/F	Works of restoration and change of use to listed outbuildings to form; a farm shop and a coffee shop with outside seating area; demolition and replacement of unlisted farm buildings with new barn to house garden centre, new lightweight glasshouse structure and new finish to existing hard standing to form uncovered external plant display area; re-positioning of listed gate pillars and enhancement of existing access to Old Kilmore Road, localised widening to tree lined avenue, new access laneway to north-west side of listed dwelling, 34 car parking spaces and servicing area and new landscaping to laneway, car parking and servicing areas	Listed outbuildings and unlisted farm buildings including tree lined avenue to the front and agricultural land to the front and rear of Fortwilliam 40 Old Kilmore Road Moira BT67 0LZ	Approved 26 th June 2023

LA05/2022/0920/LBC	Residential development comprising apartments, semi-detached and detached dwellings (total yield of 380 dwelling units), mixed use centre, public and private open and ancillary infrastructure (amended plans)	Listed outbuildings and gate posts at Fortwilliam 40 Old Kilmore Road Moira BT67 0LZ.	Consent granted 26 th June 2023
LA05/2021/0009/F	Proposed development of 36 no. dwellings with associated and ancillary site works (amended plans)	On lands off Old Kilmore Road, Moira, Down. Located to the immediate west of residential properties (1,3,5,7,9,11,15 17,19) of Danesfort and to the immediate north of Fitzwilliam House	Permission granted July 2024

Consultations

17. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
NIEA Water Management Unit	No Objection
DfI River Agency	No Objection
Historic Environment Division	No objection
NIHE	No objection

Representations

18. One representation has been received in respect of the application. The following issues are raised:
- No infrastructure improvements in Moira
 - Doctors are busy all the time
 - Traffic
 - Limited public transport
 - When will the shortcomings of the village be resolved by the Council – by allowing more people to live here.

Local Development Plan

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

Plan Strategy 2032

26. It is stated at Part 1 of the Plan Strategy that:

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

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

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

27. In accordance with the transitional arrangements the existing LAP and draft BMAP remain material considerations.

28. The LAP identifies the application site as being on land zoned for housing located within the settlement limit of Moira.

In draft BMAP the site is located within the settlement limit of Moira and zoned for housing as part of designation MA 04/05.

29. Significant weight is attached to the housing designation in draft BMAP as it is carried through from LAP and was not objected to the public inquiry into the last revision to draft BMAP in 2014 as the proposed development is on land zoned for housing in draft BMAP and significant weight is attached to this designation the strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

30. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

31. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

32. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect

and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

33. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

34. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

35. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

36. As this application is for residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

37. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

38. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*

- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

39. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

40. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

41. Given the scale of residential development public open space is not required as part of this development but was considered as part of the larger scheme. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

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

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

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

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

42. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

43. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local

Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

44. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Archaeologically and Built Heritage

45. As the site is in close proximity to Fortwilliam House, a Grade B1 Listed Building, the impact the proposal may have on this property and its setting must be considered. The site is also close to the Rough Fort, which is a regionally important archaeological monument.
46. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ

Policy HE9 – Development affecting the Setting of a Listed Building states that:

Proposal which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) *The detailed design respects the listed building in terms of scale, height, massing and alignment.*
- b) *The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building*
- c) *The nature of the proposed respects the character of the setting of the building.*

Natural Heritage

47. Given this is part of a larger site the potential impact on the natural environment is considered.

48. Policy NH2- Species Protected by Law states:

‘European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

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

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

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

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

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

Access and Transport

50. The proposal will use the new access to the public road approved under the wider development site (LA05/2021/009/F). Policy TR - Creating an Accessible Environment states that:

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

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

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

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

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

Access to Public Roads

51. Policy TRA2 – Access to Public Roads states:

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

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

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

52. Policy TRA7 Car Parking and Servicing Arrangements in New Developments states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals

should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

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

Flooding

54. This is part of a larger site and the drainage must be designed to take account of the impact on flooding to the site or elsewhere. Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain including the most up to date allowance for climate change.

55. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

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

56. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

historic environment features.

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

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

Regional Policy and Guidance

Regional Policy

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

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

58. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

59. It states that:

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

60. Paragraph 3.6 of the SPPS states:

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

61. 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.

62. 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.
63. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

64. Whilst not policy, the following guidance documents remain a material consideration.

Creating Places

65. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
66. 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.
67. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

68. Paragraph 5.20 provides guidance on the level of private open space provision for apartment developments as follows:

In the case of apartment or flat developments, or 1 and 2 bedroomed houses on small urban infill sites, private communal open space will be acceptable in the

form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.

Development Control Advice Note 8 - Housing in Existing Urban Areas

69. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

70. This application is for 8 apartments within the settlement limit of Moira. The land on which this development is proposed on land zoned for housing and significant material weight is afforded to designation MA 04/05 in the last revision to draft BMAP. As the proposed development is on land zoned for residential use the policy tests associated with Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

71. The lands to the north include a field that is zoned for housing (part of MA 04/07) and built residential development at Wynfort Lodge and Oldfort Park. To the east of the site the land is also developed for housing at Danesfort. The surrounding developed land contains a mix of bungalows and two storey properties. The dwellings are noted as being set in medium sized plots with in-curtilage parking. As the site abuts the settlement limit of Moira, the land to the west consists of open countryside.
72. The scheme comprises 8 apartment units in two blocks of 4 units. Both buildings are the same in scale, mass and design, taking on the appearance of a pair of semi-detached dwellings. Whilst apartments are not typical of the residential character of the area they are designed to be typical of a suburban residential context.
73. The form and general arrangement of the buildings is characteristic of those in the built surrounding residential developments to the east and north.
74. Policy HOU4 also requires choice and variety in terms of housing in layout. The inclusion of apartments within a larger scheme meets this requirement. The buildings are sensitively designed to ensure the development respects the established residential character of the local area for the reasons detailed above.

75. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
76. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed apartments and it is considered that the established residential character of the area would not be harmed.
77. The layout of the rooms in each of the apartments, the position of the windows and separation distances also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
78. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Places document and criteria (a) of policy HOU3 are met.
79. With regard to criteria (b), advice from Historic Environment Division (Historic Buildings) confirms that the site is in close vicinity of a Grade B1 Listed Building, Fortwilliam House, 40 Old Kilmore Road, Moira.
80. Advice indicates that this building is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. It is also stated that another listed building is in close proximity to the proposal, Fairmount, 34 Old Kilmore Road, Moira.
81. The Historic Monuments Division also state that the application site is in close proximity to the Rough Fort (DOW013:014), a regionally important archaeological monument in State Care.
82. Upon consultation with HED the impact of the proposal has been considered and advice provided that it complies with policy and no further objections were offered. The Council accept the advice provided by HED.
83. No other landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

84. The layout as shown on the proposed drawing [02] published to the Planning Portal on 4th December 2023 demonstrates that the 8 apartments are to be contained within 2 separate buildings, each with 4 units. The buildings are a replica of each other, and will sit side by side, both fronting onto the internal service road and overlooking the proposed open space opposite.
85. To the north of, and including this site, 36 dwellings were granted permission under LA05/2021/0009/F. As the policy context changed during the processing of this previous application, there was a requirement that 20% of the units provided had to be affordable housing, relating to 8 units.

86. It was agreed that the previous application could be continued to be processed, under the provision that the affordable units would be provided for in a separate application. These matters were agreed through a Section 76 Planning Agreement that had been submitted with the earlier application.
87. The 8 apartments proposed within this application are shown on the footprint of the four dwellings approved on plots 14 -17 of the LA05/2021/0009/F application. Although it is noted that the number of units within this part of the site has increased, the total floor space proposed remains largely the same as the total floorspace previously approved.
88. Each apartment block has been designed to have the appearance of a pair of semi-detached dwellings. The front elevation has a pair of 'front doors' and appropriately positioned windows at ground floor and first floor, giving the impression of a living room and first floor bedrooms.
89. There are no windows on the gable ends of the buildings, with only a door seen on these elevations. The rear elevation also has 2 ground floor windows and 2 first floor windows. The roof is pitched, and the walls are finished with sandstone clay facing brickwork.
90. Within each block there are 4 apartments, 2 at ground floor and 2 at first floor. All apartments have a similar layout, with a central hallway leading to a living/ kitchen/dining area to the front and 2 bedrooms and a bathroom to the rear. The ground floor apartments are accessed from the respective gable doors, and the first floor apartments are accessed from the doors to the front of the building which leads to a private stairway for each unit.
91. The layout of the rooms in each of the units and blocks, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
92. The development on the site does not conflict with surrounding land uses. It is well separated from adjoining residential development and the buildings are not dominant or overbearing and no loss of light would be caused.
93. The apartment blocks are noted as having a 9m separation from the rear of the building to the rear boundary. While this is just 1m short of the 10m stipulated in guidance, the proposal does enjoy a back to back separation distance of 20 metres between the apartment buildings and the rear elevation of the main body of the approved dwelling units to the rear on sites 6 – 9 (of the larger approved application for 36 units).
94. These distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document, whereby it states that a separation distance of around 20m or greater between opposing rear first floor windows of new houses is generally acceptable. It is also noted that the separation distance between the single storey rear return of these approved units and the proposed apartment buildings is less, at 17m.
95. While this is 3m less than the desirable 20m as set out in guidance, within the overall context of the site, most units are seen to comply with the guidance, and

as the separation distance between the main body of each building is 20m, I am satisfied that the relationship between the proposed apartment buildings and the approved dwellings to the rear is acceptable.

96. There is a dwelling approved on plot 13, to the west of the application site. There are also existing dwellings at 15 and 17 Danesfort, to the east. The respective gable walls of each apartment block will face towards these dwellings. There are no windows in either gable so there will be no overlooking from the proposed units.
97. The relationship between the apartment blocks and these adjacent dwellings, both approved and existing is similar to what was approved in the previous application. The gable to rear relationship is acceptable and is commonly found in residential developments. There is 13m separation distance from the gable of apartment block 14-17 to the rear of the approved dwelling at plot 13, and 9.3m from the gable to the single storey rear return of this dwelling. This is thought to be an acceptable distance between the buildings, sufficient to create no overshadowing into the private rear amenity of this adjacent dwelling.
98. Similarly there is a 7.2m separation distance from the gable end of apartment block 18 -21 and the closest part of the gable of the dwelling at 17 Danesfort. This dwelling is set at an oblique angle relative to the boundary, and as such its private rear amenity area is set further back from the apartment block. Both buildings have an almost gable to gable relationship and as such I am satisfied that there will be no negative adverse effects towards each other. The dwelling at 15 Danesfort sits slightly further to the north of the application site. The rear of this dwelling faces towards the common boundary. But as it is positioned further away from apartment block 18-21, the closest part of the site towards this dwelling is the rear amenity area. I am satisfied that this apartment block is sufficiently separated from this dwelling so as not to cause any adverse effects.
99. The proposed layout is thought to be consistent with the form of housing found in the surrounding area. The proposed apartments all face towards the internal service road. Ten unassigned parking spaces are provided immediately to the front of the apartment buildings and a further two provided along the road.
100. While the area to the front of the buildings does consist of hardstanding to provide the appropriate parking provision, each parking bay area is broken up by a landscaped area which will soften the overall appearance of this area. This is also assisted by the large area of open space directly opposite the site which will reduce the impact of the hard standing.
101. The apartments provided are accessible and designed to ensure that they are capable of providing accommodation that is wheelchair accessible for persons with impaired mobility.
102. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the apartments are as energy efficient as possible.
103. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.

104. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to shops and other neighbourhood facilities in Moira. Criteria (c) is met.
105. The proposed layout indicates that to the rear of the apartment blocks, there are 6 separate fenced off areas. These are annotated as being a central bin store, a communal amenity area for first floor apartments and 4 private amenity areas for ground floor apartments, with the respective area shown in each, and ranging from 46sqm to 87sqm. The amount of amenity is in accordance with the guidance contained in the Creating Places document.
106. The apartments will benefit from the large area of open space provided directly to the front of the site, as approved in planning application LA05/2021/0009/F.
107. The site layout submitted in support of the application illustrates that the existing hedge along the eastern boundary of the site shall be retained. The proposed site layout drawing includes details of the other internal boundary treatment which is a close boarded privacy fence.
108. For the reasons outlined above, criteria (b) are met.
109. With regard to criteria (d) the wider development site (which also incorporates LA05/2021/0009/F) will deliver a total of 40 dwellings on the zoned housing site. This will result in the site delivering approximately 20.77 dwellings per hectare. This is lower than the density detailed for the settlement development limits for towns in the Plan but is still considered acceptable as the layout is in keeping with the established residential character of the area for the reasons outlined above.
110. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons and DfI Roads offer no objection in principle. Adequate and appropriate provision is also provided which meets the required parking standards. The requirements of criteria (g) and (h) are met.
111. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is met.
112. Provision is made for householder waste storage in a designated bin area to the rear of the apartments. Its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. As stated above this application is considered within the context of the preceding approved application on this site for 36 units (LA05/2021/0009/F). Eight units were identified within the application as being required to meet the affordable housing provision.
103. As this application was greatly progressed when the Plan Strategy was published, advice was given to proceed with the current application for 36 dwellings and to submit a follow-up application for the 8 affordable housing units.

Both applications have been secured and agreed through a Section 76 Planning Agreement.

104. A deed of variation to the existing agreement to secure the delivery of the proposed affordable housing units in this scheme and in accordance with the thresholds agreed as part of the Section 76 planning agreement for LA05/2021/0009/F.

Natural Heritage

105. All matters relating to the natural heritage assessment of this site has been considered and concluded under a related application for the larger site approved under application reference LA05/2021/009/F.
106. The site is cleared and there are no ecological constraints that need to be reassessed as part of this application process. Policies NH2 and NH5 are not engaged.

Access Movement and Parking

107. The proposal will use the new access onto Old Kilmore Road as approved under the wider site LA05/2021/0009/F.
108. The parking standards in the Creating Places document indicate that for 2-bed apartment developments, 1.5 spaces are required per apartment. There are 10 parking spaces provided to the front of the apartment units and two parking spaces on-street. There are also several on-street visitor parking spaces proposed for the larger residential area.
109. DfI Roads has not identified any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been requested.
110. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
111. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Planning and Flood Risk

112. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.

113. DfI Rivers have issued a consultation that states that development does not lie within the 1 in 100-year fluvial flood plain including the most up to date allowance for climate change.
114. They also stated that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
115. With regards to FLD3 they state that the amendments proposed for this proposal does not impact the overall layout of the development in relation to an earlier planning application approved under application reference LA05/2021/0009/F.
116. Water Management Unit were also consulted on this application and returned a response providing standing advice.
121. Advice received from NI Water confirms that there was public water supply within 20 metres of the proposed site. In relation to public foul sewer, they also stated that there is a public foul sewer within 20m of the proposed development boundary which can adequately service these proposals.
117. With regard to public surface water sewer, the advice confirmed that there was a surface water sewer within 20 metres of the site.
118. Confirmation was also provided to indicate that there was available capacity at the receiving Wastewater Treatment Works.
119. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD2 and FLD3 of the Plan Strategy.

Historic Environment and Archaeology

120. The site is adjacent to Fortwilliam House, 40 Old Kilmore Road, Moira which is a Grade B1 Listed Building and is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. The following listed building is also in close proximity to the proposal: HB19 22 053 Fairmount, 34 Old Kilmore Road, Moira, Craigavon (Grade B2).
121. The Historic Monuments division also states that the application site is in close proximity to the Rough Fort (DOW013:014), a regionally important archaeological monument in State Care.
122. HED Historic Monuments are content that the proposal satisfies the policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
123. Extensive consultation was undertaken with HED Historic Buildings during the processing of the larger application for 36 dwellings, resulting in a change to the layout to protect the setting of the adjacent listed building.

124. Historic Buildings responded on this application that they are content with the proposal, and that they are cognisant of the previously connected application LA05/2021/0009/F for which they were content.
125. Officers have no reason to disagree with the advice of the statutory consultees. The advice is taken account of in the design and layout of the proposal and the landscaping promotes access to and provides information about the importance of the heritage.
126. It is therefore contended that the proposed development complies with policies HE4 and HE9 of the Plan Strategy.

Consideration of Representations

127. One letter of objection has been received in relation to the proposal. Consideration of the issues raised are set out below:

Infrastructure and Services

128. Concern is expressed that more homes are being built and there are no plans to improve the infrastructure of Moira. It is further stated that the doctors are busy, the roads are packed with traffic, public transport is limited, and the shortcomings of the village be resolved by allowing more people to live here.
131. The proposed development is on zoned residential land and the capacity of the settlement to absorb the scale of development proposed was previously agreed through a development plan process. There is no evidence that the concerns raised about the capacity of local infrastructure to absorb this scale of development are actual issues to be weighed in the decision-making process. As the proposal is in accordance with prevailing policy this is of determining weight and the points of objection are not sustained.

Recommendation

132. The application is presented with a recommendation to approve subject to conditions and deed of variation to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

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

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

3. No apartment hereby approved shall be occupied until a suitable method of sewage disposal has been agreed in writing with the Council and implemented on site.

Reasons: To ensure a practical solution to sewage disposal from the site.

4. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Section 16 of LDP 2032, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100-year event including an allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

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

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

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

6. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition [insert number].

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

7. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition [insert number]. These measures shall be implemented, and a

final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

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

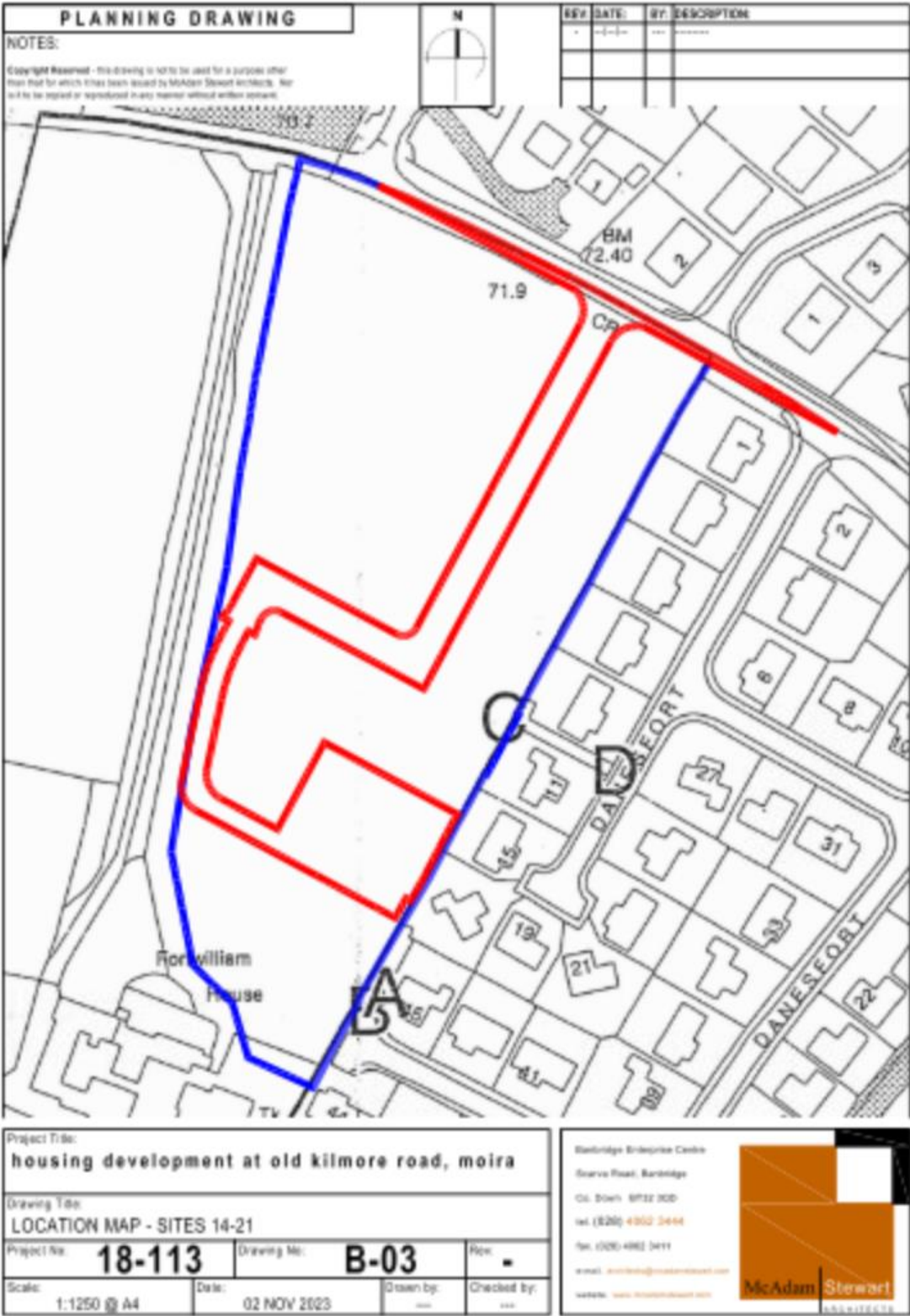
8. All hard and soft landscape works shall be carried out in accordance with Drawing No. 02 published on the planning portal on the 4th of December 2023. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2023/0953/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 August 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0226/O
Date of Application	28 February 2022
District Electoral Area	Downshire East
Proposal Description	Site for dwelling
Location	Land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough
Representations	None
Case Officer	Cara Breen
Recommendation	Refuse

Summary of Recommendation

1. This application is categorised as a Local Application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented with a recommendation to refuse in that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, as this is not a type of development which is acceptable in the countryside.
3. The proposal is contrary to criteria (a) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not lie outside of a farm and the application site would not constitute rounding off and consolidation into the existing cluster.
4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would create a ribbon of development along Ballykeel Road.
5. The proposal is also contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy as there is no small gap site sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage.

6. The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, result in an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

7. The application site is located at lands between 6 Ballykeel Road and 1 Glebe Road, Hillsborough.
8. The application site is an irregular shaped parcel of land which is part of a farmyard associated with the dwelling at 6 and agricultural lands to the south and east of the application site.
9. There are a number of agricultural buildings/structures (5) within the application site at the time of site inspection. The application site is accessed via an existing vehicular access entrance from Ballykeel Road.
10. The northern (roadside) boundary of the application site is defined by 1m (approximately) high post and rail timber fence and stone wall. The western boundary is predominantly demarcated by the elevations of the existing buildings in situ on the application site. The southern boundary is defined by the rear elevation of the open fronted structure within the site and the eastern boundary is partly undefined, partly defined by the side elevation of the open fronted structure and by a tiered render wall.
11. In relation to the topography, the application site falls away from north to south from the Ballykeel Road.

