



May 10th, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 13th May 2024 at 10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form.pdf*

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3.0 Minutes of the Planning Committee Meeting held on 15 April, 2024

For Approval

📄 *PC 15.04.2024 - 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.pdf*

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(i) **LA05/2023/1000/F - Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald.**

📄 *Appendix 1.1 - DM Officer Report - LA0520231000F - Ballyoran Lane - FINAL.pdf*

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(ii) **LA05/2022/1170/F - Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children's play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on Lands north of Ballymaconaghy Road, including No's 14 & 22-24 Ballymaconaghy Road, Belfast**

📄 *Appendix 1.2 - DM Officer Report - Ballymaconaghy - 1170 - FINAL.pdf*

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(iii) **LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn**

📄 *Appendix 1.3 - DM Officer Report - LA0520230307F - Benson Street - FINAL.pdf*

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(iv) **LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff**

- (v) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee

4.2 Statutory Performance Indicators - March 2024

For Noting

4.3 Appeal Decision – LA05/2021/1364/O

For Noting

4.4 Appeal Decision – EN/LA05/2021/0269/O

For Noting

- 4.5 Pre-Application Notice (PAN) - Proposed residential development of approximately 50 dwellings including open space, landscaping, site access and all other associated works on land at Carnreagh Road, opposite Nos. 8 to 14A (evens) Carnreagh Road, to the north of Downshire Primary School and south east of Nos. 1 to 3 Kilwarlin Mews and No. 23 Kilwarlin Avenue, Hillsborough

For Decision

4.6 Pre-Application Notice (PAN) - Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss Road

For Decision

- 📄 *Item 6 - LA052024 0296 PAN.pdf* *Page 173*
- 📄 *Appendix 6(a) - Report in relation to LA0520240296PAN.pdf* *Page 175*
- 📄 *Appendix 6(b) LA05 2024 0296 PANForm_Cemetery_April24.pdf* *Page 178*
- 📄 *Appendix 6(c) LA05 2024 0296PAN Site Location Plan (rev.1).pdf* *Page 184*

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

For Noting

- 📄 *Item 7 - Notifications from an Operator in respect of intention.pdf* *Page 185*
- 📄 *Appendix 7 - List of Notifications May 2024.pdf* *Page 187*

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

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

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

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

1. Pecuniary Interest

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

Date of Meeting: _____

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

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

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

Date of Meeting: _____

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

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:

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

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 15 April, 2024 at 1.02 pm**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, A Martin, G Thompson and N Trimble

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officer (MB)
 Member Services Officers (CR and EW)

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**

There were no apologies.

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

2. **Declarations of Interest**

The following declarations of interest were made:

- in respect of planning application LA05/2022/0947/F, Councillor U Mackin stated that Lagan Valley Regional Park (LVRP) was one of the consultees. Councillor Mackin was a member of the Board of LVRP, although he had not been present at any meeting at which this application had been discussed and, therefore, would be remaining in the meeting for consideration of this item; and
- in respect of planning application LA05/2022/0947/F, Councillor A Martin stated that he was a member of the Board of LVRP, although he not been present at any meeting at which this application had been discussed.

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

It was proposed by Councillor P Catney seconded by Alderman J Tinsley and agreed that the minutes of the meeting of Committee held on 4 March, 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 4 local applications on the schedule for consideration at the meeting. He pointed out that, since the agenda had issued, application LA05/2023/0085/F had been withdrawn by the Agent in its entirety.

4.1.1 Applications to be Determined

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

- (i) LA05/2021/1007/F – Residential development consisting of three detached dwellings, a pair of semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road on land to rear of 7-23 Ferndene Park, Ballymaglaff, Dundonald

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

The Committee received:

- Mr C Caves to speak in opposition to the application; and
- Ms U Somerville to speak in support of the application.

A number of Members' queries were responded to by the speakers.

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

Further to discussion during which concerns were raised about the potential for overlooking from the apartment blocks into the gardens of dwellings on the opposite side of the Comber Road, it was proposed by Alderman O Gawith and seconded by Councillor A Martin that a site visit take place. This proposal was agreed on a vote being taken, the voting being 7 in favour of the proposal and 3 abstentions.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (2.42 pm).

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Resumption of Meeting

The meeting was resumed at 2.53 pm.

- (ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough

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

The Committee received Mr R Magee, accompanied by Dr B Erwin, to speak in support of the application. A number of Members' queries were responded to.

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

It was proposed by Alderman O Gawith and seconded by Councillor D Bassett that the application be deferred in order that Officers could visit the site and provide further advice as to whether the polytunnels could be counted as buildings, given the information provided by the speakers in relation to the length of time they had been in place and the fact that they were concreted to the ground.

Councillor N Trimble stated that he considered he had enough information to make a decision at this time, given that previous planning permission had been granted with the polytunnels being discounted as buildings. He proposed that the application be proceeded with. This was seconded by Councillor P Catney.

The proposal by Alderman O Gawith that the application be deferred was put to the meeting and, on a vote being taken, was declared 'lost', the voting being 4 in favour and 6 against.

The proposal by Councillor N Trimble that the application be proceeded with was put to the meeting and, on a vote being taken, was declared 'carried', the voting being 6 in favour and 4 against.

Debate

During debate:

- Councillor N Trimble stated that, based largely on the fact that previous planning permission on the site had been granted following assessment under what was effectively the same policy, he would be voting against the recommendation of the Planning Officer to refuse planning permission. At that time, it had been considered that the proposed dwelling did cluster with existing dwellings. In his opinion, whether or not the polytunnels were treated as buildings was irrelevant and not necessary for approval under the clustering policy, although it did enhance the weight for approval;

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(ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough (Contd)

- Councillor A Martin stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission. He also requested that information be provided in due course in relation to whether polytunnels could be treated as buildings, in order to assist in determining any future applications where this was an issue;
- Councillor U Mackin stated that, setting aside the issue of the polytunnels, he considered that the proposed dwelling would cluster with, and be visually linked to, the existing farm. The proposal would meet the criteria of COU10 (c), COU15 (b) and COU16 (b) and (c). This would automatically rule out policy COU1. Councillor Mackin did not consider the polytunnels to be a deciding factor, although he deemed them to play a very important part in the clustering process. Councillor Mackin stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission;
- Councillor P Catney referred to the difficult circumstances the Committee had been made aware of previously in respect of illness and the applicant having to travel. There were a number of human aspects that came into planning. Councillor Catney also referred to planning permission having been granted previously at this site and stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission. His reasoning for this was in relation to the polytunnels and the information he had heard about what was deemed to be a structure. Similar to Councillor Martin, Alderman Gawith stated that he would welcome information be provided at a future date in relation to what did or did not constitute a structure;
- Councillor G Thompson stated that, on balance and having listened to all the information provided, she would be voting against the recommendation of the Planning Officer to refuse planning permission. In relation to the polytunnels, she was of the opinion that they were more structural than they were portrayed in the Officer's report; and
- the Chair, Alderman M Gregg, concurred with the comments already made. He urged caution when considering polytunnels and other things such as greenhouses and treehouses, as a precedent could be set. He stated that policy had been met in that the proposed building was visually linked, or was able to be visually linked, with other farm buildings.

Vote

The Committee unanimously agreed not to adopt the recommendation of the Planning Officer to refuse planning permission.

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- (ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough (Contd)

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble, seconded by Councillor D Bassett and agreed unanimously that the application be approved with the following reasons being offered:

- COU10 (a) had already been deemed by Officers to have been met, given evidence submitted in respect of the working farm;
- the application was compliant with COU10 (c) as the proposed site was visually linked with the existing dwelling and, by nature of that, was deemed to be a cluster so COU15 (b) and COU16 (b) and (c) were also met; and
- the history of previous planning permission was a material consideration. The judgement previously was that the proposed dwelling did cluster with the existing farmhouse and garage and the Committee was minded to agree with that judgment.

- (iii) LA05/2022/0947/F – Erection of a 2 & a half storey building consisting of 10 luxury apartments with in-curtilage parking at site at 132 Hillsborough Road, Lisburn

Councillor G Thompson left, and returned to, the meeting during consideration of this application (4.20 pm and 4.26 pm respectively). Councillor P Catney left the meeting at 4.35 pm.

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

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

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

Debate

There were no comments made at the debate stage.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. Not having been present for the full consideration of this application, Councillors P Catney and G Thompson did not participate in the vote.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (4.37 pm).

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Resumption of Meeting

The meeting was resumed at 4.42 pm.

Councillor P Catney returned to the meeting during the comfort break.

- (iv) LA05/2024/0019/F – Proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8 metre boundary fence at Grove Activity Centre, 15 Ballinderry Park, Lisburn

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

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

There were no questions put to the Planning Officers.

Debate

There were no comments made at the debate stage.

Vote

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

4.2 Statutory Performance Indicators – February 2024

The Head of Planning & Capital Development pointed out a typographical error in paragraph 3 of the Key Issues section of his report in that '110 decisions' should read '100 decisions'. He provided a verbal update in respect of the staffing complement in the Planning Unit.

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

4.3 Appeal Decision – LA05/2022/1149/A

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

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4.4 Appeal Decisions – LA05/2020/0311/RM and LA05/2021/0275/RM

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

4.5 Notification Direction by Department in relation to LA05/2023/1001/O

Alderman J Tinsley left the meeting during consideration of this item of business (5.04 pm).

It was proposed by Councillor A Martin, seconded by Alderman O Gawith and agreed to note the content of the letter from the Department for Infrastructure and the requirement that it be notified when a decision was reached by the Council.

At the request of a Member, the Head of Planning & Capital Development agreed to provide a report to a future meeting of the Committee in relation to the number of Notification Directions issued by the Department to other councils.

4.6 Notification Direction by Department in relation to LA05/2023/0344/F

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note content of the letter from the Department for Infrastructure and the requirement that it be notified when a decision was reached by the Council.

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

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

4.8 Pre-Application Notice (PAN) – Internal refurbishment and extension of existing music room and existing office, demolition of existing prefabricated units to the north and south of site and proposed new building on existing green space at Longstone Special School, 42 Millars Lane, Dundonald

It was proposed by Councillor G Thompson, seconded by Councillor D Bassett and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

4.9 Holding Direction from Department in relation to LA05/2021/1245/F

Discussion arose during which Officers noted, and responded to, concerns raised by Members in relation to the issuing of this Holding Direction from the Department.

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4.9 Holding Direction from Department in relation to LA05/2021/1245/F
(Contd)

The Head of Planning & Capital Development agreed to submit a request to the Department under the Environmental Information Regulations to have sight of the correspondence that had given rise to the issuing of the Holding Direction.

It was proposed by Councillor P Catney, seconded by Councillor D Bassett and agreed to note content of the letter from the Department for Infrastructure and the requirement to hold the application to allow the Department to consider whether the application was 'called in'.

5. Any Other Business

5.1 Planning Portal Training for Members
Councillor U Mackin

Further to comments by Councillor U Mackin regarding the need for Members to be trained on the use of the Planning Portal, the Head of Planning & Capital Development agreed to contact Belfast City Council, which was the overarching body dealing with this contract on behalf of all councils, to seek assistance from its Officers in providing training.

At this stage it was agreed that confidential items of 'Any Other Business' would be considered.

"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor U Mackin and agreed to go 'into committee' to consider a number of confidential items. Those members of the public in attendance left the meeting (5.21 pm).

5.2 Written Submission on Earlier Planning Application
Alderman O Gawith

The Head of Planning & Capital Development responded to comments made by Alderman O Gawith in respect of possible data protection issues relating to a written submission on an earlier planning application.

5.3 Judicial Reviews
Chair, Alderman M Gregg

At the request of the Chair, Alderman M Gregg, Members were provided with, and noted, a verbal update from the Legal Advisor in respect of legal matters pertaining to judicial reviews.

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Resumption of Normal Business

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (5.30 pm).

5.4 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee was scheduled to take place on Monday 13 May 2024.

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 5.31 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	13 May 2024
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 two major and three local applications, one of which is presented by way of exception and two that have been Called In. <ol style="list-style-type: none"> a) LA05/2023/1000/F - Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald. Recommendation – Approval b) LA05/2022/1170/F - Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children's play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on Lands north of Ballymaconaghy Road, including No's 14 & 22-24 Ballymaconaghy Road, Belfast. Recommendation – Approval c) LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn. Recommendation – Refusal d) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff. Recommendation – Approval

	<p>e) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee. Recommendation – Approval</p> <p>2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</p>	
<p>2.0</p>	<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>	
<p>3.0</p>	<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>	
<p>4.0</p>	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>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>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<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>	
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<p>Appendices:</p>	<p>Appendix 1.1 - LA05/2023/1000/F Appendix 1.2 - LA05/2022/1170/F Appendix 1.3 - LA05/2022/0307/F Appendix 1.4 - LA05/2022/0631/F Appendix 1.5 - LA05/2024/0098/F</p>

Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	13 May 2024
Committee Interest	Major Application
Application Reference	LA05/2023/1000/F
Date of Application	13 December 2023
District Electoral Area	Castlereagh East
Proposal Description	Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof
Location	Ballyoran Lane, Dundonald
Representations	None
Case Officer	Peter McFadden
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds one hectare in size.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposal complies with Policy ED1 of the Plan Strategy in that the proposal is for general industrial use [Class B3] on land that has an established employment use and where it is compatible with adjacent or nearby employment uses of a similar scale, nature and form.
3. The proposal is also complies with Policy ED7 of the Plan Strategy in that it does not result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses.
4. The detail submitted with the application demonstrates that the proposal complies with policy ED8 of the Plan Strategy in that the B3 use is compatible with existing and approved economic development uses adjacent to the site without prejudice to their future operation.

