



December 24th, 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, 6th January 2025 at 10:00 am**, in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form Sept 24.pdf*

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3.0 Minutes of the Planning Committee Meeting held on 2 December, 2024

For Approval

📄 *PC 02.12.2024 - Draft Minutes for adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined

For Decision

📄 *Item 1 - Schedule of Applications final.pdf*

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(i) LA05/2023/0107/F – Dwelling and garage on a site between 35 and 37 Glebe Road, Annahilt

📄 *Appendix 1.1 - DM Officer report- LA0520230107F Glebe RD Final.pdf*

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(ii) LA05/2022/0831/F - Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo

📄 *Appendix 1.2a - DM Officer report - Addendum Back Road Final.pdf*

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📄 *Appendix 1.2b - DM Officer Report LA05.2022.0831.F Back Road - FINAL.pdf*

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(iii) LA05/2024/0100/F – Erection of eight dwellings (change of house type to sites 148-151, 156-157 & 193-194 and alternative layout to that previously approved under reference LA05/2020/0720/F) on lands 90 metres North of 1-7 (odd numbers) Sir Richard Wallace Gardens, Lisburn & 30 metres west of 1-9 (odd numbers) Sir Richard Wallace View, Lisburn

📄 *Appendix 1.3 - DM Officer Report- LA05.2024.0100 Sir Richard Wallace - Final.pdf*

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4.2 Proposed new-build residential development comprising 102no. housing units, comprised of 4no. five-bedroom detached houses, 36no. four-

bedroom detached houses, 32no. four-bedroom semi-detached houses, 2no. three-bedroom detached houses and 8no. three-bedroom semi-detached houses. A total of 20% of the housing units are provided as affordable housing scattered throughout the development, including 2no. three-bedroom detached houses & 18no. three-bedroom semi-detached houses. The development incorporates land

For Decision

▢ <i>Item 2 - LA0520240848PAN - final.pdf</i>	<i>Page 90</i>
▢ <i>Appendix 2(a) - Report in relation to LA0520240848PAN - Final.pdf</i>	<i>Page 92</i>
▢ <i>Appendix 2(b) LA05 2024 0848PAN application form.pdf</i>	<i>Page 95</i>
▢ <i>Appendix 2(c) LA05 2024 0848PAN Site Location Plan.pdf</i>	<i>Page 101</i>

4.3 Proposed mixed use development to include new housing, including affordable housing (Use Class C1), employment (Use Classes B1, B2, B3 and B4), and healthcare (Use Class D1(a)) with associated local needs convenience retailing (Use Class A1), riverside parkland, landscaping and associated infrastructure on Lands at Blaris, Lisburn (lands between existing M1 Junction 8/A101 roundabout and Moira Road/Knockmore Road junction)

For Decision

▢ <i>Item 3 - LA0520240860PAN - final.pdf</i>	<i>Page 102</i>
▢ <i>Appendix 3(a) - Report in relation to LA0520240860PAN - Final.pdf</i>	<i>Page 104</i>
▢ <i>Appendix 3(b) LA05 2024 0860PAN Application form.pdf</i>	<i>Page 107</i>
▢ <i>Appendix 3(c) LA05 2024 0860PAN site location plan.pdf</i>	<i>Page 113</i>

4.4 Appeal Decision – LA05/2021/0786/O

For Noting

▢ <i>Item 4 - Appeal Decision - LA05 2021 0786o - final.pdf</i>	<i>Page 114</i>
▢ <i>Appendix 4 - Appeal decision LA05 2021 0786o.pdf</i>	<i>Page 117</i>

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

For Noting

▢ <i>Item 5 - Notifications from an Operator in respect of intention - Final.pdf</i>	<i>Page 124</i>
▢ <i>Appendix 5 - List of Notifications - January 2025.pdf</i>	<i>Page 126</i>

4.6 Update to the Protocol of Operation of the Planning Committee

For Decision

▮ *Item 6 - Review of Protocol for the Operation of the Planning Committee.pdf*

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▮ *Appendix 6 Planning Committee Protocol.pdf*

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5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary 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.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

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**.

2. Private or Personal Non-Pecuniary Interests

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).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

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 meeting (including committee or sub-committee meetings) when this matter is being discussed**.

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

Pecuniary Interests

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:

Private or Personal Non-Pecuniary Interests

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:

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

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LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 2 December, 2024 at 10.09 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors P Catney, D J Craig, U Mackin, G Thompson and N Trimble

IN ATTENDANCE:Director of Regeneration and Growth
Head of Planning & Capital Development
Senior Planning Officers (MB, PMcF and LMcC)
Member Services Officers (CR and CH)

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 apologies for non-attendance at the meeting on behalf of Councillors D Bassett and A Martin. It was noted that the Vice-Chair, Councillor S Burns, would be arriving late to the meeting.

2. Declarations of Interest

The following declarations of interest were made:

- Alderman J Tinsley, in respect of application LA05/2021/0772/F, as he had been contacted by the applicant regarding speaking rights. Alderman Tinsley had stated that he was a member of the Planning Committee and had provided only general guidance; and
- Alderman J Tinsley, in respect of application LA05/2023/0932/F, as he had been contacted by the applicant regarding the procedure for having the application called in. Alderman Tinsley had stated that he was a member of the Planning Committee and had provided only general guidance.

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3. Minutes of Meeting of Planning Committee held on 4 November, 2024

It was proposed by Councillor G Thompson, seconded by Alderman J Tinsley and agreed that the minutes of the meetings of Committee held on 4 November, 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 1 major and 5 local applications on the schedule for consideration at the meeting, with 2 applications having been withdrawn from the schedule.

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.

Alderman O Gawith arrived to the meeting at 10.14 am.

(i) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn

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

The Committee received the following to speak in opposition to the application:

- Ms U McCloy, accompanied by Mrs W McConnell; and
- Councillor N Parker.

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

A number of Members' queries were responded to by Planning Officers and the Environmental Health Manager (Acting), who was in attendance for consideration of this application.

Debate

During debate:

- Councillor D J Craig referred to TOU7 (a), which related to meeting the needs of those whose mobility was impaired, and stated that it was a very liberal interpretation of policy to consider the needs of a person who was mobility-impaired to be met by the fact that the property was level with the footpath. There was no access through the door for someone in a wheelchair, no ramp or anything to provide support. Within the property

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(i) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn (Contd)

there was no provision for anyone with impaired mobility as there was no downstairs toilet or bedroom and no stairlift to assist with access to the first floor. In respect of TOU7 (b), which related to landscaping arrangements being of a high quality and promoting sustainability and biodiversity, Councillor Craig stated that the photographs provided showed an area that was very poorly maintained with regard to the gardens and aspects to the rear. Councillor Craig was not in support of the recommendation of the Planning Officer to approve planning permission;

- Alderman O Gawith also referred to TOU7 and stated he believed Officers, during the course of questions, had accepted that this proposal did not entirely meet the needs of people whose mobility was impaired and did not currently promote sustainability and biodiversity. As he did not consider the proposal to meet policy TOU7, Alderman Gawith was not in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor N Trimble stated that the proposal did not meet policy TOU7. In addition to the comments made by the previous speakers, part (h), which related to not harming the amenity of nearby residents, was not met. He had heard significant evidence of the impact on neighbours' amenities. TOU1 stipulated the requirement for high quality design and high quality service provision. Councillor Trimble stated that there were no suggestions of changing or upscaling the property in any way to make it appropriate for use as tourist accommodation. He stated that policy TRA2 required that the proposal must not prejudice road safety or significantly inconvenience the flow of vehicles. Councillor Trimble referred to comments made by neighbours about being blocked into their driveways by guests using the accommodation but unable to use the associated garage. This was an impact on the flow of vehicles. Whilst not compelled to, the fact that the applicant had not attended the meeting to advocate for the application did not give Councillor Trimble confidence that this was a good proposal. Councillor Trimble was not in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor G Thompson stated that she did not consider the proposal to meet TOU7 (a) in terms of accessibility for those with impaired mobility, given that they had no access to toilet or sleeping facilities. The proposal did not meet TOU7 (b) for the reasons already outlined, nor did it meet TOU7 (h) in terms of noise nuisance and parking issues. Councillor Thompson was not in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor P Catney stated that TOU7 (a) was not met in that someone with a disability had no toilet facilities within the property. He concurred with the comments made by previous speakers and was not in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley referred to TOU7 (a) and the comments by the Head of Planning & Capital Development that that related to transport means and ease of access to the property. He stated that this application was finely balanced and there were many pros and cons. Whilst he was concerned with what had been presented regarding antisocial elements, considering purely the planning policies and reports he had read, and the fact that a Service Management Plan would be put in place if the application was

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- (i) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn (Contd)

approved, Alderman Tinsley was in support of the recommendation of the Planning Officer to approve planning permission;

- Councillor U Mackin was not convinced that policy TRA2 was met. A photograph had been shown of a car parked outside the property and it was either just at the end of double yellow lines or on double yellow lines. He had listened to the lived experience of neighbours and stated that he would not wish this accommodation to be next to his property. Councillor Mackin did not consider the proposal to meet TOU7, with there being no toilet or sleeping facilities available for disabled persons. He was not in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that the Planning Committee did not welcome retrospective applications, but the benefit on this occasion was that Members had heard the lived experience of the impact on local residents. Whilst the Service Management Plan suggested may go some way to mitigating that, it was a case of retrospective action – the residents reporting issues and the applicant having to deal with those issues and, as this was a short-term residency accommodation, it could happen quite often. Alderman Gregg did not consider policy TOU1 to be met in that it did not respect the site context. In respect of TOU7 (a), Officers' interpretation was that that related to transportation and access to transportation, but it did not explicitly say that. Alderman Gregg's interpretation was that it also included the site itself and the use of it. In respect of TOU7 (c), relating to appropriate boundary treatment, the Committee had heard the impact this was having on neighbours. There was no boundary treatment or means of enclosure provided, with overlooking having an impact on neighbours' privacy. TOU7 (g), which related to compatibility with surrounding land uses, was not met. This was a mid-terrace house in a row of 4. In respect of TOU7 (h), this proposal clearly did harm the amenity of nearby residents. Alderman Gregg was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

On a vote being taken, it was agreed not to adopt the recommendation of the Planning Officer to approve planning permission, the voting being:

In favour: Alderman J Tinsley (1)

Against: Councillor P Catney, Councillor D J Craig, Alderman A Gawith, Councillor U Mackin, Councillor G Thompson, Councillor N Trimble and Chair, Alderman M Gregg (7)

Given that the Officer recommendation to approve planning permission had fallen, the Chair, Alderman M Gregg, stated that a new proposal was required. It was proposed by Councillor P Catney and seconded by Councillor N Trimble that planning application LA05/2022/1135/F be refused.

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- (i) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn (Contd)

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and, on a vote being taken, agreed that the application be refused, the voting being as follows:

In favour: Councillor P Catney, Councillor D J Craig, Alderman A Gawith, Councillor U Mackin, Councillor G Thompson, Councillor N Trimble and Chair, Alderman M Gregg (7)

Against: Alderman J Tinsley (1)

In agreeing to refuse the application, the following reasons were offered:

- the application was contrary to policy TOU7 on a number of points. One of the requirements of TOU7 (a) was that the overall design meet the needs of people whose mobility was impaired. This proposal failed to demonstrate it was suitable for anyone whose mobility was impaired, in that it did not have a bedroom or bathroom on the ground floor. Its primary function as tourist accommodation could not be met in any way from the property as it was currently;
- the application did not meet policy TOU7 (b) as nothing had been demonstrated that the property would be modified or enhanced in any way and would not, in the Committee's estimation, be a high quality offering;
- the application did not meet policy TOU7 (c) as there was no boundary treatment or means of enclosure provided;
- the application did not meet policy TOU7 (h), given that extensive evidence had been provided by neighbours citing multiple instances when their amenities had been directly impacted – in terms of a degree of overlooking, shared access to the rear, parking and access being impacted by the use of this property as a tourist accommodation and indeed elements of antisocial behaviour and trespass.

Councillor P Catney also pointed out that the requirements of the Tourism (NI) Act relating to self-catering accommodation were not met by this application.

It was proposed by Councillor G Thompson, seconded by Councillor N Trimble and agreed that authority be delegated to the Head of Planning & Capital Development to formulate the precise wording of the reasons for refusal.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.05 pm).

Resumption of Meeting

The meeting was resumed at 12.20 pm.

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- (ii) LA05/2022/0831/F – Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo

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

The Committee received Mr N Reid to speak in support of the application.

Alderman J Tinsley referred to the Planning Officer's report that indicated that the NIEA Water Management Unit had been consulted and had requested further information. Whilst the agent had been emailed in this regard in March 2024, the information had not been submitted to date. Mr Reid stated that he had not been aware of a request for further information prior to today's meeting. That being the case, it was proposed by Alderman J Tinsley, seconded by Councillor D J Craig and unanimously agreed that this application be deferred for one month to allow the information to be submitted.

- (iii) LA05/2023/0632/F – Proposed farm dwelling and garage at 35a Lurganure Road, Lisburn

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

No-one was registered to speak on this application.

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

Debate

During debate:

- Councillor N Trimble stated that, having looked on Google Street View, he agreed that the access did seem a bit substandard and quite congested. He did think there was potential mileage in the future to suggest that that access was closed and the other one used. On Google Street View the agricultural buildings could not be seen at all so he did not consider it had a huge visual impact. Councillor Trimble was in support of 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 refuse this application.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.55 pm).

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Resumption of Meeting

The meeting was resumed at 1.35 pm.

Councillor S Burns arrived to the meeting at this point.

- (iv) LA05/2021/0772/F – Proposed new dwelling in compliance with Policy COU2 on land between 56a-60 Halfpenny Gate Road, Moira, Craigavon

The Chair, Alderman M Gregg, stated that Members had just now been provided with an envelope containing confidential information in respect of this application. The information related to medical history and Alderman Gregg pointed out to Members that it should not be repeated in the public forum.

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

The Committee received Ms B Johnston to speak in opposition to the application and a number of Members' queries were addressed.

The Committee received the following to speak in support of the application:

- Mr C Crossan, accompanied by the applicant; and
- Mr D Honeyford MLA.

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

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

Debate

During debate:

- Alderman J Tinsley stated that the site visit had been helpful to assist in understanding the cluster. He did have a problem with the requirement for the site to be bounded on both sides with other development, given that there was a dwelling 6 metres away one side but the school on another side was substantially further away at 28 metres. Alderman Tinsley was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor N Trimble stated that this application was finely balanced. With regard to policy COU2, he considered a cluster did exist at this location and that it appeared as a visual entity. In relation to the site being bounded on two sides, the agent had referred to development to the north and east and to the school. This was a reasonable argument but Councillor Trimble was unsure given that the school was located across the road. However, the school could be considered as the focal point of the cluster and he deemed it reasonable that if the site was adjacent to the focal point, it was bound in the cluster. Councillor Trimble considered that the application did meet with the spirit of policy COU2 and, on a technicality, the argument could be made that it met the letter of it. It was rounding off a cluster by the general

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- (iv) LA05/2021/0772/F – Proposed new dwelling in compliance with Policy COU2 on land between 56a-60 Halfpenny Gate Road, Moira, Craigavon (Contd)

look of it. Councillor Trimble was not in support of the recommendation of the Planning Officer to refuse planning permission;

- Councillor D J Craig stated that the site visit had been useful. In relation to the cluster, there had been many viewpoints from which he had been able to see all of the buildings. The boundaries of this application were the problem. Having seen the site itself, it was very clear that the school was quite a distance away from what would be perceived as the boundary; it was 4 times further away than the other existing boundary and had a field, a road and a playground in between. Councillor Craig was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that he did not consider the site to be bounded on two sides. The school building was too far away to create a boundary in his view and it was not then forming part of a cluster, rather it was adding to an end of a cluster. He acknowledged that medical information had been submitted and, whilst he sympathised with the applicant, it did not mean it was an absolute necessity that this dwelling be built at the location applied for. Alderman Gawith was in support of the recommendation of the Planning Officer to refuse planning permission; and
- the Chair, Alderman M Gregg, concurred with Alderman Gawith. Whilst he sympathised in terms of the medical information supplied with regard to policy COU6, he did not consider there was enough evidence to outweigh the policy decisions in front of the Committee. Building on Traditions showed a scenario extremely similar to this application, where part of the cluster was on the other side of the road, and it would not be considered to meet with policy.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to refuse planning permission, the voting being:

In favour: Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Alderman J Tinsley, Councillor G Thompson and Chair, Alderman M Gregg (7)

Against: Councillor P Catney and Councillor N Trimble (2)

At this point, the confidential information circulated to Members earlier was retrieved.

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- (v) LA05/2021/0033/F - Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development at Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald

The Head of Planning & Capital Development advised Members that this application had first been presented to the Planning Committee in February 2024. The Planning Officer who had prepared the report was no longer an employee of the Council. In the intervening period of time, Officers had continued to engage with the applicant in relation to the drafting of a Section 76 Planning Agreement; no planning decision could be made until that Agreement was finalised. During this period, an objection had been received in March 2024. The report was brought back to the Committee now as that representation had been further considered. Whilst Mr P McFadden, Senior Planning Officer, would be taking this application forward, the Head of Planning & Capital Development had drafted the addendum report as the late representation addressed a point that was highlighted as a consequence of his answer to a question at the previous Committee meeting.

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

Mr G Dodds was in attendance and addressed a number of queries raised by Members.

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

Debate

During debate:

- Councillor D J Craig stated that, whilst he would welcome it, common sense told him that there would never be 100% employment back on this site. The fact that there would be 40% employment land retained here would hopefully mitigate some of the original objections to the proposal. Councillor Craig was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor S Burns stated that this site had lain vacant for a long period of time and had antisocial behaviour associated with it. A balance had been made of 40% employment and 60% residential. Councillor Burns was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated his surprise that the application was before the Committee again. He did not consider that any of the representations put forward for the application had changed. He was also surprised that a new PAN had not been done for this change of application. Many of the local comments in favour of the application had been in respect of the removal of the building that was attracting antisocial behaviour – that

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- (v) LA05/2021/0033/F - Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development at Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
(Contd)

building was now gone and the level of antisocial behaviour had reduced. A lot of other favourable comments had related to the petrol station and retail units, but those were no longer part of the application. Alderman Gregg was surprised that NI Water had not been consulted, given that its approval was from 2 years ago and was only valid for 18 months. The last time the application was before the Committee, it had been Alderman Gregg's understanding that Officers were impressing that this was on unzoned land which was how housing could be put on as far as ED7 was concerned. Now Officers were advising that the land had been used for employment in BUAP and in draft BMAP it was still zoned for employment. Alderman Gregg did not see how the application could possibly comply with ED7 as zoned land did not allow for the provision of housing. He referred to the Officer's report stating that the loss of this land would not prejudice the amount of land within the Council area. However, the response from Invest NI was completely different, stating that it would completely imbalance the distribution of land in the Council area and allowing mixed use and housing development on this plot of land would be premature. Its opinion was as Alderman Gregg's – that any change of zoning should be done within the local policy plan. There could be any number of applications in front of the Committee for changing zones or seeking transitional arrangements as developers did not want to wait. Alderman Gregg stated that it would be great to see this land developed as employment land, or even a majority of employment, as that was what Dundonald needed. This proposal took away the potential for jobs in the area. Alderman Gregg was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to approve planning permission, the voting being:

In favour: Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith, Alderman J Tinsley, Councillor G Thompson and Councillor N Trimble (7)

Against: Councillor U Mackin and Chair, Alderman M Gregg (2)

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Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.35 pm). Councillor N Trimble left the meeting at this point.