Surroundings

12. The application site is neighboured by the residential dwelling at 6 Ballykeel Road immediately to the east of the site and by 1 Glebe Road directly to the west of the site. Jamison's Cross-Roads is located to the north west of the application site and Legacurry Orange Hall is located directly opposite 1 Glebe Road at the junction with Windmill Road. Other residential dwellings are located within the general vicinity of the application site. Larchfield Estate is located opposite the application site.
13. The area is rural in character and predominantly agricultural in use, characterised by drumlin topography.

Proposed Development

14. Outline Planning permission is sought for a dwelling. Supporting documentation for the application includes;

Consultations

15. The following consultations were carried out:

Consultee	Response
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division	No Objection
NI Water	No Objection
DfI Roads	No Objection
DfC Historic Environment Division	No Objection
LCCC Environmental Health	No Objection

Representation

16. No representations have been received in opposition to the proposed development.

Local Development Plan

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

Plan Strategy 2032

18. It is stated at Part 1 of the Plan Strategy that:

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

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

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

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

19. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
20. The site is located within Green Belt in the Lisburn Area Plan (2001) and at page 49 it states:

'The Department's regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.'

21. In draft BMAP (2015), the application site is located in the open countryside, outside any defined settlement limit. There are no other designations pertaining to the application site.
22. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

Development in the Countryside

23. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

New Dwellings in Existing Clusters

24. Policy COU2 – New Dwellings in Existing Clusters states:

'Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- a) the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings*
- b) the cluster appears as a visual entity in the local landscape*
- c) the cluster is associated with a focal point such as a social/community building*
- d) the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*
- e) development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.'*

Infill/Ribbon Development

25. Policy COU8 – Infill/Ribbon Development states:

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

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

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

Integration and Design of Buildings in the Countryside

26. Policy COU15 - Integration and Design of Buildings in the Countryside states;

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

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

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

Rural Character and other Criteria

27. Policy COU16 – Rural Character and other Criteria states;

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

A new development proposal will be unacceptable where:

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

Waste Management

Treatment of Waste Water

28. A septic tank is required to serve the proposed development. Policy WM2 - Treatment of Waste-Water states:

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

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

Access and Transport

Access to Public Roads

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

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

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

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

Natural Heritage

Species Protected by Law

30. The proposal requires the demolition of existing buildings. A bio-diversity checklist and species survey are submitted with the application. Policy NH2- Species Protected by Law states;

'European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

Habitats, Species or Features of Natural Heritage Importance

31. 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:

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

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

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

Historic Environment and Archaeology

Historic Parks, Gardens and Demesnes of Special Historic Interest

32. The site is opposite Larchfield Estate. Policy HE5 – Historic Parks, Gardens and Demesnes of Special Historic Interest states;

'The Council will not permit development which would lead to the loss of, or cause harm to, the overall character, principal components or setting of historic parks, gardens and demesnes of special historic interest. Where exceptionally, planning permission is granted this will be conditional on the accurate recording of any features of interest which will be lost as a result of the development.'

Development affecting the Setting of a Listed Building

33. The site is adjacent to a listed dwelling at 136 Windmill Road. Policy HE9 – Development affecting the Setting of a Listed Building states;

'Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) *the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) *the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) *the nature of the use proposed respects the character of the setting of the building.'*

Regional Policy and Guidance

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

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

35. 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.'

36. It is stated at Paragraph 6.78 of the SPPS that:

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

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

Development Control Advice Note 15 – Vehicular Access Standards

38. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It states (Paragraph 1.1);

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

Development in the Countryside

Policy COU1 – Development in the Countryside

39. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
40. Whilst it is acknowledged that the proposal description only refers to site for dwelling, it is noted that Drawing No. 02, bearing the Lisburn and Castlereagh City Council date stamp 28th February 2022, clearly indicates that the application is presented for assessment as a dwelling in a cluster and is considered against the requirements of - Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032.

Policy COU2 – New Dwellings in Existing Clusters

41. Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy states that planning permission will be granted for a dwelling at an existing cluster of development provided **all** (my emphasis) the criteria are met.

42. Criterion (a) of Policy COU2 requires the cluster of development to lie outside of a farm **and** (my emphasis) be comprised of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open side structures) forming a close grouping of buildings, of which at least three are dwellings.
43. It is not It is notdisputed that there is a clear compact cluster of development centred around the existing Jamison's Crossroads and comprised of four or more established buildings (of which at least three are dwellings). These include the existing dwelling in situ immediately to the east of the application site at No. 6 Ballykeel Road and the existing dwelling in situ at 1 Glebe Road which abuts the application side to the west and the existing dwellings on the ground to the northern side of Windmill Road to include 135, 137 and 139 Windmill Road and the existing dwellings to the southern side of Windmill Road to include 140 and 142 Windmill Road.
44. Whilst it is accepted that there is a cluster of development, it is not considered that the site lies outside of a farm as the application site itself forms part of land associated with the dwelling at 6 Ballykeel Road and essentially the farmyard which is comprised of 5 agricultural buildings/structure
45. Criterion (b) of Policy COU2 requires that the cluster appears as a visual entity in the local landscape. The Justification and Amplification text associated with Policy COU2 defines a visual entity in the local landscape as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.
46. The cluster does appear as a visual entity in the landscape due to the collective buildup of predominantly single residential dwellings within this one area centered around Jamison's Crossroads.
47. Visually, there is a clear awareness of the cluster when traveling westwards along Ballykeel Road on approach to the crossroads, when traveling eastwards along Windmill Road towards the crossroad, when traveling northwards along Glebe Road towards the crossroads and when traveling southwards along Upper Ballynahinch Road towards to the crossroads. Criterion (b) is met.
48. Criterion (c) of Policy COU2 prescribes that the cluster is associated with a focal point such as a social/community building. The Justification and Amplification text of Policy COU2 defines a focal point as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings within the cluster.
49. Legacurry Orange Hall is located on the corner at the junction of Windmill Road with Glebe Road. Given its location at the crossroads, it is considered to be visually significant within the cluster. Taking its use as a community building, it is of a different built form and use to the predominant use of buildings within the cluster which are residential in nature.

50. Legacurry Orange Hall is considered to be the focal point with which the cluster is associated with. Criterion (c) is met.
51. Criterion (d) of Policy COU2 requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
52. It is considered that the application site would be able to provide a degree of enclosure by virtue of the presence of the existing dwelling at 6 Ballykeel Road and its tiered render wall which would provide enclosure along the eastern side of the site. The existing two storey dwelling in situ at 1 Glebe Road and its associated hedgerow which encloses its garden to the east would provide a degree of enclosure to the west of the application site. It is contended that 6 Ballykeel Road and 1 Glebe Road constitute development in the cluster and therefore the application site is bounded on at least two sides with other development in the cluster. Criterion (d) is met.
53. Criterion (e) of Policy COU2 requires that development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.
54. It is acknowledged that the application site is already occupied by 5 existing buildings/structures, all of which would require demolition to accommodate the proposed development, as indicated by the plan (drawing no. 02 bearing the Lisburn and Castlereagh City Council date stamp 28th February 2022). Rounding off and consolidation implies that the application site is not already occupied by development. Taking into account that the application site is not currently vacant, it is considered that the proposed scheme would not constitute rounding off/consolidation. Criterion (e) is not met.
55. Given that the cluster is comprised primarily of residential dwellings it is not considered that a dwelling on the application site would significantly alter its existing character. That said, the application site is currently occupied by a number of agricultural buildings. These would be required to be demolished to accommodate the proposal. A dwelling on the site would intrude into the countryside through the creation of ribbon development for the reasons discussed later in this report.
56. For the reasons outlined above, it is considered that the proposal is contrary to criteria (a) of Policy COU2 in that the cluster of development does not lie outside of a farm. Furthermore, it is contended that the application is also contrary to criteria (e) of Policy COU2 in that development of the site would not constitute rounding off and consolidation.

Policy COU8 – Infill/Ribbon Development

57. Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy states that planning permission will be refused for a building which creates or adds to a ribbon of development.
58. The first step is to consider if there is a ribbon of development at this location. The justification and amplification of Policy COU8 states that
- 'A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.'*
59. At this location along Ballykeel Road there are three buildings beside one another along the road – a dwelling at 1 Glebe Road, a farm building on the application site then a dwelling at 6 Ballykeel Road.
60. It is considered that the dwelling at 1 Glebe Road and the farm building on the application site, by virtue of their orientation, are not fronting onto Ballykeel Road and therefore there is no ribbon as only one building (dwelling at 6 Glebe Road) fronts the road.
61. If a dwelling was to be approved on the application site and built in accordance with the indicative site layout plan (drawing no. 02), it would create a ribbon of development along Ballykeel Road as it would be fronting the road and beside the dwelling at 6 Glebe Road. Under Policy COU8 as the proposal would create a ribbon of development planning permission should be refused.
62. The proposal is also contrary to Policy COU8 as there is no gap site sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage as the site is developed with several farm buildings.
63. It is therefore contended that a dwelling on the application site would create a ribbon of development which is contrary to Policy COU8.

Policy COU15 - Integration and Design of Buildings in the Countryside

64. An indicative layout plan (drawing no. 02) has however been provided for consideration. Full design details are not provided.
65. Drawing no. 02, bearing the Lisburn and Castlereagh City Council date stamp 28 February 2022, depicts a dwelling with an approximate footprint of 118m² set almost in line with the rear elevation of the existing dwelling at 6 Ballykeel Road within the application site.
66. Taking the proximity of the existing dwellings directly to the east (6 Ballykeel Road) and to the west (1 Glebe Road), surrounding vegetation and boundary

treatments and the build up of development already in the immediate vicinity into account, it is perceived that a dwelling of an appropriate ridge height (assessed at Reserved Matters stage following the grant of any approval) could be accommodated within the application site without appearing as a prominent feature in the landscape.

67. Whilst it is acknowledged that the proposed scheme would require the demolition of the existing farm buildings, it is noted that there is an existing established build-up of development already in the immediate vicinity which would remain and which a dwelling on the application site could cluster with.
68. It is considered that a dwelling of an appropriate scale, mass and design could blend with features such as the mountains in the backdrop to the south, the existing buildings to the east and west and the stonewall and trees which bound Larchfield Estate to the north. Therefore, there are no concerns in relation to Criterion (c).
69. There are no natural boundaries to the application site. However, it is contended that the existing dwelling at 6 Ballykeel Road and its associated tiered render wall (to its western boundary) which lie directly to the east of the application site would provide a degree of enclosure to the east and the existing dwelling in situ immediately to the west at 1 Glebe Road would provide a degree of enclosure to the west.
70. Whilst it is acknowledged that new landscaping would be required, considering the above, it is not perceived that it would rely mainly on it for integration.
71. Full design details have not been submitted for consideration. That said an indicative layout plan (drawing no. 02) was submitted in conjunction with the application. This depicts a 118m² (approximately) dwelling centrally positioned within the application site with private amenity space to the rear. With the aid of appropriate conditions, such as requiring that the dwelling is designed in accordance with Building on Tradition, it is considered that an appropriately rural designed dwelling could be achieved. The design of any dwelling would be assessed in full at Reserved Matters stage following the granting of any approval. Therefore, there are no concerns in relation to the proposal insofar as it relates to Criterion (f).
72. With regards to proposed ancillary works and having regard to the roadside location of the application site, it is considered that a large driveway/laneway would not be required.
73. Vehicular access to the site could be achieved almost directly from Ballykeel Road with a parking/turning area to the front of the proposed dwelling as shown in the indicative drawing. Considering the existing levels of the application site, it is not perceived that significant cut and fill/excavation would be required to accommodate the proposed dwelling. It is considered that those features which could aid with the integration of the proposed dwelling, could also aid with the integration of ancillary works. Ancillary works would be considered at Reserved Matter stage if the application was approved.

74. For the reasons outlined above, the policy tests associated with Policy COU15 are considered to be met.

Policy COU16 - Rural Character

75. For the reasons earlier in the report within the context of Policy COU15, a dwelling could be accommodated on the application site without appearing as unduly prominent in the landscape.
76. For the reasons outlined earlier in the report within the context of Policy COU15, it is considered that a dwelling on the application site could cluster with an established group of buildings.
77. Whilst the application site falls within the open countryside, out with any defined settlement limit and the site itself is currently composed of farm buildings (which would require demolition to accommodate the proposal if permitted), it is acknowledged that the immediate vicinity predominantly comprises single residential dwellings in close proximity to each other. Therefore, there are no concerns about the proposed development not respecting the traditional pattern of settlement shown in that area.
78. The application site falls wholly within the open countryside, out with any designated settlement limit. Considering this, there are no concerns about the proposal marring the distinction between a settlement and the surrounding countryside or resulting in urban sprawl.
79. The proposed scheme would result in the loss of existing agricultural buildings to accommodate the proposal. In addition, as the principle of development is unacceptable for the reasons outlined above and contrary to Policies COU2 and COU8, it is considered that the proposed development would have an adverse impact on the rural character of the area.
80. In terms of residential amenity, whilst it is acknowledged that the notional site layout drawing depicts a dwelling which would have a front elevation (building line) in line with the rear elevation of 6 Ballykeel Road (which is in close proximity to the application site) and therefore there could be concerns with regards to the siting in the context of the private amenity space of No. 6, it is noted that this is only a notional plan.
81. It is considered that there would be scope to design out any potential features which could have an adverse impact on residential amenity at Reserved Matters stage should the application be approved. LCCC Environmental Health were consulted as part of the application processing and later responded with no concerns. Taking the above into account, there are no concerns in relation to the proposal with regards potential detrimental impact on residential amenity.
82. LCCC Environmental Health, NI Water and DAERA Water Management Unit were all consulted as part of the application processing. None of the above

returned any concerns in respect to the scheme. Considering this, there are no concerns in terms of the proposal and Criterion (g).

83. As outlined earlier in the report within the context of Policy COU15, ancillary works would not have a detrimental impact upon rural character. However, any ancillary works would be considered in full if the application were to be approved and a Reserved Matters application was forthcoming within the required timeframe.
84. As confirmed by Q12 of the submitted P1 Form and as indicated on the indicative layout (Drawing No. 02), the proposal would require the installation of a new vehicular access to the site. This proposed vehicular access would provide access to/from Ballykeel Road and appears to be located adjacent to the western boundary of the site. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 31st May 2022, DfI Roads offer no objection to the proposal, subject to the inclusion of 3no. conditions in any approval as stipulated within their consultation response.
85. Taking all of the above into account, it is contended that the proposed scheme would, if permitted, have an adverse impact on the on the rural character of the area.

Access and Transport

Policy TRA2 - Access to Public Roads

86. As confirmed by Q12 of the submitted P1 Form and as indicated on Drawing No. 02 (indicative layout), the proposed development would require the installation of a new vehicular access from Ballykeel Road. It is acknowledged that Ballykeel Road is not a designated Protected Route.
87. Drawing No. 02 indicates that the proposed vehicular access arrangement would be located adjacent to the eastern boundary of the site and would lead almost directly onto an area for the parking/turning of private vehicles to the front/western side of the proposed dwelling.
88. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 31st May 2022, they offer no objection to the proposed scheme, subject to the inclusion of 3no. conditions with any approval as stipulated within their consultation response.
89. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, there are no concerns about the proposed scheme in that it pertains to Policy TRA2 of the Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

90. Whilst the application seeks Outline permission only and therefore full design details have not been submitted for consideration, it is noted that the P1 Form confirms that the source of water supply is to be public mains supply. Surface water is to be disposed of by soakaway and foul sewage is to be disposed of via septic tank.
91. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 31 March 2022, they state;
- ‘Environmental Health have no objection in principle to the above proposed development subject to the following:
Proposed conditions:
At the time of the reserved matters application the applicant shall provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.’*
92. DAERA Water Management Unit provided a response on 28th March 2022 which refers the Planning unit to Standing Advice which would be included on any approval.
93. Consideration of flood risk is included as a criteria for assessment in Policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
94. NI Water were also consulted as part of the processing of the application. In their final consultation response of 25 March 2022, they offer no objection to the proposal.
95. Based on a review of the information and advice received from the above referenced consultees, it is accepted that the proposal is in accordance with the requirements of Policy WM2 – Treatment of Waste-Water.

Natural Heritage

Species Protected by Law and Habitats, Species or Features of Natural Heritage Importance

96. The application site does not contain any natural boundaries as such. It is therefore considered that the proposed scheme would not require the removal of important vegetation.

97. The proposed development would require the removal of five agricultural buildings/structures. A Biodiversity Checklist and Ecological Statement (February 2022) was submitted in conjunction with the application.
98. In their initial consultation response, dated 28th March 2022, DAERA Natural Environment Division confirm that given the results of the Biodiversity Checklist and Ecological Statement further bat surveys would be required in order for them to provide a substantive response.
99. Bat surveys were carried out on the site and the report titled 'Bat Activity Surveys' was prepared in October 2022.
100. It is acknowledged that the application site does not fall within it and that the proposal pertains to a proposed single residential dwelling only.
101. It is noted that the application site is also located within the vicinity of a designated Listed Building Curtilage (136 Windmill Road Grade B2).
102. DfC Historic Environment Division were consulted as part of the processing of the application.
103. In their final consultation response, dated 29th April 2022, DfC Historic Environment Division state that they are content in principle with the application site being used for a dwelling.
104. Taking the advice of HED into account, there are no concerns in relation to the proposal insofar as it relates to the historic environment and archaeology.

Conclusions and Recommendation

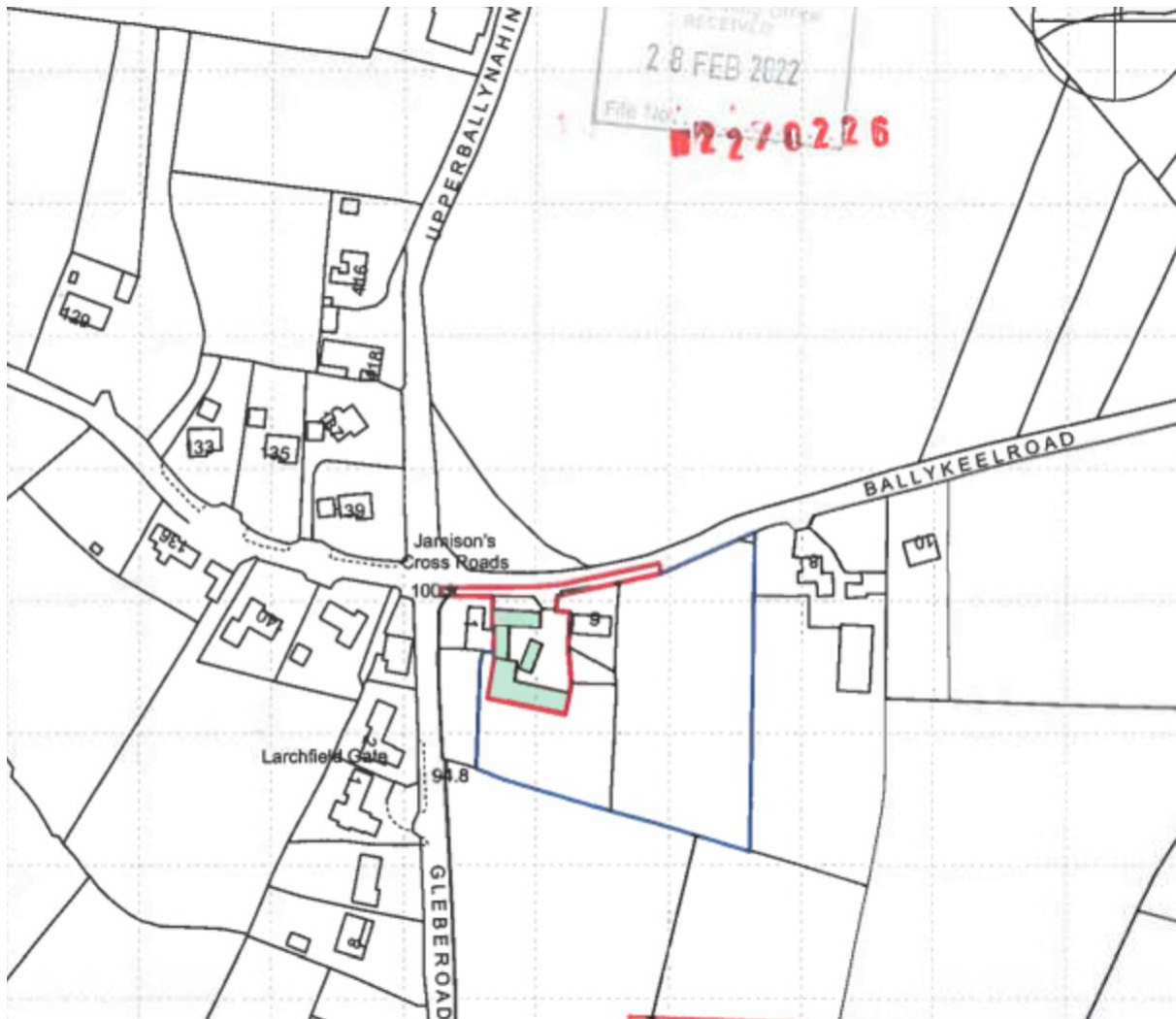
105. The recommendation is to refuse planning permission as the proposal is not in accordance with Policies COU1, COU2, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

106. The following reasons for refusal are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to criteria (a) and (e) Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not lie outside of a farm and the application site would not constitute rounding off and consolidation into the existing cluster.

- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development if approved would create a ribbon of development along Ballykeel Road. Furthermore, the site is not a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, result in an adverse impact on the area's rural character.

Site Location Plan – LA05/2022/0226/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 August 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/0079/F
Date of Application	21 January 2022
District Electoral Area	Downshire East
Proposal Description	Proposed 1 infill dwelling with detached garage and all other associated site works
Location	Lands approximately 44 metres north-east of 173 Ballycoan Road, Belfast
Representations	None
Case Officer	Gillian Milligan
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance the Protocol for the Operation of the Committee in that it has been Called In.
2. The proposal is presented with a recommendation to refuse as it is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary criteria (c) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster does not have a social/community building that is visually significant or has a different use to the rest of the buildings which could be defined as a focal point. Furthermore, the site cannot be absorbed into the existing cluster of development by rounding off and consolidation.
4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Ballycoan Road as it cannot be considered as an exception as there is no substantial and continuously built up frontage of a line of 4 or more

buildings at this location on Ballycoan Road and the gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development in terms of design, scale, plot size and width.