5. The proposal also complies with the general criteria set out at Policy ED9 of the Plan Strategy.
6. The proposed complies with policy of TRA1 the Plan Strategy in that the detail submitted in support of the application demonstrates that an accessible environment is maintained that allows for level access and priority pedestrian and cycle movements.
7. The development also complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the proposal involves the use of an existing unaltered access to the public road for vehicular and pedestrian use and as such there will be no prejudice to road safety nor any inconvenience to the flow of traffic.
8. Having regard to the specific characteristic of the development and its location, the proposal complies with Policy TRA7 of the Plan Strategy in that adequate parking and appropriate servicing arrangements have been provided.
9. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
10. The proposal also complies with policy NH5 of the Plan Strategy as the detail demonstrates that the development will not result in any detrimental impact of to priority habitats and species.
11. It is accepted that the proposal complies with policies FLD1 and FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the drainage assessment demonstrates that there will be no adverse impact on surface water drainage.
12. The proposal also complies with policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panels to be located on the roof of the building will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment or local natural resources.

Description of Site and Surroundings

Site

13. The site is located at 4 Ballyoran Lane, Dundonald within the existing Ballyoran Business Park. The site is approximately 6.5 miles from Belfast and 5 miles from Newtownards. Access is from Ballyoran Lane.
14. The proposed site is 4.406 hectares in size. There is a large rectangular building within the site sitting at an elevated position with buildings in the foreground and open countryside in the backdrop.
15. The existing building comprises 12,886 square metres of floorspace. It is currently divided into three areas – two of which are currently fitted out as office halls and the remainder warehousing with an open yard area and car parking.
16. Ground and first floor offices are also located to the front of the warehouse. Internal works being carried out when the site was inspected.
17. The building is largely finished in Kingspan cladding. It has a flat roof and numerous window and door openings along the elevations. To the front of the building there is a long pedestrian stairway providing access to the building and main office area. The rear of the building has roller shutters to allow access to the factory area of the building.
18. The entire boundary is secured by palisade and chain link fencing. A security hut and barrier access system is in place at the entrance point.

Surroundings

19. The surrounding lands are primarily industrial in character to the south (Ballyoran Business Park) and east (Carrowreagh Industrial Estate).
20. To the west is Dundonald High School and north of the site is agricultural land.
21. Further to the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
22. Further to the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards.

Proposed Development

23. The application is for a proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on the roof.
24. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the

application as the threshold for a Pre-application Notice and community consultation was reached.

25. The application was also supported by the following documents:

- Design and Access Statement;
- Supporting Planning Statement;
- Noise Impact Assessment;
- Transportation Assessment;
- Drainage Assessment;
- Waste water impact assessment findings.

26. During the processing of the application several reports were updated and amended in response to additional information and clarification being provided. These report reports are used to inform the assessment.

Relevant Planning History

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

Application Reference	Description of Proposal	Decision
Y/1993/0044/F	Provision of office accommodation within existing training workshop.	Approved 22.03.1993
Y/1999/0439/F	Change of use of former government industrial training centre to training and contingency call centre with additional car parking.	Approved 02.12.1999
Y/2003/0675/F	Change of use to I.T. based customer contact centre - call centre including software development and training facilities and administrative support facility.	Approved 07.09.2005

Consultations

28. The following consultations were carried out.

Consultee	Response
DFI Roads	No objection
NI Water	No objection

Rivers Agency	No objection
Environmental Health	No objection
NIEA WMU	No objection
Historic Environment Division	No objection

Representations

29. No representations in opposition to the proposal have been received.

Environmental Impact Assessment (EIA)

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

Pre- Application Community Consultation

32. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
33. The public consultation required under Section 28 of the Planning Act (Northern Ireland) 2011 took place on Wednesday 25 October 2023, between 5pm -7pm at Ballyoran Community Centre, 30 Rosneath Gardens, Dundonald.
34. Display boards were set up detailing the proposal, the site and background to the development.
35. Feedback forms were provided at the event and comments also invited via email and telephone directly to agent for the application. The event was advertised on Saturday 14 October 2023 in the Newsletter. Notice was also provided to the Castlereagh East Councillors on Friday 13 October 2023 via email correspondence.

36. Neighbour notification was provided by way of letter posted at least 7 days prior to the public consultation on Friday 13 October to 11 neighbouring properties within Ballyoran Business Park or with access to the proposed development via Ballyoran Lane.
37. No comments were received from the public prior to the public consultation event.
38. In conclusion four members of the public attended the event and feedback was positive in relation to bring the vacant building back into use and providing jobs in the area. One issue was the parking along Ballyoran Road, but this is outside the application site and parking is provided within the confines of the site for the proposal.

Local Development Plan

Local Development Plan Context

39. 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.
40. 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.

41. In accordance with the transitional arrangements Lisburn and Castlereagh City Council Plan Strategy and the existing BUAP designations apply with any

- conflict being resolved in favour of the Plan Strategy. Draft BMAP remains a material consideration.
42. Within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road.
 43. Some 34.98 hectares of land are zoned as Existing Employment / Industry at Upper Newtownards Road.
 44. At the Public Inquiry into BMAP an objection was considered for Existing Employment Sites under MCH 09: Land at Upper Newtownards Road/Carrowreagh Road (Objections 525, 3824/16, 1742, 3442). Objectors sought Designation MCH 09 as a Major Employment Location.
 45. The Commission in consideration of the objection outlined that the RDS provides specific guidance for the location of MELs. MELs are zoned in the plan and represent employment sites strategically located throughout the BMA at Regional Gateways and along major transportation routes as directed by the RDS.
 46. They highlighted that within the Castlereagh District the Purdysburn area is specified in the RDS as a strategic location for employment growth and is consequently zoned as a MEL in the plan to reflect RDS guidance. The RDS does not indicate a strategic location for employment growth on the Upper Newtownards Road. They concluded that the zoning should be retained for existing employment use and there was no justification for designation as a MEL.
 47. In the unadopted post inquiry BMAP the site is zoned as existing employment under designation MCH 06.
 48. Zoning MCH 06 Existing Employment Land at Upper Newtownards Road/ Carrowreagh Road consists of 34.93 hectares of land are zoned as existing Employment at Upper Newtownards Road as identified on Map No. 2/001 – Metropolitan Castlereagh. Significant weight is attached to this designation as a material consideration in accordance with the transitional arrangements.
 49. This site is an existing zoned employment site. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed-Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*

- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed-use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

50. Strategic Policy 11 Economic Development states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed-Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/ Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

51. Solar panels are proposed as part of the development. Strategic Policy 21 Renewable Energy states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of renewable energy generating facilities (wind, solar, thermal, biomass and other technologies) in the most appropriate locations which aim to meet the regional target for renewable energy production*
- b) *minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment*

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

Economic Development

53. Policy ED1 Economic Development in Cities and Towns states that:

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

- a) *in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park*
- b) *elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part (a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered*
- c) *on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).*

*Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution
A development proposal for Class B2, B3 and B4 use will be permitted:*

- a) *on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.*

Elsewhere in cities and towns such proposals will be determined on their individual merits.

54. Policy ED7 Retention of Zoned Land and Economic states:

Development Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) *the proposal is compatible with the predominant economic use*
- b) *it is of a scale, nature and form appropriate to the location*
- c) *the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

55. Policy ED8 Development Incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

56. Policy ED9 General Criteria for Economic Development states that:

Any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

- a) it is compatible with surrounding land uses*
- b) it does not harm the amenities of nearby residents*
- c) it does not adversely affect features of the natural or historic environment*
- d) it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) it does not harm the water environment*
- f) it does not create a noise nuisance*
- g) it is capable of dealing satisfactorily with any emission or effluent*
- h) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified*
- i) adequate access arrangements, parking and manoeuvring areas are provided*
- j) a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*
- l) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- m) it is designed to deter crime and promote personal safety*
- n) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*
- o) it meets the requirements of Policy NH1.*

Natural Heritage

57. Whilst the site is not located within a sensitive area, the potential impact on the natural environment is considered.

58. Policy NH2 Species Protected by Law European Protected Species states that

Planning permission will only be granted for a development proposal that is not

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

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

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

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

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

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

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

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

Access and Transport

60. The proposal involves the change of use of an existing building and this will require different access arrangements for staff and customers. 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.

61. The proposal involves the use of an unaltered access. Policy TRA 2 – Access to Public Roads states:

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

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

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

62. Policy TRA7 Carparking and Servicing Arrangements in New Development 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 standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

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

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

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

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

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

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

Renewable Energy

63. Solar panels are proposed to be erected on the roof to the building. Policy RE1 Renewable Energy Development states that:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) *public safety, human health, or residential amenity*
- b) *visual amenity and landscape character*
- c) *biodiversity or the natural or historic environment*
- d) *local natural resources, such as air quality or water quality or quantity*

e) public access to the countryside.

Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

64. RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have

65. The justification and amplification states that:

The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies.

Flooding

66. The drainage for the scale of development proposed must be designed to minimise the impact of flooding elsewhere.

67. 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

68. The SPSS was published in September 2015. It is stated at paragraph 1.5 that:

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

69. Paragraph 2.1 of the SPSS 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.

70. 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.

71. Paragraph 3.6 of the SPSS 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.

72. 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.

73. 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.

74. Paragraph 4.11 of the SPPS states that

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

75. Paragraph 4.12 of the SPPS states that

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

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

77. Paragraph 6.81 of the SPPS states that:

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

the principles of sustainable development.

78. Paragraph 6.84 of the SPPS states that:

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process.

79. Paragraph 6.89 of the SPPS states that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

80. Paragraph 6.91 of the SPPS states that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

81. Paragraph 6.97 of the SPPS states that:

Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.

82. With regards to Natural Heritage paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

83. Paragraph 6.182 of the SPPS states that:

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

84. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

85. With regards to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

86. Paragraph 6.132 of the SPPS states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

87. Strategic policy states that the key to successful place-making is the relationship between different buildings, the relationship between buildings and streets etc. and that the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area are important considerations.

Assessment

Planning and Economic Development

88. The proposal involves the change of use and alteration of an existing building within an area designated for employment use to allow for B3 General Industrial uses to be carried out. The alterations include;
- Additional roller shutter doors on northeast of northwest elevations;
 - Additional windows on southeast and southwest elevations;
 - Changes to materials for elevations and including doors and windows;

89. The proposed B3 use is on zoned employment land and is compatible with adjacent or nearby uses to the south which are mainly large industrial and storage and distribution warehousing. An existing industrial type building is converted of a scale, nature and form appropriate to the existing area. For these reasons, the policy tests of policy ED1 are met.
90. It is also proposed to maximise the existing roof span by implementing solar Photovoltaic ("PV") panels to help generate electricity for the business. There are no proposed changes to the access arrangements, car parking/areas of hardstanding, nor will there be any loss of existing landscaping.

Development incompatible with Economic Development Uses

91. The application site is located within an established business park. The application proposes to change the use of the existing building from a B1 Business Use to a B3 General Industrial use. This an acceptable use in accordance with policy ED1.
92. The surrounding lands are primarily industrial in character to the south (Ballyoran Business Park) and east (Carrowreagh Industrial Estate).
93. Noise information submitted in support of the application was considered by Environmental Health. Advice received raises no concern in relation to the potential for noise, nuisance and disturbance and human health.
94. Having reviewed the detail submitted with the application and having regard to the site context and surroundings, it is accepted that a proposal for a B3 General Industrial use is compatible with the existing economic development uses and that such a use will not prejudice the future operation of such uses. The requirements of policy ED8 are met in full.

General Criteria for Economic Development

95. As explained above, the proposal is considered to be compatible with surrounding land uses by virtue of Ballyoran Business Park extending south and Carrowreagh Industrial Estate located to the east. Criteria (a) is met.
96. The proposal involves the change of use of an existing building with some minor alterations proposed to provide for additional roller shutter doors on northeast of northwest elevations, additional windows on southeast and southwest elevations and changes to materials for elevations and including doors and windows.
97. The nearest residential property is some 110 metres west of the application site. The nature and scale of the proposed amendments are not likely to harm the amenity of nearby residents. Criteria (b) is met.

98. Natural Heritage is considered later in the report. The site is already development and as such, the proposal will not adversely affect any features of natural or historic importance. Criteria (c) is met.
99. The site is not located within an area of flood risk and the drainage assessment demonstrates that the proposal will not cause or exacerbate flooding elsewhere. Criteria (d) is met.
100. An initial Noise Impact Assessment was submitted with the application. Additional noise information along with clarification in relation to the use of the proposed wood burners was requested by Environmental Health.
101. Additional information confirmed that the two existing ground mounted HVAC units will be removed, and that seven roof mounted units are now proposed. That said, Environmental Health noted that the proposed Roof Plan 05a includes four HVAC units and three ventilation units. The applicant was asked to confirm the sound power levels determined in relation to each HVAC and the ventilation unit.
102. With regard to the wood burners, the applicant confirmed the specification of the waste wood burner as a "WT25A Automatic Waste Wood Burner & Silo Package Specification – To supply 1 off WT25A (250kw – 300kw) wood waste heater.
103. Advice from Environmental Health confirmed that the height of the chimney associated with the wood burner should be calculated to ensure it is suitable for the release and dispersal of abated gases during normal operation using a suitable chimney height calculation.
104. They also advised that wood processing and/or waste wood combustion may be subject to control under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and as such may require a Permit before operations commence. The applicant should ensure that the facilities and plant comply with any future permit.
105. In a response dated 24 April 2024 Environmental Health having regard to the updated Noise Impact Assessment and proposed elevations noted that no acoustic feature corrections had been applied to the BS4142:2014 Noise Assessment and advised that there should be acoustic features associated with the development and that an updated Rating Level may demonstrate that the noise level has the potential to cause an adverse impact.
106. The response noted that the predicted Rating Level of 45.5dB is over 10dB above background at night, however it is assumed that there will be no plant or equipment operating overnight.
107. The response confirmed that Environmental Health had no objection to the development subject conditions restricting the hours of operation, location of external plant and equipment and roller shutter doors as approved and the use of reserving alarms.