Resumption of Meeting

The meeting was resumed at 3.44 pm.

(vi) LA05/2023/0932/F – Three pigeon sheds (retrospective) at 21 Little Wehman, Moira

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

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

A number of Members' queries were responded to by Planning Officers and the Environmental Health Manager (Acting), who was in attendance for consideration of this application.

Following discussion, it was proposed by Alderman J Tinsley and seconded by Alderman O Gawith that the application be deferred to allow for further negotiation around steps that could be taken to mitigate issues, eg. raising the sheds off the ground. The proposal was agreed on a vote being taken, the voting being as follows:

In favour: Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Alderman J Tinsley and Councillor G Thompson (6)

Against: Councillor P Catney and Chair, Alderman M Gregg (2)

Councillor U Mackin left the meeting at this point (4.30 pm).

4.2 Proposed stabling and maintenance rail depot for ballast material, maintenance buildings and associated staff accommodation and ancillary works on lands at Ballinderry Road (east of Moira Road and south of existing railway line)

The Head of Planning & Capital Development stated that he had received an email earlier in the day advising that the pre-application community consultation events associated with the above had been postponed from 15 January, 2025 to 19 February, 2025. Adequate notification would take place before the revised date, as per Statute, and an update would be provided at a subsequent stage. The Head of Planning & Capital Development confirmed that the submission had been made in accordance with legislation; however, there must be at least 12 weeks between notice of the PAN and the submitted application. As the consultation

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4.2 Proposed stabling and maintenance rail depot for ballast material, maintenance buildings and associated staff accommodation and ancillary works on lands at Ballinderry Road (east of Moira Road and south of existing railway line) (Contd)

events had been delayed for 4 weeks, the Head of Planning & Capital Development could not stand over the date specified in his report that the application was likely to come to Committee; the earliest would be after the consultation events.

It was proposed by Councillor D J Craig, seconded by Councillor P Catney 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.

4.3 Statutory Performance Indicators – October 2024

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that information relating to Statutory Performance Indicators for October 2024 be noted.

At this stage, the Legal Advisor having advised that he had to leave the meeting, the Chair, Alderman M Gregg, asked if any Members had items of a confidential nature to raise. No matters were raised. Alderman Gregg thanked the Legal Advisor for his attendance and wished him a Happy Christmas. He left the meeting at 4.39 pm.

4.4 Appeal Decision – LA05/2021/1248/F

It was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.5 Appeal Decision – LA05/2020/0011/O

It was proposed by Councillor D J Craig, seconded by Councillor G Thompson and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.6 Appeal Decision – LA05/2023/0024/F

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

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

It was proposed by Councillor D J Craig, seconded by Councillor G Thompson and agreed to note from the report, information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at a number of locations in the Council area.

5. Any Other Business

5.1 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 6 January, 2025.

Alderman Gregg wished everyone a very Happy Christmas. The Head of Planning & Capital Development also wished Members a Happy Christmas and thanked them for their participation in meetings throughout the year.

5.2 January Reports

The Head of Planning & Capital Development advised of two reports that would be presented to the January meeting of the Committee – (a) an update on judicial review proceedings; and (b) a paper relating to changes to the Protocol for the Operation of the Planning Committee.

5.3 May Meeting of the Planning Committee

The May 2025 meeting of the Planning Committee was due to be held on Monday 5th; however, as this a bank holiday, it was agreed that the meeting would take place on Monday 12th.

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 4.45 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The following applications have been made to the Council as the Local Planning Authority for determination. 2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There are three local applications. The two local applications are Called In by agreement with the Chair of the Committee and one whereby exceptions apply. <ol style="list-style-type: none"> a) LA05/2023/0107/F – Dwelling and garage on a site between 35 and 37 Glebe Road, Annahilt Recommendation – Refusal b) LA05/2022/0831/F - Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo Recommendation – Refusal c) LA05/2024/0100/F – Erection of eight dwellings (change of house type to sites 148-151, 156-157 & 193-194 and alternative layout to that previously approved under reference LA05/2020/0720/F) on lands 90 metres North of 1-7 (odd numbers) Sir Richard Wallace Gardens, Lisburn & 30 metres west of 1-9 (odd numbers) Sir Richard Wallace View, Lisburn. Recommendation - Approval 2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.

2.0	<p><u>Recommendation</u></p> <p>For each application the Members are asked to make a decision having considered the detail of the Planning Officer’s report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</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>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

<p>Appendices:</p>	<p>Appendix 1.1 - LA05/2023/0107/F Appendix 1.2a - LA05/2022/0831/F Addendum Report Appendix 1.2b – LA05/2022/0831/F Main Report Appendix 1.3 - LA05/2024/0100/F</p>

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	06 January 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2023/0107/F
Date of Application	1 st February 2023
District Electoral Area	Downshire East
Proposal Description	Dwelling and garage
Location	Site between 35 and 37 Glebe Road, Annahilt, Hillsborough, BT26 6NE
Representations	None
Case Officer	Cara Breen
Recommendation	Refusal

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 recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The application is presented as a part of a cluster of development but also considered to be contrary to criteria (b) and (c) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point.
4. In addition, 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 Glebe Road. There is not a small gap sufficient to accommodate two dwellings whilst respecting the existing pattern of development and that is appropriate to the existing plot size and width.

Furthermore, the buildings forming the substantial and continuously built-up frontage are not visually linked.

5. The development proposal is contrary to Criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, not respect the traditional pattern of settlement and would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

6. The application site is located on lands between No. 35 and No. 37 Glebe Road, Annahilt, Hillsborough and is a 0.18-hectare rectangular shaped parcel of vacant land. The application site was not occupied by any buildings at the time of site inspection and there is currently no vehicular access to the land from Glebe Road.
7. The northwestern boundary is defined by a 1.2-metre-high timber post and rail fence. The remaining boundaries are defined by dilapidated 1.2-metre-high timber post and wire fencing.
8. In relation to topography, the application site is relatively level in gradient throughout.

Surroundings

9. The application site has dwellings either side at No. 33 and No. 35 Glebe Road to the north and No. 37 and No. 39 Glebe Road to the south.
10. The area beyond this is mainly rural in character and predominantly agricultural in use, characterised by drumlin topography. The village of Annahilt is approximately 500 metres to the south.

Proposed Development

11. Full planning permission is sought for a proposed dwelling and garage.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2018/0212/O	Proposed infill dwelling, renewal of existing approval 2009/0122 and S/2013/0664/O	Site between No. 35 Glebe Road and No. 37 Glebe Road Hillsborough	Permission Granted
S/2013/0664/O	Proposed infill dwelling - renewal of existing approval 2009/A0122.	Site between No. 35 Glebe Road and No. 37 Glebe Road Annahilt	Permission Granted
S/2009/0464/O	Site for 'in-fill' dwelling	Lands contained between 37 & 35 Glebe Road Annahilt BT26 6LE	Approval on Appeal
S/1999/0198	Site for dwelling (outline)	Site between No. 35 Glebe Road and No. 37 Glebe Road	Permission Refused

Consultations

13. The following consultations were carried out:

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

Representations

13. No representations have been received by the Council to date in relation to the proposal following the statutory neighbour notification and advertisement process.

Local Development Plan

14. 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

15. 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.

Draft BMAP (November 2004) in its pre-inquiry form remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.'

16. In accordance with the transitional arrangements, the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan 2001 (LAP).
17. The site is located within the Green Belt in the LAP. No other site-specific designation applies to the site.
18. Draft BMAP (2015) remains a material consideration. In the last revision to draft BMAP in 2014, the application site is located in the open countryside, out with any designated settlement limit. No other site-specific designation applies that needs to be taken account of.

19. 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.
20. 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

21. This is an application for a single dwelling in the open countryside.

Development in the Countryside

22. 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

23. The applicant has made a submission that this site is in an existing cluster and meets the requirements of Policy COU2 – New Dwellings in Existing Clusters which 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

24. There is a previous history of approval for an infill dwelling at this site. 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

25. 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

26. 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

27. A private waste water treatment works is proposed for the 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

28. A new vehicular access is proposed onto a 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.'

Historic Environment and Archaeology

Development affecting the Setting of a Listed Building

29. This site falls within the consultation zone of the tower of the former Annahilt Church of Ireland Church of the Ascension Church of Ireland (HB19/06/004). 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

30. The SPPS was published in September 2015. It is the most recent regional 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.’

31. Paragraph 3.8 of the SPPS states:

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

32. Paragraph 6.78 of the SPPS states:

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

33. 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

34. In relation to development in an existing cluster, Building on Tradition provides a series of sketches of what may be acceptable and what would not be acceptable.
35. 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.*
36. 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.’*
37. Building on Tradition includes infill principles with examples;
- *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

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. Whilst it is acknowledged that the proposal description only refers to a dwelling and garage and does not specify under what policy the proposed development is to be considered, it is noted that the submitted application form makes reference to a history of approval for a dwelling under application reference LA05/2018/0212/O. This proposal was granted outline planning permission on 3rd May 2019 as a renewal of existing approval for an infill dwelling.
40. This application was received on 26th January 2023. It is noted that this was outside the time period for submission of approval of Reserved Matters for the above referenced application.
41. A Direction was issued by the Department for Infrastructure in June 2023 directing the Council to adopt the draft Plan Strategy of the Lisburn and Castlereagh City Council Local Development Plan. A new policy for infill development was proposed which became a material consideration of significant weight.

42. Following adoption of the Lisburn and Castlereagh City Council Plan Strategy on 26th September 2023, the retained planning policies in PPS21 have been replaced in full and this proposal is considered afresh.
43. As application LA05/2018/0212/O was received after the period for submission of approval of reserved matters was time expired and as this proposal was assessed in a different planning policy context the earlier planning history is of little material weight.

Policy COU8 – Infill/Ribbon Development

44. The initial step is to consider whether the proposal would create or add to a ribbon of development. The Justification and Amplification text of Policy COU8 describes a ribbon as:

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

45. The proposal would engage ribbon development by virtue of the fact that there are two existing dwellings (No. 33 and No. 35) beside each other and fronting Glebe Road immediately to the north east of the application site and two existing dwellings (No. 37 and No. 39) in situ next to each other and fronting Glebe Road directly to the south west of the application site.
46. It is therefore considered that a dwelling on the application site would add to a ribbon of development along the south eastern side of Glebe Road.

The issue of exception

47. Whilst the premise of Policy COU8 is that planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that there may be exceptions whereby the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. The exceptions test also requires that 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 and the buildings forming the substantial and continuously built-up frontage must be visually linked.
48. Hence, the exception for infill development is conditional. It is this exceptions test which this application seeks to satisfy.

49. The primary step in determining whether an 'infill' opportunity exists is to identify whether an otherwise substantial and continuously built-up frontage is present on the ground. Policy COU8 states that for the purpose 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.

50. The Justification and Amplification text of Policy COU8 states.

'For the purposes of this policy, a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.'

51. Travelling from a south westerly to a north easterly direction along Glebe Road, as you pass Carricknadarrieff Road, lies No. 39 Glebe Road (*Building 1*) to the south eastern side of Glebe Road. No. 39 Glebe Road is composed of a single storey detached domestic dwelling with associated detached domestic garage to the rear. No. 37 Glebe Road (*Building 2*) is located directly to the north east of No. 39 beyond a small private laneway. No. 37 is composed of a modest sized single storey detached dwelling. The application site lies immediately north east of No. 37. To the other side of the application site, No. 35 Glebe Road (*Building 3*) is in situ. No. 35 is occupied by a 1.5 storey detached residential dwelling with detached domestic garage to the rear. No. 33 Glebe Road (*Building 4*) is located directly to the north east of this again. No. 33 consists of a modest sized 1.5 storey detached residential dwelling with associated detached domestic garage. It is noted that the curtilages of all of the above abut Glebe Road and the buildings present a frontage to it.

52. Excluding domestic ancillary buildings, such as the domestic garages, which are precluded from the quantification of a substantial and continuously built-up frontage by Policy COU8, there is a line of four or more buildings, of which at least two are dwellings, adjacent to a public road or private laneway. Therefore, there is an existing substantial and continuously built-up frontage present on the ground. This frontage is composed of Building 1, Building 2, Building 3 and Building 4 as identified above.

53. The first part of the Exceptions Test of Policy COU8 has therefore been satisfied.

54. The second step in the process of determining whether an infill opportunity exists or not is to identify if the gap site is small. For the purpose of policy that is; *'sufficient to accommodate two dwellings.'* 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.

55. Policy COU8 relates to the gap between road frontage buildings. The gap is measured between the two closest existing buildings each side of the application site.
56. In this instance, this is the gap between the existing dwelling in situ at No. 37 Glebe Road and the existing dwelling in situ at No. 35 Glebe Road. This gap measures circa 43 metres building to building.
57. Page 71 of Building on Tradition 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.
58. The existing plot widths of No. 33, No. 35, No. 37 and No. 39 Glebe Road are approximately 74 metres, 24 metres, 19 metres and 34 metres respectively. This equates to an average existing plot width in the frontage of circa 38 metres.
59. The guidance offered by Building on Tradition would indicate that in the instance of this particular frontage, the gap would need to equate to approximately 76 metres to sufficiently accommodate two dwellings. It is noted that this application pertains to a single dwelling only, which Policy COU8 precludes.
60. Taking this into account, it is considered that the second step in the process of determining whether an infill opportunity exists has not been met, in that there is not a small gap sufficient to accommodate two dwellings.
61. In terms of assessing whether the existing pattern of development would be respected, the Justification and Amplification text 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.'
62. It is acknowledged that the existing frontage of development does not have a consistent building line. No. 33 and No. 35 Glebe Road follow a similar building line, whilst No. 37 Glebe Road is sited closer to the roadside and No. 39 Glebe Road is set back into the site. As per the Location Plan (Proposed), the proposed dwelling would have a building line akin to that of No. 33 and No. 35 Glebe Road. Therefore, there are no concerns in relation to the siting of the proposed dwelling respecting the existing pattern of development.
63. In relation to design, the proposed dwelling is single storey in stature. The proposed dwelling is linear in footprint and is of simple rural form. An off-centred

single storey storm porch projects from the front elevation, while a single storey dual pitched sunroom projects from the south western side gable of the dwelling. 2no. chimney stacks project from the ridgeline of the dwelling and from the ridgeline of the sunroom. Window openings are predominantly vertical in emphasis. The proposed dwelling would occupy a footprint of circa 193 metres squared and it would present a dual pitch with a ridge height of approximately 5.7 metres above finished floor level (FFL). The proposed schedule of external finishes includes self-finished render and stonework (to porch and sunroom as indicated) for the external walls, flat profiled roof tiles and double glazed PVC window units.

64. The existing dwellings in situ at No. 33, No. 35, No. 37 and No. 39 Glebe Road are all single storey/1.5 storey in stature (modest in size/scale) and are relatively simple in design with render finishes. Taking this into account, it is contended that the proposed dwelling would respect the existing pattern of development in the existing frontage.
65. Size and scale are synonyms and pertain to the dimensions of the proposed dwelling. The existing dwellings at No. 33, No. 35, No. 37 and No. 39 Glebe Road range from single storey to 1.5 storey. The proposed dwelling would have a ridge height of circa 5.7 metres above FFL and would accommodate a single storey of accommodation. It would occupy a footprint of approximately 193 metres squared. As per the Proposed Location Plan, the proposed dwelling would occupy a similar footprint to the existing dwellings in the frontage. Taking this into account, there are no concerns in respect to the development proposal respecting the existing pattern of development in the frontage in terms of size and scale.
66. With regards to plot size, No. 33, No. 35, No. 37 and No. 39 Glebe Road have approximate plot sizes of; 0.45 hectares, 0.19 hectares, 0.13 hectares and 0.33 hectares respectively. This equates to an average plot size within the frontage of circa 0.28 hectares. The application site has a plot size of approximately 0.18 hectares. Divide this into two to accommodate two dwellings as required by Policy COU8 would result in two individual plot sizes in the region of 0.09 hectares each. This would be at odds with the average plot size in the frontage.
67. In terms of width of existing plots, No. 33, No. 35, No. 37 and No. 39 Glebe Road have approximate plot widths of; 74 metres, 24 metres, 19 metres and 34 metres respectively. This equates to an average plot width in the frontage of circa 38 metres. The application site has a plot width of approximately 26 metres. Divide this into two to facilitate two dwellings as required by Policy COU8 would equate to two individual plot widths of circa 13 metres each. This would be at odds with the average existing plot width in the frontage.

68. Therefore, it is contended that the proposal would not meet the third component of the Exceptions Test, in that the application would not respect the existing pattern of development in terms of plot size and width.
69. The fourth and final element of the Exceptions Test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.
70. Standing outside the application site facing the site, it is not considered that there is a visual linkage of No. 33, No. 35, No. 37 and No. 39 Glebe Road together due to the band of mature conifer trees to the boundary of No. 35 and No. 33 and the orientation of the dwellings.
71. Taking all of the above into account, it is considered that the proposal does not satisfy the Exceptions Test of Policy COU8 as there is not a small gap sufficient to accommodate two dwellings. Furthermore, the proposed scheme would not be appropriate to the existing plot size and width. In addition, there is no visual linkage between the existing buildings in the frontage.