5. The proposal is contrary criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would result in an adverse impact on the rural character of the area by adding to a ribbon of development.

Description of Site and Surroundings

Site

6. The application site is located approximately 44 metres north-east of 173 Ballycoan Road, Belfast. The application site is relatively flat.
7. The application site is a 0.1901-hectare parcel of land which has a current use as a yard. The application site was not occupied by any buildings at the time of site inspection. The access to the site is via an existing vehicular access off Ballycoan Road.
8. The boundaries of the site are defined by hedging along the roadside boundary (eastern), fencing and hedging along the northern boundary, brick wall along the western boundary and there are existing outbuildings along the southern boundary.

Surroundings

9. The application site is between residential dwellings and outbuildings.
10. The area is rural in character with several dwellings along Ballycoan Road and Fort Road in the immediate area and agricultural land beyond the dwellings.

Proposed Development

11. Full Planning permission is sought for a dwelling and detached garage. Supporting documentation for the application includes;
 - Design and Access Statement
 - Biodiversity Checklist

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2022/1052/O	2 detached infill dwellings with detached garages	Lands between 99 and 103 Fort Road, Belfast	Permission Granted
LA05/2016/1059/RM	Proposed infill dwelling and garage	Approx. 70m NE of 173 Ballycoan Road	Permission Granted
S/2014/0450/F	Proposed conversion of existing non-residential building into a dwelling.	Adjacent to 173 Ballycoan Road	Permission Granted
S/2013/0163/O	Proposed infill dwelling and garage.	Approx 70m North East of 173 Ballycoan Road	Permission Granted
S/2003/0117/RM	Proposed farm dwelling	53m North of 173 Ballycoan	Permission Granted
S/2009/0941/O	Proposed farm dwelling	53m North of 173 Ballycoan Road	Permission Granted

Consultations

13. The following consultations were carried out:

Consultee	Response
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division	No Objection
LCCC Environmental Health	Object as the new dwelling will be within 75m of agricultural building and therefore adverse impact on future residential amenity
DfI Roads	No Objection
NI Water	No Objection

Representations

14. No representations in opposition to the proposed development have been received.

Local Development Plan

15. 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.

Plan Strategy 2032

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

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

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

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

17. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
18. The site is located within Green Belt in the Lisburn Area Plan (2001) and at page 49 it states:

'The Department's regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.'

19. The application site also falls within a designated Area of High Scenic Value in the LAP.
20. In draft BMAP, the application site is located in the open countryside, out with any defined settlement limit.
21. In addition, the application site falls within the designated Lagan Valley Area of Outstanding Natural Beauty.
22. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
23. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
 - (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
 - (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*
24. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

25. This is an application for a single dwelling in the open countryside. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

26. This is an application for a new dwelling and the planning applicant asserts that it meets more than one policy as it is a proposed dwelling in an existing cluster and/or an infill dwelling and in accordance with the requirements of Policy COU1.
27. The principle of development falls to be assessed against policies COU 2, COU8, COU15 and COU16, in addition to other relevant policies detailed below.

New Dwelling in an Existing Cluster

28. The applicant states that the proposed dwelling is sited in a cluster of development. Policy COU2 - New Dwellings in Existing Clusters states:

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- a) *the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings*
- b) *the cluster appears as a visual entity in the local landscape*
- c) *the cluster is associated with a focal point such as a social/community building*
- d) *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*
- e) *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.*

29. The justification and amplification of Policy COU2 further states:

For the purpose of this policy the following definitions will apply:

A visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.

A focal point is defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster.

Effective design principles for compliance with the policies of COU2 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

Infill/Ribbon Development

30. Policy COU8 – Infill/Ribbon Development states:

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

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

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

31. The Justification and Amplification of Policy COU8 states:

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

Integration and Design of Buildings in the Countryside

32. Policy COU15 - Integration and Design of Buildings in the Countryside states;

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

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

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

Rural Character and other Criteria

33. Policy COU16 – Rural Character and other Criteria states;

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

A new development proposal will be unacceptable where:

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

Waste Management

Treatment of Waste Water

34. A package treatment plant is proposed and Policy WM2 - Treatment of Waste Water states:

'Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for

new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

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

Access and Transport

Access to Public Roads

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

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

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

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

Natural Heritage

Species Protected by Law

42. A bio-diversity checklist is provided in support of the application. Policy NH2-Species Protected by Law states;

'European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a*

favourable conservation status; and

d) compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

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

Habitats, Species or Features of Natural Heritage Importance

43. 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:

a) priority habitats

b) priority species

c) active peatland

d) ancient and long-established woodland

e) features of earth science conservation importance

f) features of the landscape which are of major importance for wild flora and fauna

g) rare or threatened native species

h) wetlands (includes river corridors)

i) other natural heritage features worthy of protection including trees and woodland.

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

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

Areas of Outstanding Natural Beauty

44. The site is within Lagan Valley AONB. Policy NH6 – Areas of Outstanding Natural Beauty states;

'Planning permission for new development within an Area of Outstanding Natural Beauty (AONB) will only be granted where it is of an appropriate design, is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and all the following criteria are met:

- a) *the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality*
- b) *it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape*
- c) *the proposal respects:*
 - *local architectural styles and patterns*
 - *traditional boundary details, by retaining features such as hedges, walls, trees and gates*
 - *local materials, design and colour.'*

Regional Policy and Guidance

36. The SPSS was published in September 2015. It is the most recent Planning policy and it is stated at Paragraph 1.5 that:

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

37. Paragraph 3.8 of the SPSS 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.'

38. This application is presented as one for a dwelling in a cluster. Bullet point one of paragraph 6.73 of the SPSS states that:

'Provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into

the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.'

39. With regards to infill development. 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.'

40. It is further stated at Paragraph 6.78 of the SPPS that:

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

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

Building on Tradition

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

43. Building on Tradition states in relation to cluster development that:

4.3.0 Policy CTY2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

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.

44. With regards to Infill development, Building on Tradition guidance notes;

- *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.*
45. It also notes that:
- ‘4.5.0 There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.*
- 4.5.1 As a general rule of thumb, gap sites within a continuous built up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.’*
46. 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.
47. Building on Tradition 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*
48. With regards to waste water treatment, 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-maths 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.

Development Control Advice Note 15 – Vehicular Access Standards

49. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It 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

Development in the Countryside

Policy COU1 – Development in the Countryside

50. The application pertains to a proposed new dwelling in an existing cluster or an infill dwelling. Therefore, the principle of development is to be assessed against Policy COU 2 and Policy COU8 in the first instance.

Policy COU2 - New dwellings in Existing Clusters

51. Policy COU2 allows for planning permission to be granted for a dwelling at an existing cluster of development provided all the criteria of the policy are met.
52. Within this context, the first part of the assessment must be to determine if the application site is located within an existing cluster of development.
53. Adjacent to the site, to the north are two new dwellings at 171 Ballycoan Road and 105 Fort Road. Beyond 171 Ballycoan Road is a public road (Fort Road) and on the other side of Fort Road is a dwelling at 169 Ballycoan Road.
54. South of the site are two outbuildings then a dwelling at 173 Ballycoan Road. On the opposite side of Ballycoan Road to the east of the site is a row of dwellings numbered 170, 172, 174, 178, and 180 Ballycoan Road.
55. To the south of 180 Ballycoan Road is a crossroads with Mealough Road and Leverouge Road. The cluster of development continues at Mealough Road and Leverouge Road with several more dwellings.

56. This built form demonstrates that there are sufficient buildings (more than the required four buildings) which form a close grouping of buildings and can be considered as a cluster of development at this location.
57. With regard to criteria (a), the site is a hard standing yard area, which was previously occupied by outbuildings. Adjacent to it are two outbuildings with an adjacent dwelling approved as a farm building. That said, the adjacent outbuildings have permission to convert them into a dwelling. It is clear that the site is no longer part of a farm and as such, it is considered that the cluster of development lies outside of a farm. Criteria (a) is met.
58. With regard to criteria (b), it is considered that the cluster of development does read as a visual entity in the local landscape as it is visible from several vantage points such as on approach to the crossroads along Mealough Road and Leverouge Road, when travelling along Ballycoan Road in both directions to and from the crossroads and when travelling along Fort Road in south-eastern direction towards Ballycoan Road. Criteria (b) is met.
59. Criteria (c) requires the new dwelling to be associated with a focal point such as a social/community building. A focal point is defined as a social/community building, usually visually significant within the cluster and defines a different built form and use to the rest of the buildings in the cluster.
60. The applicant submitted a statement detailing 'the presence of development at this location at the junction of Ballycoan Road and Fort Road is evidenced back to OSNI Map 1st Edition (1832-1846), acting as a physical focal point within the landscape.'
61. It is not disputed, as discussed above, that there is a cluster of development at this location that is considered as a visual entity in the local landscape.
62. The statement goes on to state that
'we have two farm holdings that trace their roots back to round 200 years ago that have both not only fulfilled a practical use but also represent a social and symbolic use. They form part of the historic cluster of buildings at a road junction, a meeting point of roads and journeys, providing opportunity to converse, trade, share, learn... Their physical presence structures up the concept of settlement and whilst they are not what might be typically thought of as a community building, they do support the concept of community in their very presence at this location.'
63. The statement also details that there was a National School at the Leverouge Road/ Mealough Road crossroads established in 1826 and appears on Ordnance Survey maps dated from 1834 to 1902. On the 1919-1963 OSNI edition this building is noted in 1938 as a mission hall.
64. However, the statement then details that:
there is no longer any evidence of these two community institutions remaining.

65. Further evidence within the statement states that:

not all rural communities had dedicated social facilities... Where there are not the social facilities as we would recognize them today, nonetheless these settlement clusters were places where society met and communed, and this happened in the form of barns and yards and water sources and road junctions. In a time when livings were made and earned from and by the land and livestock, the outdoor realm... had as much validity as a place to meet with society as a building with 4 walls and a roof... what does a social building look like within an historic cluster? It does not follow our modern day conventions and is dictated by use not name and as the collective being more than 2 dwellings on this site, the cluster at Ballycoan and Fort Road crossroads goes beyond the practical to provide a social and symbolic sense of place.

66. The statement provided by the applicant does not demonstrate that a social/ community building currently exists within the cluster of development at this locality. Instead, the argument advanced focuses on a 'social and symbolic sense of place' rather than a building.
67. Criteria (c) and the justification and amplification of Policy COU2 clearly defines a focal point as a social/community building.
68. From a visual analysis of the area there are no social/ community buildings associated with this cluster of development. The cluster consists of mainly dwellings with some associated outbuildings and there is no building that is visually significant within the cluster that defines a different built form and use to the rest of the buildings in the cluster. Criteria (c) is not met.
69. In terms of criteria (d) the identified site would provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. Immediately to the north of the site are two dwellings and to the south the site is bounded by two outbuildings and a dwelling. Criteria (d) is met.
70. Although the site is bounded on two sides with other development in the cluster, it is considered that development of the site cannot be absorbed into the existing cluster of development by rounding off and consolidation as a dwelling on this site would result add to a of ribbon development and the proposal would harm the rural character of the area. Criteria (e) is not met.
71. Policy COU2 requires all of the criteria (a) to(e) to be met. For the reasons outlined above, criteria (c) and (e) are not met and the requirements of policy COU2 are not met.

Policy COU8 – Infill/Ribbon Development

72. The application was initially presented as an infill opportunity. The primary step in determining whether an infill' opportunity exists is to identify whether an otherwise substantial and continuously built-up frontage.

73. Policy COU8 states that for the purposes of this policy, a substantial and continuously built-up frontage is a line of four or more buildings, of which at least two must be dwellings (excluding domestic ancillary buildings such as; garages, sheds and greenhouses) adjacent to a public road or private laneway.
74. At this location, on the western side of Ballycoan Road travelling in a north-eastern direction there is a dwelling at 173 Ballycoan Road, an outbuilding, the site then a dwelling at 171 Ballycoan Road then a break with a public road (Fort Road) then a garden area and dwelling at 169 Ballycoan Road.
75. It is considered that the Fort Road and garden area of 169 provide an important visual break between the buildings and due to the gap and intervening vegetation 169 is not visually linked with the buildings referred to above.
76. The dwelling at 169 is not therefore considered to form part of a substantial and continuously built-up frontage and as such, there is not a line of four or more buildings.
77. Without prejudice to the view expressed above that there is not a substantial and continuously built-up frontage, the second step is to determining if there is a small gap *sufficient to accommodate two dwellings*.
78. Policy COU8 relates to the gap between road frontage buildings. The gap is measured between the two closest (applicable) existing buildings either side of the application site.
79. In this instance, the gap is between the existing outbuilding adjacent to 173 Ballycoan Road and the existing dwelling at 171 Ballycoan Road. This gap measures approximately 40 metres.
80. Having regard to the guidance set out in Building on Tradition, with an average existing frontage width (No. 173 and No. 171) of approximately 41 m, it is contended that a gap of 40m would not be sufficient to accommodate two dwellings in the context of the existing pattern of development and only one dwelling could be accommodated on the site whilst respecting the pattern of development.
81. The third element that is required in order to qualify as an infill site is that the existing pattern of development must be respected in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
82. In terms of assessing whether the existing pattern of development would be respected, the Justification and Amplification text associated with COU8 states:

'Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.'

83. As per the proposed Site Layout plan, the proposed dwelling would be set back from the road with parking area at the front. This is a similar pattern of development to the adjacent dwelling at 173 Ballycoan Road and is therefore considered to be acceptable in the context of the pattern of the surrounding development.
84. In relation to design, the proposed dwelling would occupy a rectangular footprint, with single storey rear and side extensions. The proposed dwelling would present a ridge height of 9m above finished floor level (FFL) and would occupy a footprint of approximately 128m².
85. The proposed windows would be vertical in emphasis. The proposed schedule of external finishes includes select stone facing to the front elevation and render for the rest of the external walls, blue/ black concrete roof tiles and hardwood front door with uPVC windows and rear doors.
86. A two storey detached garage has also been proposed. It would be rectangular with a footprint of 53m² (approximately). It would present a ridge height of approximately 7m above FFL. The proposed schedule of external finishes is as per the proposed dwelling.
87. It is considered that, in terms of size, scale and design the proposed dwelling would respect the rural form of the existing surrounding pattern of development as the design, scale and finishes of the proposed dwelling are similar to the adjacent dwelling at no. 171 Ballycoan Road.
88. However, whilst it is acknowledged that the size, scale and design of the proposed dwelling is akin to existing dwellings, it is considered that the application site could not accommodate two dwellings which would respect the existing pattern of development along the frontage in terms of plot size and frontage width.
89. The agent submitted a plan to compare the plot sizes and frontage widths along this portion of Ballycoan Road which demonstrates that the proposed site would have a similar plot size and frontage width to the adjacent dwellings at 171 and 173 (0.119 hectares and 23m for 71, 0.102 hectares and 31m for 173 and 0.107 hectares and 27m for the proposed dwelling). However, this demonstrates that the site is only suitable for one dwelling as if the plot size was divided in two to accommodate the two dwellings required under Policy COU 8 then each plot would only be 0.054 hectares with a frontage width of 13.5m which is not in keeping with the surrounding pattern of development and each site would be too narrow to accommodate dwellings that are in keeping with the size and scale of the surrounding pattern of development.
90. The plan the agent submitted includes an approved barn conversion between the site and 173 Ballycoan Road. This cannot be included in the assessment of plot sizes/ frontage widths as the conversion of the barn has not occurred and its curtilage has not been defined. The plan also includes the plot at 169 Ballycoan Road which has been discounted as being part of the substantial and continuously

built-up frontage due to the road break, garden area and intervening vegetation between the dwellings at 171 and 169 Ballycoan Road.

91. It is therefore considered that the proposal would not meet the third component of the exceptions test, in that the proposal would not respect the existing pattern of development in terms of design, size and plot size and width if the required two dwellings were located on the site.
92. The fourth and final component of the exceptions test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.
93. For the reasons previously outlined in the report, it is considered that there is no substantial and continuously built-up frontage at this location along Ballycoan Road as there are only three buildings that form part of the frontage.
94. Standing outside 173 there is no substantial and continuously built-up frontage that is visually linked as only three buildings are visually linked – 173, the adjacent outbuilding and 171. Due to a bend in the road and intervening vegetation the dwelling at 169 is not visually linked to these three buildings and therefore the fourth component of Policy COU 8 is not met.
95. Taking all of the above into account, it is considered that the proposal does not satisfy the exceptions test of Policy COU8 for the reasons noted and the proposal would add to a ribbon of development along this part of Ballycoan Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

96. The design of the proposed dwelling/garage is detailed above.
97. It is considered that, due to the size and scale of the proposed dwelling/garage, the site is adjacent to existing buildings and the site is relatively flat, the proposal would not be a prominent feature in the landscape.
98. It is considered that the proposed dwelling would cluster with the adjacent dwellings/buildings which are in close proximity to the application site.
99. It is considered that the proposed dwelling would blend with the landform as the site is relatively flat with the land rising immediately to the rear of the application site to provide a backdrop.
100. There is an existing natural hedgerow boundary along the front of the site and some hedging along the northern boundary that will be retained. It is noted that the existing buildings which neighbour the application site in close proximity would also provide a degree of enclosure.
101. Whilst it is acknowledged that some new landscaping would be required to the rear boundary, taking the above into account, it is considered that the proposed

scheme would not rely primarily on the use of new landscaping for the purposes of integration.

102. The design of the proposed dwelling/garage has been detailed above and it has been considered that the design of the proposed dwelling is appropriate for the site and locality as it is similar to the design, scale and finishes of the adjacent dwelling at no. 171 Ballycoan Road.
103. With regards to proposed ancillary works, it is noted that the proposal will use an existing access directly off Ballycoan Road with a small driveway and hard standing area for parking at the front of the site. The site is currently hard standing therefore it is considered that the proposed ancillary works will integrate with the surrounding rural area.
104. Taking all the above into account, it is considered that the proposal meets the requirements of Policy COU15 in that the design of the building is appropriate to for the site and its locality.

Policy COU16 - Rural Character

105. As outlined in the report at paragraph 105, the proposal would not be unduly prominent in the landscape.
106. As outlined earlier, the proposed dwelling would cluster with the adjacent building and dwellings.
107. For the reasons outlined within the context of Policy COU8 considerations, it is considered that the proposal would not respect the traditional pattern of settlement exhibited in the area, in that it would add to a ribbon of development as the gap is not sufficient to accommodate two dwellings.
108. The application site is located wholly within the open countryside, out with any designated settlement limit. It is not considered that the proposed scheme would mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl.
109. By virtue of adding to a ribbon of development, it is considered that the proposal would have an adverse impact on the rural character of the area.
110. It is considered that the proposed dwelling would not adversely impact on residential amenity, as it would be positioned between existing buildings and there are no windows for habitable rooms proposed on the gable elevations facing any existing dwelling.
111. Plans indicate that a private treatment plant will be included within the site. DAERA Water Management Unit, DAERA Natural Environment Division and NI Water were consulted as part of the processing of the application and offer no concerns. Therefore, it is considered that the necessary services can be provided

within the site without significant adverse impact on the environment or character of the area.

112. As considered earlier, ancillary works will integrate with the surrounding landscape and will not have an adverse impact on rural character. The application will use an existing vehicular access. DfI Roads were consulted and offer no objection subject to conditions.
113. Taking all of the above into account, it is considered that the proposal would not respect the traditional pattern of settlement exhibited in the area as, it would, if permitted, add to ribbon development which would have an adverse impact on the on the rural character of the area. The proposal is therefore contrary to Policy COU16.

Access and Transport

Policy TRA2 - Access to Public Roads

114. The proposal will use an existing vehicular entrance off Ballycoan Road. It is acknowledged that Ballycoan Road is not a designated Protected Route.
115. DfI Roads were consulted as part of the processing of the application and offer no objections to the proposal subject to conditions to ensure the access is in accordance with the approved site layout plan. It is therefore considered that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles. The tests associated with TRA2 are considered to be met.

Waste Management

Policy WM2 – Treatment of Waste Water

116. The detail submitted with the application (application form and plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by soakaway and foul sewage is to be disposed of via septic tank.
117. DAERA Water Management Unit provided a response on 2 February 2022 which refers the Planning unit to Standing Advice which would be included on any approval.
118. Consideration of flood risk is included as a criterion for assessment in Policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
119. NI Water were also consulted as part of the processing of the application. In their final consultation response of 8 February 2022, they offer no objection to the proposal. Informatives would be included with any approval.

120. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Waste Water.

Natural Heritage

Policy NH2 – Species Protected by Law, Policy NH5 - Habitats, Species or Features of Natural Heritage Importance, Policy NH6 – Areas of Outstanding Natural Beauty

121. It is acknowledged that the application site was occupied by a building at the time of site inspection and the proposal originally included demolition of buildings. The buildings have now been demolished.
122. It is noted that the application site currently only benefits from one natural hedgerow boundary along the front/ roadside that will be retained.
123. Q14 of the submitted P1 Form asks if the individual completing the form (in this case the agent) is aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended). The agent has selected 'No.'
124. A Biodiversity checklist was submitted as part of the processing of the application and DAERA Natural Environment Division (NED) were consulted. In their consultation response of 7 July 2022, they comment that 'Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.'
125. NED also commented that it 'has assessed the 'Block Plan, Drawing Number 02' and notes that the NIPH (Northern Ireland Priority Habitat) hedgerow is to be retained, along with the retention and enhancement of existing boundary vegetation. NED concludes the retention of the established road fronting NIPH hedge will result in no loss of priority habitat due to the proposed works.'
126. NED also notes that 'the existing trees to be retained and farm building planned to be demolished were assessed as negligible in terms of Bat Roost Potential, and as no plans indicating the removal of further standing vegetation were presented, NED is content that this proposal would be unlikely to result in reduction in roosting opportunities for bats should they be using the site.'
127. NED is also content that 'no evidence of badger activity was observed by the ecologist at the time of the site visit and concludes that no further ecological survey work is required.'
128. It is acknowledged that the application site falls within the designated Lagan Valley Area of Outstanding Natural Beauty.