108. Advice also recommended that an acoustic verification report is submitted to the Council three months after the site becomes operational and that this report should demonstrate that the sound emanating from internal operations, external plant/equipment and vehicles movements, with any necessary acoustic feature corrections provided.
109. Regarding the operation of wood burners advice is provided that prior to the site becoming operational, the height of the waste wood burner chimneys shall be calculated to ensure they are suitable for the release and dispersal of abated gases during normal operation using a suitable chimney height calculation.
110. Finally in relation to artificial lighting advice is provided that any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control.
111. These conditions are considered necessary in relation to the control of noise as a potential nuisance and will ensure that criteria (b) and (f) are met.
112. Access and Transport is considered later in the report. This is an application for a change of use. No concern is raised in relation to any adverse impact on the existing road network and no developer led improvements to the road network have been identified. Criteria (h) is met.
113. The existing access arrangements to the Business Park are not altered as a result of this development and the detail associated with the site layout plan demonstrates that adequate arrangements are made for parking and manoeuvring of vehicles within the site. Criteria (i) is met.
114. The proposal has been designed with a movement pattern provided that, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. Criteria (j) is met.
115. The application is for a change of use. With the exception of minor alterations proposed to provide for additional roller shutter doors on northeast of northwest elevations, additional windows on southeast and southwest elevations and changes to materials for elevations and including doors and windows no new building is proposed. Criteria (k) is met.
116. The site is currently secured by metal fencing and no outdoor storage areas are proposed a secure entrance point. Criteria (l) and (m) are met.
117. For the reasons outlined above, the development is considered to comply with the general criteria set out in Policy ED9.

Access and Transport

118. A Transport Assessment Form was submitted with the application. The form provides detail of the travel Characteristics, transport impacts and measures to mitigate impacts.
119. With regard to the travel characteristics of the proposed use, it explains that the TRICS database has been used to estimate the number of journeys that will arrive at the site each day based on the ground floor area of an industrial unit with the existing use assessed as office.
120. The figures confirm that the change of use will greatly reduce the transport impacts at the site, with an overall reduction in use by pedestrians and cars. Only HGVs movements are identified as increasing. The figures are for a generic user but in this case, the end user is known with confirmation provided that there will be 83 staff based at the site and that most commercial vehicles will be vans. The use will generate 2 HGV movements per day.
121. The form states that the peak period for access at the site will coincide with the usual peak commuting periods. Between 08:00- 09:00 35 vehicles will arrive or depart the site. Thirty-two vehicles will be generated 16:00-17:00, the period when departures will be highest.
122. In terms of Transport Impacts, this proposed use is replacing the current office use, and overall, the transport impacts are reducing, with less people accessing the site per day. Therefore, there is no negative impact, and no impact that needs mitigated.
123. With regard to parking, the Transport Assessment Form explains that the requirements for an industrial unit only require 1 space per 25sqm up to 500sqm and 1 space per 50sqm afterwards.
124. The Form advises that considerably less parking will be required for the new use than the permitted use. As explained above, there will be approximately 83 staff on site each day. In the unlikely event that all of these staff were to drive their own car to the site, the existing parking would still be able to accommodate them.
125. There is already a large service yard to the west of the building. The future occupants of the building will only require 2 HGV arrivals per day, with the remaining commercial movements in vans, so the existing servicing area should be adequate.
126. DFI Roads having reviewed the detail of the application offer no objection. Officers have no reason to disagree with this advice.
127. Based on a review of the information submitted and the advice from consultee, it is accepted that the proposal complies with policies TRA1, TRA2, and TRA7

in that an accessible means of access to the site and building is retained, the access with the public road is not altered therefore no prejudice to road safety or significant inconvenience to the flow of traffic will arise and there is sufficient parking is provided within the confines of the site for the proposed use.

Renewable Energy

128. It is proposed to maximise the existing roof span by implementing solar Photovoltaic ("PV") panels to help generate electricity for the business. The panels will have no visual or amenity impact on neighbouring land uses.
129. The nature and scale of the panels and their location on the roof will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment or local natural resources. e.
130. For these reasons, the policy tests associated with RE1 and RE2 are considered to be met.

Natural Heritage

131. The site is not located in a sensitive area and the site, having been developed, does not comprise any features of nature conservation importance. No ecological information was submitted with the application. The existing landscaping is to be retained along the boundaries and no ground works are proposed.
132. For the reasons outlined, the proposal is not likely to have an adverse impact on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby. Policy NH2 and NH5 are met.

Flooding

133. A drainage assessment was submitted in support of the application. Advice received from DfI Rivers confirmed that there were no watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site.
134. The advice also confirmed that the site does not lie within the 1 in 100-year fluvial flood plain, including the most up to date allowance for climate change.
135. Whilst not being responsible for the preparation of the Drainage Assessment, DfI Rivers confirmed that it accepted its logic and has no reason to disagree with its conclusions. They did not object to the proposal.

136. NIEA Water Management Unit initially expressed concern that the proposal had the potential to adversely affect the surface water environment and that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Kinnegar Waste Water Treatment Works (WWTW). Their response noted that the proposal was for a change of use of existing premises, from a call centre to general industrial (joinery) use. It was recommended that advice be sought from NI Water in relation to capacity concerns.
137. Advice received from NI Water confirmed that there was available capacity at the Wastewater Treatment Works. Having regard to the detail of the application they acknowledged that there is no additional discharge to the network this application can be passed on like for like basis.
138. Having regard to the detail of the application and advice from statutory consultees, it is accepted that the proposal complies with policies FLD1 and FLD3 of the Plan Strategy.

Conclusions

139. For the reasons outlined above, it is accepted that the proposal complies with Policies ED1, ED7, ED8 and ED9 of the Plan Strategy.
140. Furthermore, the detail submitted demonstrates that the tests associated with policies TRA1, TRA 2 and TRA7, NH2 and NH5, FLD1 and FLD3 and RE 1 and RE2 of the Plan Strategy are also met.

Conditions

141. The following conditions are recommended:

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

Reason: Time limit

- 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

- The hours of operation at the site shall not exceed 07:00 to 19:00 Monday to Saturday, with no activity on Sundays.

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

- The location of external plant and equipment and roller shutter doors shall be positioned on the building in strict accordance with drawings 05a - Proposed Roof Plan and Proposed Elevations-Rev A) published to the Planning Portal on [insert dates].

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

- The Rating Level (dB LAr) of sound from the combined operation of plant associated with the development shall not exceed 45.5dB LAeq(1hr) at any noise sensitive receptor listed within the Noise Impact Assessment.

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

- All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed 56dB.

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

- Within three months of the site becoming operational, an acoustic verification report shall be submitted to and approved in writing by the Council. The report should demonstrate that the sound emanating from internal operations, external plant/equipment and vehicles movements, with any necessary acoustic feature corrections, does not have an adverse impact at any noise sensitive receptor listed within the Noise Impact Assessment.

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

- Prior to the site becoming operational, the height of the waste wood burner chimneys shall be calculated to ensure they are suitable for the release and dispersal of abated gases during normal operation using a suitable chimney height calculation.

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

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

Site Location Plan – LA05/2023/1000/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	13 May 2024
Committee Interest	Major Application
Application Reference	LA05/2022/1170/F
Date of Application	19 December 2022
District Electoral Area	Castlereagh South
Proposal Description	Proposed residential development comprised of the erection of 141 dwellings (81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children's play area, access and all associated site works (amendment to approval LA05/2019/0712/F)
Location	Lands north of Ballymaconaghy Road including 14 & 22-24 Ballymaconaghy Road Castlereagh
Representations	Four
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development comprises 50 or more residential units.
2. This application is presented to the Planning Committee with a recommendation to approve as significant weight is attached to the post Inquiry revision of draft BMAP which recommended that this land be included within the settlement limit and zoned for housing. This advice was accepted by the Department for the Environment and the land identified in the adopted albeit unlawful Plan as designation MCH 04/15. This designation was accounted for in the housing land supply calculation in the Plan making process as a committed housing site.
3. It was counted as a committed housing site as there is also an extant planning approval on the site (LA05/2019/0712/F) which proposed the erection of 126 dwellings (64 semi-detached, 46 detached and 16 apartments). This planning permission does not time expire until October 2026 and supports the advice

that significant weight be attached to the designation MCH 04/15 in the post Inquiry revision of BMAP.

3. The proposed development creates a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and it is in accordance with policies HOU1 and HOU3 of the Plan Strategy.
4. The requirements for meeting the policy tests of HOU3 are subject to a condition requiring an archaeological assessment before any works are carried out on site in accordance with policy HE4 of the Plan Strategy.
5. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and provision is made for a Childrens Play Park. The access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.
6. Open space is a requirement of policy as the site is more than one hectare in size. The proposal is considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development at more than 10% of the total site area.
7. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that alternative provision is to be made for affordable housing at 20% of the total number of units which equates to 29 dwellings and/or apartments.
8. This provision will be subject to a Section 76 planning agreement and the affordable housing requirement should be phased to be delivered in tandem with the occupation of housing within the overall development. This will equate to:
 - Prior to Occupation of 75th Residential Unit permitted by the Planning Permission a minimum of 15 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.
 - Prior to the Occupation of the 100th Residential Unit permitted by the Planning Permission a further 14 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.
9. 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.
10. It is also considered that the development complies with policies TRA2 and TRA3 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the

character of the existing development, the location and number of existing accesses and the standard of the existing road network.

11. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that an acceptable level of car parking is provided.
12. It is recommended that works required to the Four Winds Roundabout and the Ballymaconaghy Road itself to mitigate the impact of the proposed on the wider road network should be secured by way of section 76 agreement.
13. The proposal complies with the, Policy HE1 and HE2 along with Policy HOU 3 of the Plan Strategy in that the detail demonstrates that features of the archaeological and built heritage features identified are now appropriately protected and integrated in a suitable manner into the actual design and layout proposed.
14. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
15. The proposal also complies with policy NH5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that appropriate mitigation and/or compensatory measures have been proposed to address the impact of the development on priority habitats and species.
16. The proposed development complies with policies FLD 1, 2 3 and 4 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

17. The application site is located on the eastern side of the Ballymaconaghy Road which runs between the Fourwinds roundabout to the north and the Knockbracken Road to the south.
18. There are a group of roadside dwellings and a church adjacent to the southern portion of the site.
19. The site itself is comprised of three detached dwellings, a former disused ski slope and Mount Ober Driving Range with access to NI Foot Golf (formerly Mount Ober Golf Club). All these facilities have now closed.
20. The ski slope, within the northern section of the site is made up ground with an artificial slope rising to approximately 18 metres above the Ballymaconaghy Road.

21. The previous use as a driving range located within the southern portion of the site is relatively flat and rises gradually to 8 metres above the Ballymaconaghy Road.
22. On entering the site from the Ballymaconaghy Road, the site falls by approximately 5 metres and levels off before gradually rising to approximately 8 metres about the Ballymaconaghy Road at the eastern boundary of the site.

Surrounding Context

23. The site lies to the edge of the open countryside with the lands to the north, south and east) comprising a mixture of recreational and agricultural lands.
24. The lands to the west of the Ballymaconaghy Road are characterised by several suburban housing developments including Windermere, Malvern and Bracken Hill.

Proposed Development

25. The proposed residential development is comprised of the erection of 141 dwellings (81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children's play area, access and all associated site works (amendment to approval LA05/2019/0712/F)
26. The application is supported with the following documents:
 - Design and Access Statement
 - Planning and Supporting Statement
 - Preliminary Risk Assessment
 - Flood Risk and Drainage Assessment
 - Archaeological Programme of Works
 - Transport Assessment
 - Residential Travel Plan
 - Landscape Works Specification & Landscape Management Plan
 - Flood Risk & Drainage Assessment
 - Confidential Badger Monitoring Report

Relevant Planning History

27. The relevant planning history is as follows:

Reference	Description/Location	Decision
Y/1978/0009	Change of Use to Retail Furniture Sales at Penny Lane, 16 Ballymaconaghy Road.	Planning Permission Granted

Y/1985/0077	Artificial Ski Slope at 24 Ballymaconaghy Road, Knockbracken	Planning Permission Granted
Y/1985/0216	Extension to Driving bays at Knockbracken Golf Centre	Planning Permission Granted
Y/1986/0207	Construction of replacement toilet block and formation of internal lobby at Knockbracken Golf Centre, 24 Ballymaconaghy Road	Planning Permission Granted
Y/1986/0208	Extension to existing retail facilities at Knockbracken Golf Centre, 24 Ballymaconaghy Road	Planning Permission Granted
Y/1986/0320	Formation of Ski Slope at 25 Ballymaconaghy Road, Belfast	Planning Permission Granted
Y/1986/0321	Erection of social and changing facilities at 24 Ballymaconaghy Road	Planning Permission Granted
Y/1986/0396	Erection of Hotel at 24 Ballymaconaghy Road	Planning Permission Granted
Y/1993/0350	Change of use of clubhouse to public house at Knockbracken Golf Centre, 24 Ballymaconaghy Road.	Planning Permission Granted
Y/1994/0403	Erection of 196 dwellings and garages on lands to the south of Knockbracken House, Ballymaconaghy Road.	Planning Permission Granted
Y/1999/0079	Site for 80 bedroom hotel with replacement bar at Knockbracken Golf Centre, 24 Ballymaconaghy Road	Planning Permission Granted
Y/2000/0626/F	Site for leisure building and associated parking area at Knockbracken Golf Centre, 24 Ballymaconaghy Road	Planning Permission Granted
Y/2011/0353/O	Site for a 98 bedroom hotel with associated conferencing, banqueting and leisure complex to include landscaping, associated car parking and the relocation of existing golf club house and ancillary facilities (Amended plans) at Knockbracken Golf Centre, 24 Ballymaconaghy Road	Planning Permission Granted
LA05/2019/0712/F	Proposed residential development comprising erection of 126 dwellings (64 semi-detached, 46 detached and 16 apartments), associated open space and landscaping, access and ancillary works	Planning Permission Granted

28. The extant planning approval on the site (LA05/2019/0712/F) for the erection of 126 dwellings (64 semi-detached, 46 detached and 16 apartments) does not time expire until October 2026. Significant weight was attached to the

designation MCH 04/15 of the post Inquiry revision of BMAP in making this decision.

29. This history also represents a fallback position as this planning permission could be commenced in lieu of this proposal without the need to take account of the updated policy position with the adoption of the Plan Strategy.

Consultations

30. The following consultations were carried out: [needs amended]

Consultee	Response
Dfl Roads	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Natural Heritage	No objection
HED Historic Monuments	No objection
Dfl River Agency	No objection
Housing Executive	No objection

Representations

31. Four letters of objection have been submitted in respect of the proposal. The following issues have been raised:
- Existing Infrastructure.
 - Limited Community Facilities.
 - Increase in Noise/Pollution.
 - Increase demand on school provision.
 - Limited amenities play areas for children.
 - Limited amenities for adults.
 - No local doctors or Dentists
 - Impact on Wildlife.