Policy COU2 – New Dwellings in Existing Clusters

72. The agent argues that the proposal is also in accordance with the requirements of policy COU 2 of the Plan Strategy documents.
73. 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 of the five criteria are met.
74. Criterion (a) of Policy COU2 requires that 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.
75. In support of the argument that the proposed development could qualify under Policy COU2, the Agent (at the request of the Council in December 2023) submitted a concept plan (dated November 2024). This identifies a number of shaded buildings within a circle drawn by the Agent. Whilst it is considered that there is an existing cluster of development in the immediate vicinity of the application site, it does not extend to the radius alluded to by the Agent. Whilst policy does not define a cluster as such, Criterion (a) indicates that it is a '*close grouping of buildings*'. The radius identified by the Agent includes the built-up frontage to the northern side of Carricknadarrieff Road, the farm complex at No. 8 Carricknadarrieff Road (opposite this frontage) and the farm shop opposite the junction of Carricknadarrieff Road with Glebe Road. However, it is noted that these

buildings are notably removed from the buildings to the northern part of the circle identified by the Agent.

76. The buildings to the northern part of the circle identified by the Agent include, the dwelling at No. 30 Glebe Road, and the dwellings at No. 33, No. 35, No. 37 and No. 39 Glebe Road. The application site is located between No. 35 and No. 37. The Council consider these buildings alone to be the extent of the cluster. This 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.
77. Therefore, it is considered that Criterion (a) has been met but not for the same reasons put forward by the agent.
78. Criterion (b) of Policy COU2 requires that the cluster of development appears as a visual entity in the local landscape. The Justification and Amplification text defines a visual entity in the local landscape as;

'a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.'

79. Taking the existing mature band of vegetation to the northern boundary of No. 33 Glebe Road into account, in addition to the large mature conifer trees to the boundary of No. 33 and No. 35 Glebe Road and variation in the sitings of the dwellings within their individual plots, it is not considered that the cluster appears as a visual entity when travelling in a northerly or southerly direction along Glebe Road, nor when travelling along Carricknadarriff Road or New Road on approach to the cluster.
80. The development proposal is therefore considered to be contrary to Criterion (b) of Policy COU2.
81. 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 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 within the cluster.'

82. The Agent identifies the farm shop at No. 46 Glebe Road, which is located opposite the junction of Carricknadarriiff Road with Glebe Road, as the focal point.
83. A shop is not considered to be a focal point as defined by policy; in that it is not a social/community building. Furthermore, it is not located within the cluster as identified by the Council and it forms part of an existing farm, which policy requires that the cluster must lie outside of.
84. The cluster is comprised only of residential dwellings and there are no other buildings within the cluster which would constitute a social/community building.
85. It is therefore considered that the proposal is contrary to Criterion (c) of Policy COU2.
86. 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.
87. It is considered that the identified site would provide a suitable degree of enclosure by virtue of having an existing dwelling in situ directly to the south (No. 37 Glebe Road) and an existing dwelling in situ directly to the north (No. 35 Glebe Road). Both of these dwellings fall within the cluster and therefore the site is bound on at least two sides with other development in the cluster.
88. Taking the above into account, it is therefore considered that Criterion (d) of Policy COU2 has been fulfilled.
89. 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.
90. The proposed site is located in between No. 35 Glebe Road and No. 37 Glebe Road. It is therefore considered that development of the site could be absorbed into the existing cluster through rounding off and consolidation and would not significantly alter its existing character or visually intrude into the open countryside through the creation of ribbon development.
91. Taking this into account, it is considered that the development proposal would satisfy Criterion (e) of Policy COU2.

92. Taking all of the above into consideration, the requirements of Criterion (b) and (c) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy have not been met, in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point such as a social/community building. The proposal fails to meet the requirements of policy COU 2.

Policy COU15 - Integration and Design of Buildings in the Countryside

93. The proposed dwelling is linear in plan and is of simple rural form. The proposed dwelling would occupy a footprint of 193 metres squared (approx.) and would be single storey in stature with a ridge height (traditional dual pitch) of 5.7 metres (approx.) above finished floor level (FFL). An off-centred single storey dual pitched storm porch would project from the front elevation of the proposed dwelling. A chimney stack (integral chimney breast) would project from the ridgeline of the main part of the dwelling and a chimney stack (integral chimney breast) would project from the ridgeline of the sunroom. The proposed window openings would primarily be of vertical emphasis.
94. The proposed schedule of external finishes includes self-finished render and stonework (to sunroom and porch) for the external walls, flat concrete tiles for the roof and double glazed uPVC window units.
95. The proposed single storey detached garage would occupy a footprint of circa 83 metres squared and it would present a ridge height (dual pitch) of approximately 4.9 metres. The proposed schedule of external finishes includes self-rendered finish for the external walls to match the proposed dwelling, flat concrete roof tiles and double glazed UPVC window units.
96. Taking the single storey nature of the proposal, the mature vegetation in the immediate vicinity and the siting of existing dwellings/buildings which are in close proximity, and which neighbour the application site into account, it is not perceived that the proposed scheme would be a prominent feature in the landscape.
97. It is perceived that the proposal would cluster with the existing buildings directly to the north east and to the south west of the application site.
98. It is considered that the proposed single storey dwelling/garage would blend with the existing mature trees which provide a backdrop to the south east of the application site and those buildings which are currently in situ neighbouring the site.

99. It is noted that Building on Tradition advises that 2-3 existing natural boundaries should be in situ for the purposes of integration of new buildings. Whilst it is acknowledged that the application site does not currently benefit from existing natural boundaries, it is noted that the site benefits from enclosure provided by the existing neighboring buildings which are in situ in close proximity to the application site to the north east and south west. Therefore, there are no concerns in relation to integration/enclosure.
100. While it is acknowledged that new landscaping would be required (as depicted on the Proposed Landscaping Plan), taking the above into account, it is not contended that the proposal would rely primarily on new landscaping for the purposes of integration.
101. The design of the proposed dwelling/garage, to include the proposed schedule of external finishes, has been detailed above and has been assessed against Building on Tradition guidance. The proposed scheme is considered to be of simple rural form and is therefore considered to be appropriate to the rural locality.
102. With regards to proposed ancillary works, the proposal would incorporate the installation of a new vehicular access which would provide access/egress from/to Glebe Road to/from the application site. This access would lead directly onto a short driveway which would run parallel and adjacent to the north eastern boundary of the application site. Small areas of hardstanding which would accommodate the in-curtilage parking/turning of private vehicles are proposed to the front of the dwelling and to the rear of the dwelling/front of the proposed garage. No large suburban style sweeping driveway has been proposed, nor ornate entrance features. Taking the existing/proposed ground levels of the application site into account, it is not perceived that excessive cut and fill (excavation), nor large retaining walls would be required. No large retaining walls have been proposed as part of the scheme. Taking the above into account, it is not contended that the proposed ancillary works would not integrate with their surroundings. It is considered that those existing named features which could aid with the integration of the proposed dwelling/garage could aid with the integration of the proposed ancillary works.
103. Taking all of the above into account, there are no concerns with regards to the proposal insofar as it pertains to Policy COU15.

Policy COU16 - Rural Character

104. The proposed dwelling/garage in their own right (if all the other policy tests were met) would not be unduly prominent in the landscape for the reasons outlined at Paragraph 96.
105. As noted previously at Paragraph 97, the proposed dwelling/garage could cluster with an established group of buildings.

106. As per the above, it is noted that the proposed development would not comply with Policy COU2 or the Exceptions Test of Policy COU8. The proposed development would add to a ribbon of development on Glebe Road. It is therefore considered that it would not respect the existing pattern of settlement exhibited in that area.
107. 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.
108. As noted, the application would add to a ribbon of development. It is therefore considered that it would have an adverse impact on the rural character of the area.
109. Taking the single storey nature of the proposed scheme and the proposed landscaping and ground levels (in the context of neighbouring ground levels) into account, there are no concerns with regards to potential overlooking to a neighboring property to an unreasonable degree. Taking the single storey nature of the proposed scheme into account, in the context of the siting of neighbouring property, there are no concerns in respect to potential overshadowing of any neighbouring property to an unreasonable degree. Taking the siting of the proposed dwelling/garage within the application site, there are no concerns in relation to any overhanging to a neighbouring property. LCCC Environmental Health were consulted as part of the processing of the application and subsequently responded with no concerns. Therefore, there are no concerns in respect to a potential unreasonable impact on residential amenity.
110. LCCC Environmental Health, DfI Roads, DAERA Water Management Unit, NI Water and DfC Historic Environment Division were consulted as part of the processing of the application. All consultees are content, subject to the inclusion of stipulated conditions/informatives with any approval. Therefore, there are no concerns with regards to necessary services.
111. As per Paragraph 102 above, it is considered that the proposed ancillary works would integrate with the surrounding landscape. Therefore, there are no concerns with regards to the impact of the proposed ancillary works on rural character.
112. The installation of a new vehicular access to/from Glebe Road is proposed as part of the scheme. DfI Roads were consulted as part of the processing of the application and they subsequently responded with no concerns, subject to the inclusion of stipulated conditions/informatives, as per their consultation response, with any approval. Therefore, there are no concerns with regards to vehicular access to the public road.

113. Taking all of the above into account, it is contended that the proposed scheme would not respect the traditional pattern of settlement exhibited in the area (Criterion (c)) and it would, if permitted, have an adverse impact on the on the rural character of the area (Criterion (e)).

Access and Transport

Policy TRA2 - Access to Public Roads

114. As per the detail submitted with the application, a new vehicular access is proposed to serve the development. This new access would be located to the roadside boundary (adjacent to the north eastern boundary of the application site) and would provide access to/from Glebe Road.
115. Visibility splays of 2.4 metres x 80 metres have been proposed in both directions.
116. It is acknowledged that Glebe Road is not a designated Protected Route.
117. In-curtilage parking/turning space for private vehicles has been depicted on the proposed plans. A domestic garage has also been proposed.
118. Dfl Roads were consulted as part of the processing of the application, in their final consultation response, dated 25th May 2023, Dfl Roads offer no concerns with regards to the proposal.
119. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a new vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, the requirements of policy TRA2 of the Plan Strategy are met.

Waste Management

Policy WM2 – Treatment of Waste Water

120. 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 mains and foul sewage is to be disposed of via mains also.

121. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 22nd March 2023, they state;

‘Environmental Health advise that there is no new information relating to this application on the Consultee Hub, therefore, the following comment is based on the supporting information currently available on the public portal.

Environmental Health have no objection to the above proposed development subject to the following:

Proposed conditions:

Foul sewage shall be connected to the main sewer with Northern Ireland Water approval and maintained thereafter for the lifetime of the development.

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

122. Whilst it is acknowledged that LCCC Environmental Health have suggested the above as a condition, it is not considered that it would be enforceable from a Planning remit and therefore it would be applied only as an informative with any approval.
123. DAERA Water Management Unit provided a response on 20th February 2023 which refers the Planning unit to Standing Advice which would be included on any approval.
124. 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. No flood risk is identified.
125. NI Water were also consulted as part of the processing of the application. In their final consultation response of 1st March 2023, they offer no objection to the proposal.
126. Based on a review of the information and advice received from consultees, the requirements of Policy WM2 – Treatment of Waste Water are met.

Historic Environment and Archaeology

Policy HE9 – Development affecting the Setting of a Listed Building

127. The application site is located in close proximity to a Listed Building HB19 06 005.

128. DfC Historic Environment Division were consulted as part of the processing of the application.

In their final consultation response of 14th March 2023, DfC Historic Environment Division (Historic Buildings) state;

'Historic Environment Division; Historic Buildings has considered the effects of the proposal on the listed building HB19 06 005 and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that it's setting will remain unaffected.'

129. Taking the above advice into account, and the distance of separation between the listed building and the proposed development it is considered that there is minimal impact on the setting of the listed building and the requirement of policy HE9 is met.

Conclusions and Recommendation

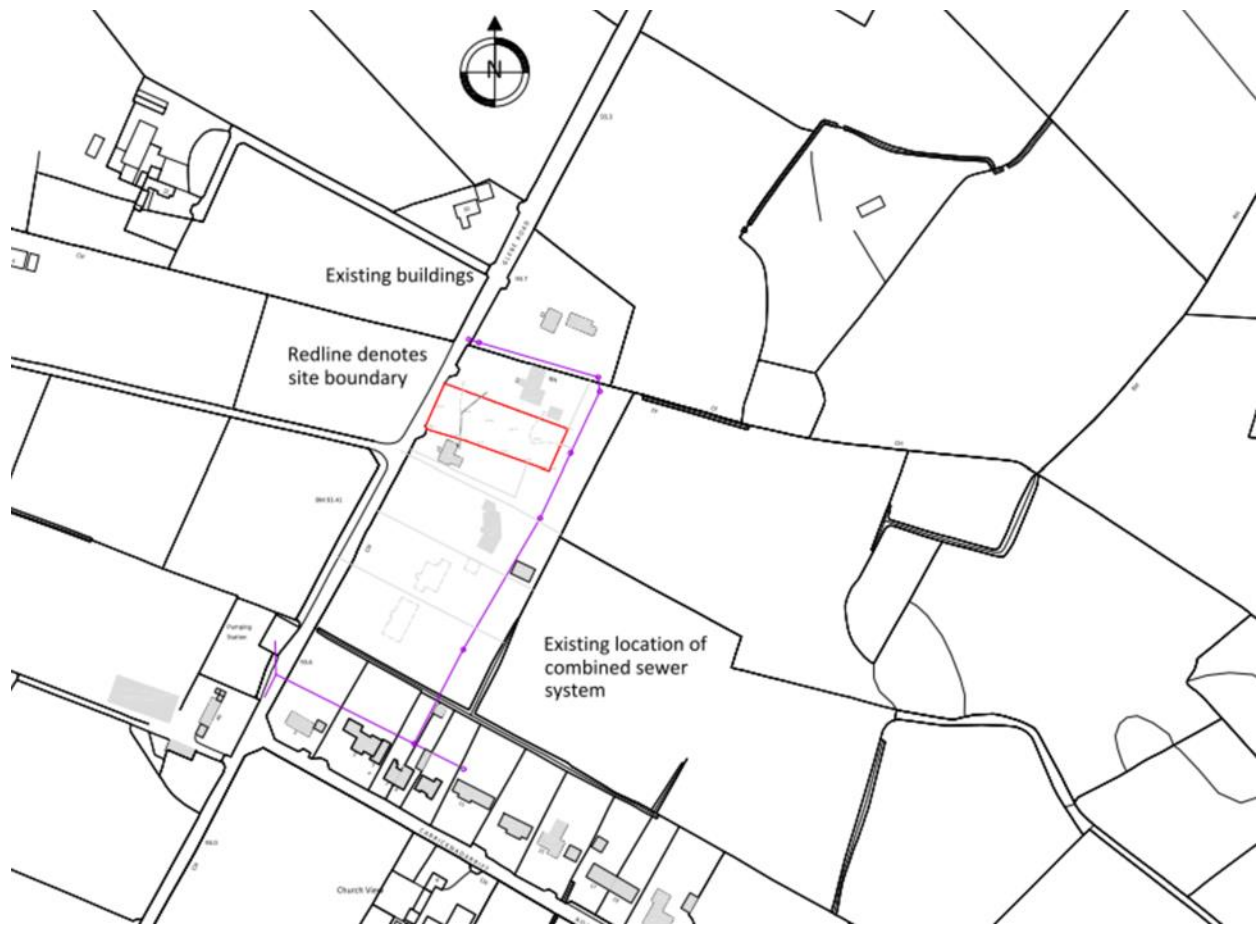
130. The recommendation is to refuse Planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU2, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

131. The following reasons for refusal are proposed:
- 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 (b) and (c) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point.
 - 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 Glebe Road. Furthermore, there is not a small gap sufficient to accommodate two dwellings whilst respecting the existing pattern of development and being appropriate to the existing plot size and width. Furthermore, the buildings forming the substantial and continuously built up frontage are not visually linked.

- The proposal is contrary to Criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, not respect the traditional pattern of settlement exhibited in that area and it would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2023/0107/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	06 January 2025
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2022/0831/F
Proposal Description	Proposed retention of recently constructed agricultural building
Location	Land adjacent to 112 Back Road, Drumbo
Representations	None
Case Officer	Joseph Billham
Recommendation	Refusal

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 2 December 2024. The recommendation was to refuse planning permission.
2. Following the presentation by officers, Members agreed to defer consideration of the application to allow for further information to be submitted which the applicant stated he was not aware had been requested.

Further Consideration

3. Additional information was submitted to the Council on 4 December 2024. The information included:
 - An invoice for a replacement nut bag dated November 31 November 2016
 - A receipt for the purchase of cattle dated 17 December 2018
 - A receipt Triple Plus milk from Britmilk dated October 2019.
 - A copy of an application to NIEA titled “Notification for New or Substantially Reconstructed Organic Nutrient Storage Systems.
 - An amended drawing indicating that the shed will be accessed via the existing access which currently serves the dwelling. The drawing also notes that the current access will be permanently closed.

4. At paragraphs 60-62 of the main officer report it is outlined in detail the reasons why the Council considered that it had not been demonstrated that the agricultural holding had been active and established for a minimum of 6 years. It was noted in the report that that no information had been submitted to demonstrate farming between 2016-2019.
5. The abovementioned receipts have been submitted for the years 2016-2019. Taking the limited information that these receipts provide into account it is considered that this is still not sufficient evidence to demonstrate that the agricultural holding has been active and established for a minimum of 6 years. Criteria (a) of COU 12 has not been met.
6. The information also reinforces the advice contained at paragraphs 55 to 58 of the main report that the building is not necessary for the efficient operation of the holding and is excessive in size for its function.
7. An amended drawing has been submitted indicating that the shed will now be accessed via the existing access which currently serves the dwelling. The drawing also notes that the current access will be permanently closed.
8. DfI Roads have been consulted with the amended drawing and whilst they have not responded to date, as an existing access is being utilised officers would have no objection to this proposed change in principle. Refusal reasons associated with the access including Policy TRA2 criteria (a) and COU16 criteria (i) are withdrawn.
9. A copy of an application to NIEA Water Management Unit (WMU) for the "Notification for New or Substantially Reconstructed Organic Nutrient Storage Systems has been submitted to the Council. However no corresponding information has been provided by the agent indicating that this application is processed and approved. NIEA have been consulted with this additional information, however, to date they have not responded.
10. In the absence of any substantive evidence to demonstrate that the development is not causing impact on the surface water environment a precautionary approach is followed and the proposed reason for refusal is not withdrawn. The existing advice at paragraphs 81 to 84 of the main report still stands.

Conclusion and Recommendation

11. The advice previously offered that planning permission should be refused is not changed. As indicated above the reason for refusal related to the access is withdrawn.
12. The information contained in this addendum should be read in conjunction with the main DM officer's report previously presented to Committee on 02 December 2024.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	02 December 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0831/F
Date of Application	18 August 2022
District Electoral Area	Downshire East
Proposal Description	Proposed retention of recently constructed agricultural building
Location	Land adjacent to 112 Back Road Drumbo
Representations	0
Case Officer	Joseph Billham
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the 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 to the Planning Committee with a recommendation to refuse in that the contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
3. In addition, proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
4. The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.