129. A Design and Access Statement was submitted during the processing of the application in accordance with Article 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.
130. There are no concerns with regards to the siting and scale of the proposed dwelling in the context of the immediate locality.
131. From the information at hand, there does not appear to be any distinct features of importance to the character, appearance or heritage of the landscape within the site.
132. The existing hedgerow boundary along the front of the site would be retained to help maintain the character of the surrounding area. A condition would be applied to any approval to require the retention of this existing natural boundary except where removal would be required for public safety.
133. The proposed design of the dwelling would respect local architectural styles and patterns and would be finished in similar materials to the adjacent dwelling at no. 171 Ballycoan Road.
134. Taking all of the above into account, it is considered that the proposal complies with Policies NH2 and NH5 as there will be no adverse impact on protected species or priority species, habitats or features of natural heritage importance and Policy NH6 – Areas of Outstanding Natural Beauty as the proposal will have no adverse impact on the special character of the area.

Conclusions and Recommendation

135. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of Policies COp1, COU2, COU8, and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

136. The following reasons for refusal are:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is acceptable in the countryside.
 - The proposal is contrary criteria (c) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster does not have a social/community building that is visually significant or has a different use to the rest of the buildings which could be defined as a focal point. Furthermore, the site cannot be absorbed into the existing cluster of development by rounding off and consolidation.

- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Ballycoan Road as there is no substantial and continuously built up frontage at this location on Ballycoan Road and the gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development in terms of design, scale, plot size and width.
- The proposal is contrary criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would result in an adverse impact on the rural character of the area by adding to a ribbon of development.

Site Location Plan – LA05/2022/0079/F





Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 2 – Housing development comprised of 121 dwellings [all social housing] on land to the immediate west of 29 Enterprise Crescent, and to the immediate east of Home Bargains, Ballinderry Road Lisburn (PAN)

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p>	

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.

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|--------------------|---|
| Appendices: | Appendix 2(a) - Report in relation to LA05/2024/0511/PAN |
| | Appendix 2(b) – LA05/2024/0511/PAN – PAN Form |
| | Appendix 2(c) – LA05/2024/0511/PAN – Site Location Plan |

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 August 2024
Responsible Officer	Conor Hughes
Date of Report	29 July 2024
File Reference	LA05/2024/0511/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 Housing development comprised of 121 dwellings [all social housing] on land to the immediate west of 29 Enterprise Crescent, and to the immediate east of Home Bargains, Ballinderry Road Lisburn.

Background Detail

2. 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.
3. 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.
4. The PAN for the above-described development was received on 01 July 2024. The earliest possible date for the submission of a planning application is week commencing 23 September 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
6. The description associated with the FORM PAN1 is as described above.

7. 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);

8. The postal address identified on the FORM PAN1 is as described above.
9. 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;

10. 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;

11. 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.
12. 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 Gravis Planning, 1 Pavillions Office Park, Kinnegar Drive, Hollywood.
13. 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;

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

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

16. 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

17. 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 that a drop in public consultation event would take place at Laganview Enterprise Centre on 27 August 2024 between 12 and 2pm and 4 and 7pm.

The event will be publicised in the Ulster Star on 16 August 2024.

Invitation leaflets will be distributed to addresses within a 200-metre radius of the proposed development in advance of the consultation taking place. These leaflets will contain further information on the proposal and said public consultation event, contact details for the project team and various means of providing feedback. Individual briefings will be held with elected representatives upon request.

Consultation materials and a feedback form will be placed online for those unable to attend the public consultation event in person. Feedback may also be provided through a dedicated email inbox, answerphone service and postal address. Information on how to access these means of providing feedback will be included on the public notice associated with the proposal and also within the aforementioned leaflet sent out to all properties within a 200-metre radius of the proposed site.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 01 July 2024.

Recommendation

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



www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

159

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

160

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

364431

161

Site Area

What is the area of the site?

3.2

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Housing development consisting of 121 No. dwellings (all social housing).

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

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

- Yes
 No

Has an Environmental Impact Assessment determination previously been made?

- Yes
 No

Please add separate details for each proposed consultation

Proposed public event: Drop-in public consultation event between 12-2pm and 4-7pm
 Venue: Laganview Enterprise Centre, Old Warren Estate, 69 Drumbeg Drive, Lisburn BT28 1NY
 Date and time: 27/08/2024 12:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star
 Proposed advert date start 16/08/2024
 Proposed advert date finish 16/08/2024

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)

Invitation leaflets will be distributed to all addresses within a 200 metre radius of the proposed development in advance of the public consultation event taking place. These leaflets will contain further information on the proposal and said public consultation event, contact details for the project team and various means of providing feedback. Individual briefings will be held with elected representatives upon request.

Details of any other publicity methods (e.g. leaflets, posters)

Further to the above, consultation materials and a feedback form will be placed online for those unable to attend the public consultation event in person. Feedback may also be provided through a dedicated email inbox, answerphone service and postal address. Information on how to access these means of providing feedback will be included on the public notice associated with the proposal and also within the aforementioned leaflet sent out to all properties within a 200 metre radius of the proposed site.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Details for elected member(s) for District Electoral Area

Elected member(s) for District Electoral Area:
 Cllr Andrew Ewing Cllr Alan Givan Ald Amanda Grehan Cllr Peter Kennedy Cllr Tim Mitchell Ald Paul Porter
Date notice served:
 01/07/2024

Details for Other Parties

Other(s):
 David Honeyford MLA Emma-Little Pengelly MLA Paul Givan MLA Robbie Butler MLA Sorcha Eastwood MLA
Date notice served:
 01/07/2024

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

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

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

Jack Patterson

Date

01/07/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority

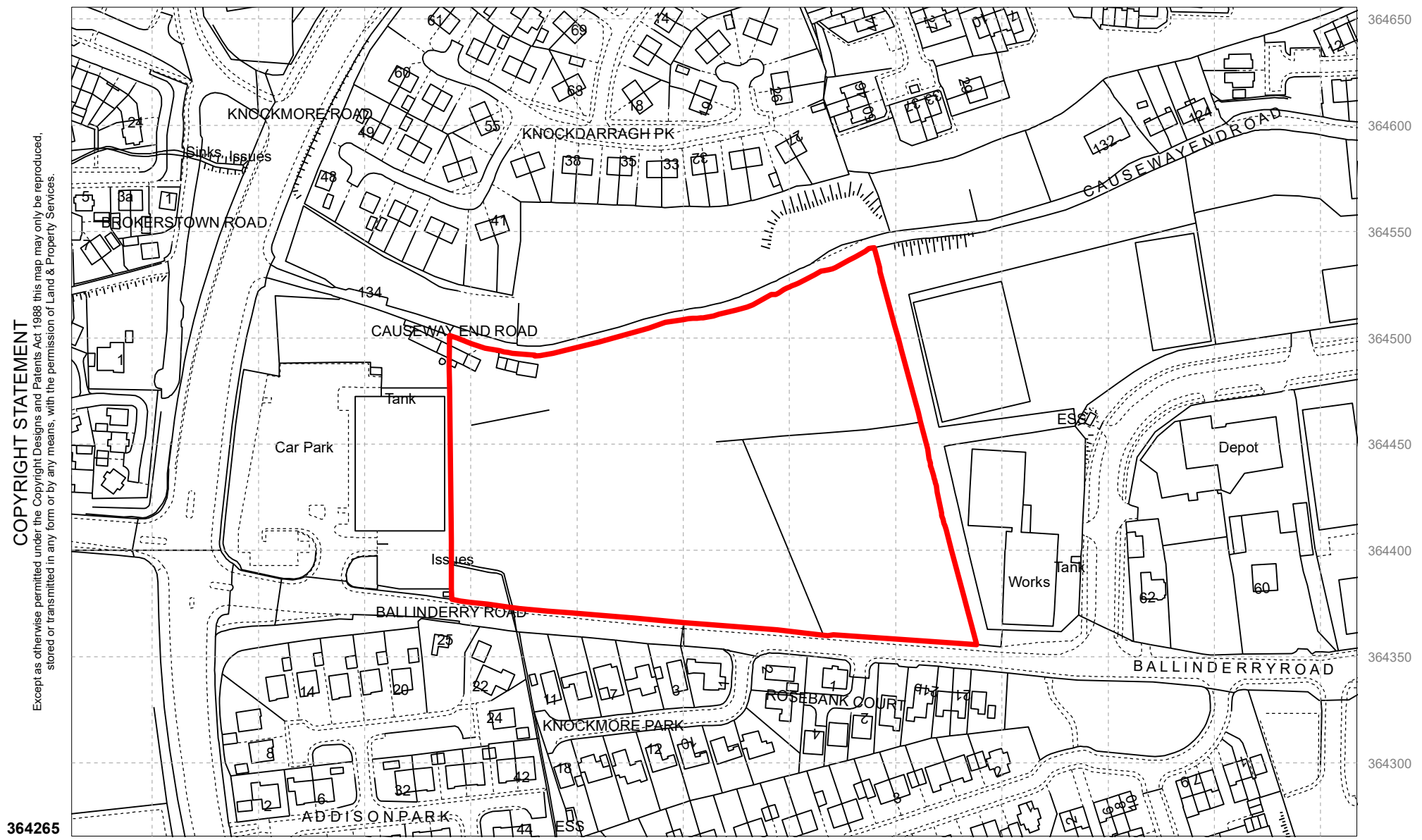
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REVISION HISTORY		
REV	DESCRIPTION	DATE

ACEmap® Single
 Printed: 10/04/2024 Customer Ref:
 Centre Point (Easting, Northing): 324215, 364461

Scale: 1:2,500
 Order no. ORD151809
 Plan No. 16505SE2

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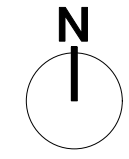


364265
323912

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RPP REFERENCE NO: 2762	CLIENT: MJ McBrides Construction Ltd.
PROJECT: Ballinderry Road, Lisburn	

DRAWING: Site Location Plan

RPP
ARCHITECTS

BELFAST
 155-157 DONEGALL PASS
 BELFAST
 BT7 1DT
 T 028 9024 5777
 EMAIL: INFO@RPPARCHITECTS.CO.UK

L'DERRY
 18 CLARENDON ST
 L'DERRY
 BT48 7ET
 T 028 7136 2782
 WEB: RPPARCHITECTS.CO.UK

SHEET SIZE	SCALE(S)	DRAWN BY	CHECKED BY	STATUS CODE	REVISION	
A3	1:2500					
PROJECT	ORIGINATOR	VOLUME/SYSTEM	LEVEL/LOCATION	TYPE	ROLE	NUMBER
2762	RPP	XX	00	DR	A	01 0001

240219-Ballinderry-Road-Sketch-Layout-240410.vwx

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 3 – Non-compliance with condition 1 of appeal decisions 2000/A277 and 2000/A278 to create two units with associated elevational changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast (PAN)

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p>	

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.

- Appendices:**
- Appendix 3(a)** - Report in relation to LA05/2024/0534/PAN
 - Appendix 3(b)** – LA05/2024/0534/PAN – PAN Form
 - Appendix 3(c)** – LA05/2024/0534/PAN – Site Location Plan

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 August 2024
Responsible Officer	Conor Hughes
Date of Report	29 July 2024
File Reference	LA05/2024/0534/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 an application for Non-compliance with condition 1 of appeal decisions 2000/A277 and 2000/A278 to create two units with associated elevational changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast.

Background Detail

2. 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.
3. 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.
4. The PAN for the above-described development was received on 10 July 2024. The earliest possible date for the submission of a planning application is the week beginning 30 September 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
6. The description associated with the FORM PAN1 is as described above.

7. 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);

8. The postal address identified on the FORM PAN1 is as described above.
9. 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;

10. 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;

11. 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.
12. 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 Inaltus Limited, 15 Cleaver Park, Malone Road, Belfast.
13. 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;

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

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

16. 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

17. 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 that a public drop in event will take place at the Ramada Hotel, Shaws Bridge Belfast on 25 September 2024 at 2pm.

The event will be publicised in the Belfast Telegraph on 11 September 2024.

Neighbouring properties within 100 metres of the application site will be notified with a copy of the Public Notice.

It is not clear from the form if a copy of the Notice has issued to Elected Members of the DEA. The agent is reminded of the need to consult with the members of the DEA in advance of the consultation event taking place.

Recommendation

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



www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

Combined application for pre application discussion & proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Applicant Details

Name/Company

Title

Mr

First name

Gary

Surname

Woods

Company Name

Drumkeen Holdings Limited

Address

Address line 1

Lynn Drake & Co

Address line 2

1st Floor, 34 B-D

Address line 3

Main Street

Town/City

Moira

Country

171

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

172

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

370573

Ownership

Please state applicant's interest in the site

Owner

Site Area

What is the area of the site?

0.13

Hectares

Type of Planning Application

Please indicate what type of application is being requested

- Outline permission
- Full permission
- Reserved matters

Is the application which is now being made a renewal for an existing permission?

- Yes
- No

Please select all categories of development which are relevant to this application

- Residential
- Retail
- Industrial/business use
- Community use
- Other

Does the proposal include non-residential floor space?

- Yes
- No

If yes, please provide the non-residential floor space area in square metres

1578

Site Area (ha)

0.13

- How to make an application
- The information required to support an application
- Which regional and local planning policies apply
- Whether the proposal is acceptable in principle
- Design issues
- Heritage
- Amenity issues
- Transport
- Flood risk
- Drainage
- Need for a Section 76 planning agreement
- Environment Impact Assessment
- Other

Please explain why you wish to discuss the matter(s) which are indicated above

We would like to understand the best manner to submit this application.

Please tell us what you are trying to achieve through your proposal

Creation of 2 Units in place of Unit 5.

Related Proposals

Have you submitted a Proposal of Application Notice or any other pre-application/application in relation to this development?

- Yes
- No

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Non compliance with condition 1 of appeal decision 2000/A277 and 2000/A278 to create two units with associated elevational changes.

Floorspace Summary

Does the proposal include floorspace?

- Yes
- No

What is the total gross floor space of proposed development (sq m)?

1578

Renewable Energy

Does your proposal involve renewable energy development?

Yes No

175

Determinations

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

Yes
 No

Has an Environmental Impact Assessment determination previously been made?

Yes
 No

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Public Drop In Event.
Venue: Ramada Hotel, Shaws Bridge, Belfast
Date and time: 25/09/2024 14:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Belfast Telegraph
Proposed advert date start 11/09/2024
Proposed advert date finish 11/09/2024

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)

Neighbouring properties within 100m will be notified with a copy of the Public Notice.

Details of any other publicity methods (e.g. leaflets, posters)

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

Yes No

Authority Employee/Member

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

- Yes
- No

It is an important principle of decision-making that the process is open and transparent.

Developers and applicants should be aware that information related to a Pre Application Discussion may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Act and Regulations provide for some exemptions from the need to disclose information, for example if it is commercially sensitive. In cases where applicants consider that specific information is exempt from the requirements of the Act or the Regulations, the justification for their position should be provided to the relevant authority.

- I acknowledge that this request and any resulting advice may be disclosed as part of any related Freedom of Information request
- I do not wish this request or resulting advice disclosed as part of any related Freedom of Information request

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

- I consent for my personal data to be shared with other departments within the authority

General advice obtained from the authority website, or advice obtained through discussions with duty officers or through the pre-application discussion process, is not binding on any future decision the authority may make once a formal planning application has been submitted.

It is important to note all pre-application advice is given based on the information available at the time. This is without prejudice to the formal consideration of a planning application as other information may arise from consultations, third party representations or policy changes during the regulatory determination process. Moreover, not all planning decisions are made by officers, with some applications, including all proposals for Major development, decided by the Planning Committee.

Declaration

Pre-Application Discussions are provided by officers on behalf of the Authority. It is informal advice only and not binding on any future decision that the Authority may make once a formal planning application has been submitted. All advice given is on the basis of the information available at the time. The planning application process involves consultation with neighbours and technical consultees and it will not be possible to predict all the issues that will arise once a planning application is submitted. Moreover, not all planning decisions are made by officers, with some applications, including all proposals for Major development, decided by the Planning Committee and Minister. The information I / We have given is correct and complete to the best of my knowledge and belief.

- I / We agree to the outlined declaration

Signed

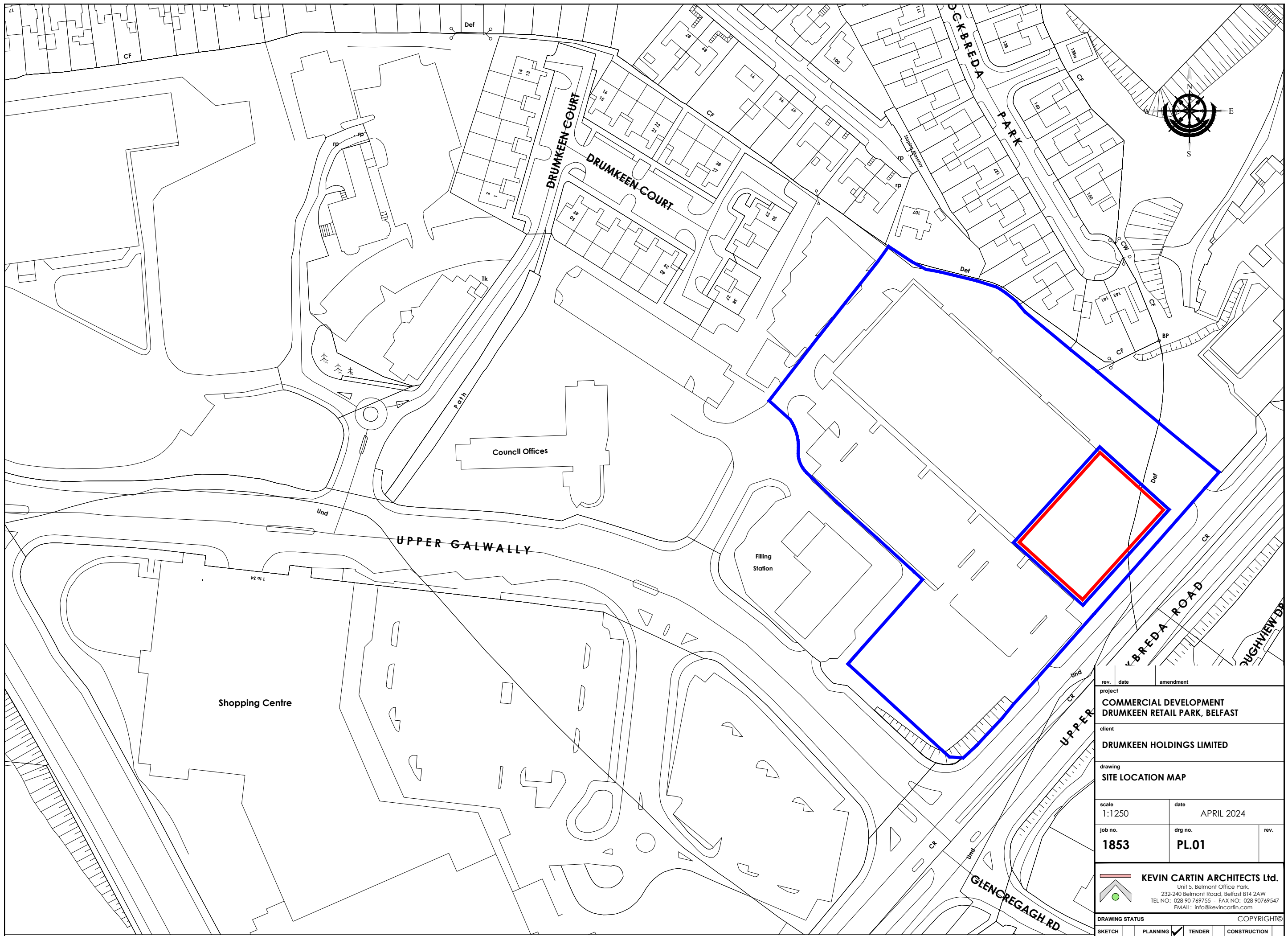
Eamonn Loughrey

Date

10/07/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority



rev.	date	amendment
project COMMERCIAL DEVELOPMENT DRUMKEEN RETAIL PARK, BELFAST		
client DRUMKEEN HOLDINGS LIMITED		
drawing SITE LOCATION MAP		
scale 1:1250	date APRIL 2024	
job no. 1853	drw no. PL.01	rev.
 KEVIN CARTIN ARCHITECTS Ltd. Unit 5, Belmont Office Park, 232-240 Belmont Road, Belfast BT4 2AW TEL NO: 028 90 769755 - FAX NO: 028 90769547 EMAIL: info@kevincartin.com		
DRAWING STATUS		COPYRIGHT©
SKETCH	PLANNING <input checked="" type="checkbox"/>	TENDER <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/>

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Statutory Performance Indicators – June 2024

1.0 **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 is attached (**see Appendix**) summarising the monthly position for each indicator for the month of June 2024.
2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for June 2024 was 32 weeks with performance year to date noted to be 33.5 weeks. The June performance is based on 73 applications having been decided. This percentage number of cases processed within 15 weeks is increased from 23.3% in May to 31.5% in June.
4. The team is now focused on improving performance whilst continuing to reduce the number of older applications. The implementation of a structural review and an improvement plan should see an overall improvement against this target in this business year. Key performance indicators are in draft to assist in measuring this performance.
5. It is important to note that legal challenges and ongoing resourcing pressures continues to impact on our ability to improve performance in relation to local applications. It is expected that the team will be at full complement by Autumn 2024 and a programme of improvement is planned to assist in improving the timeliness of decision making.

	<p>6. Performance in relation to major applications for June 2024 was 22.4 weeks. Performance year to date noted to be 49.4 weeks. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p> <p>7. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review and a protocol is in draft to speed up the processing of planning agreements.</p>	
<p>2.0</p>	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the June 2024 Statutory Performance Indicators.</p>	
<p>3.0</p>	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
<p>4.0</p>	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
<p>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p> <p>.</p>	

<p>Appendices:</p>	<p>Appendix 4 – Statutory Performance Indicators – June 2024</p>
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Statutory targets monthly update - June 2024 (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	1	1	49.4	0.0%	60	49	32.6	12.2%	20	19	46.6	63.2%
May	2	1	59.2	0.0%	62	60	34.3	23.3%	34	41	33.6	80.5%
June	1	1	22.4	100.0%	47	73	32.0	31.5%	13	21	41.1	66.7%
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	4	3	49.4	33.3%	169	182	33.5	23.6%	67	81	36.0	72.8%

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.