Environmental Impact Assessment (EIA)

32. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of

Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.

33. An EIA determination was carried out and it was concluded that the scale and nature of the proposal means that it is not likely to cause any significant adverse environmental impacts. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

34. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that it involves the development of more than 50 dwellings.
35. On this basis the Applicant was required to engage in pre-application community consultation (PACC).
36. A Pre-Application Community Consultation report [dated September – November 2022] has been submitted in support of the application. It provides a record of the consultation that have taken place to inform interested parties of the application proposals.
37. The format of the report is in accordance with the Development Management Practice Note and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design process.
38. An in person Pre-Application Community Consultation (PACC) was held in the Four Winds Restaurant on Thursday 13 October 2022 from 1.00pm – 7.00pm. The event attracted 21 visitors who came to view the plans and discuss with the design team who were present
39. During the consultation, there were 476 visits to the website for a period of time greater than 30 seconds. Thirteen responses to the Pre-Application Community Consultation, 5 by comment card, 4 submitted at the in person event and 4 received by email. The following issues were raised through the PACC process:
 - Bring forward play earlier
 - Affordable Housing
 - Infrastructure and Amenities
 - House Types and variety

Local Development Plan

40. 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

41. 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.

42. In accordance with the transitional arrangements the Lisburn and Castlereagh Plan Strategy and the designations in the existing BUAP are the Development Plan. Draft BMAP remains a material consideration.
43. Within the BUAP, the subject site is located outside of the development limit for Belfast and any proposal for housing would normally be subject to the strict policy controls that apply in the open countryside.
44. However, representations were made through the plan process for draft BMAP to have the lands which are the subject of this application process included within the development limit. The representations were discussed at a public Inquiry before the Planning Appeals Commission (PAC).
45. These lands were subsequently brought into the post Inquiry but unlawfully adopted revision of BMAP and referenced as housing zoning MCH 04/15.
46. This site was counted as a committed housing site in the calculation of available housing land supply for the Plan Strategy as there was also an extant planning approval on the site (LA05/2019/0712/F) which proposed the erection of 126 dwellings (64 semi-detached, 46 detached and 16 apartments).
47. This planning permission does not time expire until October 2026 and supports the advice that significant weight be attached to the designation MCH 04/15 in

the post Inquiry revision of BMAP in assessing this proposal. The following policies in the Plan Strategy apply.

48. 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.

49. 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.

50. 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.

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

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

49. 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.*

50. 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.*

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

Housing in Settlements

52. 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).

53. 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.

54. 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.*

55. 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.

56. 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.

57. Given the scale of residential development public open space is required as part of the proposed development. 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.

58. The following paragraph in the Justification and Amplification states that :

Public open space can be provided in a variety of forms ranging from village greens and small parks through to equipped play areas and sports pitches. In addition, the creation or retention of blue/green infrastructure, woodland areas or other natural or semi-natural areas of open space can provide valuable habitats for wildlife and promote biodiversity. To provide for maximum surveillance, areas of open space are best located where they are overlooked by the fronts of nearby dwellings.

59. The proposal is an application for residential development. Policy HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning states that

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving:

- a) *50 dwellings or more*
- b) *the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans*
- c) *housing development on any other site of 2 hectares or more. For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.*

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

60. 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.

61. 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.

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

Affordable Housing – affordable housing is:

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

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

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

Natural Heritage

63. Given this is a large site the potential impact on the natural environment is considered. Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

of the habitat, species or feature.

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

Access and Transport

65. The P1 Form indicates that the proposal proposes to utilise the existing access onto the Ballymaconaghy Road for both pedestrian and vehicular use. The Ballymaconaghy Road is not a protected route.

66. 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.

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

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

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

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

Policy TRA7 – Car Parking and Servicing Arrangements states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published 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.

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

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

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

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

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

- 68. A watercourse runs through the site and the scale of development means that a drainage assessment is required in support of the proposal.
- 69. Policy FLD1 Development in Fluvial (River) Flood Plains states:

New development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) plus the latest mapped climate change allowance,

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

70. 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.*

71. 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.

72. Policy FLD4 Artificial Modification of Watercourses states:

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

a) *a short length of culverting necessary to provide access to a development site, or part thereof*

b) *where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

Regional Policy and Guidance

Regional Policy

73. 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.

74. As this proposal is for new housing in a settlement 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

75. 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.

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

76. Given the size of the site and the extent of land proposed for development in regard to Natural Heritage paragraph 6.174 of the SPPS state that :

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

77. Paragraph 6.182 of the SPPS further states that:

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

78. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

79. Again, given the size of the site and the potential for surface water run-off to exacerbate flooding elsewhere in regard to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

80. Paragraph 6.132 of the SPPS further states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

Retained Regional Guidance

81. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

82. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments’ (May 2000) to also be considered.

83. 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.

84. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

86. 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

Policy HOU 1 – New Residential Development

87. Significant material weight is attached to the post Inquiry revision of draft BMAP which recommended that this land be included within the settlement limit of Castlereagh and zoned for housing for the reasons outlined above.

88. The policy tests associated with Policy HOU1 are met as the site lies within the settlement limit and is zoned for residential use.

Policy HOU3 - Site Context and Characteristics of New Residential Development

89. The application site is a previous golf driving range and dry ski slope. It is rectangular in shape and rises gently in a easterly direction away from Ballymaconaghy Road.

90. The application site fronts onto the Ballymaconaghy Road, directly facing the site are established residential properties and development sites currently being developed for housing. These residential properties include a mix of house types located on medium sized plots.
91. The dwellings vary in size and design but are typical of a suburban residential setting.
92. The form and general arrangement of the buildings are characteristic of those found in the local context.
93. The plot sizes and general layout is consistent with and comparable with other built development in the general vicinity of the site.
94. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and that the established residential character of the area would not be harmed by either the form or scale of development proposed.
95. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties within the development or properties adjacent to the development.
96. The separation distances between the proposed dwellings within the development is acceptable and would minimise any overlooking from the existing properties.
97. The buildings are not dominant or overbearing and no loss of light would be caused.
98. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
99. With regard to criteria (b), the proposal is not within a buffer zone surrounding any archaeological monuments or near to any Listed Buildings. It is considered that the proposal would not have a negative impact on any archaeology or the historic environment.
100. the application site contains the remains of an enclosure [DOW 009:014] which is a monument of local importance. No houses are to be constructed within the vicinity of the Rath and HED have no concerns with regards to the proposal. This is dealt with in more detail later in the report.
101. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

102. There are number of different house types proposed and all the dwellings are two-storey. A sample description of the some of the dwellings is outlined below.
103. House type BR 4 is approximately 150 square metres (with sunroom) and a 4-bed detached dwelling with a ridge height of approximately 9 metres. There are a number of variations to the finishes of this type of dwelling including a facing brick or stone option and sunrooms. Other materials proposed in the construction of these dwellings include dark grey concrete roof tiles, dark grey windows and black UPVC rainwater goods.
104. House type BR 8 is approximately 140 square metres (with sunroom) and a 4-bed semi-detached dwelling with a ridge height of approximately 9 metres. There are a number of variations to the finishes of this type of dwelling including a facing brick or stone option and sunrooms. Other materials proposed in the construction of these dwellings include dark grey concrete roof tiles, dark grey windows and black UPVC rainwater goods.
105. The materials proposed for all the dwellings are considered to be acceptable for the site and its location.
106. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
107. The development on the site does not conflict with surrounding land uses. The proposal is well separated from adjoining residential development at Knockbracken Manor with the closest sites (138-140) located approximately 40 metres from these dwellings. The buildings are not dominant or overbearing and no loss of light would be caused.
108. The site layout demonstrates the positioning of all of the proposed units in relation to the dwellings located in Briar Hill, Ballymaconaghy Mews and Knockbracken. As indicated above the closest distance to these properties is approximately 40 metres.
109. Creating Places guidance stipulates that a minimum of 20 metres separation distance be provided between the two-storey element of the dwelling units which back onto each other within the proposed development.
110. Given the difference in levels throughout the site it is considered that the position of the dwellings and the difference in height between the existing and proposed buildings that the separation distances of 18 and 20 metres at these site are acceptable. These separation distances are in accordance with the guidance in Creating Places.
111. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all either face towards the main distributor road through the site or the internal service roads. In curtilage

parking spaces are provided for each unit throughout the scheme with the exception of the apartment development which has communal parking.

112. Each unit has its own private amenity space, a small area to the front and a substantial area to the side/rear of the unit. The lawn areas in front of the proposed buildings are designed to ensure the frontages are not dominated by hardstanding and car parking.
113. The houses are designed to current building control requirements to provide accommodation that is wheelchair accessible for persons with impaired mobility.
114. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
115. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
116. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in For Winds and Forestside shopping centre is a short distance away. Criteria (c) is met.
117. The private outdoor amenity space across the development varies, from 50 square metres to 448 square metres in size. The average throughout the site is approximately 127 square metres.
118. The large areas of open space provided for throughout the site provides a visual amenity and off-sets any amenity provision which is to the lower end of the scale in terms of the guidance stipulated in Creating Places.
119. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls and pillars proposed. These are considered to be acceptable for this type of development in the urban context.
120. Landscaped areas are proposed as part of the overall development. The landscaping plan submitted with the application demonstrates that the boundaries of the site would consist of native hedge planting and supplemented where necessary. Some existing trees are to be retained along the boundaries as appropriate and that the proposed open spaces would be grassed with trees planted within.
121. The northern boundary of the site runs along the edge of the settlement development limit and buffer planting is proposed at a depth of not less than 10 metres.
122. The landscaping proposals are accompanied by a written landscape management plan that details the maintenance programmes proposed to allow

the proposal to visually integrate with its surroundings and develop a quality planting scheme that will reduce visual intrusion and enhance the development as a whole.

123. It is advised that this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of the proposal to this location.
124. For the reasons outlined above, criteria (b) is considered to be met.
125. With regard to criteria (d) the proposed density, the proposal is for 141 units on a site which measures 8.59 hectares which equates to a density of 16 dwelling per hectare which is not considered to be overdevelopment. This equates to a density is of units per hectare and is in line with policy HOU4.
126. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
127. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
128. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
129. Provision can be made for householder waste storage within the driveways for each other unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

HOU 5 Public Open Space in New Residential Developments

130. The detail submitted with the application demonstrates that there are six areas of open space to be provided throughout the site. These areas of open space are positioned so that all properties can access the areas easily. The agent has also demonstrated that more than 15% of the total site comprises open space.
131. More than 100 dwellings are proposed as part of this development therefore an equipped children's play park is also required in line with Policy HOU5
132. An equipped children's play area is proposed as part of the development. It is to be located relatively close to the centre of the site.
133. It is recommended that a condition is attached to any decision to ensure that the detail of the equipment proposed is submitted and agreed in writing with the Council prior to the commencement of any works.

134. It is also recommended that the threshold for the construction of both play areas will also be set having regard to the requirements of the policy is subject to a planning condition. No more than 50 dwellings shall be occupied until the play equipment is installed consistent with the earlier permission.

Policy HOU6 – Design Concept Statements, Concept Masterplans and Comprehensive Planning

135. Section 5.0 of the Design and Access Statement provides detail in relation to considerations associated with Comprehensive Master planning. The view is expressed at paragraph 5.1 that the subject proposal would not meet the threshold for a Concept Masterplan. That said, it does acknowledge that there is a key site requirement associated with the housing zoning MCH 04/15 in BMAP and that this, when read in conjunction with the adjacent housing proposals on the same zoning, there remains a requirement to demonstrate how comprehensive planning of the entire zoned area is to be undertaken.
136. Within this context, a concept masterplan was prepared under the previous application to illustrate how the site tied in with adjacent proposals. This concept is updated to take account of the revised proposal. The layout remains largely the same as that approved under LA05/2019/0712/F and it is accepted that the changes do not impact adversely on the residential layout of the proposed buildings in the adjacent development.
137. For the reasons outlined, the policy tests associated with HOU6 are met.

Policy HOU10 - Affordable Housing

138. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 29 units.
139. The agent details on the site layout plan that 14 affordable 2-bed apartments and 15 affordable 2-bed semi detached dwellings are to be provided throughout the site.
140. This provision will be subject to a Section 76 planning agreement and the affordable housing requirement should be phased to be delivered in tandem with the occupation of housing within the overall development. This will equate to:
- Prior to Occupation of 75th Residential Unit permitted by the Planning Permission a minimum of 15 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.
 - Prior to the Occupation of the 100th Residential Unit permitted by the Planning Permission a further 14 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.

141. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

142. A confidential badger monitoring survey was submitted in support of the application. This report makes reference to the application site having previously been subject to a number of site investigations relating to the provision of Preliminary Ecological Appraisals in September 2018 and March 2020 relating to relation to LA05/2019/0712/F. It confirms that a revised site investigation for the provision of an updated Preliminary Ecological Appraisal was undertaken in February 2023.
143. The survey report explains that in March 2020 a single outlier sett consisting of an individual tunnel entrance was identified within the southern application site boundary, the February 2023 investigations identified that this sett had been expanded to comprise of eight (8) tunnel entrances with evidence of active use.
144. This sett was subsequently reassessed as being an annex or potentially a new main sett of the social group known to occupy lands to the south/southwest of the application site.
145. Additionally, a collection of rabbit warren burrows are also present along the southern site boundary. Due to the uncertainty in the classification of the identified potential badger sett and proximity of rabbit warrens, further species-specific site investigations were undertaken between the 26th of April to the 27th of June 2023 (9-week monitoring period).
146. The potential site of refuge identified within the confidential report was subject to a period of 9-week's static wildlife camera monitoring.
147. Two high-resolution wildlife cameras were attached to timber stakes that were positioned in front of four entrances to the potential burrow and one pathway with an appropriate field of view to cover any potential emergence or re-entry into the burrow.
148. The camera was checked frequently to ensure it remained operational. This was particularly important due to the adjacent field to the application site being utilised for grazing herd of dairy cows. The wildlife cameras were set to take a sequence of 3 photographs each time the motion sensors were triggered.
149. Survey results were set out at section 4 of the confidential report. The feature previously considered as a potential site of refuge utilised by badger (considered a potential outlier sett) has now been identified as a rabbit warren occupied by European rabbit (*Oryctolagus cuniculus*).
150. The burrow entrances that were subject to direct monitoring with camera traps are numbered 1 to 4 on Figure 2 of the confidential survey report. These entrances were considered large enough to permit access by badger and were

- the entrances that resulted in the initial assessment of the feature being a badger sett.
151. During the 9-week monitoring period various songbirds and Wood pigeon were captured investigating the various burrow entrances and foraging in the immediate area around the burrow.
 152. Field mouse (*Apodemus sylvaticus*) were also recorded occupying the burrow with occasional captures of Brown rat (*Rattus norvegicus*), while Red fox (*Vulpes vulpes*) were also captured inspecting the burrow. A few domestic cats were captured investigating the burrow entrances while one dog was recorded in the vicinity of the burrow (the existing application lands are accessed by local residents to exercise their dogs on a daily basis).
 153. The conclusive evidence gained confirms that the current burrow complex is occupied by rabbit with several individuals captured emerging and re-entering into the burrow entrances almost daily.
 154. Predator watching and nest cleaning was recorded while kittens (juvenile rabbits) were also captured emerging and re-entering the entrances confirming long-term occupation and breeding by rabbit within the burrow complex. During the 9-week monitoring period badger were recorded at the burrow complex.
 155. Badgers were captured passing through the burrow complex area, traversing the earth bank and inspected burrow entrances at the higher (application site side) level and using the pathway to traverse the hedgerow boundary. Badgers were also captured investigating two of the burrow entrances in the side of the hedgerow earth bank.
 156. Natural Environment Division [NED] in a response received in April 2024, acknowledged receipt of Badger Survey and confirmed that they were content that an active main sett had been identified within the wider environment.
 157. From the survey submitted, NED confirmed that it understood that the intention for the existing sett complex within the site is to be temporarily closed to facilitate the construction of the development, specifically units 80, 81, and 104 – 106.
 158. NED has recommended a condition regarding the requirement for a licence for the proposed temporary closure of a badger sett along with advice that a mitigation strategy must be submitted with the licence application and the licence may be subject to further conditions such as timing restrictions. This condition is reasonable and necessary.
 159. Additional Ecological Information (Ayre Environmental Consulting Ltd, January 2024). This information is marked confidential owing to the sensitive nature of the information.
 160. In consideration of the additional ecological information, the advice from NED in April 2024 note that revised site plans have been submitted with the proposal

which include an amendment to the previously denoted Red Line Boundary (RLB) for the site.

161. NED confirm that they are content that drawings submitted to the NI Planning Register show updated proposals to retain the identified mature/semi-mature ash tree that remains in the applications RLB, the second tree is now located outside of the RLB and therefore will not be impacted from the proposal.
162. Evidence of the retention of the identified ash tree with moderate bat roosting potential is shown on Drawings 1588_PL_SL_01_Site Layout_Rev E and 1588_PL_SL_03_Site Layout_Rev D, both published to the NI Planning Portal 09/01/2024.
163. A condition regarding the retention of the tree identified as having bat roosting potential is recommended. Advice received also recommends that a wildlife friendly lighting plan is implemented on the application site to reduce the potential significance of impacts to light sensitive species that may use retained vegetation/boundary planting.
164. With regard to habitat, a 10 metre buffer between any watercourse and construction activities is recommended consistent with previous advice.
165. Based on a review of the detail submitted with the application and the advice received from NED, it is accepted that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species consistent with policies NH2 and NH5 of the Plan Strategy.

Access and Transport

Policy TRA1 Creating an Accessible Environment

166. A Transport Assessment and Residential Travel Plan was submitted in support of the application. The objective of the Travel Plan is to set out a long term strategy to maximise the opportunity for those travelling to the site to avail of sustainable travel modes and to reduce the dependency on travel by private car.
167. The detail indicates that the Residential Travel Pack is to be provided to the new residents of each phase. As part of the Residential Travel Pack the Applicant will provide a Translink Travelcard for the first two (2) years for each dwelling when first purchased and occupied
168. Detail submitted with the application demonstrates that the proposed development will link with existing pedestrian infrastructure in the area and tactile paving, dropped kerbs and a new pedestrian refuge island across the Ballymaconaghy Road will be provided to assist pedestrians crossing the proposed site access.
169. The policy tests associated with TRA1 is capable of being met.

Policy TRA2 Access to Public Road

170. The Transport Assessment provides a comprehensive review of all the potential transport impacts of the proposed development. A summary of the key findings is provided for in the document. The Transport Assessment has demonstrated that;
- Regard is had to the road safety history and that the proposal has been developed to minimise the impact on road safety by providing sufficient car parking for site users so that there is no risk of overspill onto the surrounding road network.
 - The development is well situated in relation to the local highway network and benefits from its close proximity to the strategic road network
 - Majority of trips will be via private car however
 - A pedestrian footway is present along the frontage of the site with lighting and dropped kerbs at adjacent accesses to facilitate movement for those with mobility impairments.
 - The site is located approximately 3km east of the National Cycle network and there are appropriately wide roads and footpaths with safe crossing points to access the cycle routes
 - A bus stop is located approximately 75 metres from the site access.
 - Carparking is provided in accordance with standards
 - Traffic Impact Analysis highlighted a need to undertake an operational capacity assessment of local junctions on the highway network;
 - Traffic generated has been established by reference to TRICs database;
 - Operational capacity assessment indicated that all junctions including the site access can accommodate the predicted level of traffic generated by the proposal;
 - No fatal or severe accidents identified from a review of road safety condition information;
 - Proposal is developed to minimise the impact on road safety, both internal and on the local highway network.
171. Detail associated with the Transport Assessment explains that the site will be accessed via the Ballymaconaghy Road with a new right turning lane being constructed as well as dedicated right and left turn lanes leaving the site for city and country bound traffic.
172. The Transport Assessment indicates that the Four winds roundabout is the junction within the external road network which experiences the highest traffic impact associated with the development. In order to mitigate any adverse impact to the network, the proposal also includes road widening of Ballymaconaghy Road and works to all spine roads connecting to the Four Winds roundabout consistent with the earlier permission. These additional improvements will be secured through the section 76 agreement consistent with the earlier approval.
173. Advice received from DfI Roads confirms that they have no objection subject to endorsement of PSD drawings. Based on a review of the detail and advice from DfI roads, it is accepted having regard to the nature and scale of the

proposed development, that the proposal complies with Policy TRA2 and that it will not prejudice road safety or significantly inconvenience the flow of vehicles.

TRA7 – Carparking and servicing arrangements in new developments

174. The Transport Assessment indicates that the parking is provided in accordance with Parking Standards with some 400 non operational parking spaces being provided.
175. The detail also indicates that the internal road layout is designed to enable all servicing or delivery vehicles to access/egress the site in forward gear. for proposal is required to provide.
176. Advice received from DfI Roads confirms that they have no objection subject to endorsement of PSD drawings. Based on a review of the detail and advice from DfI roads, it is accepted that the proposal complies with Policy TRA7 and that adequate provision is made for car and parking along with appropriate servicing arrangements.

Historic Environment and Archaeology

177. An archaeological programme of works is submitted in support of the application. Section 2.1 of this programme explains that a desktop survey was conducted to identify the location of known archaeological/historical features within the site. It explains that the Sites and Monuments records were also examined and that these records indicated that the site contains a single recorded archaeological monument [DOW 09:14].
178. The monument associated with DOW 09:14 is recorded as an enclosure which is probably a rath of Early Medieval date. It is described as an area of flat ground, with higher ground to the east. The possible existence of an enclosure is noted by a curving portion of bank which follows the southern boundary of a stream. The report explains that this runs for approximately 21 metres and is 3 metres wide, 1.2 metres above ground level and 4 metres above the stream.
179. Reference is made to two similar sites within a few hundred metres outside the development area of this application.
180. Paragraph 2.1.2 of the report provides details of the archaeological evaluation. It explains that four test trenches were excavated across part of the development area to establish the outer, sub-surface limits of the enclosure on its eastern side. Two further trenches were excavated to assess the area for archaeological deposits beyond the location of the enclosure. This evaluation was carried out under licence. No archaeological deposits were identified in trenches 1, 2 and 4. Trench 3 did identify the outer extent of the enclosing ditch.
181. Advice received from Historic Environment division in April 2024, confirms that they had assessed the updated site layouts and considered the impacts of the proposal acknowledging that the updated layout addressed some of the

concerns raised with the enclosure DOW 009:014 being clearly marked on the drawings.

182. Reference was made to the previous HED response which asked for the Ballymaconaghy Landscape Specification and Management Plan (dated Dec 2022) to be updated to include a specific management agreement for maintenance of the green space surrounding the archaeological monument DOW 009:014.
183. An amended landscape plan received in April 2024 provides detail of the arrangements for the maintenance of the green space surrounding the archaeological monument with an annotation indicating that the area is to be maintained as rough grass with maintenance the responsibility to the landscape management company.
184. Officers have no reason to disagree with the advice of the statutory consultees. It is taken account of in the design and layout of the proposal and the landscaping detail promotes the importance of the heritage feature.
185. It is therefore contended that the proposed development complies with policies HE4 of the Plan Strategy.

Flooding

186. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
187. A Drainage and Flood Assessment dated December 2022 is submitted in support of the application. The assessment determines potential sources of flooding at the site and their associated risk to life and property, as well as the suitability of the site for development in relation to flood risk from various sources. Appropriate design and mitigation measures are proposed as necessary.
188. Watercourses are identified in the statement at paragraph 1.5.2. An undesignated watercourse is identified to flow from east to west along the southern site boundary. Reference is made to it being culverted beneath the Ballmaconaghy Road and to it discharging to the NI Water storm sewer adjacent to the site.
189. An undesignated watercourse is also identified transversing the west of the site flowing in a northerly direction. Paragraph 1.5.2.2 states that it is culverted from its inlet at an informal bifurcation of the southern undesignated watercourse, with the culvert extending for 260 metres and its open in the northern portion of the site. It also states that the inlet of the west undesignated watercourse from the south undesignated watercourse is a concrete pipe protruding from the bank. The pipe when inspected was heavily silted and partially blocked. Hydraulic conductivity was confirmed through dye testing.
190. The assessment explains that the culvert flows across the driving range car park and runs along the adjacent Knockbracken congregational church boundary before re-entering the site. Site drainage from the existing car park

and driving range and the adjacent church car park, presently connect to the culverted watercourse.

191. The watercourse is said to discharge to the designated Glenbrook River approximately 1.8 km downstream of the site.
192. An undesignated watercourse also traverse the north of the site flowing in a westerly direction and discharges to the western undesignated watercourse adjacent to the northern site boundary.
193. The assessment explains at paragraph 2.3.1 that the extent of the development was reviewed with reference to Flood Maps NI and that there was no indication of recorded historical flooding within the vicinity of the site. It also explains that the indicative fluvial flood map indicates that the site is affected by the indicatively modelled 1% AEP floodplain but that this map does not represent aspects of the southern undesignated watercourse specifically connectivity to the west and the downstream and NI water storm sewer downstream.
194. With regard to surface water flood map, the assessment indicates that lands within the site are affected by 0.5% AEP surface water flood extents, which tend to correlate with observations of the site operator.
195. Fluvial Flooding is considered in more detail at section 3.2 of the assessment with the earlier modelling associated with planning application LA05/2019/0712/F having been reviewed as part of this assessment.
196. In relation to the south undesignated watercourse, model results indicate a 1% AEP flood level of 132.18 – 127.09 metres OD between upstream and downstream extents at the site. This flooding affects lands along the southern site boundary – less than 0.2% of lands within the application boundary.
197. In relation to the west undesignated watercourse, it is culverted from its inlet for 160 metres downstream. Model results indicate a 1% AEP flood level of 124.25 – 119.35 metres OD for the open portion of the watercourse with flooding affecting less than 0.4% of lands within the application boundary.
198. The assessment explains that the Flood Maps NI indicate that the northern undesignated watercourse was not modelled indicatively, and that site specific modelling indicates a 1% AEP flood level of 133.17 – 120.83 metres OD between upstream and downstream extents affecting less than 0.2% of lands within the application boundary.
199. The assessment at section 4.2 sets out design considerations that have been incorporated into the development having regard to modelling information. In terms of land use, no built development, including gardens are proposed within the 1% AEP flood extents of undesignated watercourses on or adjacent to the site.
200. Building design shall ensure that thresholds and openings are sited at a level resilient to any residual risk of surface water flooding.

201. No built development, fixed barrier or other permanent impediment to access is to be sited within 5 metres of open watercourse top of bank or within 5 metres centred from culverted watercourses.
202. Surface water flooding is addressed at section 3.3 of the assessment. In summary, reference is made to the indicative Flood Maps NI which indicate the application site may be affected by the 0.5% AEP surface water flood extents.
203. It acknowledges that predicted flooding at the present day driving range correlates with low lying lands adjacent to the existing access road within the site. Reference is made to the indicative surface water flood model which predicts flooding at the location shown due to the impounding effect of an existing access road, and in failing to represent significant local culverted and piped drainage features which would be a significant over estimate. The ponding shown would be a result of runoff from within the lands under the applicants control – drainage which will be controlled post development by a new formal drainage system.
204. Section 3.3.2 of the assessment provides detail on the effect of the development. It acknowledges that the proposed development will lead to an increase in the impermeable area of the site, thus resulting in an increase to the rate and volume of runoff from the site, when compared to the existing recreational and residential context.
205. Section 3.3.2.2 explains that the development will use new connections to the undesignated watercourse in the site via a new site drainage network and outfalls, with flows limited to an agreed greenfield equivalent run-off rate of 10lps/ha.
206. TJK Consulting provide clarification to Rivers Agency in April 2023 against policy FLD 1 – FLD 5.
207. Advice received from DfI Rivers in June acknowledged receipt of the Flood Risk & Drainage Assessment from McCloy Consulting dated November 2022 and additional information from TJK Consulting uploaded by Lisburn & Castlereagh City Council on 11th May 2023.
208. The advice received confirmed that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
209. It also indicated that the site was bounded and traversed by several undesignated watercourses and that it may be affected by undesignated watercourses of which we have no record.
210. The response explained that DfI Rivers Planning Advisory Modelling Unit having considered the proposal confirmed that while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.