5. The proposal is contrary to Policy COU12 criteria (c) and (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location, and it has not been demonstrated that the proposal visually integrates into the local landscape.
6. The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
7. The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.
8. The proposal is contrary to Policy COU15 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the design of the building is inappropriate for the site and its locality
9. The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
10. The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
11. The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
12. The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles

Description of Site and Surroundings

13. This site is located at the south side of Back Road and to the east of an occupied dwelling at 112 Baack Road.
14. The site measures 0.18 hectares in size and is rectangle in shape. It is accessed from Back Road via a laneway. This leads to an existing agricultural building and hard standing which is set back from the Back Road by approximately 30 metres.

15. The building is single storey with a rectangular footprint and has an open sided structure with a pitched roof. Within the building there is an internal sectional wall. Onside is for housing cattle and the other for storing hay.
16. The finishes on the building include dark blue metal cladding on the roof and part of the exterior walls. The remainder of the exterior walls are of block construction finished in grey render. The open sided structure is supported by steel stanchions.
17. The access laneway has mature hedging on the east side that runs parallel with the lane. The southern and eastern boundaries are defined by post wire fencing and earth mound. The northern boundary consists of hedging.
18. The topography of the site an undulating level but generally falling way from the roadside towards the rear boundary of the site.

Surroundings

19. The site is located in the open countryside and the area is predominantly rural in character. The site is bounded by open agricultural fields to the north, south and east. To the west of the site lies 112 Back Road which is a detached single storey dwelling.

Proposed Development

20. The is full planning permission for the retention of a recently constructed agricultural building.

Relevant Planning History

	Description	Location	Decision
LA05/2017/0351/F	Proposed replacement dwelling and garage	112 Back Road Drumbo Lisburn	Permission granted

Consultations

21. The following consultations were carried out:

Consultee	Response
DFI Roads	Objections to proposal
NI Water	No objection
Environmental Health	No objection
NIEA	Objections to proposal
DAERA	Business has not been in existence for more than 6 years.

Representations

22. No letters of representation received during the processing of the planning application.

Planning Policy Context

Local Development Plan Context

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 determination 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 Local Development Plan is the adopted Plan Strategy and the extant development plan which is the Lisburn Area Plan (LAP).

26. The site is located in the countryside in LAP and at page 49 it states:

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

27. Draft BMAP remains a material consideration in draft BMAP (2004) and the subsequent revision to the draft in 2014 this site is also identified as being located in the open countryside.

28. This application is for new agricultural building in the open countryside. The strategic policy sustainable development and good design and positive place [Strategic Policy 01 and 05] states:

29. Strategic Policy 01 Sustainable Development states:

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. Strategic Policy 05 Good Design and Positive Place Making states:

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.

31. The following operational policies in Part 2 of the Plan Strategy also apply.
32. The proposal is for non-residential development in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

33. As explained, this is an application for a farm shed and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU12, COU15 and COU16 of the Plan Strategy.

COU12 Agricultural and Forestry Development

34. *Planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that:*

- a) the agricultural or forestry business is currently active and established (for a minimum of 6 years)*
- b) it is necessary for the efficient use of the agricultural holding or forestry enterprise*
- c) in terms of character and scale it is appropriate to its location*
- d) it visually integrates into the local landscape and additional landscaping is provided as necessary*
- e) it will not have an adverse impact on the natural or historic environment*
- f) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

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

- there are no suitable existing buildings on the holding or enterprise that can be used*

- *the design and materials to be used are sympathetic to the locality and adjacent buildings*
- *the proposal is sited beside existing farm or forestry buildings.*

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

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

Planning permission will only be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as the criteria for an active and established business set out under Policy COU10.

Prior to consideration of any proposed new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist elsewhere on the agricultural or forestry holding. Any new buildings should blend unobtrusively into the landscape.

Sufficient information to demonstrate why a location away from the existing agricultural or forestry buildings is essential for the efficient functioning of that agricultural or forestry holding will be required. If justified, the building will be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

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

Integration and Design of Buildings in the Countryside

35. 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:

- it is a prominent feature in the landscape*
- it is not sited to cluster with an established group of buildings*
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- 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*
- it relies primarily on the use of new landscaping for integration*
- the design of the building is inappropriate for the site and its locality*
- ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

36. 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.*

Access and Transport

37. The proposal involves the alteration of an existing access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

Regional Policy and Guidance

38. 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.

39. Paragraph 3.8 of the SPPS states:

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

40. 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.

Assessment

Agricultural and Forestry Development

41. The proposal is seeking retrospective planning permission for an agricultural building at land adjacent to 112 Back Road, Drumbo.
42. A P1C form has been submitted alongside the application. The form states that Mr Neil Reid at No 112 Back Road is the farmer. The P1C form states the farm business was established in 2015. The farm business id (665138) was allocated on 05/02/20. It is claimed that single farm payments are not applied for.
43. Within Question 2 of the P1C Form its stated that Mr Neil Reid has a herd number 393059. It is claimed that animals were kept at 112 Back Road during years 2014 – 2016. This was in the name of Mr Reid's father. His herd number was 390207.
44. Question 3 of the P1C form explains a payslip of cattle sent to W.D Meats in 2022 and invoice of heifer nuts delivered in 2014 to feed calves kept at 112 Back Road during 2014 – 2016. Question 6 advises that no other sites are available at 122 Back Road.
45. No DAERA farm maps have been provided as part of this application, but this is not unusual on farms where single farm payment is not received

46. DAERA have been consulted on the application and confirmed that the business id 665138 for Mr Reid has not been in existence for more than 6 years and that the business ID was first allocated on 04 December 2020.
47. DAERA confirmed in their response that no single farm payment claims have been made in the last 6 years. DAERA answered 'No' to the question is the application site is on land which payments are currently being claimed by the farm business.
48. Supporting information with the application submitted by the agent included:
 - A supporting letter from agent
 - A supporting letter from applicant
 - Aerial imagery at 112 Back Road Drumbo for 2013 and 2014
49. More details regarding farming activity over recent years have been submitted that include:

2013

- April rates bill

2014

- F.S Herron Invoice – Heifer replacement nut bags

2015

- Home/Life Insurance X 2

2020

- June Rates bill
- DARD Letter – Business ID Allocated

2021

- DARD Letter – Move Restricted Herd
- DARD Letter – Options for OTS Cattle
- DARD Notice – Notice prohibiting movement of certain cattle

2022

- NIFCC Certificate – Beef Producer
 - Receipt and cheque for cattle purchase
50. Criteria a) of Policy COU12 states that development on an agricultural holding will be granted where it is demonstrated that the holding is currently active and established for a minimum of 6 years. Under COU10 criteria a) provides more

information on the level of detail required to demonstrate the farm business is active and established. This includes independent, professionally verifiable business accounts, that it has been established for at least 6 years.

51. The agent has provided information on the P1C Form that states Mr Reids own business ID665138 was allocated on 05 February 2020. Mr Reid advised within his statement that it had been decided within the family that Mr Reid needed to farm at a separate location with a separate herd number. No details have been provided of Mr Reid's fathers farm holding. In addition, within policy it refers to a farm/business in the singular therefore only Mr Reids business id 665138 can be taken into account here.
52. The information provided above is not deemed sufficient to demonstrate that the farm business has been active and established for the required period of six years. No information has been submitted to demonstrate active use on the farm holding between 2016 – 2019. The information within the years provided are not deemed sufficient to establish that there is an active business.
53. Therefore, taking the above into consideration criteria a) has not been met as it has not been demonstrated that the agricultural holding has been active and established for a minimum of 6 years.
54. The applicant and agent has provided detail within the supporting statement and documents that the agricultural building was built for housing isolated cattle. The documents provided includes a letter from DAERA confirming that eight diseased cattle were isolating at this location.
55. On DAERAs website within the document 'Biodiversity Code for Northern Ireland Farms' it is stated that:

New or returning livestock should be placed in isolation for 21 days. This includes animals returning home from shows. The quarantine facility should be a house, which does not share airspace, water supply or drainage with any other animal accommodation, and is a minimum of 3 metres away from other livestock areas. A field or paddock may also satisfy these criteria. If in doubt your own Veterinary Surgeon can advise on suitability.
56. The shed measures 13 metres by 9 metres and has a ridge height of 5.2 metres. The size of the building is considered excessive in size for the requirement of housing the number of isolated cattle. As advised above a field or paddock may be suitable or in this context a smaller shed may have been erected to accommodate the isolated cattle.
57. The shed is not a building necessary for the efficient use of the agricultural holding. Criteria b) is not met.
58. The building has a pitched roof with a ridge height of 5.2 metre. The material finishes of the building as previously indicated is dark blue cladding, grey

render walls and steel support stanchions. The size and scale of the building appears prominent at this location.

59. The building is excessive in size for its function, for the holding and within the surrounding area. The character and scale of the proposal is not appropriate to its location and criteria c) is not met for the following reason.
60. The building is not visible when travelling west to east as it is screened by the existing dwelling at 112 Back Road. Views of the shed are also broken up by mature trees and hedging adjacent to the access point of 112 Back Road.
61. Although it is set down slightly from the level of the road it remains open from a critical view travelling east to west along Back Road and also in long distance views from Front Road. The building is considered to appear prominent when travelling along Front Road towards the site. The building is considered not to visually integrate into the local landscape. Criteria d) is not met.
62. The proposal is not considered to have an adverse impact on the natural or historic environment. There are no features of natural or historic within the vicinity of the site. Criteria e) is met.
63. In terms of criteria f) the proposal shall not have a detrimental impact on amenity of residents nearby nor any issues arise from noise, smell and pollution. EHO have been consulted and offered no objections.
64. The balance of the criteria associated with Policy COU12 details that the applicant shall provide information to demonstrate there are no suitable buildings on the holding that can be used.
65. The agent has advised that during construction of a replacement dwelling (LA05/2017/0351/F) the existing farm buildings were demolished. Even if the buildings were part of the farm holding these are no longer present on site as confirmed during site inspection. No weight is attached to the fact that there were buildings here in the past.
66. The design and materials as considered above are sympathetic to the rural character of the place and reflect the design of the nearby buildings.

Integration and Design of Buildings in the Countryside

67. Turning then to policy COU 15 in terms of criteria (a), it is considered that the proposal is a prominent feature in the landscape when viewed from the junction with Front Road and travelling east to west along Back Road.
68. In terms of criteria (b) the building is not considered to cluster an established group of buildings. The building sited beside a single farm dwelling at 112 Back Road west of the site. Criteria b) is not met.

69. With regard to criteria (c) the building is considered open to critical viewpoints along both Front Road and Back Road when travelling east to west. The building does not blend with the landform and does not have a sufficient backdrop or landscaping to integrate and is considered prominent at this location. The northern boundary comprises of hedgerow and the southern boundary comprises of post wire fence. that would not be suitable to integrate here. New landscaping would be needed to integrate fully here and criteria e) is not met.
70. In terms of criteria (f), the building is rural in nature with corrugated sheeting on the exterior walls and roof. The design of the building is single storey with a standard pitched roof and ridge height of 5.2 metres. It is considered the design of the building is rural in nature however it is appropriate for the site and its locality.
71. In terms of criteria (g), any ancillary works such as the access and land around the development should integrate into the surroundings.
72. The application proposes to use an existing access and runs along part of a hedgerow on site. This access was however due to be closed off as part of the approval LA05/2017/0351/F to limit the number of access points onto the public road.
73. Dfl Roads has been consulted and indicated the existing access is potential in breach of planning permission and a number of additional drawings are required. The existing access runs along existing hedgerow and is considered to integrate with the surroundings.

Rural Character

74. In terms of policy COU16, in terms of criteria (a), it is considered that the proposal would be unduly prominent in the landscape.
75. Criteria (b) has been explained in paragraph 72 above the proposal is not considered to a cluster with an established group of buildings. The proposal is beside a single building at 112 Back Road and does not cluster here.
76. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.
77. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside.
78. For the reasons outlined earlier in the report it is considered the proposal would result in an adverse impact on the rural character of the area. Criteria (e) is not met.

79. Residential amenity shall not be adversely impacted on by the proposal. EHO have been consulted and offered no objections. Criteria (f) is met.
80. In relation to criteria g) relating to necessary services it has not been demonstrated that the proposal would not have an adverse impact on the environment by way of surface water environment. NIEA Water Management Unit (WMU) have been consulted and replied stating:

Water Management Unit has considered the impacts of the proposal on the water environment and on the basis of the information provided are unable to determine if the development has the potential to adversely affect the surface water environment.
81. WMU were seeking clarification on how manure is to be handled, and details of any tanks shown on the plans. WMU also requested information on the use of the yard.
82. The agent was emailed with the consultation responses on 21/03/2024. The email stated that that agent should provide the information that had been requested from the consultees within 14 days. To date nothing has been received.
83. Based on the information made available to the Council, it has not been demonstrated how the proposal can provide the necessary services, and that the proposal would not have a significant adverse impact on the environment.
84. In terms of criteria i) DfI roads have been consulted on the application and had noted the existing access used as part of this application was due to be permanently closed and the verge reinstated as part of a previous approval. DfI Roads requested additional information relating to ownership, visibility splays and speed surveys.
85. Again, and as stated above, the agent was emailed on 21/03/24 requesting the above information however to date this has not been provided.
86. Therefore, based on the information made available to the Council, it has not been demonstrated how the proposal and access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
87. As advised above the proposal is considered to be contrary to criteria a), b), e), g) and l) of Policy COU16.

Access, Movement and Parking

88. The site plan provided details the site entrance and laneway on the south side of Back Road. The proposal is seeking to use the existing access.

89. As previously indicated above the agent has not submitted the details requested by DFI Roads including additional information relating to ownership, visibility splays and speed surveys.
90. Advice from DFI Roads states that they find the proposal unacceptable as submitted. They express concern in relation to the proposed development and the use of the access which was due to be permanently closed up as a condition of a previous approval. As advised above the agent was emailed on 21/03/2024 and asked to submit additional information which was not received.
91. Therefore, based on the information made available to the Council, it has not been demonstrated that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles. The proposal is considered to be contrary to criteria a) of Policy TRA 2.

Conclusions

92. In conclusion the application is recommended to refuse in that the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
93. In addition, proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
94. The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.
95. The proposal is contrary to Policy COU12 criteria (c) and (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location, and it has not been demonstrated that the proposal visually integrates into the local landscape.
96. The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
97. The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.

98. The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
99. The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
100. The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
101. The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.

Recommendations

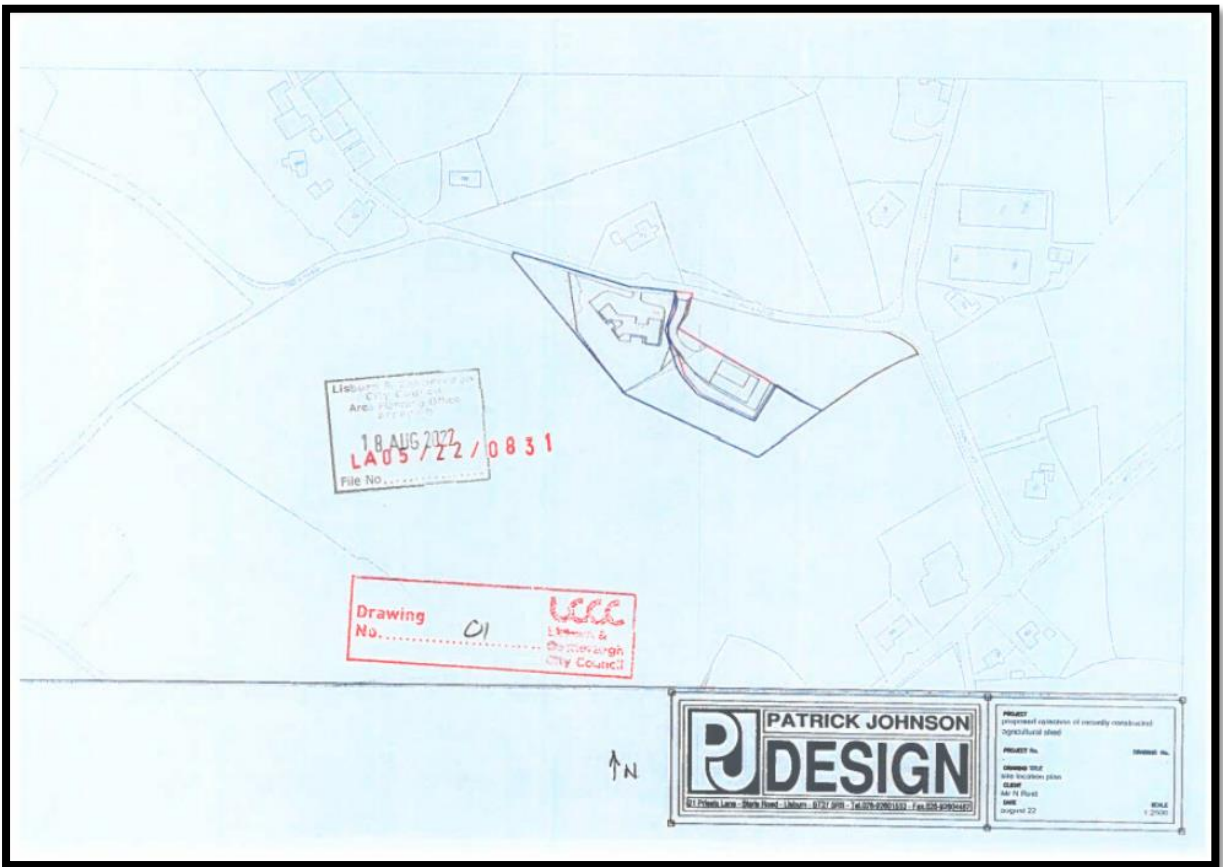
102. It is recommended that planning permission is refused.

Refusal Reasons

103. The following refusal reasons are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
 - The proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
 - The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.

- The proposal is contrary to Policy COU12 criteria (c) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location.
- The proposal is contrary to Policy COU12 criteria (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the proposal visually integrates into the local landscape.
- The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
- The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.
- The proposal is contrary to Policy COU15 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the design of the building is inappropriate for the site and its locality
- The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
- The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
- The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
- The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.

Site Location Plan – LA05/2022/0831/F.



Site Layout Plan – LA05/2022/0831/F



Drawing No.
 18 AUG 2022
 File No.