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Draft procedure for dealing with Section 76 planning agreements for affordable housing

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> Members will be aware that the Plan Strategy of the Lisburn and Castlereagh Local Development Plan published in September 2023 includes a new operational policy to secure affordable housing on site in settlements that comprise five or more dwellings or larger than 0.5 hectares in size. Policy HOU10 states that: Where the need for Affordable Housing is identified through the Housing Needs Assessment, on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. Where this provision is required it is secured through a Section 76 Planning Agreement. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> It is officers' experience that the drafting and approval processes for Section 76 planning agreements adds significantly to processing times for planning applications. The main reasons for the delay post committee relate to securing a draft agreement from the applicant and full title documents at an early stage that include all the parties with an interest in the land. To improve the timeliness of the process and to ensure the responsibilities of the relevant participants are clearly understood a draft procedure has been developed setting out the obligations of the applicant for preparing the draft agreement and associated title information. It also highlights the actions the Council will follow on receipt of the agreement and the timescales for responding. The procedure as drafted provides detail and timescales in relation to the following: <ul style="list-style-type: none"> Requesting information for applicant/agent Receipt of draft agreement Post Planning Committee
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	<p>6. Draft emails are included with the procedure to assist officers with the effective and timely management of these agreements.</p> <p>7. A copy of the procedure will be provided to the applicant/agent at the earliest possible stage of the application process for proposals that meet the policy thresholds described above.</p>
2.0	It is recommended that Members note the draft procedure for dealing with Section 76 planning agreements and that a report will be presented to the Regeneration and Growth Committee next month for agreement.
3.0	<p><u>Finance and Resource Implications</u></p> <p>The planning applicant is required to cover all reasonable legal costs associated with the negotiation and preparation of a Section 76 Planning Agreement. The Council will not agree to a cap on this figure in any circumstance and the draft procedure will allow planning applicants to understand and plan for any costs incurred in drafting an agreement.</p> <p>The Council's legal costs will not be vouched as they are commercial in confidence.</p> <p>The Council will also require the payment of a monitoring fee. A Value Added Tax (VAT) invoice or receipt will not be provided in respect of any amount payable under the Section 76 Agreement where that figure attracts VAT.</p>
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>
4.1	Has an equality and good relations screening been carried out? No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report that updates Members on the detail of a draft operational procedure for dealing with HOU10 – Section 76 Agreements. It is not a new policy. EQIA is not required.</p>
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed? No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report that updates Member on the detail of a draft operational procedure for dealing with HOU10 – Section 76 Agreements. It is not new policy. RNIA not required.</p>

Appendices:

Appendix 5 – Procedure for dealing with HOU10 – Section 76 Agreements

Procedure for HOU10 related Section 76 Agreements

1.0 Purpose

- 1.1 The purpose of this document is to outline a procedure for obtaining draft agreement information and engaging with legal prior to an application being presented to the Planning Committee.

2.0 Policy Context

- 2.1 Policy HOU10 states that:

Where the need for Affordable Housing is identified through the Housing Needs Assessment, on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable.

- 2.2 This provision is required to be secured and agreed through a Section 76 Planning Agreement.
- 2.3 Where the policy tests associated with Policy HOU10 are engaged and a Legal Agreement is required, applications **must** be presented to the Planning Committee for determination in accordance with the Councils Scheme of Delegation.

3.0 Requesting information from applicant/agent

- 3.1 The case officer should advise the applicant/agent (without prejudice) at the earliest possible stage of the application process that the threshold for the policy is reached and that a recommendation to approve will be subject to a planning agreement. The officer should outline the information that will be required to allow an agreement to be processed.
- 3.2 It should be emphasised that the applicant takes legal advice at an early stage. They will need to instruct solicitors.
- 3.3 If agreement is reached in principle to the general layout and arrangement of the buildings the applicant/agent should be asked to provide (without prejudice) to the planning authority a draft planning agreement and full title for the lands comprised within the application site. An overlap map should also be provided.
- 3.4 A draft email is provided for at **Annex A**. The email when issued must also be copied to the general account so that an officer from the business support team can log that a request for a draft agreement has been sent.

Please note: The Council will not share the contact details of their solicitors with the applicant/agent. Officers will only instruct our solicitors when the draft agreement and full title is received.

Procedure for HOU10 related Section 76 Agreements

186

Receipt of draft agreement

- 4.1 On receipt of the draft agreement, title and overlay map from an applicant, an officer from the business support team will acknowledge receipt.
- 4.2 Our solicitors will be instructed, and the documents shared by an officer from the business admin team. It takes approximately eight weeks to clear the draft and check the title. Only at this stage should there be solicitor to solicitor engagement.
- 4.3 The application will be scheduled for the next available planning committee meeting.
- 4.4 The Council will seek to revert with comments to the applicant through our solicitors within two weeks of the date of the receipt of the agreement. This again is without prejudice to any decision by the committee.
- 4.5 The conclusion of the processing of the legal agreement is subject to the agreement of the planning committee and it normally takes approximately six weeks to review the title, raise queries thereon and/or amend the agreement. The Council requires an equal level of commitment from the planning applicant's solicitor to ensure these timescales can be broadly adhered to. It is unlikely that a draft agreement can go to full Council in the same calendar month.

5.0 Post Planning Committee

- 5.1 Once a recommendation is agreed at Planning Committee the planning officer's report and any record of the decision-making process will be shared with our legal advisors to allow the solicitors to check that the draft agreement is in accordance with the decision. A draft email is provided for at **Annex D**.
- 5.2 Legal will provide notification to the Principal Officer when the agreement is finalised so that arrangements can be made for it to be included in papers for Full Council. Typically, this should be the Friday of first full working week of the next calendar month following the relevant Planning Committee meeting.

Please note: it is our intention to take the section 76 agreement to the Full Council meeting the next calendar month after the Planning Committee meeting. If full title is not received, then this may delay the agreement being presented to the elected members for agreement.

- 5.3 Legal will make arrangements for an electronic copy of the final agreement and related plans to be made available to the Council at this time. The hard copy agreement signed by the applicant and other interested parties will be made available to officers of the Council in advance of the Full Council meeting. At the same time, the applicant will be required to provide any completion sums due pursuant to the Section 76 Agreement in advance of execution by the Council.

Procedure for HOU10 related Section 76 Agreements

187

Please note: the Council will require the planning applicant to cover its legal fees associated with the negotiation and preparation of the Section 76 Agreement and will not agree to a cap on this figure in any circumstance. This figure will not be required to be vouched. The Council will also require the payment of a monitoring fee. A Value Added Tax (VAT) invoice or receipt will not be provided in respect of any amount payable under the Section 76 Agreement where that figure attracts VAT.

- 5.4 Once the agreement is signed and sealed, the decision notice will be called by the case officer for signing and issuing. The decision will include the following informative:

This decision is subject to a Section 76 Agreement.

The date on the Decision Notice will be the same as the date of the Section 76 Planning Agreement.

- 5.4 Administrative officers will arrange for the decision to issue in the normal way. Paper associated with the section 76 agreement process will then be uploaded to the Planning Portal and a copy associated with the application file for completeness. The section 76 papers are not required to be published to the Portal.
- 5.5 The signed Section 76 agreement will be returned to our solicitors for circulation to the applicant/agents appointed solicitor. An original signed copy will be retained by the Council.
- 5.6 Administrative officers will arrange for the section 76 to be registered as a Statutory Charges Register in the Land Registry. A copy of the agreement will be made available to the Land Registry as part of this process.

Procedure for HOU10 related Section 76 Agreements

188

Annex A – Draft Email to Applicant/Agent

[name]

Without prejudice to the decision-making process, grateful if you could make arrangements with the applicant for their solicitor to prepare a draft section 76 agreement in relation to the provision of affordable housing for consideration by our legal team.

Copy title in relation to all of the lands intended to be subject to the Section 76 Agreement is also required to be provided along with an overlay map to demonstrate that the lands associated with the application site fall within the respective title folios.

The Council will be carrying out its own review of title and will require the consent of all those holding an estate in the lands to be evidenced within the Agreement. Such parties may include but may not be limited to joint owners and any Funder(s).

Please arrange for this information to be submitted asap but no later than **[insert date two weeks from date of email]**. Solicitor contact dates should also be provided to allow direct engagement on receipt.

Please note: we will only begin to engage with our Legal team on receipt of all information.

In addition, it should be noted that:

- the Council will require a Monitoring Fee to be made pursuant to the Section 76 Agreement; and
- the Council will require a contribution towards its legal costs arising from the Section 76 Agreement. All work completed in relation to the Section 76 Agreement (i.e. either side of any Planning Committee meeting and not just post planning committee) will be included in this cost calculation; however, where the Members of the Planning Committee require significant additional work to be carried out following any Planning Committee meeting, the additional legal costs arising from same will also be the responsibility of the Developer.

Please arrange for the information to be submitted as a complete package to the planning@lisburncastlereagh.gov.uk

Procedure for HOU10 related Section 76 Agreements

189

Annex B – Draft Email to Application/Agent – incomplete information

[name]

Thank you for your email and the attached [insert details].

You are also required to provide copy title information in relation to all of the lands intended to be subject to the Section 76 Agreement along with an overlay map. Solicitors details are also required.

Please note: we will only begin to engage with our Legal team on receipt of all information.

Annex C – Draft Email to Legal on Receipt of Section 76 Agreement

[name]

Please find attached following information in relation to the above section 76 Agreement

- draft agreement
- copy title [and overlay map]
- ***[anything else provided]***

The solicitor dealing with this matter on behalf of the applicant is ***[insert solicitor details]***.

Grateful if you could confirm where possible within two weeks of the date of this email whether the narrative contained in the agreement is suitable for inclusion in the DM officers report or advise if a meeting is required.

Procedure for HOU10 related Section 76 Agreements

190

Annex D – Draft Email to Legal Post Planning Committee

[name]

As you will be aware, a recommendation to approve the following application subject to 76 agreements was agreed at the Committee on ***[insert date]***.

- [insert reference, description and location]

The case officer report and minutes of the meeting are attached. The draft agreement and title deed information was provided on ***[insert date]***.

Please check that the agreement as drafted is in accordance with the decision taken by the Committee and provide notification to the Principal Officer when the agreement is finalised so that arrangements can be made for it to be included in papers for Full Council.

Typically, this should be the first week of the next calendar month. The agreed document and associated plans should be made available.

The signed agreement must be with the Principal Officer in advance of the Full Council meeting.

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2021/0609/O

1.0 **Background**

1. An application for two infill dwellings and garages on lands 30 metres to the north of 6 Cross Lane was refused planning permission on 19 December 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 08 January 2024.
3. The procedure followed in this instance was by way of written representation with accompanied site visit. The site visit took place on 12 June 2024.
4. The main issues in the appeal are whether the proposed development would:
 - be acceptable in principle in the countryside;
 - add to a ribbon of development; and
 - adversely impact on the rural character of the area;
5. A decision received on 08 July 2024 indicated that the appeal was dismissed.

Key Issues

1. The view was expressed by the appellant that neither the content of policy COU8 nor its justification and amplification stated that the gap must be between the two closest existing buildings on either side of the appeal site. This was considered at paragraph 12 of the decision where the Commissioner stated that in order for there to be a gap site, there must be an existing build up frontage on either side and as such, the gap to be considered as between buildings within the substantial and continuously built-up frontage.
2. At paragraph 14 the Commissioner, having regard to the average plot width and the range of plot sizes identified by the appellant, agreed with the Council that the gap could accommodate more than two dwellings.
3. Whilst other factors remained to be considered, the Commissioner, having regard to a proposed site layout plan submitted as part of the appeal to demonstrate how two dwellings could be accommodated whilst respecting the pattern of development, found in favour of the Council with the view expressed that the proposed communal access point and driveway would separate much of the southernmost dwelling frontage to Cross Lane. This would present a significantly shorter frontage to the southernmost dwelling which would be uncharacteristic in this area.

	<p>4. At paragraph 18, reference was made to the accompanied site visit conducted by the Commission. The Commissioner agreed that the buildings identified by the Council were beside one another and did form a ribbon of development. The Commissioner also accepted that the introduction of two additional dwellings would remove an important visual break in the developed appearance of Cross Lane.</p> <p>5. Consideration of the third refusal reason is set out at paragraph 19 and, for the reasons outlined, concerns raised by the Council in relation to rural character were sustained.</p> <p>6. Wildlife concerns raised by third parties were also addressed by the Commissioner with the view expressed that there was no persuasive evidence to suggest that the development of the appeal site would cause harm to any species, protected or otherwise.</p>	
<p>2.0</p>	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
<p>3.0</p>	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
<p>4.0</p>	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
<p>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 6 – Appeal Decision – LA05/2021/0609/O</p>
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193

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81023) (direct line)
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Lisburn & Castlereagh City Council

Our reference: 2023/A0092
Authority
reference: LA05/2021/0609/O
9 July 2024

Dear Sir/Madam

Re:

Appellant name: Barry McMahon

Description: 2 No. infill dwellings and garages

Location: 30m North of 6 Cross Lane, Lisburn

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decision

Planning Appeals Commission
4th Floor
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194

Appeal Reference:	2023/A0092.
Appeal by:	Barry McMahon.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	2 No. infill dwellings and garages.
Location:	30m North of 6 Cross Lane, Lisburn.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2021/0609/O.
Procedure:	Written representation with Accompanied Site Visit on 12 th June 2024.
Decision by:	Commissioner Kieran O'Connell, dated 8 th July 2024.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether or not the development would:
 - be acceptable in principle in the countryside;
 - add to a ribbon of development; and
 - adversely impact on the rural character of the area.
3. 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 (LDP) 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.
4. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) sets out the strategic policy framework for the Council area. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the Plan Strategy must be resolved in favour of the Plan Strategy.
5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area, with draft Belfast Metropolitan Area Plan 2004 remaining a material consideration in certain

circumstances. Within the LAP, the appeal site is within the countryside and the greenbelt. The LAP contains no policies relevant to the appeal proposal and directs to the Planning Strategy for Rural Northern Ireland, which was superseded by Planning Policy Statement 21 – Sustainable Development in the Countryside. The appeal site also falls within the greenbelt designated within the draft BMAP 2004; however, it too does not contain any policies material to the appeal development.

6. Accordingly, in this Council area, as the PS has been adopted, in accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), the previously retained policies such as the Planning Policy Statements now cease to have effect. There is no conflict between the DDP and the PS. Guidance provided in 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' (BoT) is also pertinent to the assessment.
7. The appeal site is located on the eastern side of Cross Lane and in part comprises an overgrown rectangular-shaped roadside field. The northwestern and southeastern boundaries are undefined and are part of a larger field. The northeastern boundary is defined by mature trees approximately 6-8m high. The westernmost boundary is defined by a hedgerow and is separated from the remainder of the site by the public road, which is defined by a roadside hedge. The southwestern field boundary in which the appeal site sits is defined by mature trees approximately 6-8m high set back from a shallow verge on the eastern side of Cross Lane.
8. To the north of the appeal site, there is a derelict roadside building overgrown by vegetation which sits adjacent to Cross Lane and Lissue Lane. To the south there are three two-storey roadside dwellings, No's 2, 4 & 6 Cross Lane with 'RL Services' forklift sales, services and hire premises to the rear of No. 2 and No. 4. The western side of Cross Lane is characterised by agricultural lands.
9. Policy COU 1 of the PS 'Development in the Countryside' 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 the acceptable types of development is the development of a small gap, within an otherwise substantial and continuously built-up frontage, in accordance with Policy COU 8 'Infill/Ribbon Development'. Policy COU 1 goes on to state that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU 15 'Integration and Design of Buildings in the Countryside' and COU 16 'Rural Character and Other Criteria'.
10. Policy COU 8 states that '*planning permission will be refused for a building which creates or adds to a ribbon of development*'. However, exceptionally it allows for the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage provided that the proposed dwellings respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
11. For the purpose of this policy, the definition of a substantial and built-up frontage is '*a line of four or more buildings, of which at least two must be dwellings, excluding domestic ancillary buildings such as garages, sheds, and greenhouses, adjacent*

- to a public road or private laneway*. Policy COU 8 also requires buildings forming a substantial and continuously built-up frontage to be visually linked. It is common case between the parties that the dwellings at No's. 2, 4 & 6 Cross Lane, south of the appeal site and the derelict building to the north of the appeal site, are adjacent to Cross Lane and are visually linked, making up a substantial and continuously built-up frontage. The dispute, however, centres on whether there is a small gap suitable to accommodate two dwellings while respecting the existing pattern of development along the frontage.
12. The Council argued that the gap is between the two closest buildings, namely, the dwelling at No. 6 Cross Lane, south of the appeal site and the derelict building to the north. The Appellant contends that neither Policy COU 8 nor its Justification and Amplification (J&A) state that the gap must be between the two closest existing buildings on either side of the appeal site. The first paragraph of the J&A to the policy states that *'most frontages are not intensively built up and have substantial gaps between buildings (my emphasis), giving visual breaks in the developed appearance of the locality'*. In order for a site to be a gap site, there must be an existing built-up frontage on either side and as per the above emphasised wording. As such, the gap to be considered is between buildings within the substantial and continuously built-up frontage. In this case, it is evident from the plan and my on-site observations that the gap is between No. 6 and the derelict building. Even if I were to consider the Appellant's point to have merit, he has not stated where the gap should be between. The parties also referenced an extant planning approval for a replacement dwelling (LA05/2018/0826/F) on the site of the derelict building to the north of the appeal site. However, as this permission is unimplemented, it does not form part of my consideration. In any event, the derelict building is in situ and is a qualifying building in the evidential context before me.
 13. The Council referred to the guidance set out within 'BoT' which advises that, *'when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots'*. Whilst this is helpful, the assessment of whether a site is suitable for infill development is not merely a mathematical exercise, but rather one of planning judgment based on what one ascertains on the ground.
 14. There is no dispute that the average plot widths within the substantial and continuously built-up frontage are circa 21-22m. The Council argues that the aforementioned gap is 61m and that it could accommodate more than two dwellings based on the average plot widths along the frontage. To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than two houses but, must also be able to do so in a manner that respects the existing development pattern. I agree with the Council that the gap could accommodate more than two dwellings taking into account the average plot width and the range of plot sizes identified by the Appellant along the road frontage. Whilst this indicates that the gap may be unsuitable for infill development, other factors are still to be considered.
 15. The Appellant provided a proposed site layout plan for consideration. It seeks to demonstrate how two dwellings could be accommodated on the appeal site whilst respecting the pattern of development. It also proposes a shared central access point and driveway onto Cross Lane. Having considered the analysis provided by

both parties, I find favour with that of the Council because, the proposed communal access point and driveway would separate much of the southernmost dwelling's frontage to Cross Lane. This means a significantly shorter frontage would be available for the southernmost dwelling, which would be uncharacteristic in this area.

16. The Appellant further argues that the average plot size of the existing dwellings at No's 2, 4, and 6 Cross Lane and the derelict building indicated on his site location plan is approximately 0.16ha. The plot size for each of the proposed dwellings is argued to be approximately 0.058ha and therefore would in his opinion respect the existing pattern of development along the frontage. Whilst the Council provided no comments in relation to this discrete matter, having visited the site, I find these plots sizes difficult to reconcile with what I observed on the ground as the plots to the rear of No. 2 and No. 4 Cross Lane incorporate 'RL Services' business premises. Even if I were to agree with the Appellant's suggested figures, each of the proposed plot sizes (0.058ha) would be significantly smaller than the Appellant's stated average plot size of 0.16ha, which again would be out of keeping with the development pattern. Even though the gap could accommodate two dwellings of similar-sized footprints to the other dwellings within the substantial and continuously built-up frontage, for the reasons given, I find that the appeal development would not respect the existing pattern of development within the frontage. Furthermore, the appeal site is not a small gap, sufficient only to accommodate two dwellings within an otherwise substantial and continuously built-up frontage. The appeal development does not therefore meet the exceptional test within Policy COU 8 of the PS.
17. The Justification and Amplification of Policy COU 8 states that '*a ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning*'. It also notes that most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. It further states that the infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development. The Council considered that as the appeal development would not be an exception to Policy COU 8, it would add to a ribbon of development along Cross Lane.
18. At the Accompanied Site Visit, the Council witness clarified that the ribbon of development comprised of the dwellings at No's. 2, 4 & 6 Cross Lane with the appeal development adding to this. From my on-site observations, I agree with the Council that No's 2, 4, and 6 Cross Lane front onto the road and are beside one another forming a ribbon of development. The appeal development would clearly add to this ribbon by introducing another two dwellings, which policy warns against. Furthermore, given the size of the gap, the introduction of two additional dwellings would also remove an important visual break in the developed appearance of this section of Cross Lane. Taken in the round, the Council's concerns in relation to the proposed development are well-founded. The second reason for refusal is sustained.
19. The third reason for refusal relates to Policy COU 16 of the PS. It requires that development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area. It goes on to list nine instances where new development will be unacceptable. The Council

raised concern that the appeal development would be contrary to criterion (c) and (e) of Policy COU 16 in that the proposal does not respect the traditional pattern of settlement exhibited in the area and as such would have an adverse impact on the rural character of the area. Given my conclusions above regarding such matters, the proposal would also fail to comply with criterion (c) and (e) of Policy COU 16. The Council's concerns in relation to rural character are therefore sustained.

20. Third parties raised concerns regarding potential impacts on wildlife, including bats. The Council witness advised that they had not seen any bats on site and highlighted that the Northern Ireland Environment Agency (NIEA) had no objections to the proposal. While any new development in the countryside would inevitably bring about some disturbance to the existing physical environment, careful construction practices can minimise any potential negative impacts on existing vegetation along the site boundaries. Even in the event of permission being granted, conditions could be attached to retain existing vegetation where appropriate, further minimising potential impacts. In any event, I have no persuasive evidence to suggest that the development of the appeal site would cause harm to any species, protected or otherwise. I am reinforced in this by NIEA's consultation response, which states that, on the basis of the information provided, it has no concerns. These matters would therefore not warrant the withholding of planning permission in the evidential context provided.
21. In conclusion, the appeal development is not one of the types of development that is acceptable in the countryside under Policy COU 8, nor does not comply with the provisions of Policy COU 16. It therefore also fails to comply with Policy COU 1 of the PS. The Council's concerns in relation to the appeal development are sustained. Accordingly, the appeal must fail.