211. The advice recommended that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors should be brought to the attention of the developer.
212. With regard to Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure, DfI Rivers confirmed that there were no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site but that there were several undesignated watercourses.
213. The explained that it was essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners.
214. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times
215. In relation to Policy FLD3 Development and Surface Water the response received confirms that DfI Rivers PAMU have reviewed the Drainage Assessment by McCloy Consulting and while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.
216. That said, it is recommended that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors and that this should be brought to their attention.
217. Confirmation is provided that the Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.
218. With regard to Policy FLD4 Artificial Modification of Watercourses, TJK Consulting explain that the Flood Risk Assessment confirms a proposed pipe opening size and confirms by detailed flood modelling that the pipe is suitable and causes no effect to flood risk elsewhere. It also explains that the culvert is required over a short length for access which is a suitable exception and that Schedule 6 consent will be required. and confirms that it will be sought post-consent of the planning application.
219. TJK Consulting explain that DfI Rivers has indicated Schedule 6 Consent to Culvert will be required to carry out the proposed culvert works, and that no additional information is required. No objection is raised.
220. For the reasons outlined above and having regard to the detail of the application and advice from DfI Rivers, no concern is raised in relation to Flooding and the policy tests associated with FLD1, FLD3 and FLD 4 are met.

221. Whilst the previous history of approval included a requirement for a waste water treatment works advice received from NI Water confirms that a storm water off setting solution has been agreed to enable NI Water to approve a new foul connection for this proposal. This solution applies to this and the adjoining site. Site specific conditions have also been recommended and these are considered to be reasonable.

Consideration of Representations

222. Four letters of objection were received. Consideration of the issues raised are set out below:

Existing/Proposed Infrastructure

223. Concern is expressed about the potential increase in traffic as a result of this proposal and its impact on the surrounding road network.
224. The Transport Assessment submitted with the application acknowledges that there will be an increase in new traffic as a result of the proposal.
225. Detail is provided to demonstrate that road infrastructure upgrades that will include the widening of the Ballymaconaghy Road with footpaths proposed on both sides of the road the whole length of the road is proposed.
226. The existing Four Winds roundabout is also to be upgraded and a pedestrian crossing is to be installed close to the entrance of the proposed development.
227. DfI Roads have been consulted in relation to the proposal and they have no objection subject to conditions.

Increase in Noise/Pollution as a result of the development

228. Concern is expressed in relation to the presence of lorries and other site traffic during the construction phase of the development that would increase noise and pollution levels.
229. It is not uncommon for a development site to generate noise until the development is completed. These are considered to be normal impacts in relation to the development of land the issue raised is given little weight in the assessment of this application. That said it does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.

Increase demand on school provision

230. The provision of schools is an issue that needs to be dealt with through the local development plan in conjunction with the Education Authority.

231. Although the provision of schools is a material planning consideration it is not given determining weight in the consideration of this application.

Limited amenities play areas for children

232. The concern expressed in relation to the lack of amenities/play parks in the immediate area is recognised.

233. The development on this site and on the adjacent site provides for 2 new full equipped play parks and linear areas of opens which will benefit both new residents in the proposed development and existing residents in adjacent developments.

Limited amenities for adults

234. An objection has been raised that there are limited amenities in the area for adults. The applicant is not required to provide any additional amenities for adults in relation to this proposal.

No local doctors or Dentists

235. The provision of local doctors and dentists is not a material consideration that can be weigh in the decision making process in this instance.

Impact on Wildlife

236. Concern is expressed about the potential impact on existing wildlife. A number of ecology reports have been submitted in support of the application that demonstrate that the development will not have an adverse impact on the existing wildlife.

Conclusions

237. For the reasons outlined above, it is accepted that the proposal complies with the local development plan designation including the operational policies associated with HOU1, HOU3, HOU4, HOU5, HOU10, TRA1, TRA2, TRA3, TRA7, HE1 and HE2, NH2, NH5 and FLD 1, FLD2, FLD3 and FLD4.

238. This recommendation is subject to a Section 76 planning agreement and the affordable housing requirement should be phased to be delivered in tandem with the occupation of housing within the overall development. This will equate to:

- Prior to Occupation of 75th Residential Unit permitted by the Planning Permission a minimum of 15 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.
- Prior to the Occupation of the 100th Residential Unit permitted by the Planning Permission a further 14 Residential Units permitted by the Affordable Housing Permission shall be available for Occupation.

239. It is also recommended that works required to the Four Winds Roundabout and the Ballymaconaghy Road itself to mitigate the impact of the proposed on the wider road network should be secured by way of section 76 agreement.

Conditions

240. The following conditions are recommended:

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

Reason: Time limit

- No more than a total of 90 dwellings on the aggregate of the two sites, Application LA05/2018/0847/F and Application LA05/2022/1170/F shall be occupied until the completion of the improvements to the Four Winds Roundabout have been constructed to the satisfaction of DfI Roads. All works shall comply with the requirements of the Design Manual for Roads and Bridges and all other relevant standards and technical guidance, including approval of the necessary Departures/ Relaxations from standard, Road Restraint Risk Assessment Procedure (RRRAP) and Road Safety Audit.

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

- No dwelling shall be occupied until the completion of the site access onto the Ballymaconaghy Road and the Pedestrian Crossing have been constructed to the satisfaction of DfI Roads. All works shall comply with the requirements of the Design Manual for Roads and Bridges and all other relevant standards and technical guidance, including approval of the necessary Departures/ Relaxations from standard, Road Restraint Risk Assessment Procedure (RRRAP) and Road Safety Audit. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Private Streets Determination Drawing No. C103, Revision G bearing the Department for Infrastructure Determination date stamp 1st March 2024.

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

- No part of the development hereby permitted shall be occupied until the necessary vehicular accesses, including visibility splays and any forward sight distance, have been constructed in accordance with the approved layout Drawing No. C103, Revision G bearing the Department for Infrastructure Determination date stamp 1st March 2024. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

- The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with the Drawing No. C103, Revision G which bears the Department for Infrastructure Determination date stamp 1st March 2024, to provide for parking 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 adequate provision has been made for parking within the site.

- The access gradients to the dwellings 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.

- Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated, or adjusted at the applicant's expense.

Reason: In the interests of road safety and the convenience of road users.

- Prior to occupation of each phase, DfI Roads requires the applicant to provide, for the department's approval, an up to date 'Residential Travel Pack' to be provided to the new residents of each phase. As part of the Residential Travel Pack the Applicant will provide a Translink Travelcard for the first two (2) years for each dwelling when first purchased and occupied, or equivalent measures agreed with Lisburn City and Castlereagh Council and DfI Roads.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles

- No development activity, vegetation clearance, disturbance by machinery, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within 25m of a sett entrance (as identified originally in the Ecological Appraisal & Assessment, March 2023 and monitored during Confidential Badger Monitoring Survey, August 2023, both undertaken by Ayre Environmental Consulting) until such a time as a Wildlife Licence has been submitted to and approved in writing by the Council . An appropriate mitigation plan/strategy will need to be submitted with the Licence application. Where a 25m buffer is implemented, this should be clearly identifiable with hazard tape prior to the commencement of works.

Reason: To protect badgers and their setts.

- Prior to works commencing on site, all existing trees shown on Drawings 1588_PL_SL_01_Site Layout_Rev E and 1588_PL_SL_03_Site Layout_Rev D, both published to the NI Planning Portal 09/01/2024, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in Natural Heritage & Conservation Areas accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species

- No construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 10m of an identified watercourse.

Reason: To protect NI Priority Habitat.

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

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

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

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

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

- No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with the Historic Environment Division (Historic Monuments). No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

- Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

- No retained tree shall be uprooted or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree, without the written consent of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998:2010 Recommendations for Tree Work.

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

- All trees and planting within the site shall be retained unless shown on drawing number 122 uploaded to the Planning Portal on 26 April 2024 as being removed. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

- Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

- 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.

- Prior to works commencing on site, all existing trees shown on Layout Plan, Drawing Number 17, as being retained shall be protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction -Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

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

- No development shall proceed beyond sub-floor construction until the wastewater network engineering solution to mitigate the downstream foul capacity issues is approved in writing by Council in consultation and agreement with NI Water.

Reason: To ensure a practical solution to sewage disposal from this site.

- No properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered.

Reason: To ensure a practical solution to sewage disposal from this site

- Full details of the children's play areas identified on drawing [insert number] (Landscape Layout), and published to the Portal on [insert date] shall be submitted to and agreed in writing with the Council within 6 months of the date of this approval. The play park area shall be fully implemented and operational prior to the occupation of the 50 dwelling.

Reason: To ensure the sustainability and maintenance of the play equipment in the designated areas

- The proposed landscaping should be carried out in accordance with the Landscape Management and Maintenance Plan bearing the published to the Councils Portal (Insert Date).

Reason: To ensure the sustainability and successful establishment and development of all landscape works within the site.

Site Location Plan – LA05/2022/1170/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	13 May 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2023/0307/F
Date of Application	06/04/2023
District Electoral Area	Lisburn North
Proposal Description	Replace existing garage with ancillary domestic accommodation
Location	2 Benson Street, Lisburn
Representations	Twenty One
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 proposal is contrary to Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that (a) the scale and massing of the proposal is sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area, (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents by reason of overlooking and (d) that sufficient space remains within the curtilage of the property for recreational and domestic purposes including for the parking and manoeuvring of vehicles.
3. In addition, the proposal is contrary to criteria (a) of Policy TRA2 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that proposal will not prejudice road safety or significantly inconvenience the flow of vehicles on Benson Street as the existing private lane is substandard.

Description of Site and Surroundings

4. The site is located at 2 Bensons Street. The site is similar in size to the adjacent plots being narrow rectangle in shape with long rear gardens.
5. The site has a shared right of way to the side of the dwelling and a common boundary with the rear boundaries of Nos. 19 and 21 Antrim Road. There is no space for the parking and manoeuvring of vehicles in front of the dwelling at 2 Bensons Street.
6. The site comprises of an end terrace two storey dwelling. There is a detached single storey garage at the rear of the site in the long garden which is separated from the house by the right of way.
7. The dwelling has a rectangle footprint with a two-storey rear return. The dwelling has uniform windows with vertical emphasis, front projecting bay windows with small roof canopy over the door.
8. The dwelling is finished in pebble dashed render grey in colour and red brick. There is a grey painted plinth. The roof comprises of standard roof tiles. The windows comprise of white UPVC. The rainwater goods are black uPVC.
9. The garage to the rear is single storey with a pitched roof and is standard rectangular shape. The garage has two openings. A single door on the side elevation and an opening on the front elevation where a garage door would have been. The finishes are grey pebble dashed render, wooden fascia boards and corrugated metal roofing.
10. The site is bounded to the north by 1.8 metre vertical fencing and hedging. To the east the site is bounded by high mature hedging at the rear and stone block wall to the front. The west boundary comprises of pillar post fencing.
11. The topography of the site is flat rising gradually towards the rear of the dwelling.

Surroundings

12. The site is bounded by dwelling terrace dwelling No 4 Benson Street to the west. To the north the site is bounded a row of terrace dwelling at Trinity Gate. East of the site is bounded by two detached dwelling at No 19 and 21 Antrim Road. South of the site across Benson Street are No 1-3 also two storey terrace dwellings.

Proposed Development

13. The application seeks full planning permission to replace existing garage with ancillary domestic accommodation.

Relevant Planning History

14. There is no planning history associated with the application site.

Consultations

15. The following consultations were carried out:

Consultee	Response
DFI Roads	Interim comment
NI Water	No objection
Environmental Health	No objection

Representations

16. Twenty One representations have been received including two petitions and one non-committal representation. The representations were received from the occupiers of the following properties:

Date Neighbour Comment Received	Address
24/04/23	Received via email (21 Antrim Road)
29/04/23	8 Trinity Gate
29/04/23	1 Trinity Gate

29/04/23	9 Trinity Gate
29/04/23	9 Trinity Gate (Petition)
28/04/23	Received via email
01/09/23	8 Benson Street
04/05/23	Received via letter
10/05/23	5 Trinity Gate
13/06/23	29 Castle Street
21/08/23	6 Benson Street
31/08/23	9 Benson Street
01/09/23	10 Benson Street
01/09/23	7 Benson Street
01/09/23	59 Bridge Street
28/09/23 & 07/11/23	6 Market Place

17. These representations are available to view on the Planning Portal via the following link: [Northern Ireland Public Register \(planningsystemni.gov.uk\)](https://planningsystemni.gov.uk)
18. The issues within the representations received included:
- Impact on right of way and bin collections
 - Domestic accommodation not connected to main house/Detached and self contained accommodation inappropriate
 - Overlooking of adjoining properties on Benson Street.
 - Out of keeping with other buildings in the area and concerns of overcrowding
 - Impact on privacy and overshadowing of No 21 Antrim Road
 - Privacy, overshadowing/loss of light and overlooking concerns at properties at Trinity Gate.

- Impact on established trees, hedging, nature and planting in gardens/Impact on protected trees and groundworks.
 - Adverse effect on physical and mental health. Issues over noise and pollution impact
 - Visual Impact
 - Building used for Airbnb, HMO, B&B or independent residence
 - Impact on the efficient delivery of utility services, particularly water and sewerage
 - Environmental impact assessment required
 - Precedent for similar garden development
 - Danger to pedestrians from additional vehicles / Parking concerns
 - The proposed will lead to increased ASB and crime
 - Issue with construction traffic and disruption during construction phase if approved.
 - Impact the proposal will have on property value.
 - The proposal goes against the extant policy on 'Building in a crowded area'
 - Proposal fails to meet Policy HOU3, HOU8 and DCAN 8.
19. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Local Development Plan Context

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

Plan Strategy 2032

21. It is stated at page 16 of 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.

22. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
23. In both the Lisburn Area Plan and draft BMAP (2004) this site was located in the settlement limit of Lisburn City.
24. 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.