PATRICK JOHNSON DESIGN
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 18 AUG 2022

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	6 th January 2025
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2024/0100/F
District Electoral Area	Lisburn & Castlereagh
Proposal Description	Eight dwellings (change of house type to site Nos.148-151, 156-157 & 193-194 and alternative layout to that previously approved under reference LA05/2020/0270/F)
Location	Lands 90 metres north of Nos. 1-7 (odd numbers) Sir Richard Wallace Gardens, Lisburn and 30 metres west of Nos. 1-9 (odd numbers) Sir Richard Wallace View, Lisburn
Representations	None
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.
3. 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.
4. Furthermore, the density is not 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.

5. 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.
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 requirements of 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, FLD2 and FLD 3 of the Plan Strategy. It is noted that a portion of the development lies within the 1 in 100-year fluvial flood plain, however DfI Rivers acknowledge a Flood Risk Assessment was completed for the overall site and approved under previous planning permissions. The scheme is not sufficiently changed to justify departing from the earlier advice. Details submitted also demonstrate that a maintenance working strip is provided and it is confirmed that a drainage assessment is not required.

Description of Site and Surroundings

Site Context

9. The site is located within Thaxton Village, to the south and east of Beanstown Road. Much of the land surrounding has been mainly developed for housing.
10. On the day of the site visit building works were on-going, with some parts of the site having been cleared in preparation for development. Some houses built adjacent to the site were completed but not occupied at that time. Other parts of the site were occupied with temporary portacabins being used as site offices.
11. The levels on the site were rising in a northerly direction. Most of the boundaries were undefined due to the ongoing development works on adjacent lands. The eastern boundary consisted of a mature tree belt, with trees ranging in height from 10 to 20 metres.

Surrounding Context

12. The land is within the settlement limits of Lisburn and whilst the site remained undeveloped, the areas around it and beyond consist mostly of medium density suburban housing.

Proposed Development

13. The proposed development comprises the erection of eight dwellings which is a change of house type at sites 148-151, 156-157 & 193-194. This is proposed as an alternative layout to that previously approved under reference LA05/2020/0270/F.

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2003/0253/O	New residential Neighbourhoods on land zoned for housing to include local community facilities and provision of new road infrastructure (North Lisburn Feeder Road) to link Wilmar Road, Deriaghy Road, Pond Park Road and Prince William Road.	Lands allocated for housing development in north Lisburn under the Lisburn Area Plan 2001: LD4 Agnahough; LD6 Stockdam, Magheralave and Belsize Roads; and LD7 Pond Park and Deriaghy Road.	Approved 2 nd August 2005
S/2007/0934/RM	Proposed development for 220 dwellings comprising of detached, semi detached, terrace dwellings and apartments with garages, carports and other associated siteworks	515m North West of application S/2005/1096 250M North of sites 100-130 (even no's) Glenwood Court, 100 North of sites 184-242 (even no's) Glenwood Court	Approved 25 th February 2009
LA05/2020/0270/F	Proposed erection of 35no. total dwellings comprising of detached, semi-detached dwellings with garages and all other associated site works. An increase of 5 new dwellings from 30no. dwellings (previously approved under ref: S/2007/0934/RM) a change of house type to sties 100-131	Lands 130m north of nos. 1-11 (odd numbers) Sir Richard Wallace Gardens Lisburn BT28 3ZH 130m west of Sir Richard Wallace View Lisburn BT28 3NY	Approved 5 th April 2022

Consultations

15. 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

Representations

16. No representations were received in respect of this application.

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 the 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 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.

19. In accordance with the transitional arrangements, the Plan Strategy and the existing Lisburn Area Plan 2001 (LAP) are the Local Development plan. Within LAP the land is zoned for housing as designation LD04.
20. Draft BMAP remains a material consideration. Within draft BMAP 2015 the site is within the settlement limits of Lisburn and is zoned for housing as designation LC 04/14.
21. Significant weight is attached to the housing designation in the last revision to draft BMAP in 2014 as it is carried through from LAP and was not objected to at the Public Inquiry.
22. 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.

23. 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.

24. 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.

25. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 06 – 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.

26. 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.*

27. 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.*

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

Housing in Settlements

29. 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).

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

Access and Transport

38. The proposal will use an existing access to the public road already constructed under a separate planning application for the wider development site (LA05/2020/0270F).

39. That said the part of the internal service road must be designed to a safe standard. 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.

Access to Public Roads

40. 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.

41. 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

42. 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 a portion of the development lies within the 1 in 100 year fluvial flood plain including the most up to date allowance for climate change. However, Rivers Directorate acknowledge a Flood Risk Assessment was completed for the overall site and approved under previous planning approvals.

43. Policy FLD 1 – Development in Fluvial Flood Plains is therefore applicable and states that:

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

44. 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.

45. 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

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

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

47. 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.

48. 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

49. 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.

50. Paragraph 3.8 of the SPPS states:

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

51. 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.

52. 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

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

Creating Places

54. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
55. 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.
56. Paragraph 7.16 provides guidance on separation distances stating:

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

57. 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

58. 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

59. This application is for 8 dwellings within the settlement limit of Lisburn. The land on which this development is proposed is zoned for housing and significant material weight is afforded to designation LC04/14 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

60. Most of the land surrounding the site has been zoned for housing and the development of these lands is ongoing. To the east of the site there is the built and occupied developments of Sir Richard Wallace View and Sir Richard Wallace Lane, and to the west there is the development of Sir Richard Wallace Gardens.
61. The surrounding developments contain mostly two storey properties. The dwellings are noted as being set in medium sized plots with in-curtilage parking. The site is close to the settlement limit of Lisburn, with lands beyond to the north open countryside.
62. Under the previous approval, this part of the site had been proposed for 6 dwelling units, 4 detached and a pair of semi-detached properties. It is noted that the red line in this part of the approved application extended further towards the north, closer to the dwelling at No. 27 Beanstown Road. This part of the approved proposal formed a larger cul-de-sac with 12 dwellings in total.
63. Under the current proposals, the most northerly 6 dwellings approved are no longer proposed as this part of the site is now within the curtilage of the dwelling at No. 27. As such, the dwellings within this current application propose a different layout to that approved.
64. The scheme comprises 4 pairs of semi-detached dwelling units set in a largely linear form. While different house types are proposed, the buildings are of a similar scale, mass and design to those previously approved. They have small gardens to the front, with a larger, private amenity area to the rear. They each have a driveway accessed from the service through road.
65. The form and general arrangement of the buildings is characteristic of those built in the surrounding residential developments to the east, west and south.
66. Policy HOU4 also requires choice and variety in terms of housing in layout. Within the overall site, a variety of housing is constructed and the scale of development proposed here would not lend itself to a larger variety of house types. The buildings are sensitively designed to ensure the development respects the established residential character of the local area for the reasons detailed above.
67. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
68. 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 dwellings, and it

is considered that the established residential character of the area would not be harmed.

69. The layout of the rooms in each of the dwellings, 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.
70. 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.
71. With regard to criteria (b), no 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

72. Five of the proposed dwellings are the same house type, another is a slight variation on this with the remaining pair being a different house type. The buildings will sit side by side, all fronting onto the internal service road.
73. The eight dwellings proposed within this application are shown to be located on that part of the site where four dwellings had previously been approved - plots 148, 149, 193 and 194 of the LA05/2020/0270/F application. The plots where the remaining houses approved within the application site, as seen in plots 150 and 157, are seen to be now incorporated into the private rear amenity areas of the proposed dwellings.
74. The proposed dwellings on plots 148 and 149 are set further forward than the remaining units. They are seen to follow through from the building line of the approved dwelling to the west on plot 147.
75. The house types on these plots are LWS12.1 and LWS12, both of two storey construction. House type LWS12.1, to the left of the pair, has an entrance on the front elevation, leading to a hallway from which there is a lounge, WC, kitchen/dining and a family room within a single storey rear return. There is also a staircase to the first floor where there are three bedrooms, one en-suite and a family bathroom. All bedroom windows at first floor are located on the front and rear elevation, with only a bathroom window at first floor level on the gable. I am therefore satisfied that there will be no overlooking effects from this dwelling.
76. The adjoining dwelling on plot 149, house type LWS12 occupies a similar footprint to the dwelling on plot 148. However, the front entrance is located on the eastern gable, with only windows seen on the front elevation. As a result of this alternate entrance, the internal layout differs slightly from the dwelling on plot 148, more so obvious on the ground floor. However, the overall accommodation provision remains the same, with the inclusion of the single storey rear return.
77. It can be seen in this dwelling that all the bedrooms at first floor also benefit from windows on both the front and rear elevations. However, it is noted that there are

- three windows on the gable at first floor level. Two of these windows are in bathrooms, whilst the third is seen to be an additional window in bedroom 2.
78. This window projects towards the southern end of the gable of the adjacent dwelling on plot 150, at a distance of approximately 5 metres. The dwelling on this plot is set back from plot 149 and is the same house type as that seen in plot 148. The only window on the gable of this neighbouring dwelling is a first-floor bathroom. I am therefore satisfied that the bedroom window in the gable of the property on plot 148 will not overlook any habitable rooms in the adjacent dwelling. Furthermore, because the adjacent dwelling is set back there will be limited overlooking potential towards the private rear amenity area of this dwelling. Likewise, the window in the gable is adequately separated from the amenity area to the front of this dwelling.
 79. Plots 150 – 153 all comprise of house type LWS12.1, as above seen on plot 148. The details of this house type are found acceptable as per the above assessment.
 80. Plots 154 – 155 consist of house type C7. This house type takes a similar form to the other house types in that it is two storey and is semi-detached. It is noted from the footprint on the layout that it is slightly smaller than the neighbouring proposed dwellings. The dwellings are accessed from the front. At ground floor level they have a small entrance hall, leading to a lounge area and then into a kitchen/dining area to the rear. There is a small WC also at this level. There is no sunroom to the rear proposed with this dwelling. At first floor there are three bedrooms, one with en-suite and a larger family bathroom. All bedroom windows at first floor level are located on the front and rear elevations, with only a bathroom window on the gable. I am therefore also satisfied that there will be no undesirable overlooking from this dwelling.
 81. 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.
 82. The separation distances from the rear of the buildings to the rear boundary is noted as being greater than is seen in most urban development sites. The lowest separation distance is on plot 155 with a separation distance of 14.7m to the rear boundary. This distance increases with each dwelling moving towards the dwelling on plot 148 which has the greatest separation distance of 24.8m to the rear. The gable of this property is 16.8m from the gable of the adjacent dwelling on plot 147. Likewise, the gable of the dwelling on plot 155 is 7m from the rear boundary of the dwelling at No. 3 Sir Richard Wallace View, and 19.3m separated from the rear of this dwelling. The proposed dwellings are noted as having approximately a 46m back-to-back separation distance between them and rear of the property to the north at No. 27 Beanstown Road.
 83. These distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of Creating Places.
 84. I am satisfied that the layout of the rooms in each dwelling, 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.

85. The proposed layout is thought to be consistent with the form of housing found in the surrounding area. The proposed dwellings all face towards the internal service road. Each dwelling is shown to have two incurtilage parking spaces.
86. In terms of the finishes, house type LWS12.1 and LWS12 proposes smooth render and paint finish/select facing brick. There is brick detailing to openings, with uPVC barge boards, soffits and finials. The roof will consist of concrete interlocking roof tiles. House type C7 has a similar finish, having also concrete interlocking roof tiles and uPVC rainwater goods. The walls are smooth render and paint finish/select facing brick. There is brick soldier coursing, render detail and fibrous cement moulding detailing to openings where shown. There are also uPVC barge boards, soffits and finials.
87. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the dwellings are as energy efficient as possible.
88. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
89. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is within close proximity to local facilities and services at Thaxton Village. Lisburn City centre is approximately 2 miles from the site where there is a range of shops, services, food outlets and facilities. Criteria (c) is met.
90. With regard to criteria (b), detail submitted with the application demonstrates that the provision of private amenity space varies from 113sqm at the lower end, up to a maximum of 203sqm. An average of 140 square metres is provided across the site which is far in excess of the standards contained within Creating Places for a medium density housing development comprised of three-bedroom dwellings.
91. The dwellings will also benefit from the large area of open space provided to the west of the site, as approved in planning application LA05/2020/0270/F.
92. A 1.8m high boarded fence is proposed to the rear of the site and between property boundaries. The site layout also indicates a retaining wall is proposed across several parts of the site. This wall will be 0.1– 1.0m in height and will have a 1.8m high boarded fence above.
93. The levels across the site are seen to rise in a northerly direction. To the rear of each plot there is a 5-6m planted area shown in the northern part of the garden, abutting the northern boundary of the site. There is also a 5-6m planted buffer along the eastern boundary of the site.
94. For the reasons outlined above, criteria (b) are met.
95. With regard to criteria (d) the proposed density is similar to that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.

96. The internal road layout provides for safe and convenient access through the site and the provision of 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.
97. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is met.
98. Provision can be made for householder waste storage within the curtilage of each property as there is ample space for bins to be stored/moved along the gable of each dwelling. Safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.
99. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy in that the detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy HOU10 - Affordable Housing

100. The need for social and affordable housing is identified by the Northern Ireland Housing Executive as the statutory housing authority.
101. The proposed development is located within the Lisburn Dunmurry Urban Housing Needs Area which has an unmet need of 1329 units for the 2022-27 period.
102. As this proposal involves more than 5 units, provision is required to be made for a minimum of 20% of all units to be affordable. In this case, the applicant has committed to providing two affordable units and that these units will likely be offered as affordable/co-ownership dwellings (plots 154 and 155).
103. The units are designed to integrate with the overall scheme consistent with policy and their delivery will be secured by way of section 76 Agreement. No more than 4 of the dwellings are to be occupied until the two affordable dwellings are constructed and available for occupation.

Access Movement and Parking

104. The P1 Form states that the proposal will use an existing unaltered access to a public road. This is the access as approved under the wider site LA05/2020/0270/F, which in turn is derived from an earlier Reserved Matters application (S/2007/0934/RM).

105. DfI Roads has not identified any concerns in relation to the detailed layout, access and arrangement of the parking. The parking schedule demonstrates that 16 in-curtilage spaces are provided along with 4 on-street spaces therefore meeting the 2.5 spaces required per unit.
106. 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 and pedestrian crossing points.
107. 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

108. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
109. DfI Rivers have issued a consultation that states that a portion of the development lies within the 1 in 100-year fluvial flood plain including the most up to date allowance for climate change. However, the Rivers Directorate acknowledge a Flood Risk Assessment was completed for the overall site and approved under previous planning approvals therefore the proposal complies with Policy FLD1.
110. They also stated that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse is however located adjacent to the eastern boundary of the site. The site may be affected by watercourses of which they have no record.
111. Rivers Agency acknowledge the provision of a working strip to facilitate replacement, maintenance or other necessary operations therefore the proposal complies with Policy FLD2.
112. With regards to FLD3 they state Flood Maps (NI) indicates that the site does not lie within an area of predicted pluvial flooding. A Drainage Assessment is not required but they advise that the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.
113. Water Management Unit were also consulted on this application and returned a response providing standing advice.
114. 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.

115. With regard to public surface water sewer, the advice confirmed that there was a surface water sewer within 20 metres of the site.
116. Confirmation was also provided to indicate that there was available capacity at the receiving Wastewater Treatment Works.
117. 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 FLD1, FLD2 and FLD3 of the Plan Strategy.

Consideration of Representations

118. No representations were received in respect to this application.

Recommendation

119. 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

120. The following conditions are recommended:

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

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

2. The development hereby permitted shall not become occupied until hard surfaced areas have been constructed in accordance with approved drawing No. 05 published on the Planning Portal 4 March 2024 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum

and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

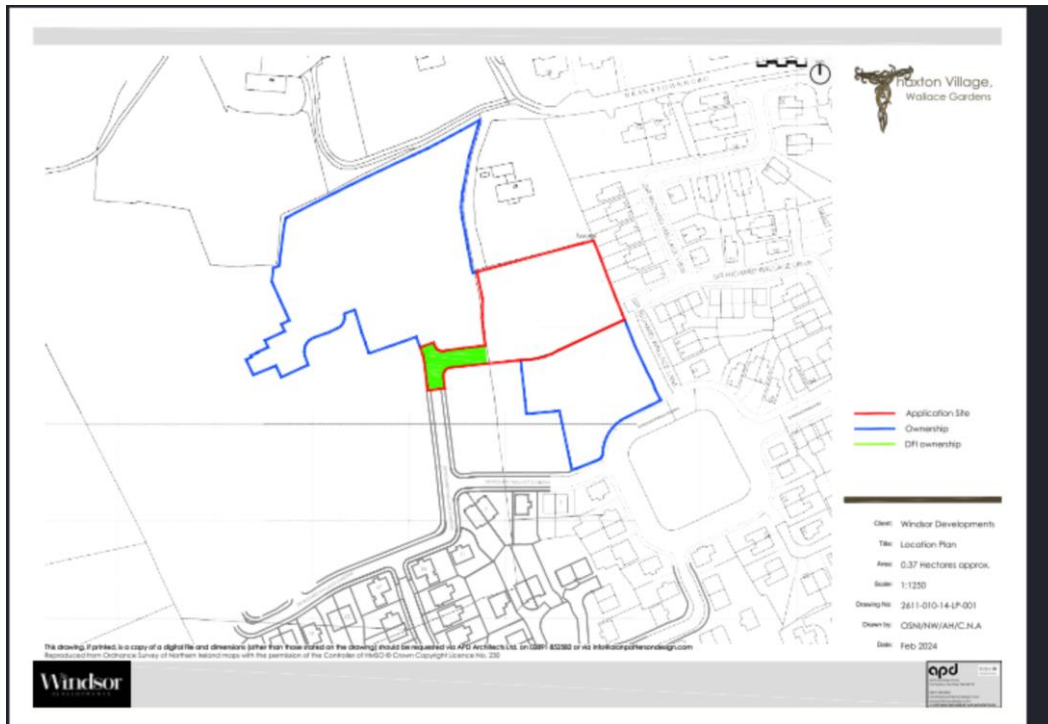
4. All hard and soft landscape works shall be carried out in accordance with Drawing No. 03 published on the planning portal on the 6 February 2024. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

5. 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 – LA05/2024/0100/F





\Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 2 – Proposed new-build residential development comprising 102no. housing units, comprised of 4no. five-bedroom detached houses, 36no. four-bedroom detached houses, 32no. four-bedroom semi-detached houses, 2no. three-bedroom detached houses and 8no. three-bedroom semi-detached houses. A total of 20% of the housing units are provided as affordable housing scattered throughout the development, including 2no. three-bedroom detached houses & 18no. three-bedroom semi-detached houses. The development incorporates landscaped open space, car parking and associated site works on lands northeast of Nos. 1-19 Chestnut Hall Avenue, No.27c Maghaberry Road, southeast of Maghaberry Community Centre, northwest of Nos. 3, 5, 5a & 5b Yewtree Hill Road. The site is accessed from Maghaberry Road.