This decision is based on the following drawing: -

- 1:1250 scale 'Site Location Map', Drawing No. 01/3 date stamped received by Council on 03rd November 2022.
- 1:500 scale, 'Site Layout Map', Drawing No. 02/4 date stamped received by Council on 03rd November 2022.
- 1:100 scale, 'New Access plan', Drawing No. 03/1 date stamped received by Council on 3rd March 2021 date stamped received by Council on 03rd November 2022.
- 1:500 scale 'Existing Topographical Survey' Drawing No. 04 date stamped received by Council on 02nd August 2022.

COMMISSIONER KIERAN O'CONNELL

List of Appearances

Planning Authority: - Ms Cara Breen, Lisburn & Castlereagh City Council.
Ms Gillian Milligan, Lisburn & Castlereagh City Council.

List of Documents

Planning Authority: - Statement of Case by Lisburn & Castlereagh City Council.
Rebuttal Statement by Lisburn & Castlereagh City Council.

Appellant: - Statement of Case by HR Jess Ltd.
Rebuttal Statement by HR Jess Ltd.

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Appeal Decision – LA05/2021/1178/F

1.0 **Background**

1. An application for the erection of a dwelling house north and adjacent to 32 Killynure Road West, Carryduff was refused on 05 April 2022.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 12 April 2022.
3. The procedure followed in this instance was by way of written representations with Commissioner site visit on 19 June 2024.
4. The main issues in the appeal are whether the proposal would visually integrate into the landscape, its design would be appropriate for the site and its locality, and if sufficient information had been submitted to enable the proposal to be properly assessed.
5. A decision received on 28 June 2024 indicated that the appeal was dismissed. Members should note it took just over two-years to complete the appeal process.

Key Issues

1. The Commissioner deals with a preliminary matter at paragraphs 2 to 3 of the report. It is noted that the appellant did not provide his comments on the adopted Plan Strategy despite having been given the opportunity to and as such, no prejudice was considered to arise.
2. The Council also addressed in the appeal that the proposal was contrary to Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 in that no information has been provided in relation to existing and proposed levels as considered in the decision report at paragraphs 13 – 15.
3. The Commissioner accepted that the elevations had been annotated incorrectly, but expressed the view that it was apparent from the site layout plan which was correct elevation. The Commissioner was also satisfied that section A-A was sufficient to enable them to understand the ridgeline height relative to the adjacent dwelling and lane.
4. In relation to ground works, the Commissioner having regard to the detail contained within the site layout plan was content that the final ground levels across the site could not exceed the finished floor level. Given the limited variation in levels the Commissioner was satisfied that they had sufficient information to assess the proposal. The third refusal reason was not sustained.

5. The Council advanced an argument that the design of the building was inappropriate for the site and its locality. The view was also expressed that the building would be visible from the Killynure Road to the northeast of the site. The Commissioner agreed notwithstanding the tree cover and the separation distance between the site and the Killynure Road that the site was visible. The Commissioner considered the proposed dwelling to be compatible in size with the existing outbuildings which were considerably larger in footprint size than the two existing dwellings.
6. That said, the complex house shape proposed, with its many pitched roofs and its awkward bulky form was not considered to be a design that represented a contemporary re-interpretation of traditional form in the locality. The existing outbuildings with their larger footprints were set well into the landscape and of simple shape and form.
7. At paragraph 24, the Commissioner disagreed with the case advanced by the appellant that the design considered the condition imposed on the original outline planning permission. The Commission agreed with the Council that this building would not visually integrate into the landscape and would harm the rural character of the area.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:

Appendix 7 – Appeal Decision – LA05/2021/1178/F



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203

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Lisburn & Castlereagh City Council

Our reference: 2022/A0008
Authority
reference: LA05/2021/1178/F
28 June 2024

Dear Sir/Madam

Re:

Appellant name: Mr Cecil Conn

**Description: Erection of a dwelling house in compliance with PPS21 CTY8
(Infill)**

**Location: North and adjacent to 32 Killynure Raod West, Killynure, Carryduff,
BT8 8EA**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decision

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204

Appeal Reference:	2022/A0008
Appeal by:	Mr C Conn
Appeal against:	The refusal of full planning permission
Proposal:	Erection of a dwelling house
Location:	North and adjacent to 32 Killynure Road West, Carryduff
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/1178/F
Procedure:	Written Representations with Commissioner's site visit on 19 June 2024
Decision by:	Commissioner B Stevenson, dated 28 June 2024

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Local Development Plan 2032: Plan Strategy ("PS") was adopted on 26 September 2023, post the exchange of the evidence. Further to its adoption, the Commission sought the parties involved in the appeal to make comments on the adopted PS. While the third refusal reason remains the same, the Council proposed the following amendments to the first two refusal reasons:
 - (1) The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
 - (2) The proposal is contrary to paragraph 6.70 of the SPPS, and policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the design of the dwelling is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
3. Given that I must have regard to the adopted PS, its relevant policies that the Council alleges that the appeal proposal would now offend are before me and must be considered in this appeal. While the appellant did not provide his comments on the adopted PS, he was given the opportunity to do so. No prejudice therefore arises.

Reasons

4. The main issues in this appeal are whether the appeal proposal would visually integrate into the landscape, its design would be appropriate for the site and its locality, and if sufficient information has been submitted to properly assess the proposal.
5. Section 45(1) of the Planning (Northern Ireland) Act 2011 requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) 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.
6. As the Council recently adopted its Plan Strategy (PS), in accordance with the Planning (LDP) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together. The DDP in this appeal is the Belfast Urban Area Plan 2001 (BUAP). The legislation also requires that any policy contained in the BUAP and those of the PS must be resolved in favour of the latter. In May 2017, the Court of Appeal declared that the adoption of the 2014 version of the Belfast Metropolitan Area Plan (BMAP) was unlawful. In terms of the draft 2004 version of BMAP (dBMAP), it is not a DDP or a LDP but remains a potential material consideration.
7. Within the DDP, the appeal site is outside any settlement limit and in the green belt. Policy GB1 of the BUAP states that there will be a general presumption against further development in the green belt unless it is essential to the operation of farming and must be located in the countryside rather than in a nearby town or village. The appellant has provided no reasons as to why the dwelling would be essential for farming purposes in the countryside. Nevertheless, any conflict between a policy contained in a DDP and those of the PS must be resolved in favour of the PS. Accordingly, this green belt policy in the DDP is now outdated, and limited weight is given to it. There are no other provisions in the DDP that are material to the appeal proposal. In dBMAP, the appeal site is also within the green belt (designation COU1). That plan directs the reader to green belt regional policy.
8. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) states that where a PS is adopted for the area wherein the appeal site is located, existing policy retained under the transitional arrangements shall cease to have effect in that area. This includes Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and the Planning Strategy for Rural Northern Ireland (PSRNI). The proposal falls to be considered against the provisions of the most up-to-date operational policy for the countryside as contained in the PS. Paragraph 1.14 of the SPPS also indicates that those Departmental planning documents which will continue to be treated as material considerations after the expiry of the transitional period are listed on the Department's website. The Building on Tradition 'A Sustainable Design Guide for Northern Ireland' (BoT) is one of them.
9. Policy COU1 'Development in the Countryside' of the PS 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 say that details of operational policies relating to acceptable residential

development proposals are set out in policies COU2 to COU10. The Council considers that the appeal proposal would not offend Policy COU8 'Infill/Ribbon Development'. The development in principle is therefore not in dispute. Outline planning permission (LA05/2020/0692/O) for a dwelling was previously granted on the site. Policy COU1 states that any proposal for development in the countryside will be required to meet all of the general criteria set out in Policies COU15-COU16. The Council contends that the appeal proposal offends Policy COU15, and therefore offends Policy COU1 of the PS. I will return to the PS policies later.

10. The appeal site is on the northern side of the Killynure Road West and is accessed from a gated lane that serves two detached dwellings (Nos. 30 and 32) and a group of outbuildings. The two dwellings are south of the appeal site and the group of outbuildings are to the east. The site comprises the side garden of No. 32 and is a lawned area. It is bounded by the lane on two sides. The third boundary is defined by very high, mature trees and the fourth boundary is undefined. There are some trees and a hedgerow along part of one side of the lane. The land falls away in a northerly direction from the dwelling (No. 32) towards the lane.
11. The proposed three bedroom dwelling would have a central one and a half storey spine that comprises a dining hall, a cloakroom and a utility room on the ground floor and an ensuite and wardrobe on the first floor. Adjoining the central spine closest to the adjacent dwelling (No. 32) would be an element that houses a gym and sitting room on the ground floor and a bedroom on the first floor. Abutting it is a single storey flat roof garage with an outdoor balcony above. Four individual angled single storey returns would extend out from the central spine – two on each side - to create an 'X' shape plan layout. The roofs would mostly be pitched apart from the glass lean-to-roof off one of the single storey returns and the flat roof garage. Some of the proposed windows would have vertical emphasis. Large glazing areas are proposed at the dining/hall area and at the lean-to element. The external walls would be finished in render and the roof tiles would be dark grey.
12. The Council contends that the proposed dwelling is contrary to Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) ("the GDPO") and argues that while the appellant provided a drawing showing one section, no site layout drawing has been provided that illustrates existing and proposed ground levels on it. The appellant disputes this and contends that the section that was submitted shows the relationship of the proposed dwelling on the site in relation to the existing adjacent dwelling (No. 32). He alleges that the north/south ground level and the east/west contours are consistent over the site and that the submitted section would be the same at any point throughout the sectional area of the plot.
13. Article 3 of the GDPO is entitled 'Applications for planning permission' and Article 3(3) states, inter alia, that the application must be accompanied (a) by a plan – (i) sufficient to identify the land to which it relates; and (ii) showing the situation of the land in relation to the locality and in particular in relation to the neighbouring land; (b) by such other plans and drawings as are necessary to describe the development to which it relates. I must consider if sufficient information has been submitted to fully assess the proposal. The set of drawings before me include a site layout plan, access detail plan, floor plans, elevations and a section. That 1:500 section annotated as 'Section AA' is of an outline of the ridgeline of the main section of the

proposed dwelling on the site in relation to the adjacent dwelling (No. 32) and the lane.

14. Given the northerly point identified on the site location plan and the orientation of the proposed dwelling on the site layout plan, I consider that the elevations have been annotated incorrectly. Nevertheless, it is apparent from the site layout plan which elevation relates to which. The proposed site layout plan also indicates where Section AA is taken from. That section outlines the ridgeline of the west elevation of the proposed dwelling that is referred to as the south elevation on the drawing. I am content that this section is sufficient to understand the ridgeline height of the proposed dwelling in comparison to the adjacent dwelling (No. 32) and the lane.
15. With respect to the ground works, the proposed site layout plan indicates that there would be a garden area and a parking and turning area to the front of the proposed dwelling. I note that the garage door would be on the rear elevation. While the existing and proposed ground levels of the entire site are not shown on the drawings and the existing site levels gradually slope away in a northerly direction from No. 32, those levels across the slope are generally consistent. The finished ground floor level of the proposed dwelling would be 100.0 and the level of the lowest part of the lane would be 99.70. I consider that the final ground levels across the site could not exceed the finished floor level. Given this and the limited variation of the levels between the finished floor level of the dwelling and the lane, on balance, I am satisfied that I have sufficient information to assess the proposed dwelling. The appeal proposal would not offend Article 3 of the GDPO. The Council's third reason for refusal is therefore not sustained.
16. Policy COU15 of the PS is entitled 'Integration and Design of Buildings in the Countryside' and it states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and be of an appropriate design. It expands to say that a new building will not be permitted if certain circumstances apply. The Council contends that criterion (f) of Policy COU15 is not met. None of the other policy criteria are in dispute. Criterion (f) states that a new building will not be permitted if the design of the building is inappropriate for the site and its locality.
17. The amplification text of Policy COU15 states that all development proposals in the countryside must, inter alia, be appropriately designed. Under the sub-heading 'Integration', the amplification text indicates that integration is an assessment of a number of elements, such as, the degree of enclosure, including natural site boundaries and/or a visual backdrop and the suitability of building design within the locality. Under the second sub-heading 'Design', the amplification text states that "all proposals should be of high quality to mitigate visual impact on the landscape. The most successful rural designs are those based upon simple shapes and forms and use of traditional local building materials. Opportunities for contemporary re-interpretation of tradition form in the locality will not be precluded."
18. Paragraph 7.5.0 of the BoT states that "applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis and building design as part of their planning application." Paragraph 7.5.4 sets out those design concerns that can be addressed as part of a statement including inter alia (i) the reason for the building design as proposed; its integration with the landscape and relationship with the surrounding buildings; (ii) the impact on critical

and combined views; and (iii) local distinctiveness and regard for the rural setting and character. No design concept statement accompanied the application. While BoT encourages the submission of a design concept statement and they are a useful way to explain how the design evolved, the guidance does not make it a prerequisite for single rural dwelling proposals to be accompanied by one.

19. While the Council argues that the proposed dwelling would be unacceptable in terms of its scale, massing and design, the appellant contends that the dwelling would be of low elevation design with narrow gables and vertically emphasised windows and that it would comply with the guidance. The front elevation of the main part of the proposed dwelling would be approximately 25.5 metres wide. This includes the adjoining flat roof garage. If the angled single storey returns are included, this means that the frontage width of its built form would extend to approximately 29.3 metres albeit it would not read as one continuous block. The ridgeline of the main roof would be approximately 6.5 metres high and the four single storey returns would be approximately 4.5 metres high. The appellant indicates that the footprint of the proposed dwelling would be 373.05m² including the garage. This is undisputed.
20. It is undisputed that the dwelling at No. 30 has a footprint of 115.2m² and that it is 23.2 metres wide. It is also undisputed that the dwelling at No. 32 is 23.2 metres wide and that its footprint is 303.5m². With respect to the complex of outbuildings to the east of the appeal site, I consider that given their close proximity to the proposed dwelling that they should also be considered. The Council does not dispute that the footprint of those outbuildings are each 476m², 440.2m² and 300.8m². The appellant refers to an approved dwelling (LA05/2016/0896) south east of the appeal site. He indicates that its approved footprint is around 312m². This is undisputed also.
21. While the appellant contends that the proposal is not visible from any public viewpoint, the Council is of the view that the proposed dwelling would be visible from the Killynure Road to the north-east of the appeal site, and that given its design, it would be inappropriate for the site and the surrounding area. I drove along the Killynure Road towards the north-east of the site and viewed it from that road. Notwithstanding the tree cover and the separation distance between the site and the Killynure Road, the site is visible from that road to the north-east of it. It was apparent from my on-site observations that the outbuildings are considerably larger in footprint size than the two existing dwellings (Nos. 30 and 32). Factoring in the adjacent surrounding buildings, I consider that the overall footprint size of the proposed dwelling would be compatible with them.
22. Even with the approximately 6.3 metres deep gables and the proposed ridge heights, the X-shape layout would not represent a simple form in the countryside. This would result in a non-linear building form that would be uncharacteristic of the locality. It would create a complex house shape, with many pitched roofs and an awkward, bulky form despite the approximately 6.3 metres deep gables and the proposed ridge heights. Notwithstanding that viewing the proposed dwelling from the Killynure Road would be at a distance and the mature high trees provide sufficient backdrop, the complexity of the house shape, its numerous roof elements and overly substantial form would be out of character in its surroundings. I do not consider the proposed dwelling to constitute a design that represents a contemporary re-interpretation of tradition form in the locality.

23. Despite the outbuildings having substantial footprints, they are set well into the landscape and are of simple shape and form. They are not comparable to the proposed dwelling. With respect to the nearby approval that the appellant relies on (LA05/2016/0896/F), its layout does not take the form of an 'X' shape. The design of that approved dwelling is not comparable to this appeal given that its shape, form and subsequent massing differ to the appeal proposal.
24. The appellant contends that the design has been prepared to take into account the conditions imposed on the original outline planning permission (LA05/2020/0692/O). Condition 6 of that outline approval requires the ridge height of the dwelling to not exceed 5.4 metres from the finished floor level and the under-building to not exceed 0.45 metres at any point above the existing ground level. As the main ridgeline of the appeal proposal would be in excess of the height referred to in Condition 6 of the outline permission, I do not agree with the appellant that the design of the proposed dwelling in this appeal is predicated on compliance with the conditions imposed in permission LA05/2020/0692/O.
25. Irrespective of the proposed landscaping and levels, the design of the proposed dwelling would be inappropriate for the site and its locality. The appeal proposal would offend criterion (f) of Policy COU15 of the PS, and given the critical nature of this element in respect to the appeal proposal, the policy read as a whole. Accordingly, Policy COU1 of the PS is not met in this regard. The Council's first and second reasons for refusal are therefore sustained and determining. The appeal must fail.

This decision relates to: -

Drawing No.	Drawing Title	Scale	Date Received
01	Site Location Plan and Elevations	1:1250 1:100	25 Oct 2021
02	Access Detail	1:500	19 Apr 2022
03A	Site Layout Plan	1:500	8 Dec 2021
04	Ground Floor Plan	1:100	25 Oct 2021
05	First Floor Plan and Elevation	1:100	25 Oct 2021

COMMISSIONER B STEVENSON

List of Documents

Planning Authority: -

- A Statement of Case
- A1 Rebuttal Statement
- A2 LDP Comments

Appellant: -

- B Statement of Case
- B1 Rebuttal Statement

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Appeal Decision – LA05/2020/0971/F

1.0 **Background**

1. An application for a detached dwelling in the rear garden of 65 Antrim Road was refused planning permission on 09 December 2021.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 23 December 2021.
3. The procedure followed in this instance was by way of written representation with Commissioners site visit on 23 February 2024 and 19 June 2024.
4. The main issues in the appeal are whether the proposed development would prejudice road safety and adversely affect residential amenity.
5. A decision received on 21 June 2024 indicated that the appeal was dismissed. Members should note the more than two-year gap between the date the appeal was lodged and the decision being made.

Key Issues

1. Preliminary matters in relation to ownership of the appeal site are dealt with at paragraphs 2 to 6 of the Commissioner's report. For the reasons outlined, it was accepted that there was a valid appeal.
2. The second refusal reason was withdrawn by the Council as the Department for Infrastructure had advised that the B101 between its junction with Westbourne Terrace to the south and its junction with the A513 Derriaghy Road to the north was no longer classified as a Protected Route.
3. The case advanced by the Council was that the proposal would impede the flow of traffic in and out of the site with the first, second and third bullet points of policy TRA2 not being met.
4. The appellant expressed the view that the areas of hard standing and parking between the back of the footway and the front of the dwellings along the length of the Antrim Road was typical of the area. That said, the Commissioner at paragraph 20 of the report expressed the view that they observed cars parked off street in front of properties on the Antrim Road but did not see any other access arrangement onto Antrim Road similar to the proposed access arrangement. The view expressed by the Commissioner was that the access arrangement was uncharacteristic of the area.

5. Concerns expressed by the Council in relation to intensification of use of the access were addressed in the report at paragraphs 21 to 38. For the reasons outlined, the Commissioner was not persuaded that the appeal proposal would contribute to the creation of a quality residential environment and that it would prejudice road safety contrary to policy TRA2.
6. At paragraph 39 and 41 of the report, the Commissioner addresses concerns expressed by a third party in relation to the impact of the proposal on privacy, loss of light and overshadowing. For the reasons outlined, it was not accepted that there would be an unacceptable adverse overlooking, overshadowing impact or loss of light to the neighbouring dwelling/residential amenity.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:

Appendix 8 – Appeal Decision – LA05/2020/0971/F



Appeal Decision

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213

Appeal Reference:	2021/A0181
Appeal by:	Mr C McCord
Appeal against:	The refusal of full planning permission
Proposal:	Proposed detached dwelling
Location:	Rear garden of 65 Antrim Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0971/F
Procedure:	Written Representations with Commissioner's site visits on 23 February 2024 & 19 June 2024
Decision by:	Commissioner B Stevenson, dated 21 June 2024

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two issues have arisen regarding the ownership of the appeal site. One of the third parties alleges that the appellant is not in actual possession of all the appeal site and that the use of the laneway is shared amongst the owners of certain properties. That laneway is part of the appeal site. In addition, the third parties and the Council allege that the property at No. 65 was up for sale and has since been sold. They contend that the sale of the house would introduce another party onto the laneway. The appeal site does not include the dwelling itself (No. 65) but does include the land in front of it. The appellant proposes to remove the existing wall of No. 65 that runs parallel to the footpath and use the area in front for cars to pass each other at the laneway entrance.
3. Section 42 of the Planning Act (Northern Ireland) 2011 prohibits the Commission from entertaining an appeal against the refusal of planning permission unless it is accompanied by a certificate relating to the ownership of the appeal site. Certificate A conveys that the appellant is in actual possession of every part of the land to which the appeal relates. The applicant for planning permission is identified as Mr C McCord on the Council's decision notice and an appeal was submitted on 22 December 2021. Certificate A was completed on both the application form and appeal form identifying Mr C McCord as the owner of the appeal site. Those forms indicate that Mr C McCord's address is No. 65 Antrim Road.
4. A third party provided details of the deeds for Nos. 61, 63 and 65 Antrim Road together with land registry maps. Those deeds indicate that those properties have a right of way over the laneway. The appellant also submitted at planning

application stage title documents relating to No. 65. Those documents confirm that the owner of No. 65 has right of way only over the laneway that is identified within the appeal site boundary. With regards to the selling of the property at No. 65, a photograph of the dwelling with an estate agency sold sign erected in front of it is in the evidence before me. The parties provided no other documentary evidence regarding the alleged sale.