25. 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.

26. Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.
27. 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.

28. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. The following operational policies in Part 2 of the Plan Strategy also apply.
29. This application is for a new ancillary domestic accommodation and access to an existing dwelling in the settlement limit. It falls to be assessed against policy HOU 7 and TRA2.

Policy HOU 7 Residential Extensions and Alterations

30. Policy HOU 7 Residential Extensions and Alterations states:

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents

c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

31. It also states that

The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes

Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.

Guidance for Residential Extensions and Alterations

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the

character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design.

The overall aim is to encourage high quality design solutions irrespective of whether the approach followed seeks to mirror the style of the existing property or adopts a contemporary modern design approach. To ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting.

An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property, although it is accepted that on occasion a larger extension may be required.

A further concern may arise where a side extension to a semi-detached dwelling is proposed at the same height and follows the same building line as the block comprising an original pair of dwellings. This will often compromise the appearance and architectural integrity of the block, and if repeated throughout a neighbourhood is likely to have an adverse impact upon the character of the wider area. To address this particular problem, proposals of this nature should be 'set back' from the building line or front of the house and also 'set down' from the ridge line.

Extensions or alterations to the front of a property require great care as the front elevation is often the most visible to public view. Poor design can upset the architectural integrity of the existing property and have an intrusive effect on the street scene. It is important, therefore, to ensure that extensions and alterations to the front of property do not detract from the street scene, especially where there is a clear and visually obvious 'building line' or architectural features. In such cases they should appear to be part of the existing property and not an obvious addition. This can be achieved by ensuring any such works are in proportion with the property, its fenestration and detailing, with matching materials, roof design and pitch.

Extensions, particularly to the side of a residential property, whereby refuse and garden equipment will need to be carried through the house or stored in the front garden, will not normally be permitted. An exception may be made where a route can be maintained through the extension via a garage or utility room on the ground floor.

Proposals to provide ancillary living space for elderly relatives or to meet a variety of other personal and domestic circumstances must be subordinate to and supplementary to the existing residence. Such accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable. Where an

extension to the existing house is not practicable and it is proposed to convert an existing outbuilding, planning permission will be dependent on the development being of a modest scale.

A separate self-contained building, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right. In all cases the Council must be satisfied that the proposed accommodation will remain ancillary to the main residential property and careful consideration will be given to the impact of proposals on neighbouring dwellings. Where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling and not as a separate unit of accommodation. Other proposals for ancillary residential use which are clearly incidental to the enjoyment of the property, such as a garden room or a gazebo, will be treated on their merits within the terms of the policy.

38. Alterations are proposed to the access arrangements for this site. Policy TRA 2 Access to Public Roads states:

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

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

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

Regional Policy and Guidance

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

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

33. 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

34. 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.

Supplementary Planning Guidance

35. Guidance set out at page 3 of the supplementary guidance to the Plan Strategy seeks to provide a consistent basis against which to consider an extension and/or alteration to a dwelling house or flat, including those in multiple occupancy and any proposal for a domestic garage or an outbuilding.
36. The following guidance is of relevance to this assessment of this proposal:

Context and Design

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design.

The overall aim is to encourage high quality design solutions irrespective of whether the approach followed seeks to mirror the style of the existing property or adopts a contemporary modern design approach. To ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting.

An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property.

Privacy

Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house. As a general rule of thumb this area is the first 3-4 metres of a rear garden, closest to the residential property.

Assessment**Policy HOU7 – Residential Extensions and Alterations**

37. The proposal is seeking permission to replace the existing garage with ancillary domestic accommodation.
38. The existing garage measures 3.6 metres by 6.2 metres and has a standard pitched roof. The building is sited 9 metres from the rear return of the dwelling and is positioned centrally with the garden.
39. The replacement building for domestic accommodation is positioned further back on site and is 13 metres from the rear return of 2 Benson Street. The building measures 6.7 metres X 7.2 metres and has a ridge height of 6.1 metres with a standard pitched roof.
40. The building will comprise a ground and first floor. The ground floor as annotated on the floorplan will have a kitchen, living area and domestic storage. The first floor will have a bedroom, wardrobe and bathroom.
41. Whilst the site is located within an urban context and two storey extensions are prevalent, a standalone two-storey building of the scale and mass proposed in the rear garden of the terrace house is considered to be inappropriate and incompatible with the surrounding context.
42. Along the row of terraced houses at Benson Street any existing outbuildings/garages are single storey and subordinate to the main dwelling.
43. The scale and massing of the proposed development is not considered to be sympathetic with the built form and appearance of the existing property and character of the surrounding area.
44. The proposal is not considered to complement the host building nor does it respect its location and wider setting.
45. Having regard to supplementary planning guidance, an extension/alteration to a residential property should be designed to become an integral part of the property both functionally and visually.
46. The proposed building is to provide ancillary accommodation. The justification and amplification of policy HOU7 requires such proposals to be subordinate to the existing residence.
47. Policy does direct that the option of an extension should be explored and if not possible the conversion of an existing outbuilding for such accommodation should be considered. The agent has demonstrated within a supporting

statement the title restriction by way of a right of way and pedestrian access has prevented the existing dwelling from being extended.

48. The development proposes a new standalone self-contained domestic building within the curtilage of the dwelling house. The building has its own kitchen, living area, bedroom and bathroom facilities.
49. No evidence is submitted to demonstrate how the proposed development will be supplementary to and function as an integral part of the existing dwelling.
50. The proposed building is considered not to have any reliance on the main dwelling which is at odds with advice included within the justification and amplification to HOU7 which states that

a separate self-contained building, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

51. The finishes consist of render walls, white frames and grey roof tiles.. Along the row of terrace houses on Bensons Street the materials include, white render, red brick and cream pebble dashed render. The external materials are sympathetic appearance of the existing property and the surrounding area and the materials are considered to complement the existing dwelling and surrounding area.
52. For the reasons outlined above, the separate unit is not subordinate to the main dwelling in terms of its scale and massing and if approved would be unsympathetic with the built form and would detract from the appearance and character of this back land area. It would also create an undesirable precedent for similar development.

Amenity

53. In relation to amenity and privacy the detail shows that the building will have a number of ground floor windows and doorways - three windows on the front elevation, two windows on the rear elevation and two doorways on the side elevation.
54. The front elevation at the ground floor windows will face towards the rear of terrace dwellings 2 and 4 Benson Street. A 1.8 metre high close boarded fence is proposed along the south-west boundary.
55. The rear elevation has two windows on the ground floor associated with the kitchen area and domestic storage area. The rear boundary comprises of a 1.8 metre fencing. At the side elevation there are two doorways facing east. The east boundary comprises of mature hedging. No concern of overlooking would arise from the ground floor windows.

56. On the front elevation of the proposed building at first floor level there is a single window associated with a bedroom that faces towards the rear elevation and amenity space of 4 Benson Street. The property at 4 Benson Street has a single window at first floor level. The rear gardens along the row of terrace dwellings are split with a path between the row of terrace houses for pedestrian access and the rear gardens.
57. The separation distance building to building from the proposal the rear return of 4 Benson Street is 13.5 metres. The separation distance from the proposal to 19 Antrim Road is 25 metres and 21 Antrim is 16.5 metres.
58. The agent proposes a 1.8 metre close boarded fence along the west boundary shared with 4 Benson Street. Regard is had to this detail, the site context and the supplementary guidance which states that:

Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house. As a general rule of thumb this area is the first 3-4 metres of a rear garden, closest to the residential property.

59. When the general rule of 4 metres from the rear return of 4 Benson Street is applied, the separation distance from the bedroom window of the proposal to the private amenity area is 10.2 metres. It is considered that the bedroom window of the proposal is a habitable room that and as such, an unacceptable impact of overlooking towards 4 Benson Street.
60. The provision of the fence as shown is not considered sufficient to address concerns in relation to the unacceptable impact of overlooking into the rear garden of 4 Benson Street.
61. There is no concern of overlooking to the residents at Trinity Gate and Antrim Road. The rear elevation facing Trinity Gate has two ground floor windows for domestic storage and kitchen. The boundary here comprises of fencing panels and partial hedging. This is deemed as an appropriate for to minimise any overlooking from the ground floor windows. At first floor there is a single bathroom window that will be condition to be fitted with obscure glazing and is considered appropriate to stop any overlooking.
62. Facing the boundary east with dwellings 19 and 21 Antrim Road there are two doors at ground floor level on this elevation. The boundary comprises of high mature hedging that is annotated as being retained and is considered appropriate. There shall be no detrimental impact on overshadowing/loss of light caused here.
63. The proposal has a separation distance back to back of 17.5 metres from the rear of the building to the houses at Trinity Gate. It should be noted overshadowing to a garden area on its own will rarely constitute sufficient

grounds to justify a refusal of permission. There shall be no impact of encroachment/infringement on the adjacent neighbours.

64. The proposal is considered to have an unduly impact on privacy and amenity of neighbouring residents by way of overlooking. The proposal is considered contrary to criteria (b) of policy HOU7.

Landscape

65. Having reviewed the detail associated with the application, no loss of or damage to, trees or other landscape features will result from the proposed development. The proposal is set of the boundary and the existing boundary planting is being retained. Criteria (c) of HOU7 is met.

Access and Parking

66. In relation to criteria (d) the detail demonstrates car parking spaces to the front and rear of the dwelling. Advice from Dfl Roads confirms that the proposal as presented remains unacceptable. As adequate parking cannot be achieved to serve both the dwelling and the separate unit of accommodation.
67. The proposal is contrary to criteria (d) of HOU7 in that it has not been demonstrated that sufficient space remains within the curtilage of 2 Benson Street for recreational and domestic purposes.
68. Access and Parking is further considered below within the context of Access and Transport considerations.
69. For the reasons outlined above, the proposal is considered to be contrary to criteria (a), (b) and (d) of Policy HOU7.

Access and Transport

70. The proposal is replacing a garage with a standalone residential unit. Advice from Dfl Roads finds the proposal unacceptable as submitted.
71. Despite amendments being submitted, Dfl Roads continue to express concern in relation to the proposed development.
72. The proposal involves intensification of the use of an existing substandard access at 2 Benson Street and the applicant has failed to demonstrate that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles contrary to criteria a) of Policy TRA 2.

Conclusions

73. The proposal is contrary to Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that (a) the scale, and massing of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.
71. It is also contrary to criteria (b) of Policy HOU7 in that it will if approved unduly affect the privacy or amenity of neighbouring residents by reason of overlooking.
72. The proposal is contrary to criteria (d) of HOU7 in that insufficient space remains within the curtilage of the property for recreational and domestic purposes and the parking and manoeuvring of vehicles.
73. In addition, the proposal is contrary to criteria (a) of Policy TRA2 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that proposal will not prejudice road safety or significantly inconvenience the flow of vehicles on Benson Street because an intensification of use of a substandard access.

Consideration of Representations

74. The issues raised in representation are considered below:

Impact on right of way and bin collections

75. The impact on right of way is outside of planning control and is a civil matter but the access is not impeded by the proposed building works.

No connection to main house/self contained accommodation inappropriate

76. Following a full assessment of the proposal it is unacceptable and not considered to be a modest scale of accommodation that is dependent on the main dwelling within the site.

Overlooking of adjoining properties on Benson Street

77. Following a full assessment of the proposal it is considered the development would result in issues of concern regarding undue overlooking to the rear of 4 Bensons Street.

Out of keeping with other buildings in the area and concerns of overcrowding

78. The proposal is considered not to be subordinate in scale and massing and is unsympathetic with the built form and character of the area.

Impact on privacy and overshadowing of 21 Antrim Road

79. The separation distance from the side of the proposal to the rear of No. 21 Antrim Road is 17 metres. This is considered sufficient to minimise any potential for overshadowing. There are two doorways on the ground floor of the side elevation. No concern of privacy arise for this property given the boundary shared with No. 21 has high mature hedging that is annotated as being retained.

Privacy, overshadowing/loss of light and overlooking concerns at properties at Trinity Gate

80. There shall be no undue impact on privacy to houses at Trinity Gate. The impact of overshadowing/loss of light is considered not to be detrimental. There is a separation distance back-to-back is 17 metres. The existing boundaries are considered acceptable to minimise any potential for overlooking from ground floor windows. The first-floor window, if approved will be conditioned to be fitted with obscure glazing is considered acceptable.

Impact on established trees, hedging, nature and planting in gardens/Impact on protected trees and groundworks

81. The proposal is set off and will not encroach upon the boundaries of the site. Any ground works will be the developers own risk. The trees to the rear are not protected by a TPO. Overshadowing to garden area would not justify grounds for refusal.

Adverse effect on physical and mental health. Issues over noise and pollution impact

82. Physical and mental health material considerations attributed any weight as it not explained how the proposed development would cause harm. This is not a noise or odour generating development. Environmental Health have been consulted in relation to noise and impact on health and safety and offered no objections. This advice is accepted.

Visual Impact

83. The site is located with a residential and urban area. The proposal has a separation distance of 35 metres to Bensons Road and positioned to the rear of two storey terrace houses and is considered not to have a detrimental impact on the visual appearance.

Building used for Airbnb, HMO, B&B or independent residence

84. The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation'. There is no current evidence the building will be used for Airbnb or as a HMO. There is no planning application in front of the Council for any of these uses.

Impact on the efficient delivery of utility services, particularly water and sewerage

85. NI Water and Environmental Health have been consulted in relation to impact on water and sewerage and have no objection.

Environmental impact assessment required

86. The development does not fall within threshold for assessment under Schedule 1 or 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. An Environmental Impact screening was not required.

Precedent for similar garden development

87. Each application will be considered on its own merit but the potential for this to create an undesirable precedent is acknowledged.

Danger to pedestrians from additional vehicles / Parking concerns

88. DfI Roads have been consulted and requested additional information regarding parking and manoeuvring on site. This access is substandard and intensification of the use is recognised and a reason for refusal.

The proposed will lead to increased ASB and crime

89. The proposal is for ancillary living accommodation and the scheme has been designed with passive surveillance from the windows front and back windows. There is no demonstrable link between the proposed use and any potential increase in anti-social behaviour or crime.