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 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> <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.</p>	

Appendices:	<p>Appendix 2(a) - Report in relation to LA05/2024/0848/PAN</p> <p>Appendix 2(b) – LA05/2024/0848/PAN – PAN Form</p> <p>Appendix 2(c) – LA05/2024/0848/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	06 January 2025
Responsible Officer	Conor Hughes
Date of Report	06 December 2024
File Reference	LA05/2024/0848/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 Proposed new-build residential development comprising 102 housing units, comprised of 4no. five-bedroom detached houses, 36no. four-bedroom detached houses, 32no. four-bedroom semi-detached houses, 2no. three-bedroom detached houses and 8no. three-bedroom semi-detached houses. A total of 20% of housing units are provided as affordable housing scattered throughout the development, including 2no. three-bedroom detached houses and 18no. three-bedroom semi-detached houses. The development incorporates landscaped open space, car parking and associated site works on lands northeast of Nos. 1-19 Chestnut Hall Avenue and No.27c Maghaberry Road, southeast of Maghaberry Community Centre, north west of Nos. 3, 5, 5a & 5b Yewtree Hill Road. The site is accessed from Maghaberry Road.

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 20 November 2024. The earliest possible date for the submission of a planning application is week commencing 17th February 2025.

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 Collins Rolston Architects, 8th Floor, Causeway Tower, 9-11 James Street South, Belfast, BT2 8DN.
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 consultation event to include large boards setting out the proposals will be held with members of the design team in attendance. The event will take place between at 7pm on 7th January 2025. The venue identified on the PAN form is Maghaberry Community Centre, Maghaberry Road, Maghaberry.

The event will be published in the Ulster Star starting on 19th December 2024 and finishing on 26th December 2024.

A notification letter will issue to all properties within 100 metres of the site boundary week commencing 20th November 2024. The consultation will be uploaded to the Maghaberry Community Association Facebook page.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 20th November 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 is submitted in accordance with the legislation and related guidance.



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

96

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

United Kingdom

Contact Details

Telephone number

02890449814

Mobile number

Email address

olivia@collinsrolston.com

Ref no.

23.1205

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

Lands north east of Nos. 1-19 Chestnut Hall Avenue BT67 0GG & No.27c Maghaberry Road BT67 0JF, south east of Maghaberry Community Centre BT67 0JE, north west of Nos. 3, 5, 5a & 5b Yewtree Hill Road BT67 0JQ and south west of open countryside. The site is accessed from Maghaberry Road, BT67 0JF.

Easting co-ordinates (x)

Northing co-ordinates (y)

Site Area

What is the area of the site?

<input type="text" value="5.18"/>	Hectares
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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

Proposed new-build residential development comprising 102no. housing units, including 4no. 5 Bedroom detached houses, 36no. 4 Bedroom detached houses, 32no. 4 Bedroom semi-detached houses, 2no. 3 Bedroom detached houses & 8no. 3 Bedroom semi-detached houses. 20% of housing units are provided as affordable housing scattered throughout the development, including 2no. 3 Bedroom detached houses & 18no. 3 Bedroom semi-detached houses. The development incorporates landscaped open space, car parking and associated site works.

Please indicate what type of application is being requested

- Outline permission
- Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
- No

What is the total gross floor space of proposed development (sq m)?

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

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Drop-In Public Consultation Event
 Venue: Maghaberry Community Centre, Maghaberry Road, Maghaberry, BT67 0JG
 Date and time: 07/01/2025 19:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star
 Proposed advert date start 19/12/2024
 Proposed advert date finish 26/12/2024

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 to local councillors to meet for briefing in advance of public consultation.
 Notification of planning application and invitation to public consultation drop-in event issued by leaflet drop to properties within 100m of site.

Details of any other publicity methods (e.g. leaflets, posters)

Graphic jpeg notification on Maghaberry Community Association Facebook page.

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:
 District Electoral Area: Killultagh Elected Members: Cllr Thomas Beckett, Cllr Clare Kemp, Cllr Gary McCleave, Cllr Ross McLernon, Ald James Tinsley
Date notice served:
 20/11/2024

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

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

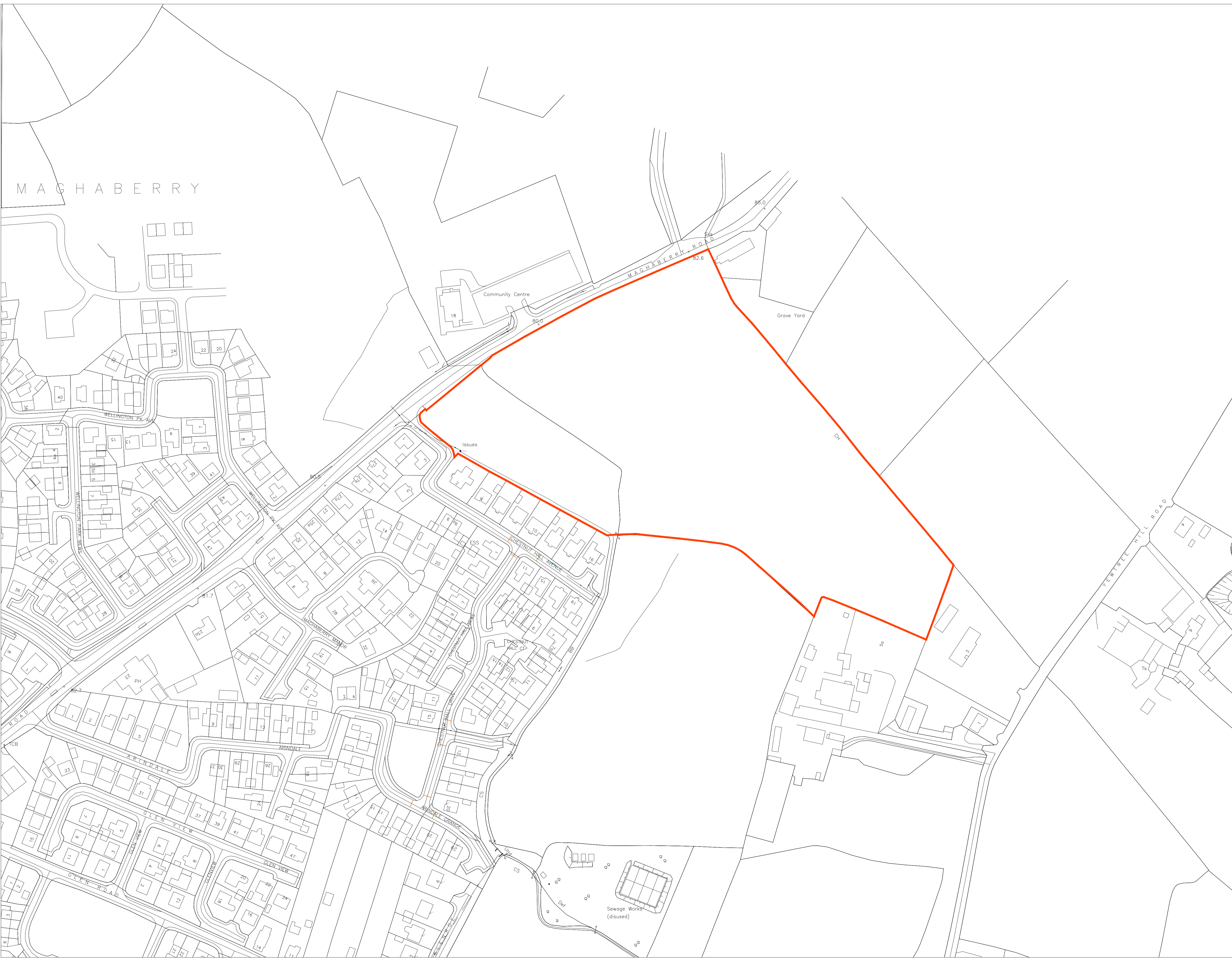
Olivia Laughlin

Date

20/11/2024

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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PRELIMINARY - FOR INFORMATION ONLY

Rev	Description	Date
Project Name and Address PROPOSED NEW-BUILD RESIDENTIAL DEVELOPMENT AT MAGHABERRY, LISBURN		
Client HALL HOMES		
Drawing SITE LOCATION PLAN		
Project Reference 23.1205	Dwg No. 001	Rev. -
Scale 1:1250 / A1	Drawn OL	Checked MC
		Date 04.NOV'24
COLLINS_ROLSTON CHARTERED ARCHITECTS PROJECT MANAGERS		
8th Floor, Causeway Tower, 9-11 James Street South, Belfast, BT2 8DN T: +44 (0)28 9044 9814 E: info@rolstonarchitects.com www.collinsrolston.com		

\Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 3 – Proposed mixed use development to include new housing, including affordable housing (Use Class C1), employment (Use Classes B1, B2, B3 and B4), and healthcare (Use Class D1(a)) with associated local needs convenience retailing (Use Class A1), riverside parkland, landscaping and associated infrastructure on Lands at Blaris, Lisburn (lands between existing M1 Junction 8/A101 roundabout and Moira Road/Knockmore Road junction).

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 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> <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.</p>	
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Appendices:	<p>Appendix 3(a) - Report in relation to LA05/2024/0860/PAN</p> <p>Appendix 3(b) – LA05/2024/0860/PAN – PAN Form</p> <p>Appendix 3(c) – LA05/2024/0860/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	06 January 2025
Responsible Officer	Conor Hughes
Date of Report	06 December 2024
File Reference	LA05/2024/0860/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 a proposed mixed use development to include new housing, affordable housing (Use Class C1), employment (Use Classes B1, B2, B3 and B4), healthcare (Use Class D1(a)), local needs convenience retailing (Use Class A1), riverside parkland, landscaping and associated infrastructure on lands at Blaris, Lisburn (lands between existing M1 Junction 8/A101 roundabout and Moira Road/Knockmore Road junction).

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 26 November 2024. The earliest possible date for the submission of a planning application is week commencing 24 February 2025.

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 Clyde Shanks Ltd, Second Floor, 7 Exchange Place, Belfast, BT1 2NA.
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 consultation event to include large boards setting out the proposals will be held with members of the design team in attendance. The event will take place between at 4pm on 23 January 2025. The venue identified on the PAN form is the Premier Inn Lisburn, 136-144 Hillsborough Road, Lisburn.

The event will be published in the Ulster Star starting on 10 January 2025 and finishing on 17 January 2025.

A notification letter will issue to all properties within 100 metres of the site boundary week commencing 13 January 2025 to include Nos. 51, 52, 56, 57, 61, 67, 80, 88, 96, 107, 109 Blaris Road, Carlton House, Nos. 6, 7, 9, 10, 13, 15 and 19 Priest Lane, Nos. 141, 143, 145, 151, 161, 163, 165, 167, 169, 164-184, 171, 179, 181, 187, 189, 191, 193 Moira Road, Millars Ford, Beechfield Park, Beechfield Mews, Rosevale Lodge, Rosevale Industrial Estate, Aldervale and Benvisteen Park Lisburn.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 25 November 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 is submitted in accordance with the legislation and related guidance.



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

[Empty text box]

First name

Neptune Carleton LLP

Surname

Neptune Carleton LLP

Company Name

Neptune Carleton LLP

Address

Address line 1

13 Main Street

Address line 2

[Empty text box]

Address line 3

[Empty text box]

Town/City

Hillsborough

Country

108

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

109

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)

362879

110

Site Area

What is the area of the site?

96.2

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

Proposed mixed use development to include new housing, including affordable housing (Use Class C1), employment (Use Classes B1, B2, B3 and B4), and healthcare (Use Class D1(a)) with associated local needs convenience retailing (Use Class A1), riverside parkland, landscaping and associated infrastructure

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

What is the total gross floor space of proposed development (sq m)?

93320

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

- Yes
- No

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: In person public consultation event
 Venue: Premier Inn Lisburn, 136-144 Hillsborough Rd, Lisburn, BT27 5QY
 Date and time: 23/01/2025 16:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star
 Proposed advert date start 10/01/2025
 Proposed advert date finish 10/01/2025

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 will be notified by way of a leaflet (w/c 13 January 2025) to include Nos. 51, 52, 56, 57, 61, 67, 80, 88, 96, 107, 109 Blaris Road, Carlton House, Nos. 6, 7, 9, 10, 13, 15 and 19 Priest Lane, Nos. 141, 143, 145, 151, 161, 163, 165, 167, 169, 164-184, 171, 179, 181, 187, 189, 191, 193 Moira Road, Millars Ford, Beechfield Park, Beechfield Mews, Rosevale Lodge, Rosevale Industrial Estate, Aldervale and Benvisteen Park.

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

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:

Downshire West DEA - Ald Allan Ewart, Ald Owen Gawith, Cllr Alan Martin, Cllr Caleb McCreedy, Cllr Gretta Thompson

Date notice served:

25/11/2024

Elected member(s) for District Electoral Area:

Lisburn South DEA - Cllr Andrew Ewing, Cllr Alan Givan, Ald Amanda Grehan, Cllr Peter Kennedy, Cllr Tim Mitchell, Ald Paul Porter

Date notice served:

25/11/2024

Other(s):

Sorcha Eastwood MP. David Honeyford MLA. Michelle Guy MLA. Paul Givan MLA. Emma Little-Pengelly MLA. Robbie Butler MLA.

Date notice served:

25/11/2024

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

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

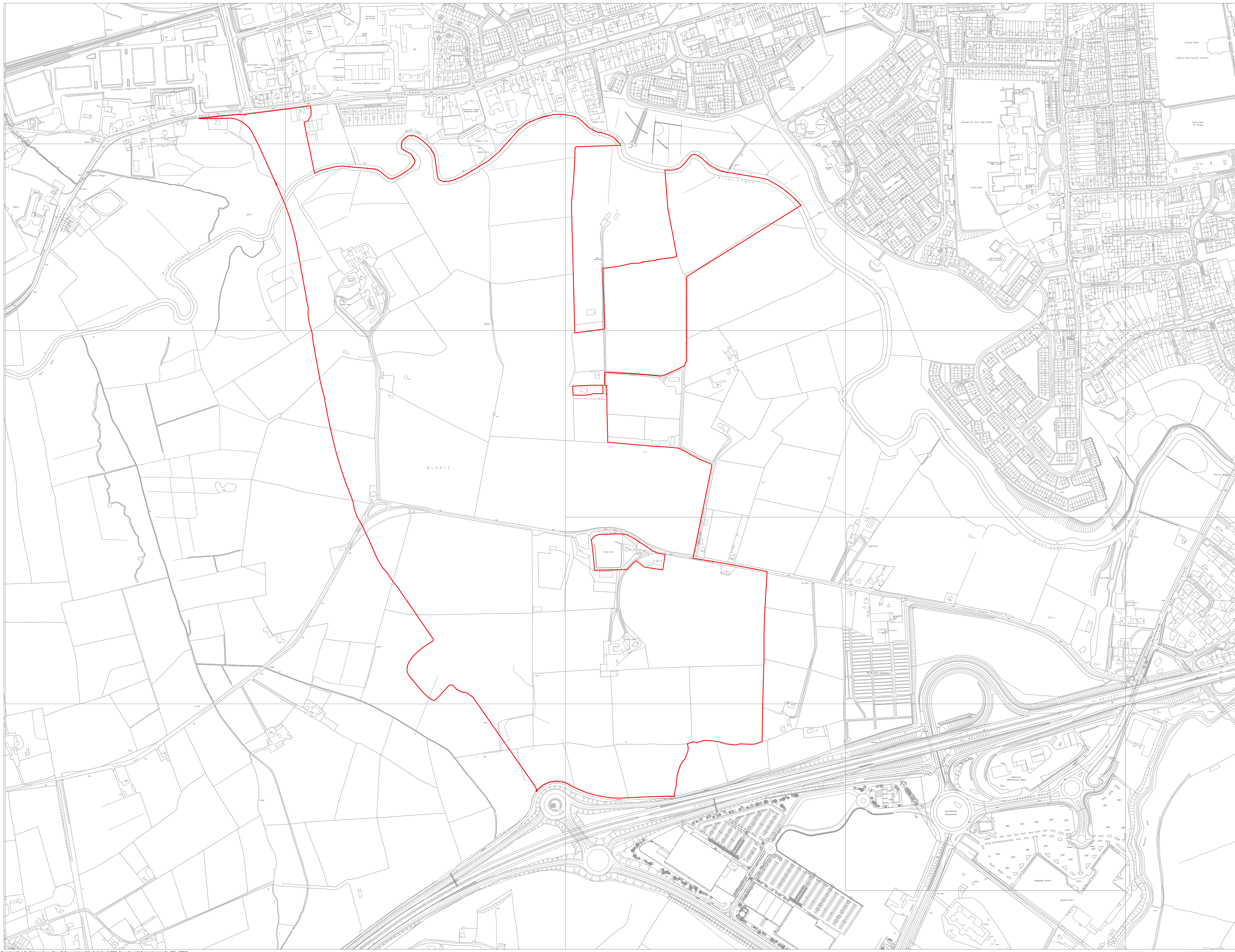
Gregor Southall

Date

25/11/2024

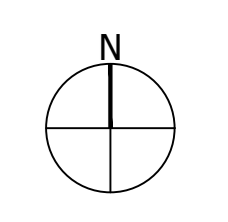
This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used 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



LEGEND

Site Boundary (c.96.20ha)



Project
Blaris

Drawing Title
Site Boundary

Date	11-11-24	Scale	1:2500 @A0	Drawn by	HJ	Check by	MW
Project No	00738	Drawing No	01	Revision			



Stantec UK Limited
Central House
58 Marlborough Street
Leeds LS2 9PQ
T: +44 (0)113 253 9999
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Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2021/0786/O

1.0 **Background**

1. An application for a replacement dwelling on a site 75 metres east of 17 Tullyard Road, Moira was refused planning permission on 10 October 2022.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 14 March 2023.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 16 October 2024.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside and whether a new building on the site would integrate sympathetically with its surroundings and whether it would have an adverse impact on the rural character of the area.
5. A decision received on 04 December 2024 confirmed that the appeal was dismissed.