5. The Commission sought clarification from the appellant regarding the land ownership matter and he submitted a revised Certificate of Ownership. The appellant completed Certificate D. Certificate D is completed when the applicant is unable to issue a certificate. The appellant indicates that the owner of the laneway is unknown to him and that he was unable to identify the landowner through land registry searches and local research. He says that due enquiries were made but he is unable to issue a certificate which would satisfy the requirements of Section 42(1)(c) of the said Act. Accordingly, the appellant completed Certificate D and placed an advertisement in the local newspaper on 21 March 2024 giving public notice of the appeal proposal.
6. The appellant also states that despite No. 65 having been marketed for sale at a time, the property never sold due to the outstanding appeal decision and its impact on the front boundary walls of No. 65. He confirms that No. 65 remains in his ownership and that he has control of the land necessary to deliver the access improvements proposed. Notwithstanding that I did not observe an estate agency sign erected, I accept that the house (No. 65) was placed on the market given the photographic evidence. While the Council and the third party allege that the property has now been sold, the photograph however does not prove that the property exchanged hands. The appellant confirms that the property never sold due to the pending appeal. Given this and that the appellant placed an advertisement in the local newspaper serving notice of the proposal, on the balance of probabilities, I am satisfied that there is a valid appeal before me.
7. The Council withdrew its second reason for refusal as the Department for Infrastructure (DfI) Roads informed them that the B101, between its junction with Westbourne Terrace to the south and its junction with the A513 Derriaghy Road to the north, is no longer classified as a Protected Route. No other party has raised any concerns under the Protected Routes policy. As this part of the road is no longer identified as a Protected Route, the relevant policy relating to Protected Routes is no longer engaged. In this evidential context, I will therefore focus my decision on the Council's remaining reason for refusal and the third parties' concerns.
8. Given that the Council's Local Development Plan 2032: Plan Strategy (PS) was adopted post the exchange of the evidence, the Commission requested in advance of the hearing written comments from the parties involved in the appeal on the Council's adopted PS. The Council proposes revisions to its remaining first reason for refusal. Those changes reflect the corresponding policies in the Council's PS. All parties involved in the appeal had an opportunity to consider the proposed revisions to the refusal reason, therefore no prejudice arises. As I must have regard to the adopted PS, its relevant policies that the Council alleges that the appeal proposal would now offend are before me and are thus considered in this appeal.

Reasons

9. The main issues in this appeal are whether the appeal proposal would prejudice road safety and adversely affect residential amenity.
10. Section 45(1) of the Planning (Northern Ireland) Act 2011 requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) 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.
11. As the Council recently adopted its Plan Strategy (PS), in accordance with the Planning (LDP) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together. The DDP in this appeal is the Lisburn Area Plan 2001 (LAP). The legislation also requires that any policy contained in the LAP and those of the PS must be resolved in favour of the latter. In May 2017, the Court of Appeal declared that the adoption of the 2014 version of the Belfast Metropolitan Area Plan (BMAP) was unlawful. While the draft 2004 version of BMAP (dBMAP) is not a DDP or a LDP, it remains a potential material consideration.
12. In the LAP, the appeal site is located within the settlement limit of Lisburn and is on unzoned land. In dBMAP, the site is also on unzoned land within the Lisburn development limit. The proposed dwelling would be accessed from the Antrim Road. That road is identified for information only as a Protected Route in the LAP and dBMAP. As previously mentioned, the Council states that the relevant section of the Antrim Road is no longer identified as a Protected Route. No policy provisions are in either plan that are material to the appeal proposal.
13. Policy TRA2 'Access to Public Roads' of the PS 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) it will not prejudice road safety or significantly inconvenience the flow of vehicles; and (b) it does not conflict with Policy TRA3 Access to Protected Routes. The second criterion is no longer engaged. I will therefore focus my consideration on criterion (a) of Policy TRA2 of the PS.
14. Other relevant policy is set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS). It outlines the transitional arrangements that will operate in circumstances where a PS has yet to be adopted. As the PS is adopted for the area wherein the appeal site is located, those transitional arrangements no longer apply, and the policies retained under paragraph 1.13 of the SPPS cease to have effect. The appellant refers to Planning Policy Statement 7 'Quality Residential Environments' (PPS7) and one of its Addenda. However, PPS7 and its Addenda are no longer retained. In any case, that policy and its Addenda are not in dispute by the Council or the third parties. Neither is Planning Policy Statement 3 'Access, Movement and Parking' (PPS3) retained.
15. The appeal site is located behind two storey terrace dwellings (Nos. 61, 63 and 65) that face onto the Antrim Road and two detached dwellings that front onto Monaville Drive. It is a relatively flat site and is overgrown in grass. The backland site is accessed from Antrim Road via an existing laneway that runs between two end-

- terrace dwellings (Nos. 65 and 67). The proposal is for a detached three bedroom two storey dwelling that would be accessed from that laneway.
16. To the rear of the terrace dwellings (Nos. 61, 63 and 65) and east of the appeal site is a recently constructed dwelling (No. 59B). That dwelling is accessed from the Antrim Road via another access. There are also two detached single garages behind the rear gardens of Nos. 67 and 69 Antrim Road. Access to those two garages is from the laneway.
 17. Paragraph 1.14 of the SPPS indicates that all Departmental planning documents which will continue to be treated as material considerations after the expiry of the transitional period are listed on the Department's website. The list includes Development Control Advice Notes (DCANs). DCAN 15 'Vehicular Access Standards' (DCAN15) is raised in this appeal. Paragraph 6.303 of the SPPS also states that in assessing development proposals, planning authorities must apply the Department's published guidance.
 18. While the Department for Infrastructure (DfI) Roads initially expressed concerns regarding the proposed access arrangement for the proposed dwelling, in its final response to the Council, DfI Roads had no objections to the proposal. Nevertheless, the Council refused the proposal on the basis that it would offend the SPPS and Policy TRA2 of the PS in that the appeal proposal would allegedly involve the intensification of the use of an existing access onto a public road and that it had not been demonstrated that the nature and scale of the development contributes to the creation of a quality residential environment. The Council also alleges that the existing access is substandard, and that the proposal would harm the character of the existing development.
 19. The Council argues that the use of the access point to the proposal would impede the flow of traffic in and out of the site. Policy TRA2 states in bold font that "consideration will also be given to (i) the nature and scale of the development, (ii) character of existing development, (iii) the contribution of the proposal to the creation of a quality environment, (iv) the location and number of existing accesses and (v) the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase." This essentially repeats Policy AMP2 of PPS3. The Council argues that the appeal proposal would offend the first, second and third bullet points of Policy TRA2. No other planning policies are in contention by the Council.
 20. The appellant contends that areas of hardstanding and parking between the back of the footway and the front of dwellings along the length of the Antrim Road is typical of the area. The stamped refused drawing No. 04 indicates that the intention would be to remove the front boundary wall of No. 65 and the area in front of that end-terrace dwelling would be used for waiting vehicles accessing the laneway. While I observed cars parked off-street in front of properties on the Antrim Road, I saw no other access arrangement onto Antrim Road that is akin to this proposed access arrangement. The proposed access arrangement is not common place as alluded to by the appellant. It is uncharacteristic of the area.
 21. This part of the Antrim Road is heavily trafficked. DfI Roads confirmed in one of its consultation responses to the Council that based on measured traffic speeds of 31 miles per hour on the priority road and a footway width of 2.4 metres that visibility

splays of 2.0 metres by 60 metres would be required. Full planning permission (LA05/2017/0095/F) was previously granted on 22nd January 2018 for a detached dwelling on the appeal site. The access arrangement approved for that dwelling was from Monville Park. Two dwellings were previously refused on the appeal site on 19th October 2016 (LA05/2016/0756/F). In that refused application, the width of the subject laneway was found to be unacceptable. There are also two further planning histories (S/2001/1263/O and S/2006/1300/O) on the appeal site. Both were for a single dwelling with one approved and one refused. The access to those approved and refused dwellings were from the same laneway as that proposed to be used in this appeal. Those two decisions lapsed a considerable time ago.

22. The appellant argues that since the 2006 approval (S/2006/1300/O), there has been no change in the planning policy context framed by PPS3 and DCAN15. He also contends that the advice on access width in DCAN15 relates to the formation of new vehicular accesses only and that the re-use and improvement of an existing vehicular access within a settlement limit is a matter of judgement for the decision-maker. While PPS3 no longer applies, Policy TRA2 of the PS that replaces it, explicitly states in its amplification text that “the use of an existing access **must** be in compliance with the requirements of the Department’s DCAN15” (my emphasis). In addition, DCAN15 states that its purpose is to give general guidance on the standards for vehicular access and paragraph 1.2 of the Advice Note refers to proposals for a new access or the intensification of use of an existing access.
23. Considering these factors, I am satisfied that DCAN15 is a material consideration in assessing the access arrangement for the proposed dwelling. Given that DCAN15 was published prior to permission being granted for the lapsed approval (S/2006/1300/O) on the appeal site, I accept that the planning policy context between that permission and this appeal are relatively similar, and in the more recently refused application (LA05/2016/0756/F).
24. The Council contends that the proposal would result in intensification of the lane up to 50% and that this would be significantly above that set out in the guidance. Paragraph 1.2 of DCAN15 states that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more. The appellant indicates that the proposed single dwelling would generate 6 car-based trips over the day based on the Trip Rate Information Computer System (TRICS) database and that this volume of traffic generation associated with the proposal would be very low equating to 1 car trip every 2 hours over a 12 hour day. The number of trips that the appellant alleges the proposed dwelling would generate is undisputed by the parties.
25. Nevertheless, there is disagreement between the parties over how many use the laneway to access the rear of their property. The appellant indicates that there are existing vehicle users of the laneway. On the two occasions that I visited the site, I observed two detached single garages that are accessed from the laneway and two small cars parked in the backland. One of the small cars appeared to be abandoned. In this evidential context, I accept that the occupiers of some of the surrounding dwellings are currently using the laneway to access and park their small cars to the rear of their properties. However, the number of cars currently using the laneway for access is minimal. Notwithstanding that the number of trips generated from the proposed dwelling would be low, given the limited number of vehicles currently using

- the laneway, I accept that the development would result in intensification of the use of an existing access.
26. The Council indicates that a DfI Roads representative measured the existing laneway as 2.7 metres wide. While the appellant's traffic consultant refers to the laneway width as being approximately 2.75 metres, 2.71 metres is annotated on the appellant's stamped refused drawing numbered 04. On the balance of probabilities, I accept that the width of the laneway is 2.71 metres. The Council and the third parties argue that the vehicular entrance width would be sub-standard and that a more suitable access is available to the appeal site at Monaville Park. The stamped refused drawing numbered 04 indicates that the proposed removal of the wall at No. 65 would mean that the proposed vehicular entrance of the laneway would be approximately 6.32 metres in width before narrowing to 2.7 metres.
 27. Under the sub-heading 'Layout of Accesses for Single or Paired Dwellings', paragraph 9.3 of DCAN15 states that "the minimum width of a single access will normally be 3.2 metres with a maximum width of 5.0 metres". Under the sub-heading 'Layout of Other Accesses', paragraph 10.2 states that the minimum width of the access shall be 6.0 metres for a two-way access and 3.75 metres for a one-way access.
 28. Given that the entrance of the laneway would be approximately 6.32 metres wide, I find its width at this point acceptable. However, the rest of the laneway would remain at 2.71 metres wide. Despite seeing two small cars parked in the backland, the laneway width is narrow. This is further emphasised by the gables of the two terrace blocks abutting either side of the laneway. From my assessment on site, given its narrow width together with the terrace buildings on either side, I am not persuaded that those driving larger cars, jeeps or delivery vehicles could visit and leave the proposed dwelling via the laneway safely.
 29. The amplification text of Policy TRA2 states that "within settlements there is a need to secure a higher level of design, layout and landscaping for residential development. The number of accesses onto the public road needs to be balanced with the greater emphasis on the overall quality of design and sustainability of development." The appellant contends that the provision of the passing bay in front of No. 65 would provide betterment over the current arrangement. However, the Council and the third parties express concern with that layout and its impact on pedestrian safety.
 30. The appellant's stamped refused drawing indicates that the widening of the entrance to 6.3 metres is for the first 5.0 metres when measured from the kerb line, before the laneway tapers in to approximately 2.71 metres. The 5 metres distance takes in the width of the footpath. The appellant indicates that this is to allow for a two-way access scenario where one car would exit the laneway and one car would enter the laneway simultaneously. In this scenario, the vehicle that would enter the laneway would wait off the road in front of No. 65. A vehicle that makes this manoeuvre would be stationary until the other car exits the laneway. This access arrangement is the same as that previously approved in the lapsed permission (S/2006/1300/O) and in those refused permissions (S/2001/1263/O and LA05/2016/0756/F).
 31. Given the dimensions and my on-site observations, I am not persuaded that there would be sufficient space for a standard car to wait in front of No. 65 and provide

- adequate clearance without the vehicle overhanging most of the footpath. The waiting vehicle on the footpath would cause an obstruction to pedestrians using the footpath. This obstruction would inconvenience pedestrians as it would force them onto the public road and thus prejudice their safety. The removal of the wall and the waiting of a vehicle that would overhang the footpath while taking up the area in front of No. 65 means that this access arrangement would not contribute to the creation of a quality environment for pedestrians or other road users on the Antrim Road.
32. As the proposal would encourage a vehicle to wait in front of the dwelling at No. 65 and this arrangement would block the footpath and prejudice the safety of pedestrians, I am not persuaded that the proposed widening of the laneway entrance would result in betterment of the existing vehicular access as alleged by the appellant. The appellant indicates that the visibility splays and forward sight distance at the existing access from Antrim Road exceeds the standards set out in DCAN15. While that may be the case and even if vehicle trips would be low from the development, it does not overcome my concern that the proposed access arrangement would encourage waiting vehicles to obstruct the public pavement which in turn would force pedestrians onto the public road.
 33. The third parties contend that cars are often parked on either side of the proposed access restricting vision. They go on to argue that cars pulling into the passing layby would restrict the line of sight along the footpath and endanger emerging motorists, pedestrians and other road users. Paragraph 10.6 of DCAN15 states that “where the access crosses a footway it is important to have intervisibility between pedestrians and emerging motorists. In these circumstances there should normally be visibility splays between a driver’s viewpoint 2m back into the access and a distance measured along the back of the footway for 2m on each side of the viewpoint.” A waiting car parked in the proposed layby would obstruct the viewpoint for the driver of the vehicle emerging from the access viewpoint. This would mean that that driver would not have clear intervisibility of pedestrians using the footpath and of vehicles travelling along the Antrim Road.
 34. The appellant states that the proposal would enable all vehicles to safely exit the site in forward gear and that this would deliver betterment over the existing situation. The appellant argues that there are other forms of available transport that would reduce the reliance on the use of the private motor car. He also encloses a copy of the collision statistics for this section of the Antrim Road from July 2016 to June 2021. It identifies a nil return. The narrow width of most of the laneway, the use of the proposed layby for waiting cars that would result in obstructing visibility for drivers exiting the laneway along with causing an obstruction to pedestrians using the pavement, all lead me to conclude that despite a lack of reported collisions, other forms of available transport and the ability of vehicles to exit in forward gear, prejudice to road safety would still arise. Furthermore, given this conclusion, I am not persuaded that such a situation would represent betterment given the increased number of vehicles that would be using the laneway as a result of the appeal proposal.
 35. The amplification text of Policy TRA2 of the PS states that “where an existing access is available the Council will generally expect this to be used, unless there is an opportunity to provide a more acceptable access arrangement.” The Council argues that the proposed dwelling could be accessed from Monaville Park and that this access would be a more suitable available access to the site. However, the

appellant alleges that the access via Monaville Park has been physically blocked by the erection of a locked gate and that this prevents any alternative means of access to the site. In addition, the third parties allege that the property at No. 65 has no entitlement, deed or access via Monaville Park. Monaville Park is a single laneway that provides access to a number of residential dwellings. That laneway abuts the southern boundary of the appeal site.

36. While the Monaville Park laneway is single width, it is wider than the one the appeal development proposes to use. I observed no locked gate at the laneway entrance into Monaville Park and was able to drive along it. Even if it is the case that the owner of No. 65 has no right of way for the use of the Monaville Park laneway at present, it does not follow that one could not be secured. Notwithstanding that the above reference in the amplification to Policy TRA 2 is not an absolute requirement, factoring in my on-site observations and from the evidence before me, I am not persuaded that that existing access at Monaville Park is necessarily unavailable to the proposed dwelling. Nor am I persuaded that the proposed means of access for the appeal proposal represents an opportunity to provide a more acceptable access arrangement.
37. In relation to the historic approval (S/2006/1300/O) that was granted permission for the same identical access arrangements, that approval lapsed a considerable time ago and was determined by another authority. That decision does not justify setting aside the road safety concerns raised above in this appeal. In any event, permission was refused twice for dwellings on the same site using the same access arrangement as that proposed in this appeal; one of those refusals (LA05/2016/0756/F) was decided in more recent times in comparison to the approval (S/2006/1300/O) that the appellant relies on.
38. For the reasons given earlier, I am not persuaded that the appeal proposal would contribute to the creation of a quality residential environment. Accordingly, I find that it would prejudice road safety and offend Policy TRA2 of the PS read as a whole, and the SPPS. The Council's reason for refusal is sustained insofar as stated.
39. A third party expresses concern that the appeal proposal would tower over their property and that the proposed dwelling would negatively affect their privacy and reduce the amount of sunlight into the rear of their property (No. 9 Monaville Park). However, the Council has no objection to the proposal on residential amenity grounds. On the ground floor of the side gable closest to No. 9, patio doors and two living room windows are proposed. I assessed the amenity impact on No.9 from its rear garden/patio area and from within the property. I consider that no unacceptable adverse overlooking into No. 9 would arise from those proposed windows and patio doors given that an existing approximately 2 metres high timber fence would be retained along that boundary.
40. Two first floor bedroom windows are also proposed on the side gable. Stamped refused drawing No. 03 indicates that those two bedroom windows would be obscured glass. Another window on the rear gable is proposed in that bedroom. It would not be obscured. While the use of obscure glass is often acceptable for bathroom and landing windows, I do not consider it an acceptable solution for windows serving a main room such as a bedroom. Nevertheless, the other proposed window in the other gable would not be obscure glazing. Given this, I am content to accept in this instance the proposed obscure glazing in those two side windows. If

the appeal is permitted, this could be managed by a suitably worded condition. Bearing this in mind and given the distances involved, the position of the existing and proposed dwellings in relation to one another and the retention of the intervening 2 metres fence, I am satisfied that there would be no unacceptable adverse overlooking into No. 9's dwelling.

41. In terms of potential overshadowing and loss of light, overshadowing to a garden area on its own will rarely constitute grounds to justify a refusal of permission. While I accept that a sizeable portion of the rear garden area would be overshadowed in the morning and that there would be a certain level of loss of light into No. 9's living room, given the orientation of the sun path and the positioning of the proposed dwelling in relation to the neighbouring dwelling (No. 9) together with the ground levels, I am satisfied that the proposed dwelling would result in no overshadowing from 11am onwards.
42. Consequently, I find that the loss of light would not be to an unacceptable adverse level. Accordingly, I am content that the proposed dwelling would not result in an unacceptable adverse impact on the amenity of neighbouring residents. The third party's concerns regarding overlooking and loss of light are therefore not upheld.
43. Other issues were raised by the third parties. One of the third parties contends that the laneway should be designed to adoptable standards. However, having considered that matter, this would not either individually or cumulatively warrant the dismissal of the appeal. In any event, I have found that the Council's reason for refusal is sustained and the related concerns of the third parties are upheld, and that is determining in this appeal. The appeal must fail.

This decision relates to: -

Drawing No.	Drawing Title	Scale	Date Received
01	Site Location Plan	1:1250 @A4	19 Nov 2020
02	Proposed Site Layout Plan	1:200 @A2	19 Nov 2020
03	Proposed Plans, Section & Elevations	1:100 @A1	19 Nov 2020
04	Proposed Plans, Section & Elevations (Access Arrangement)	1:100 @A4	19 Nov 2020

COMMISSIONER B STEVENSON

List of Documents

Planning Authority: -

- A Statement of Case
Lisburn and Castlereagh City Council
- A1 Rebuttal Statement
Lisburn and Castlereagh City Council
- A2 LDP Comments
Lisburn and Castlereagh City Council

Appellant: -

- B Statement of Case
CMP Planning & Design
- B1 Rebuttal Statement
CMP Planning & Design
- B2 LDP Comments
CMP Planning & Design
- B3 Land Ownership Comments

Third Parties: -

- C Statement of Case
Mrs H Haldane
- D Statement of Case
Mr T Burns
- E Statement of Case
Mr and Mrs M Richardson
- E1 Rebuttal Statement
Mr and Mrs M Richardson
- F Statement of Case
Mr W Magee
- G Statement of Case
Mr P Johnson
- G1 Rebuttal Statement
Mr P Johnson

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Update to DAERA website regarding advice on its consultation procedure and the use of checklists

1.0 **Background**

1. In an email dated 09 July 2024, DAERA notified all Councils that it had updated its website regarding advice on the consultation procedure and the use of checklists.
2. A copy of the advice is included in the papers. It can also be viewed via the following links:
 - Consultation procedure
<https://www.daera-ni.gov.uk/articles/consultation-procedure>
 - Consultation checklist
<https://www.daera-ni.gov.uk/publications/consultation-checklist>

Key Issues

1. The consultation procedure for engaging with both DAERA and NED are similar in that officers are asked to provide clear and specific reasons for the consultation. This is to ensure that a full package of all information in support of the application is available at the earliest available stage of the application process.
2. DAERA/NED has asked officers not to consult until all ecological surveys have been completed. It is further confirmed that if an officer consults with DAERA/NED before all surveys are complete, a substantive response cannot be provided. Officers are also reminded of the need to be aware of survey season windows.
3. Where additional information is submitted during the application process, the case officer is asked to contact the planning response team in DAERA/NED to discuss how this can be incorporated into an open consultation rather than giving rise to a new consultation.
4. It is further described where a consultation response is fairly-well advanced or if it is in the process of being uploaded, the case officer will need to wait and accept the response to the current consultation before issuing a new consultation.
5. Advice is also provided in relation to requests for extensions to the consultation period, consultation responses and consultation response times.
6. A checklist for consulting with NED is provided as an aid to the applicant, agent and planning officer to ensure consistency and that all the required information and

	<p>surveys have been fully completed and made available to NED at the earliest possible opportunity.</p> <p>7. The Council, as part of its own performance improvement objective, is preparing a validation checklist to improve the quality of applications entering the system and to reduce the need for additional information to be submitted during the application process. This latest guidance from DAERA/NED will assist improving the quality of application submissions. It is our intention to present a draft validation checklist to the Growth and Regeneration and Planning committees in September 2024.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the update to DAERA website regarding advice on its consultation procedure and the use of checklists.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No finance or resource implications are identified.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report providing updates to Consultation Procedure advice and Consultation Checklist published to the DAERA website. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report providing Consultation Procedure advice and Consultation Checklist published to the DAERA website. RNIA not required.</p>	

Appendices:	<p>Appendix 9(a) – Consultation Procedure</p> <p>Appendix 9(b) – Consultation Checklist</p>
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Consultation procedure

Topics:

- [Environmental Advice for Planning](#)
- [Consulting DAERA on planning applications](#)

Information on the procedure for consulting DAERA on an application for planning permission

[Jump to table of contents](#)

Issuing a consultation

Please note this now includes a specific section for the Natural Environment Division (NED)

1. Issuing a consultation to DAERA

To enable DAERA to provide a substantive response to a planning consultation the planning authority must:

- provide clear and specific reasons for consultation
- include a full package of all information in support of the application in the first instance
- if information is provided over more than one day, the 21 calendar day consultation period starts on the last day all necessary information is received by DAERA
- if DAERA has an active consultation for the planning application. If an active consultation exists - please see section on 'submission of additional information'
- clearly identify and title all documentation on the planning portal
- provide contact details for the planning case officer - always quote the planning reference, identify the case officer and a direct dial number for consultee use

2. Issuing a consultation to the Natural Environment Division (NED)

In addition to the guidance above the planning authority must:

- include a full package of all information in support of the application in the first instance - please see link to [Consultation Checklist](#). This

checklist is aimed specifically at development types in the local hierarchy

- note the requirements of the [Biodiversity Checklist](#). Where 'Yes' has been ticked anywhere in sections 1 & 2, advice must be sought from an ecologist or other suitably qualified person to carry out an evaluation of the proposed development and who can then advise on the level of assessment or type of survey required
- **Please do not consult with us until all ecological surveys have been completed. If you consult with us before all surveys are complete, a substantive response cannot be provided**
- **If you need to reconsult with us, this will lead to a delays. The consultation will be processed as 'business as usual' and will not be inserted at the top of the work queue.**
- be aware of survey season windows – Standing advice can be found at: [Standing advice for development of land that may affect Natural Heritage Interests](#). Survey specifications can be found at: [Site Surveys](#). **If you submit a consultation without the full package of surveys (where indicated) this will cause delays which may be up to one year, depending on the survey season window**

Submission of additional information

When a planning authority wishes to submit additional information please note that:

- If a planning authority wishes to submit additional information that it has received during the consultation process, the case officer should contact Planning Response Team at planningresponse.team@daera-ni.gov.uk to discuss how this can be incorporated.
- When agreed, the additional information must be uploaded to the planning portal so that it is accessible and transparent. If a document is sensitive and cannot be placed in the public domain it should be e-mailed or posted directly to the Planning Response Team.
- If we are in the very early stages of preparing our response, it may be appropriate for us to respond to the additional information as part of the initial consultation.
- If we have started to draft our response, if it is nearing completion or if it has already been uploaded to the planning portal, it will be necessary for the planning authority to wait and accept the response to the current consultation. When complete, the planning authority may then issue a new consultation in relation to the additional information they wish to be considered.

Please note that when reconsulting with NED, the new consultation will be processed as 'business as usual' and will not be inserted at the top of the work queue.

Requests for extensions to the consultation period

For certain statutory consultations, DAERA may request an extension to the consultation response time. An extension request will usually be made within 5 working days of receipt of the consultation. We will issue an Interim Response via the planning portal and notify the planning case officer by e-mail. We ask that the planning case officer agrees or rejects the extension request within 2 working days of receipt. Where extensions are agreed, the case officer should amend the target response date on the planning portal.

In exceptional cases, the need for more time may only become apparent during detailed consideration of submitted information and discussion with the applicant and planning case officer. In these circumstances we will contact the planning authority to agree an approach, including timescales, before requesting an extension.

All extension requests will state one of the following reasons:

- Complex Case - the consultation relates to a large, or environmentally sensitive proposal, or has a large quantity of associated documentation
- Resources - staff pressures arising from office closures over holiday periods (i.e. Christmas, Easter etc) or staff are redirected to other work areas in an emergency situation
- IT issues - two or more consecutive days downtime of the Planning Portal or in-house IT systems or services

Our consultation responses

Our responses are informed by the data held by DAERA within our areas of responsibility. We do not generally undertake site visits or carry out surveys unless they are required to confirm our advice or inform our comments.

The level of advice and information included in our consultation responses depends on the:

- stage in the planning process

- environmental risks the planning application could create
- opportunities to improve the site and surrounding environment
- detail of information in the planning application

In some cases, the planning authority or the applicant may need to do further surveys or assessments before DAERA can provide advice. Planning authorities must ensure that they have provided enough detail about the proposal and the impacts it may have on the environment for us to provide the appropriate advice.

Please note, in the absence of DAERA comment, no inference can be made on DAERA's position with regard to environmental impacts. It is the responsibility of the planning authority to ensure that all risks to the environment and environmental legislation requirements have been considered

Consultation response times

For statutory consultations under the GDPO we will respond within 21 calendar days of the consultation being initiated or within agreed timescales, provided we have received all information needed to provide a substantive response.

For EIA development, where the initial consultation is accompanied by an Environmental Statement, we would normally require an extended consultation period due to the complex nature of the proposal and accompanying information. Where an extension is required we will make our request before the initial 30 day period expires.

For non-statutory consultations we endeavour to respond within 21 calendar days, or other specified timescale as agreed, provided we have received all the information required to give an informed response. We will contact you at an early stage to confirm when you can expect our response which will be dependent on the nature, scale and complexity of the proposed scheme.

Created: July 2023; Updated May 2024

Consultation Checklist - Local Developments Natural Environment Division (NED)

229

This checklist is an aid to the applicant, agent and planner to ensure all required information and surveys have been fully completed and made available to NED.

Purpose & Aim of Checklist

The purpose of this checklist is to improve consultation legibility and completeness. This checklist will help to improve planning performance by driving up the quality of the documentation submitted, thus enabling NED to carry out a full assessment of the potential impacts to natural heritage features in the first instance and reduce the need for further consultations. **Please note additional consultations are not prioritised and will be dealt with in date order.**

What does it Apply to?

This checklist is to be used for all development types in the **local** hierarchy. **It is not intended to be used for Major/Regional proposals, EIA, PAD, discharge of condition etc.**

Please complete all sections to help NED process your consultation as quickly as possible.

Planning Reference Number	
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1. Consideration of Ecological Information

- Has a Northern Ireland Biodiversity Checklist or Preliminary Ecological Appraisal been completed?
 - Yes - GO TO Q2**
 - No** - A Northern Ireland Biodiversity Checklist and / or a Preliminary Ecological Appraisal **must** be fully completed and submitted with the consultation **unless a clear reason has been provided as to why these documents are not required – see box below**. NED refers the reader to [DAERA Standing Advice](#) for Development of land that may affect Natural Heritage Interests.
- Has the Northern Ireland Biodiversity Checklist or Preliminary Ecological Appraisal identified any potential impacts to Natural Heritage features?
 - Yes - GO TO Q3**
 - No** - A clear reason must be provided as to why NED is being consulted see box below.
- Has the Ecologist identified within the Northern Ireland Biodiversity Checklist or Preliminary Ecological Appraisal that further surveys are required?
 - Yes** - NED will require these surveys **to be fully completed** prior to being consulted – if these are not submitted in the first instance, you will be asked to reconsult, leading to delays and possibly missing the survey season windows.
 - No - GO TO Q4**
- Are mitigations / enhancements proposed by the ecologist clearly identified on supporting documents & drawings?
 - Yes** - NED is content to be consulted
 - No** - NED will require these documents - do not consult NED until these documents are available.

Created: July 2023; Updated May 2024

230

2. Legibility of Documentation

- Has **all** required documentation been submitted? **Yes**
- Are all documents legible & complete? **Yes**
- Are all documents **clearly** labelled? **Yes**
- Has every page been submitted? **Yes**
- Are all **maps & drawings** legible & clear? **Yes**

Additional Information

Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 10 – Letter from Natural Environment Division (NED) of DAERA providing update on planning consultations for Agricultural Development

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> In a letter dated 11 June 2024, the Director of NED provided an update on the processing of Agricultural Development casework. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The letter explains that from 19 December 2023 until 31 May 2024, officials had responded to 95 agricultural related cases, with 48 of these cases being assessed under the ammonia interim case-by-case approach. It also explains that the time required for officials to manually undertake the assessment required under the ammonia interim case-by-case approach alongside the high volume of re-consultation requirements associated with agricultural consultations had restricted the speed at which advice could be provided. The Director has introduced measures within Natural Environment Division to address the backlog associated with these developments including the movement of staff (5 FTE consisting of 4 case officers and one team lead) from other work areas to assist in the processing of agricultural/ammonia planning cases. In addition, a process to filter cases is developed where water quality or nutrient management concerns have been raised that are likely to impact the robustness of the Air Quality Impact Assessment. The letter advises that for these specific cases, instead of undertaking a full assessment in relation to aerial emission impacts, the Department will be providing advice on crucial points to flag initial concerns or significant administration errors. A full assessment will then take place once the applicant responds to other information requested in relation to water quality or Nutrient Management Plans and resubmits a revised Air Quality Impact Assessment as appropriate. The Director anticipates that implementation of this approach will allow many more cases to be responded to in shorter timeframes and will enable further progress to be made on the backlog. Only a very small number of cases are impacted in this Council Area for this type of development, but the applications are being actively managed to minimise the impact of the delays described above.
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2.0	<u>Recommendation</u>	
	It is recommended that Members note the update provided by the Director of NED in relation to planning consultations for Agricultural Development.	
3.0	<u>Finance and Resource Implications</u>	
	No finance or resource implications are identified.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report from the Director of NED in relation to Planning Consultations for Agricultural Development. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report from the Director of NED in relation to Planning Consultations for Agricultural Development. RNIA not required.	

Appendices:	Appendix 10 – Letter from the Director of NED in relation to Planning Consultations for Agricultural Development.
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Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Northern Ireland Environment Agency

233

Your Reference
Our reference

Heads of Planning,
Local Planning Authorities

Natural Environment Division
303 Airport Road West,
Belfast
BT3 9ED
Telephone: 028 9037 6198

Lara.Strutt@daera-ni.gov.uk

Date: 11 June 2024

Dear Head of Planning,

Planning Consultations for Agricultural Developments

I am writing to update you on NIEA progress relating to the processing of Agricultural Development casework.

Since 19 December 2023 until the 31 May 2024, the NIEA has responded to 95 agricultural related cases, with 48 of these cases being assessed under the ammonia interim case-by-case approach.

The time required for officials to manually undertake the assessment required under the ammonia interim case-by-case approach alongside the high volume of re-consultation requirements associated with agricultural consultations have restricted the speed at which we can issue our advice.

Over the last 3 months the NIEA has introduced measures within Natural Environment Division to address the backlog associated with these developments including the movement of staff (5 FTE consisting of 4 case officers and one team lead) from other work areas to assist in the processing of agricultural/ammonia planning cases.

In addition to the above and to speed up the processing of these consultations, NIEA has developed a process to filter cases where water quality or nutrient management concerns have been raised that are likely to impact the robustness of the Air Quality Impact Assessment. For these specific cases, instead of undertaking a full assessment in relation to aerial emission impacts, the Department will be providing advice on crucial points to flag initial concerns or significant administration errors. A full assessment will then take place once the applicant responds to other information requested in relation to water quality or

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Nutrient Management Plans and resubmits a revised Air Quality Impact Assessment as appropriate. 234

It is anticipated that implementation of this approach will allow many more cases to be responded to in shorter timeframes and will enable further progress to be made on the backlog.

Yours sincerely,



Lara Strutt

Director

Natural Environment Division - NIEA

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Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 11 – NIW Wastewater Capacity Update

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> In an email dated 13 June 2024, NI Water made available the latest wastewater capacity analysis, for the Lisburn & Castlereagh City Council area. The information contained in this document is supplied to assist with the Local Development Plan process but is also relevant to the decision-making process for planning applications. NI Water confirm it will be updated annually to ensure that it remains current and reflects any changes that occur. A copy of this document is provided as part of the Committee papers for the information of the Members. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> This document serves as a valuable resource to help local authorities and stakeholders plan for future infrastructure developments and wastewater management. It is important to note that this document includes a traffic light system, which is intended to provide a clear visual representation of the wastewater capacity situation in the Council area. The supporting footnotes provide a deeper understanding of the factors that impact wastewater capacity in that area. These footnotes highlight potential issues such as network modelling activities, planned Wastewater Treatment Works (WwTW) upgrades, sewer network upgrades, as well as compliance and pollution issues. As Members are aware, NI Water is committed to collaborating closely with Lisburn & Castlereagh City Council to discuss the wastewater capacity challenges in this area and arrangements will be made for representatives to meet with the Committee in September 2024. This update provides useful context for the presentation to the Committee in September.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the capacity update from NI Water.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>No finance or resource implications are identified.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a NIW Wastewater Capacity Document. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a NIW Wastewater Capacity Document. RNIA not required.	

Appendices:	Appendix 11 – NIW Wastewater Capacity Document - June 2024
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Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
 Version - June 2024



Settlement	Wastewater Treatment Works	WwTW Data			WwTW Network / Catchment	Comment	
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor				Network Current Planning Status
			10%	15%	20%		
Lisburn	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lisburn Greater Urban Area	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Castlereagh Greater Urban Area including Dundonald	Kinnegar	Green	Green	Green	Yellow	Kinnegar catchment includes flows from Castlereagh/Dundonald area, Crossnacreevy & Ryan Park. See Network Issue Notes 1, 3 & 4 below.	
Carryduff	Newtownbreda	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.	
Hillsborough & Culcavy	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Moira	Moira	Green	Green	Green	Yellow	See Network Issue Notes 1 & 3 below.	
Aghalee	Aghalee	Green	Green	Green	*	See Network Issue Note 3 below.	
Annahilt	Annahilt	Green	Green	Yellow	Yellow	Annahilt catchment includes Annahilt & Magheraconluce. See Network Issue Note 1 & 3 below.	
Dromara	Dromara	Green	Green	Yellow	Yellow	See Network Issue Note 1, 3 & 4 below.	
Drumbeg	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyauglis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Drumbo	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyauglis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Glenavy	Glenavy	Red	Red	Red	Yellow	See Network Issue Note 1 & 3 below.	
Lower Ballinderry	Lower Ballinderry	Green	Yellow	Red	*	See Network Issue Note 3 below.	
Maghaberry	Maghaberry	Green	Green	Green	Yellow	See Network Issue Note 1 & 3 below.	
Milltown	Dunmurry	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.	
Moneyreagh	Moneyreagh	Yellow	Yellow	Red	Yellow	See Network Issue Note 1 & 3 below.	
Ravernet	Ravernet	Red	Red	Red	*	See Network Issue Note 3 below.	
Stoneyford	Stoneyford	Green	Green	Green	*	See Network Issue Note 3 below.	



Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
 Version - June 2024



Settlement	Wastewater Treatment Works	WwTW Data			WwTW Network / Catchment	Comment	
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor				Network Current Planning Status
			10%	15%	20%		
Upper Ballinderry	Upper Ballinderry	Green	Green	Green	*	See Network Issue Note 3 below.	
Ballyaughlis	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Ballycarn	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Ballylesson	Newtownbreda	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.	
Ballynadolly	Ballynadolly	Green	Green	Green	*	See Network Issue Note 3 below.	
Ballyskeagh	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Crossnacreevy	Kinnegar	Green	Green	Green	Yellow	Kinnegar catchment includes flows from Castlereagh/Dundonald area, Crossnacreevy & Ryan Park. See Network Issue Notes 1, 3 & 4 below.	
Drumlough Road	Drumlough	Green	Green	Green	*	See Network Issue Note 3 below.	
Dundrod	Dundrod	Green	Green	Yellow	*	See Network Issue Note 3 below.	
Duneight	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Feumore	Feumore	Green	Yellow	Red	*	See Network Issue Note 3 below.	
Halftown	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Hillhall	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Kesh Bridge	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lambeg	Dunmurry	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.	
Legacurry	Legacurry	Green	Green	Green	*	See Network Issue Note 3 below.	
Long Kesh	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Note 1 & 2 below.	



Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
 Version - June 2024



Settlement	Wastewater Treatment Works	WwTW Data			WwTW Network / Catchment	Comment	
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor				
			10%	15%			20%
Lower Broomhedge	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lurganure	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Morningside	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lurganville	Lurganville	Green	Green	Green	*	See Network Issue Note 3 below.	
Magheraconluce	Annahilt	Green	Green	Yellow	Yellow	Annahilt catchment includes Annahilt & Magheraconluce. See Network Issue Note 1 & 3 below.	
Mullaghglass	Mullaghglass	Green	Yellow	Red	*	Mullaghglass catchment includes Mullaghglass & St James. See Network Issue Note 3 below.	
Purdysburn	Newtownbreda	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.	
St James	Mullaghglass	Green	Yellow	Red	*	Mullaghglass catchment includes Mullaghglass & St James. See Network Issue Note 3 below.	
Tullynacross	Dunmurry	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.	
Ballyknockan	N/A	N/A	N/A		N/A	No public sewerage network available.	
Carr	N/A	N/A	N/A		N/A	No public sewerage network available.	
Boardmills	N/A	N/A	N/A		N/A	No public sewerage network available.	
Drumlough	N/A	N/A	N/A		N/A	No public sewerage network available.	
Halfpenny Gate	N/A	N/A	N/A		N/A	No public sewerage network available.	
Lurgill	N/A	N/A	N/A		N/A	No public sewerage network available.	
The Temple	N/A	N/A	N/A		N/A	No public sewerage network available.	
Upper Broomhedge	N/A	N/A	N/A		N/A	No public sewerage network available.	



Key to Current WWTW and Network Planning Status	Key to WWTW Status based on Local Development Plan Growth Factors
■ Development permitted - Capacity Available	■ Works has 'Reasonable Capacity'
■ Restriction on new Development - Capacity Limited	■ Works is 'At or reaching Capacity'
■ New Development refused - No Capacity	■ Works has 'Insufficient Capacity'
* Drainage Area Plan Model does not exist for this small settlement. Status based on high level network screening tool, Operator experience and current performance data.	

Network Issue Notes

Note 1:

NI Water's sewerage network capacity mapping tool and sewer network modelling activities have identified capacity issues in parts of the wastewater networks. Wastewater networks affected include Lisburn, Moneyreagh, Annahilt, Dromara, Dunmurry, Raverent, Glenavy, Newtownbreda, Maghaberry and Kinnegar. As a result, negative planning responses may be provided by NI Water in parts of these catchments. NI Water has identified parts of the network where Storm Overflows (SOs) are classified as Unsatisfactory Intermittent Discharges (UIDs). These SOs act as safety valves to prevent out of sewer flooding during rainfall events which may cause internal flooding of houses and business and environmental pollution. When SOs are operating more frequently than they should they are classified as UIDs.

NI Water can consider the provision of positive planning responses where developers can demonstrate (including calculations):

1. Like for like development
2. Extant previously approved development (where NI Water has given a positive response)
3. Where the development will offer a reduced loading on the sewer network, which may include storm separation and/or attenuation (may be subject to Article 154). In areas where there are constraints within the wastewater network, but there is still capacity at the WwTW it may still be possible to find a bespoke drainage solution to accommodate development. This would be identified by NI Water's solution engineering team working with the developer through the Wastewater Impact Process, and any solutions identified would be developer led and funded.

Note 2:

Drainage Area Plans (DAPs) are planned for delivery in the second half of PC21 and the outputs will be used to inform capital works solutions. The delivery of any capital works solutions will be considered for future business planning (i.e. for PC27), and will be subject to prioritisation. This prioritisation process is undertaken with NIEA and other key stakeholders, and the delivery of specific projects during PC27 is dependent on a successful outcome from this process, and funding availability.

DAPs planned for delivery in the second half of PC21 include Dunmurry, Lisburn and Maghaberry.

Note 3:

Status based on analysis of existing Area Plan settlement boundaries. Should any the settlement boundaries change as a result of the Local Development Plan (currently under development), headroom capacity status will be re-assessed and could be subject to change.

Note 4:

NI Water WwTW upgrades Scheduled for PC21 delivery. Upgrades of the Dromara and Kinnegar Wastewater Treatment Works are included within our PC21 investment programme. Delivery of these projects is subject to all statutory approvals being in place, land acquisition (where appropriate) and the availability of funding. NI Water is working closely with the Department for Infrastructure on the funding required to facilitate the delivery of our capital investment programme for the remainder of the PC21 Price Control period (2024 – 2027).

General Notes:

Quality assurance/Quality control checks are conducted on NI Water corporate wastewater data sets to ensure accuracy. The Wastewater Headroom Capacity spreadsheet is compiled using information obtained from Annual Information Returns and is the best available information at this time, but it may change and will be revised annually. Changes may occur as the result of network modelling activities, planned WwTW and network upgrades or compliance issue arisals. Any significant changes occurring between the annual updates will be notified directly to the Council.

Developing a Drainage Area Plan involves two stages: the Drainage Area Study (DAS) and the Needs and Options stage.

- The DAS typically takes 2-3 years to complete and involves constructing a calibrated and validated sewer network model using CCTV survey work and flow monitoring surveys.
- The Needs and Options stage involves assessing various sewer upgrade options and running scenarios for different design rainfall events.

The sewer network model simulates a 25-year design horizon and takes into account growth, urban creep, and climate change.

The model outputs are reviewed by NI Water's environmental regulator, NIEA, and discharge consent standards must be met via capital works network upgrade solutions. Capital work identified through this process will be put forward to the prioritisation process for inclusion in NI Water's Business Plans for the PC27 period (2027/28 – 2032/33).

The DAS sewer model serves several essential purposes, including identifying areas where sewers are operating above their design capacity, developing appropriate solutions to address capacity issues, assessing the effectiveness of various options for informing capital works, as well as assessing the current capacity of the sewer network for serving new developments.



Committee:	Planning Committee
Date:	05 August 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 12 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by three operators, Openreach, Cornerstone and Dot Surveying of their intention to utilise permitted development rights at seven locations within the Council area to install communications apparatus. The installations consist of fixed line broadband apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 12 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights August 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	Castlereagh Motors Ltd, Cedarhurst Road, Belfast	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	24/06/2024
2	Openreach	BT	274a Comber Road, Dundonald	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	25/06/2024
3	Openreach	BT	1, Legaterriff Road, Ballinderry Upper, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	26/06/2024
4	Openreach	BT	Rosevale Industrial Estate, Moira Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/07/2024
5	Cornerstone	Vodafone	NIW Mast, Lisnabreeney, Belfast	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	10/07/2024
6	Cornerstone	Vodafone	Distillery Football Club, Ballyskeagh Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	10/07/2024
7	Dot Surveying	EE Ltd	Corcreeny, St Johns Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	19/07/2024