Key Issues

6. In determining whether the structure had four intact walls the Commissioner engaged the dictionary definitions of the words 'substantially' which she stated is 'considerably' or 'for the most part; mainly' and 'intact' which is 'untouched' or 'not damaged'. The Commissioner concluded that the wording of the policy clearly allows for some loss to the original built fabric but there is an expectation that the walls are largely intact in order to qualify as a replacement opportunity.
7. The Commissioner was persuaded from examining the northern, eastern and southern elevations were substantially intact. There was some evidence of loss to the original fabric, however the majority of the walls remained in their original state with the chimney breast remaining in situ and continuing up to the external chimney stack on the northern elevation.
8. The Commissioner using the appellants' own estimations, concluded that only approximately 65% of the western elevation remained and she did not consider this to be substantially intact. Furthermore, the Commissioner considered part of the wall to be leaning away from the remainder of the structure and appeared to

be collapsing, although it is currently being supported by a timber sleeper. In its current condition, with the significant level of leaning, this indicates that this part of the wall may not be intact. Overall, the level of damage and loss of the original fabric of the building along this elevation was considered to be extensive. The COU3 policy reason for refusal was sustained on the basis that the building was not substantially intact.

9. It was the Commissioners view that a single storey dwelling on the lower portion of the site would not be prominent particularly due to the existing mature trees and vegetation which define the eastern, southern and western boundaries of the site. She accepted the site has long established mature vegetation along three boundaries. While new planting would be required on the northern boundary, which would assist in integrating the dwelling on views from Tullyard Road, it would not primarily rely on new landscaping to integrate as there is well established landscaping on three boundaries.
10. She also found that the appeal proposal would blend with the existing landform, subject to appropriate planning conditions. Based on this the Commissioner did not sustain the Council's concerns in relation to criterion (c) of Policy COU15 or criterion (e) of Policy COU16.
11. This appeal provides some assistance in respect of how the Commission assess buildings proposed for replacement that do not have a roof and were not all of the walls are intact. A high bar is set for the appellant in terms of the walls being substantially and considerably intact. This is consistent with the Councils approach in assessing the amount of remaining original building fabric in this and other similar cases for replacement dwellings.

2.0	<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>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</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 updating the committee on a decision by the PAC and EQIA is not required.</p>	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 4 – Appeal Decision – LA05/2021/0786/O
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Appeal Decision

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

117

Appeal Reference:	2022/A0188
Appeal by:	Mr and Mrs Cunningham
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed site for replacement dwelling (amended plan and additional information)
Location:	Site 75m east of 17 Tullyard Road, Moira
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/0786/O
Procedure:	Written representations and Commissioner's site visit on 16 th October 2024
Decision by:	Commissioner Laura Roddy, dated 3 rd December 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside; whether a new building on the site would integrate sympathetically with its surroundings and whether it would have an adverse 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, 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 Local Development Plan 2023 Plan Strategy (PS) was adopted on 26th September 2023 and parties were provided an opportunity to comment on the new policy context. In accordance with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) is now a compilation of the Departmental Development Plan (DDP) and PS read together. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS. In this appeal the DDP is the Lisburn Area Plan 2001 (LAP), with the draft Belfast Metropolitan Area Plan 2004 (dBMAP) remaining a material consideration in certain circumstances. In the LAP, the site is located within the countryside. The LAP contains no policies relevant to the appeal proposal. It directs to the Planning

Strategy for Rural Northern Ireland, which was superseded by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). In draft BMAP 2004 the appeal site also falls within the countryside. However, it too would have been superseded by regional policy and does not contain any policies material to the appeal development.

5. In compliance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), operational policies set out in the PS are now in effect. It now falls to the Commission to assess the appeal in the context of the LDP, in accordance with the above legislative provisions and the reasons for refusal as provided by the Council. Accordingly, there is no conflict between the DDP and the PS. Guidance contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' is also a material consideration.
6. The Appellants argued that the PS was not in force at the time of the application, decision or submission of Statement of Case / rebuttal evidence and should not be applied retrospectively to the proposal. However, as outlined above the Planning Policy Statements have ceased to have effect for this Council area as the PS has been adopted. Therefore, it now falls to the Commission to assess the appeal proposal in the context of the PS in accordance with Section 6(4) of the Act and the amended reasons for refusal as put forward by the Council.
7. Policy COU1 'Development in the Countryside' of the PS states that there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development. Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. The policy advises that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'. The Council have raised objections in respect of Policies COU3, COU15 and COU16.
8. Policy COU3 'Replacement Dwellings' reflects the relevant provisions of paragraph 6.73 of the SPPS. It advises that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.
9. The Council consider that whilst the building to be replaced has the essential characteristics of a dwelling, all external structural walls are not substantially intact, in particular the walls on the western and eastern elevations. In relation to the southern elevation, the Council note that a substantial amount of the gable remains intact and for the northern elevation they note that it is not possible to ascertain the extent to which the elevation is intact as it is overgrown with vegetation.
10. In relation to the eastern elevation, the Council consider that there is evidence of a soldier course of brick along part of the elevation which provides an indication of the vertical height of the eaves. However, they state it is not possible to determine how far this extends along the elevation due to the amount of vegetation. They state there is evidence of considerable wall collapse above a window and other potential

window/door openings which means the elevation is not considered to be substantially intact.

11. In relation to the western elevation the Council considers that this wall is in the worst condition, it is not a substantial solid wall, nor is its height comparable to that of the eastern elevation. They state that there is no evidence of a soldier course of brick that defines the top of the wall at eaves height which is apparent on the eastern elevation. They also refer to a section of this wall being disconnected from the remaining wall and supported in situ by a timber sleeper and therefore consider the wall to be unsound.
12. The appellants consider that the western elevation was the front elevation of the former dwelling and estimates that it is approximately 65% intact. While they acknowledge that part of the wall is supported by a wooden post, they consider that the policy requirement is for the wall to be substantially intact rather than structurally sound. They also consider that this part of the wall may remain intact for some time even when the support is removed. For these reasons, they consider the wall on the western elevation, although deteriorated and not fully intact, is substantially intact. They consider the eastern elevation is 90% intact, the northern elevation 85% intact and the southern elevation 100% intact. Overall, they state that the walls are 85% intact using the average mean total.
13. The appeal site contains a structure which is proposed to be replaced. The determining matter in this appeal, in relation to Policy COU03, is whether all four external structural walls are substantially intact. The dictionary definition of the word 'substantially' is 'considerably' or 'for the most part; mainly'. The dictionary definition of the word 'intact' is 'untouched' or 'not damaged'. The wording of the policy clearly allows for some loss to the original built fabric but there is an expectation that the walls are largely intact in order to qualify as a replacement opportunity.
14. There is no dispute between the parties in relation to the southern gable, and I accept this wall is substantially intact. While the Council argued that the northern gable was overgrown to an extent that they could not determine if it was substantially intact, I am persuaded from examining the northern elevation both internally and externally that it is substantially intact. There is some evidence of loss to the original fabric, however the majority of the wall remains in its original state with the chimney breast remaining in situ and continuing up to the external chimney stack.
15. In relation to the wall on the eastern elevation, it is overgrown by trees along the top portion of the wall and there is some evidence of loss to the original fabric on the northernmost part of this elevation, particularly above two of the openings. Some openings have also been blocked up. However, the loss to the original fabric is limited to the northernmost part of the elevation and the remainder of the elevation appears largely intact. I am minded to accept the appellants' assessment that this elevation has benefited from the shelter provided by the large eastern hedge/tree line. Overall, I consider that this wall remains substantially intact. From the photographs provided, and my own observations on site, I consider the northern gable and eastern wall, as well as the southern gable, are substantially intact.
16. The wall on the western elevation is considered to be in the worst condition by both the appellants and the Council. It faces towards the road and has a number of openings. However, all of the openings are deteriorated to such a degree that only

the bottom and sides remain on all openings. None of the openings have window heads and none are defined to the top, with complete loss of the wall above all openings. Some of the openings also appear to have deteriorated at the bottom with these sections appearing to be infilled with stone. While the appellants' report states that this elevation still holds enough sections of the wall/piers to recognise all the openings and their types this is not the test in policy. The policy requires more than an understanding of the openings on each elevation, it requires the walls to be substantially intact.

17. Even using the appellants' own estimations, only approximately 65% of the wall remains. At less than two thirds of the wall remaining, I would not consider this to be substantially intact and, to the contrary, it indicates that there has been a considerable degree of loss on that elevation in keeping with my findings above. Furthermore, part of the wall is leaning away from the remainder of the structure and appears to be collapsing, although it is currently being supported by a timber sleeper. In its current condition, with the significant level of leaning, this indicates that this part of the wall may not be intact. Overall, the level of damage and loss of the original fabric of the building along this elevation is extensive.
18. The appellants estimated that approximately 85% of the building remains but this figure is skewed upwards by the condition of the gable ends and the eastern elevation. The policy requires, at a minimum, all external walls to be substantially intact. Therefore, an assessment of each wall individually is required, rather than a rounded average of the remaining external wall fabric. Although I have found in favour of the appellants in relation to the northern, southern and eastern elevation walls, for the reasons stated I find the wall on the western elevation of the structure is not substantially intact. Therefore, the appeal proposal is contrary to Policy COU3 of the PS and the Council's second reason for refusal is sustained.
19. In support of their case, the Council referred to appeal decision 2015/A0030 where the Commissioner found that the external walls could not be described as substantially intact with 75% of the front elevation and 88.5% of the rear elevation remaining. No photographs of the structure subject to that appeal were provided and without further details I cannot be certain that the appeal referred to by the Council is on all fours with the appeal before me. Therefore, I give it little weight in my consideration of the matters before me.
20. Policy COU15 'Integration and Design of Buildings in the Countryside' requires 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 of an appropriate design. It states that a new building will not be permitted if any of seven identified criteria apply. While the Council has not specified which part of the policy they think the proposal is contrary to, they refer to a dwelling on the site being prominent, a lack of long established natural boundaries, the site not being able to provide a suitable degree of enclosure, relying on new landscaping along the northern boundary for integration and failing to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. These concerns relate to criteria (a), (c), (d) and (e) of Policy COU15.
21. Policy COU16 'Rural Character and other Criteria' requires that 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. It

states that a new development proposal will be unacceptable where any of the nine identified criteria occur. Again, while the Council has not specified which criterion they have concerns with, their evidence highlights concerns with a dwelling on the site being unduly prominent which relates to criterion (a) of the policy and that it would therefore result in an adverse impact on the rural character of the area which relates to criterion (e).

22. The 0.34ha appeal site sits to the eastern side of Tullyard Road. It is the southernmost portion of a long, broadly rectangular, field which sits adjacent to the Tullyard Road. The eastern, southern and western boundaries are defined by the existing field boundaries, mainly post and wire fence or a low stone wall with mature hedgerows and trees. The entrance to the site is on the western boundary and a field gate provides access to Tullyard Road. The northern boundary of the site is currently undefined. The building proposed to be replaced is in the eastern part of the site and sits at the highest point within the site. Ground levels fall away towards Tullyard Road to the west and to the agricultural field to the north.
23. While the structure proposed for replacement currently sits at the highest point of the site, it is not prominent in the landscape. The Council argues that a replacement dwelling would be required to be larger to facilitate modern living. However, the appeal relates to an application for outline permission and a proposed replacement dwelling could be limited in size and sited anywhere within the 0.34ha site, including at a lower elevation. A single storey dwelling on the lower portion of the site would not be prominent particularly due to the existing mature trees and vegetation which define the eastern, southern and western boundaries of the site. A condition could be used to ensure there is new planting along the northern boundary which would further assist in ensuring any dwelling on the site would not be prominent, including from views along Tullyard Road. I consider that the Council's concerns in relation to a dwelling on the site being prominent, in part due to the size of the proposed replacement, could be addressed by conditions restricting the size, scale, height and location of the dwelling. The Council's concerns relating to criterion (a) of Policies COU15 and Policy COU16 are not sustained.
24. Criterion (e) of Policy COU15 requires that proposals will not be permitted where '*it relies primarily on the use of new landscaping for integration*' (my emphasis). As described above, the site has long established mature vegetation along three boundaries. While new planting would be required on the northern boundary, which would assist in integrating the dwelling on views from Tullyard Road, it would not primarily rely on new landscaping to integrate as there is well established landscaping on three boundaries. A condition could be used to ensure this is retained. Therefore, the Council's concerns in relation to criteria (d) and (e) of Policy COU15 are not sustained.
25. For the reasons stated above, I find that the appeal proposal would blend with the existing landform, subject to appropriate planning conditions. Therefore, the Council's concerns in relation to criterion (c) of Policy COU15 are not sustained. Consequently, I find the appeal proposal would not have an adverse impact on the rural character of the area and the Council's concerns regarding criterion (e) of Policy COU16 are not sustained.
26. The updated reasons for refusal also cited concerns in that a proposed dwelling would not be sited to cluster with an established group of buildings, and that it would

fail to respect the pattern of settlement exhibited in that specific location. These concerns are related to criterion (b) of Policy COU15 and criteria (b) and (c) of Policy COU16 of the PS. However, while the Council added these to the updated reasons for refusal, they did not sufficiently substantiate nor justify their concerns in this regard. The Council's concerns in relation to these additional criteria of Policies COU15 and COU16 are therefore not sustained.

27. For the reasons given, the appeal proposal would be contrary to Policy COU3 of the PS. Although I have found that it would comply with Policies COU15 and COU16, it is nevertheless not a type of development that is acceptable in principle in the countryside and therefore also fails to comply with Policy COU1 of the PS and the associated provisions of the SPPS. The Council's first and second reasons for refusal are upheld.
28. The third party supporters, who are the parents of one of the appellants, live on the opposite side of Tullyard Road close to the appeal site. They refer to a need to have the appellants live close to them as they are in their eighties, living rurally in an isolated location and in need of increasing support having suffered serious ill health. While it may be beneficial for the appellants to live closer to their parents, no persuasive evidence was provided to demonstrate that a new dwelling is a necessary response to the particular circumstances of the case. In the evidential context, I am not persuaded that the need for the dwelling would override the failure to comply with the relevant policies.
29. While the third party supporter also refers to a previous planning permission on the site, no evidence of such a permission was provided and the Council has no corresponding record. As there is no evidence of a planning permission on the site, I cannot place any weight on this.
30. For the reasons given, the appeal proposal would be contrary to Policies COU1 and COU3 of the Council's Plan Strategy and the associated provisions of the SPPS. There is nothing that outweighs the failure to comply with the relevant provisions of the PS, which is determining in this appeal, therefore the appeal must fail.

This decision relates to the following drawings:-

Drawing No.	Title	Scale	Date Received by Council
01/A	Location Map	1:2500	11/10/21

COMMISSIONER LAURA RODDY

List of Documents

Planning Authority:-	Statement of Case by Lisburn and Castlereagh City Council Comments on adopted Plan Strategy
Appellants:-	Statement of Case by E Devlin and A Cunningham Rebuttal by E Devlin and A Cunningham Comments on adopted Plan Strategy
Third Party:-	Statement of Case by W and M Cunningham

Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – 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"> 1. The Council is notified by three operators, Openreach, KTL and United Living Connected Ltd of their intention to utilise permitted development rights at four locations within the Council area to install communications apparatus. 2. The installations consist of broadband and telecommunication apparatus, upgrades and relocation or replacement of antenna and equipment 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"> 1. 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. 2. 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. 3. 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	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. 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 or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:

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

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights January 2025 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	KTL	EE Ltd	Kirkwood Road, Lisburn	To utilize their permitted development rights as identified in the Planning General Development Order (Northern Ireland) 2015, Part 18 (Development by Electronic Communications Code Operators).	18/11/2024
2.	Openreach	BT	26 Steedstown Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	19/11/2024
3.	United Living Connected Ltd	BT & EE	127 Saintfield Road, Lisburn	The installation of 3 no. antenna and ancillary radio equipment at existing lattice mast. The installation of 1 no. GPS Module onto existing gantry pole within compound. The installation of 1 no. replacement equipment cabinet within compound.	21/11/2024
4.	Openreach	BT	POWERAIR LTD, Blaris Industrial Estate, 15, Altona Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	06/12/2024

Committee:	Planning Committee
Date:	06 January 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Update to the Protocol of Operation of the Planning Committee

1.0 **Background**

1. In March 2024, a decision notice was issued by the Assistant Northern Ireland Local Government Commissioner for Standards, following an investigation into complaints made against a former LCCC Councillor.
2. In correspondence with the Council the Local Government Auditor wished to establish what steps the Council had taken to ensure there have been lessons learned from the issues raised by these events. In a subsequent report to the Governance & Audit Committee a series of actions were agreed that could improve our processes further.
3. This report addresses the actions identified in the lessons learned report to ensure that Member declarations of interest are being managed and monitored in planning committees to protect the openness and transparency of the decision-making process.

Key Issues

1. The purpose of the Protocol is to set out the procedural arrangements for the operation of the Planning Committee. The document correlates with the Council's Standing Orders and the Code of Code of Conduct for Councillors.
2. The protocol for declaring Member interests is set out at paragraphs 29 to 33 (see attached appendix). It is proposed to supplement the processes to be followed where a pecuniary and/or significant private or personal non-pecuniary interest in any item on the agenda is declared consistent with the findings of the Local Government Auditor's report.
3. The purpose of the proposed changes is to improve the open and transparency of the committee decision-making process. The proposed draft is consistent with the wording of the lessons learned report agreed by the Governance and Audit Committee.
4. The amendments proposed under the heading 'Declaration of Interests' are as follows:
 - Where a Councillor declares an interest in either of the above circumstances and does not leave the room without providing valid justification, the matter should be challenged by the Chair of the Committee, or other Councillors (paragraph 31).

	<ul style="list-style-type: none"> To ensure there is effective monitoring of declarations of interests a report will be brought for noting to the Governance and Audit committee on annual basis. The report will include a list of all declarations made in that calendar year relating to the work of the Planning Committee (paragraph 32). 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee agree the proposed changes to paragraphs 29 to 33 of the Protocol for the Operation of the Planning Committee in respect of Member Declarations of Interest</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	The change to the Protocol arises from a finding from an external investigation. Its purpose is to improve the open and transparency in the decision-making process. EQIA is not required as there is no change in policy.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	The change to the Protocol arises from a finding from an external investigation. Its purpose is to improve the open and transparency in the decision-making process. RNIA is not required as there is no change in policy.	

Appendices:	Appendix 6 – Protocol for the Operation of the Planning Committee (Revision 1.0)
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Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee

Reviewed: December 2024

Effective Date: 31 January 2025

Revision 1.0

www.lisburncastlereagh.gov.uk

Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee

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PURPOSE OF THE PROTOCOL

1. The purpose of this Protocol is to outline practical handling arrangements for the operation of Lisburn & Castlereagh City Council's Planning Committee (the "Committee").
2. The Protocol should be read in conjunction with the relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors. It is not intended to replace either document.

REMIT OF THE PLANNING COMMITTEE

Development Plan

3. The Committee will have an oversight role to ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and land for economic development. The Committee will also need to ensure that the Plan is reviewed every 5 years, giving consideration to whether there is a need to change the Plan strategy or zonings, designations and policies.

Development Management

4. The main role of the Planning Committee in relation to development management is to consider planning applications made to the Council as the Local Planning Authority and to decide whether or not they should be approved. The Planning Committee will have full delegated authority, meaning that the decisions of the Planning Committee will not go to the full Council for ratification.

Enforcement

5. The enforcement of planning controls will be delegated to authorised Officers, with the Planning Committee receiving quarterly reports on the progress of enforcement activities.

SIZE OF THE PLANNING COMMITTEE

6. A membership and quorum, as outlined in the Council's Standing Orders, is required for the Planning Committee to convene. Business shall not be transacted unless 50% of the Members of the Committee are present.
7. The Lisburn & Castlereagh City Council Planning Committee will comprise 11 Members with no substitutions permitted.
8. The Head of Planning and Capital Development (or authorised planning officer) is expected to attend all Planning Committee meetings, in addition to Planning Officers presenting their reports.

FREQUENCY OF MEETINGS

9. In accordance with the Council's Standing Orders, Planning Committee meetings will usually be held on a monthly basis. The Planning Committee will normally meet on the first Monday in every month. The Committee shall from time to time fix its own day and hour of meeting and notify the Council. The following will be published on the Council's website at least 5 working days in advance of the meeting:
 - Committee meeting dates and times; and
 - The Schedule of Applications to be determined by the Planning Committee

SCHEME OF DELEGATION

10. A Scheme of Delegation is where decision making for local applications is delegated to an appointed Officer rather than the Council, thereby enabling speedier decisions and improved efficiency. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires a Council to produce a Scheme of Delegation for operation in its area.
11. The Council's Planning Scheme of Delegation relates only to applications falling within the category of **local development** as defined under regulation 2 of The Planning (Development Management) Regulations (Northern Ireland) 2015. Certain statutory restrictions that apply to the Council's Scheme of Delegation prevent certain types of applications from being delegated to Officers, thereby requiring them to be determined by the Planning Committee. These restrictions are set out in Part A of the Council's approved Scheme of Delegation.
12. The Council's Scheme of Delegation is approved by the Department for Infrastructure in accordance with Section 31 of the Planning Act (Northern Ireland) 2011.
13. In accordance with regulation 10 of the Planning (Development Management) Regulations (Northern Ireland) 2015, the Scheme is available to view on the Council's website www.lisburncastlereagh.gov.uk. A copy is also available at the Island Civic Centre, The Island, Lisburn, Co Antrim, BT27 4RL.
14. The Scheme of Delegation will be reviewed periodically to ensure that it remains current and relevant.

ENFORCEMENT

15. Planning Officers will prepare a quarterly report on the progress of formal enforcement cases which will be circulated to all Members of the Council, detailing the number of notices issued, and convictions obtained, as opposed to providing details of individual cases.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

Weekly List of Delegated Applications with recommendation to refuse and/or approve with objections received

16. Where applications have been delegated to Officers and the decision is to refuse planning permission, **Members of the Council** will be notified by email of the recommendation and the reason for the recommendation. If a recommendation is to approve and objections have been received, **Members of the Council** will also be notified by email of the nature of the objections and how they have been considered. If considered appropriate, Members can then request that an application be referred to the Planning Committee for determination.
17. Planning reasons explaining why the application should be determined by the Planning Committee must accompany all such requests. Members should refer to paragraphs 9 of DMPN 15 – Councils Schemes of Delegation which offers examples of sound and appropriate reasons for referral¹.
18. In such cases, Members **must** submit a request to the Planning Unit via email to the planning@lisburncastlereagh.gov.uk inbox clearly stating the planning reason(s) for the request. A Member has 5 working days from the date of the email notification sent to Members under paragraph 16 above in which to submit a request.
19. On receipt of a request, the Chairperson (or Vice Chairperson where applicable) shall liaise with an authorised officer where the reasons provided are not considered sound or appropriate.
20. Where it is agreed that the reason(s) is not sound or appropriate, the referring Member will be advised accordingly.
21. A notification email will be issued to all Members on a weekly basis to advise which applications have been referred to Planning Committee.
22. The Head of Planning and Capital Development or authorised officer may also consider it prudent to refer a delegated application to the Planning Committee for determination. Where the authorised officer considers it prudent to refer a delegated application to Committee, the matter will be discussed and agreed with the Chairperson presiding on this application.

¹ https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/dmpn-15-scheme-of-delegation-v1-april-2015_0.pdf

FORMAT OF PLANNING COMMITTEE MEETINGS

23. Lisburn & Castlereagh City Council will operate its Planning Committee in accordance with its own Standing Orders. The Schedule of Applications to be determined by the Planning Committee will be posted to the Planning Portal website 5 working days prior to the Committee Meeting.

Standard Items

24. The agenda will allow for the inclusion of the following items:
- Notice of meeting;
 - Apologies;
 - Approval of the minutes of the previous meeting;
 - Declaration of Interests;
 - Schedule of Planning Applications;
 - Other Reports for Noting
 - Development Plan and Enforcement matters (quarterly)
 - AOB

Committee Papers

25. All Planning Committee Members will be sent an agenda in advance of the Committee meeting. The following papers (where appropriate) will also be provided:
- Minutes of the previous meeting for approval as a complete record;
 - Schedule of Applications to be Determined (including those brought back following deferral) for consideration by the Committee;
 - Details of applications of regional significance which will have an impact upon the Council area and the Council is a statutory consultee or where it may wish to make a representation;
 - Performance Management Reports;
 - Details of Local Development Plan issues (as required);
 - Details of relevant Enforcement Matters (as required); and
 - Details of proposed Pre-determination hearings (as required).
26. A Pre-Planning Committee Meeting may be held with the Chairperson and Vice Chairperson and other officials in advance of the scheduled Committee meeting taking place.
27. Where necessary, Planning Officers will prepare an addendum report to provide Members with any relevant updates since the agenda was issued.
28. Planning Committee meetings will be open to the public except when access may be restricted in accordance with Section 42 of the Local Government Act (Northern Ireland) 2014.

Declaration of Interests

29. At the beginning of **every** meeting, Members will be asked to declare whether they have a pecuniary and/or significant private or personal non-pecuniary interest in any item on the agenda.
30. Should a Member declare such an interest they must have regard for the Members Code of Conduct and it is recommended that they leave the meeting room for the duration of that item unless they have registered to speak on the item. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time. At the end of the item Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences.
31. Where a Member, in advance of the relevant Committee meeting, has taken a firm view on a planning application (in essence they have "pre-determined" the application) that Member should make an open declaration at the beginning of the relevant meeting and leave the meeting room for that entire item unless they have registered to speak on the item. In this circumstance the Member will be invited into the room to address the Committee and answer questions at an appropriate time. At the end of the item Members will then be invited to return to the meeting room and notified of the Committee's decision before the meeting recommences.
32. Where a Councillor declares an interest in either of the above circumstances and does not leave the room without providing valid justification, the matter should be challenged by the Chair of the Committee, or other Councillors.
33. To ensure there is effective monitoring of declarations of interests a report will be brought for noting to the Governance and Audit committee on annual basis. The report will include a list of all declarations made in that calendar year relating to the work of the Planning Committee.

PRE-DETERMINATION HEARINGS

34. The Planning Committee has a **mandatory** requirement to hold pre-determination hearings for those major applications which have been referred to the Department for Infrastructure for call-in consideration but returned to the Council for determination. The pre-determination hearing should be heard by the Planning Committee and the related application should be decided by the Planning Committee.
35. The Council may also hold pre-determination hearings, at their own discretion, where it is considered necessary to take on board local community views as well as those in support of the development. In deciding whether to apply discretion, Members will take into account the following:
 - Relevance of the objections in planning terms;
 - The extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation and

- The numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
36. Applicants and those who have submitted relevant representations will be afforded an opportunity to be heard by the Council before it takes a decision. When holding a pre-determination hearing, the procedures will be the same as those applied to normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date, and the planning issues to be considered. In circumstances whereby the Committee decides to hold the hearing on the same day as it wishes to consider and determine the application, the report to Members will also include a recommendation.
37. Pre-determination hearings should take place **after** the expiry of the period for making representations on the application but **before** the Committee meets to discuss the application. Whilst the Committee will endeavour to hold its pre-determination hearings out with the Committee meeting at which the application will be considered, it is recognised that this may not always be possible.

PUBLIC SPEAKING

Procedures for Public Speaking

38. The following procedures will apply to Lisburn & Castlereagh City Council Planning Committee meetings.

Registering Requests

39. Failure to comply with the following criteria will result in an invalid request to speak:
- Requests to speak should be received in writing to the Planning Unit or by email to planning@lisburncastlereagh.gov.uk no later than 12 noon on the last working day prior to the scheduled Committee meeting.
 - The request must state whether they wish to speak in support or in opposition to a planning application.
 - Requests must be accompanied with a legible written representation of no longer than two sides of an A4 page. This can be written or typically typed in a font such as Arial, minimum size 10, summarising the points to be addressed and provide supplementary information (to include, for example, photographs or otherwise) in support of their case. The written submission is not intended to replace a speaking note if a speaker wishes to expand on the points raised in the meeting. Exceptions to this, so as to accommodate equality of access, will be at the discretion of the Chairperson.
 - A contact number and/or email address must be provided to allow individuals to be invited to/participate in meetings either in person or remotely through on-line access.

- Late requests may be accepted by the Chairperson in exceptional circumstances.

Circulation of Information

40. The written representation submitted when registering to speak will be circulated to Members in advance of the Committee meeting. Any written representation received after this time will **not** be circulated unless it is agreed by the Chairperson.
41. No documentation must be circulated at the meeting to Members by speakers. If speaking remotely the sharing of any media will not be permitted.
42. MPs/MLAs and all Members may speak about an application. They will be afforded **3 minutes**. Where more than one elected representative is registered to speak for or against a proposal they are encouraged to seek areas of common ground to avoid duplication of issues and questions. Where possible elected representatives are encouraged to share the speaking time allowed.
43. Members of the public in support or objection to a proposal will be afforded **3 minutes** to speak about an application. Where more than one person is registered to speak for or against a proposal only one person from those objecting to the proposal and one person in support of the proposal will be allowed to speak.

Questions of Clarification

44. Members of the Planning Committee can seek clarification from those individuals who have addressed the Committee through the Chairperson. Members must not enter into a debate on any issue raised until the Chairperson opens the formal debate of all issues before the Committee.
45. When invited by the Chairperson, Planning Officers can address any issues raised and Planning Committee Members can question Planning Officers through the Chairperson.
46. The Chairperson may agree to accept representations outside these procedures.

COMMITTEE DECISIONS

47. The main role of the Planning Committee is to consider applications made to the Council as the Local Planning Authority and decide whether or not they should be approved.

Committee Decision Making Options

48. The Committee will discuss applications presented to it before taking a vote.
49. Where the recommendation by the officer is accepted the following options are available

- Approve the application with conditions as recommended;
- Approve the application with amended conditions;
- Refuse the application for the reasons recommended;
- Refuse the application with additional or different reasons recommended.

50. Where the recommendation by the officer is not accepted the following options are available:

- Approve the application demonstrating how the relevant policy has been fully engaged with appropriate conditions in consultation with an authorised officer;
- Approve the application with conditions to be drafted by an authorised officer and approved by Members at the next Planning Committee meeting;
- Refuse the application with a precise reason or reasons for refusal demonstrating how the relevant policy has been fully engaged.

51. Members must be present for the complete discussion on the item otherwise they cannot take part in the debate or vote on that item.

52. Except where a decision on a planning application is unanimous a recorded vote will be taken.

53. The Chairperson of the Planning Committee has a casting vote.

Decisions Contrary to officer recommendation

54. The decision as to whether planning permission should be approved or refused lies with the Committee. The views, opinions and recommendations of Planning Officers may on occasion be at odds with the views, opinions or decision of the Planning Committee or its Members. This is acceptable where planning issues are finely balanced.

55. The Committee can accept or place a different interpretation on, or give different weight to the various arguments and material considerations.

56. If the Committee is minded to make a decision contrary to Officer recommendation in accordance with paragraph 50 then:

- The proposer of the motion to go against the Planning Officer's recommendation, or the Chairperson, should state the planning reasons for the proposed decision before a vote is taken. The reasons should be clear, necessary, reasonable and be based on material planning considerations;
- The Authorised Planning Officer present at the meeting should be given the opportunity to comment upon whether the proposed reasons for the decision are valid and, if an approval is proposed, to recommend appropriate conditions;
- A detailed minute of the Committee's reasons for departing from the recommendation should be taken and a copy placed on the application file.

Appeal contrary to officer recommendation

57. In the event of an appeal against a refusal of planning permission contrary to Officer recommendation, the Committee should decide who should attend the appeal to defend the decision. The following options are available:

- Members who proposed and seconded a motion to refuse contrary to Officer recommendation may be called as Council witnesses; and
- Different Planning Officers from those who made the original recommendation and/or decision making process may be used.

Decisions Contrary to Local Development Plans

58. Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.

59. Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.

60. The direction restricts the grant of planning permission and requires a council to send information to the Department.

61. The schedule attached to the notification direction sets out the following circumstances when councils should notify the Department.

- A major development application which would significantly prejudice the implementation of the local development plans objectives and policies;
- A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
- A government department or statutory consultee has raised a significant objection to a major development application.

62. If a Committee Member proposes, seconds or supports a decision which is contrary to the Local Development Plan or which will significantly prejudice the implementation of the Local Development Plan's objectives and policies, they will need to provide valid planning reasons to justify their decision and/or clearly explain why their decision will not significantly prejudice the implementation of the Local Development Plan's objectives and policies.

63. If the decision would significantly prejudice the implementation of the current and/or emerging Local Development Plan's objectives and policies then the Planning Officer must be given the opportunity to comment on the reasons provided by Members under paragraph 58 above and on whether the decision requires referral to the Department for Infrastructure.

64. The reasons for any decisions which are made contrary to the Local Development Plan will be formally recorded in the minutes and a copy placed on the application file.

DEFERRALS

65. The Planning Committee can decide to defer consideration of an application to a future meeting for the following reasons:

- For further information;
- Further negotiations; and/or
- For a site visit.

66. Members should be aware that deferrals will inevitably have an adverse effect on processing times, and therefore should be an exception. Deferral of a decision to a later Committee meeting can, however also be used to allow time for reflection, where the Committee is minded to refuse a proposal against officer recommendation. This can allow time to reconsider, manage the risk associated with the action, seek legal advice and ensure that Planning Officers can provide additional reports and draft reasons for refusal.

SITE VISITS

67. It is important that requests for site visits are handled in a consistent and organised manner, and that administrative and procedural arrangements on site are understood. The reasons for a site visit should be clearly stated and minuted.

68. Site visits form part of the meeting of the Planning Committee and Members intending to declare a pecuniary and/or significant private or personal non-pecuniary interest in an application or who have pre-determined an application should not attend the site visit. As minimum, those Members who proposed and seconded the site visit should make every effort to attend, so that they understand the issues when the matter is considered at the following Planning Committee meeting. If a Member is unable to attend as site visit they should give consideration to their ability to participate in the decision making process when the item is returned to a later meeting.

Arranging a site visit

69. Where a site visit is deemed to be required by Members, the site visit will be carried out in accordance with relevant legislation and guidance in place at the time of the site visit.

70. A Planning Officer will contact the applicant/agent to arrange access to the site. Invitations will be sent to Members of the Planning Committee. Only Members of the Planning Committee, Planning Officers and Council Officials will be permitted to attend the site visit.

71. The full Planning Committee should attend unless there are good reasons not to.

72. It is important for the integrity of the planning process that Planning Committee Members do not carry out their own unaccompanied site visits.

73. A record of the date of the site visit, attendees and any other relevant information will be retained.

Site Visit Procedure

74. The Chairperson of the Planning Committee will oversee the conduct of site visits. They will start promptly at the time notified to Members and interested persons. At the request of the Committee Chairperson, the Planning Officer may be invited to describe the proposal to Members. Whilst Committee Members will be expected to be familiar with the Planning Officer's report, plans/drawings may be used where necessary.

75. The Planning Officer may indicate 'matters of fact' in relation to the proposal and surrounding land which Members can then take account of. Through the Committee Chairperson, Members can ask the Planning Officer for factual clarification on any planning matter relating to the proposal or surrounding land, such as distances to adjoining properties or the location of proposed car parking.

76. At no time during the site visit should Members debate the merits of the planning application. To do so out with the Planning Committee meeting might imply that Members had made their minds up.

77. At no time during the site visit should the applicant, their agent, any objector or any other Member of the public be allowed to address Members. The public right to address the Planning Committee does not arise until the item is reached on the Committee agenda.

78. In order to assist Members to retain their objectivity, they should keep together in one group with the Chairperson, Planning Officers and Council Officials and should avoid breaking away into smaller groups. Once the site visit is concluded, Members should leave the site promptly.

Record Keeping

79. The Council will keep a record of Member's attendance at the site visit.

80. The record will be presented to the next meeting of the Planning Committee scheduled to discuss the particular application.

REVIEW OF DECISIONS

81. Best practice suggests that in order to assess the quality of decision making, Members should inspect a sample of implemented planning decisions on an annual basis.
82. Lisburn & Castlereagh City Council's Planning Committee will on an annual basis inspect a sample of implemented planning decisions to assess the quality of the decision making.
83. In addition, to give assurances that the Scheme of Delegation is operating effectively, this inspection will also include a sample of decisions delegated to officers.

LEGAL ADVISER

84. The Lisburn & Castlereagh City Council Planning Committee will have access to legal advice on planning matters at each of its meetings.

REVIEW OF PROTOCOL

85. The reform of local government saw the majority of planning functions transfer to Local Councils in April 2015. This Protocol will therefore be monitored and procedures reviewed as necessary to ensure that they remain current and relevant to the operational needs of the Lisburn & Castlereagh City Council Planning Committee.

TRAINING

86. A Member shall not participate in decision making at meetings of the Planning Committee if they have not attended the training prescribed by the Council.
87. Members of the Planning Committee shall also endeavour to attend any other specialised training sessions provided, since these are designed to extend the knowledge of the Member on planning law, regulations, procedures and development plans and to generally assist the Member in carrying out their role properly and effectively.