Issue with construction traffic and disruption during construction phase

90. It is acknowledged will be noise during the development phase of any project. This is discrete to the location and intermittent a reason for refusal that could be sustained or the impact mitigated given the scale of development proposed .

Impact the proposal will have on property value

91. Whilst the reduction of the value of a house is a material consideration it is not given determining weight in this instance.

The proposal goes against the extant policy on 'Building in a crowded area'

92. The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation'. There is no relevant extant policy named 'building in a crowded area' that need to be assessed. It is also not a question of density as the use is linked to the primary use of the land. A reason for refusal is presented that explains why the development is not appropriate to the character of the area.

Proposal fails to meet Policy HOU3, HOU8 and DCAN 8

93. The proposal description on the application form is to 'Replace existing garage with ancillary domestic accommodation' and has been submitted as householder development. The proposal has been assessed under the Policy HOU7 of the Plan Strategy for Residential Extensions and Alterations. Policy HOU3, HOU8 and DCAN 8 are not considered applicable in this instance.

Recommendations

94. It is recommended that planning permission is refused.

Refusal Reasons

95. The following refusal reasons are recommended:
1. The proposal is contrary to Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that:
 - a) the scale and massing of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.
 - b) the proposal does not unduly affect the privacy or amenity of neighbouring residents
 - d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.
 2. The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.

Site Location Plan – LA05/2023/0307/F



OS 185.06SE CROWN COPYRIGHT
SITE OUTLINED RED
GARAGE TO BE REPLACED YELLOW

Client: S WILKINSON		McCREADY ARCHITECTS	
Project: REPLACEMENT GARAGE 2 BENSON STREET LISBURN		Chartered Architects and Planning Consultants 8 Market Place Lisburn BT28 1AN T: 028 9286 2357 F: 028 9286 2363 E: mail@mccreadyarchitects.co.uk W: www.mccreadyarchitects.co.uk	
Drawing: SITE LOCATION	Date: 09.03.2023		
Scale: 1:2500 @ A4	Rev:		
Project No: 55.22 / 01	Drawing No:		

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	13 May 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0631/F
Date of Application	29 June 2022
District Electoral Area	Castlereagh South
Proposal Description	Single storey rear sunroom extension (Retrospective)
Location	26 Brackenhill View Carryduff BT8 6ZN
Representations	Three
Case Officer	Joanne Doran
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of policy HOU7 of the Plan Strategy are met in full in that the scale, massing, design and external materials of the sunroom will not detract from the appearance and character of the surrounding area.
3. It is also considered that this proposal does not unduly affect the privacy or amenity of neighbouring residents and that sufficient space remains within the curtilage of the property for recreational and domestic purposes.

Description of Site and Surroundings

Site

4. The application site is situated within an irregular shaped plot at the end of a cul-de-sac.
5. The semi-detached two-storey dwelling is finished with a sand-coloured brick on the ground floor with a cream rendered finish to the first floor. Windows are black uPVC double glazed, with matching black soffits and rainwater goods. The pitched roof consists of grey interlocking concrete tiles.
6. To the front of the dwelling is a small open plan garden with a brick driveway providing parking for two cars.
7. To the side of the property lies a large garden which wraps around to the rear, with a paved area immediately along the rear elevation. Boundaries with number 24 and number 28 are defined by 1.8-metre-high closed board fencing.
8. The properties at 46, 48 and 50 Brackenhill View which lie to the east are at a higher level and this boundary is defined by a retaining wall with planting behind. The boundary with the recently built properties at Brackenhill Park is also defined by a lower retaining wall with planting and a 1.8 metre timber fence behind.

Surroundings

9. The application site is located within a recently constructed residential area consisting of similar style properties.

Proposed Development

10. The application seeks retrospective full planning permission for a single-story rear sunroom extension.

Planning History

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

Reference	Description of Development	Location	Decision
Y/2013/0030/F	Erection of 49 dwellings consisting of 15 detached units, 34 semi-detached units, garages and all associated site works	Lands on the corner of the Ballymaconaghy and Knockbracken Road and to the rear of	06 Nov 2014

		38+40 Knockbracken Road.	
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Consultations

12. The following consultations were carried out:

Consultee	Response
NI Water	No objection

Representations

13. Three representations in opposition to the proposal have been received from a single individual. In summary, the following issues are raised:

- Proximity of extension to objector's property
- Applicant will not be able to paint rendered wall as per the submitted plans without entering the objector's property
- Structure impinges on immediate aspect or outlook
- Overshadowing / loss of light
- Application should be judged on the initial plans
- Extension is not characteristic of other extensions within the surrounding area.

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 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 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.

16. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
17. In the BUAP 2001, the site is situated within the settlement development limits of the Belfast Urban Area [BUA]. In the draft BMAP (2004) and subsequent revision to draft BMAP (2014) this site remains within settlement development limits of Castlereagh Greater Urban Area.
18. This application is for an extension to a residential dwelling. Policy HOU7 - Residential Extensions and Alterations of Part 2 of the Lisburn and Castlereagh Plan Strategy states:

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) *the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area*
- b) *the proposal does not unduly affect the privacy or amenity of neighbouring residents*
- c) *the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality*
- d) *sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes.

Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.

19. Regarding Context and Design, Supplementary Planning Guidance, Page 4 states:

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are

incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design.

20. It also states that:

An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property

21. On page 5, Supplementary Guidance also states:

Alterations or an extension to a dwelling should not infringe upon a neighbour's property. For example, it is an infringement of a neighbour's property rights should foundations or guttering encroach onto their land or if an extension overhangs or attaches to their property.

22. In relation to external finishes, the Supplementary Planning Guidance states:

The external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. Using similar or complementary materials to those of the existing property is more likely to produce a successful extension or alteration.

23. In relation to residential amenity, the guidance states that:

It is important that the amenity of all residents is protected from 'unneighbourly' extensions as these can cause problems through overshadowing/loss of light, dominance and loss of privacy. The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass and location of an extension and window positions. Single-storey extensions to the rear of a semi-detached or terraced dwelling will generally be acceptable where the depth does not exceed 3.5 metres from the back wall of the original building, at the boundary with an adjoining dwelling.

24. In relation to overshadowing / loss of light, it states:

In terms of daylighting, the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.

Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

25. In relation to access and parking:

Proposed works that would result in the significant loss of car parking spaces or a turning area, with no reasonable alternative being available, will not be acceptable.

Regional Policy and Guidance

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

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

27. This proposal is for a residential extension. Paragraph 3.8 of the SPPS states:

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

28. Paragraph 4.12 of the SPPS states:

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

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

30. 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 (as modified) have been drafted to be consistent with the SPPS.

Assessment**HOU7 Residential Extensions and Alterations**

31. At the time of the initial site visit the extension was mostly constructed as the applicant initially thought these works fell to be permitted development. This is now a retrospective application, and the works were continued by the applicant at their own risk.
32. The single storey extension is built to the rear of the dwelling The existing double doors and kitchen window are to be replaced. The flat roofed extension extends from the host dwelling by 3300mm and measures 2800mm to eaves height and 2900mm to roof height.
33. The sunroom sits 300mm from the boundary with number 24 Brackenhill view. No windows are proposed on the side elevation with the neighbouring property Two elongated windows with a vertical emphasis are located on the right hand elevation with double glazed sliding doors on the rear elevation and a single roof light providing further light to the sunroom.
34. The extension is to be finished in a smooth painted render to match the host building, with the exception of the side elevation to number 24. This elevation is finished with uPVC white cladding due to the proximity to the boundary and restricted access. The dark grey uPVC windows and fascia boards are considered to match the black windows on the existing dwelling.
35. The extension does not dominate the character of the existing dwelling and site. The scale, size and design of the extension is sympathetic to the existing dwelling as it extends less than the recommended maximum distance of 3500mm for an extension to the rear of a semi-detached dwelling.
36. The finishes that match the appearance of the existing property. Whilst the uPVC cladding on the side elevation to number 24 is not an exact match to existing materials used, it is considered that it will not detract from the appearance and character of the surrounding area.
37. The site is not located with a Conservation Area nor an ATC and therefore the materials are considered acceptable.
38. It is acknowledged that the proposed works will reduce the amount of early morning sunlight entering the kitchen window of number 24 however this impact is considered to be offset by the presence of glazed double doors to the kitchen which are not impacted by this extension.
39. For the reasons outlined above, criteria (a) of HOU7 is considered to be met.
40. No windows are proposed on the side elevation with number 24 and as such, no concern in relation to overlooking or loss of privacy will arise Criteria (b) is considered to be met.

41. Detail submitted with the application demonstrates that there will be no loss of or damage to, trees or other landscape features resulting from the proposal. Criteria (c) is considered to be met.
42. The dwelling to which the proposal relates is situated within a generous corner site, sufficient space remains for recreational and domestic purposes. The proposal will not affect the curtilage of the property in regard to parking and manoeuvring of vehicles and as such Criteria (d) is considered to be met.
43. For the reasons outlined above, it is considered that the proposal complies with Policy HOU7 and the Supplementary Planning Guidance of the draft Plan Strategy.

Consideration of Representations

44. Three representations were received during the processing of this application. The issues raised are considered below.

Close proximity of extension to objector's property

45. The policies contained within PPS7 Addendum have been superseded by the adoption of the Council's Plan Strategy and related Supplementary Planning Guidance, however it is acknowledged that the general thrust of the policies remain the same. The SPG advises 'Single-storey extensions to the rear of a semi-detached or terraced dwelling will generally be acceptable where the depth does not exceed 3.5 metres from the back wall of the original building, at the boundary with an adjoining dwelling'. This sunroom extends 3.3m from the host building and is therefore considered to be acceptable.

Applicant will not be able to paint rendered wall as per the submitted plans without entering the objector's property.

46. Amended drawings indicate that this wall is now finished in uPVC cladding due to the restricted access. This is considered to be an acceptable finish boundary for the reasons outlined above.

Structure impinges on immediate aspect or outlook

47. The side elevation of the sun room lies 0.3 metres from the boundary fence and extends 3.3 metres from the host building. This is considered to be acceptable for an extension to a semi-detached dwelling.

Overshadowing / loss of light

48. The proposed works will reduce the amount of light entering the kitchen window of the neighbouring property at 24. However, this is offset by the fact that the room also has a set of double doors which are not impacted by this extension and allow light into the kitchen of this property.

Application should be judged on the initial plans submitted

49. The planning application process does allow for amendments to be made and officers are obliged to consider such before any decision is issued. In this case, the agent amended the drawings to reflect what was built on site. The applicant was aware that should this application be refused, they had carried out the works at risk.

Extension is not characteristic of other extensions in area

50. It is acknowledged that many of the properties within the Brackenhill development already have a sunroom constructed as part of the original design and that these rooms include a variety of finishes depending on the finishes associated with the main dwelling.
51. This house type was not originally designed with a sunroom. It was initially proposed to render the side elevation with number 24. However due to restricted access it was decided to install uPVC cladding to minimise future maintenance requirements.
52. It is acknowledged that the finishes to this gable do not match existing finishes but the extent of the area to be finished with cladding will not detract from the appearance and character of the surrounding area.

Conclusions and Recommendation

53. It is recommended that planning permission is approved as it is considered that the requirements of policy HOU7 of the Plan Strategy are met in full.

Conditions

54. The following condition is recommended:
- This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Site Location Plan – LA05/2022/0631/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	13 May 2024
Committee Interest	Local Application [Mandatory]
Application Reference	LA05/2024/0098/F
Date of Application	06 February 2024
District Electoral Area	Killultagh
Proposal Description	Proposed replacement of changing rooms and minor alterations to existing carpark
Location	Site located to the rear of 8 Lurgan Road and West of 18- 27 Broadwater Park Aghalee
Representations	Two
Case Officer	Laura McCausland
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation as the Council is the applicant.
2. The application is presented with a recommendation to approve as the replacement of changing rooms and minor alterations to existing carpark will allow the site to operate as an outdoor sports facility without detriment to the amenity of neighbouring properties in terms of overlooking or as a result of noise.
3. The requirements of policy OS1 have been considered. The proposal provides for the replacement of existing changing rooms with minor alterations to car parking arrangements. The old building is removed and there are no alterations to the pitch to facilitate the proposed development. It will not therefore result in the loss of existing open space or land zoned for the provision of open space.

4. The requirements of Policy OS3 have also been considered. Both the building and parking area are not significantly increased in size to allow for them to be more intensively used. The changing rooms allow for IFA standard football to be played but not hours of operation are not increased and it is considered that the proposed development will not cause any additional unacceptable level of disturbance to people living nearby nor is any further conflict with neighbouring land uses likely to arise.
5. The proposal complies with policies NH2 and NH5 of the Plan Strategy in that it has been demonstrated that the new development will not have an unacceptable adverse impact on or damage to known habitats, species or features of natural heritage importance. The existing prefabricated building is inspected and maintained by the Council. It does not have any structural defects that would allow for roosting bats.
6. In addition, the proposal satisfies the policy tests associated policies TRA1, TRA2 and TRA7 of the Plan Strategy in that the proposal is designed to create an accessible environment. Safe access arrangements are already provided, and that adequate provision exists for car parking at the site.

Description of Site and Surroundings

Site

7. The application site is rectangular in shape and is located on northern side of the Aghalee Playing Fields at Lurgan Road, Aghalee.
8. The site encompasses an area of hardstanding, nineteen carparking spaces, a grass area and portacabin which serves as a changing room in association with existing playing field to the south.
9. The portacabin is a rectangular structure and it sits on a plinth block. It has green panelled walls, a flat roof, high level windows and door openings along the southern side elevation.
10. The site is flat. The northern boundary comprises a post and wire fence with trees planted along its length. The southern and western boundaries are undefined. The eastern boundary is defined by close boarded timber fence and six tall trees and vegetation.
11. Vehicular and pedestrian access to the site is via the existing access arrangements from the Lurgan Road.

Surroundings

12. Beyond the application site to the south, are existing community facilities associated with Aghalee playing fields which include an enclosed pitch with nets, an outdoor gym and children's playpark,
13. The character of the immediate area is predominantly residential in nature. Beyond this and within the village are commercial, recreational and community uses.

Proposed Development

14. The application is for the proposed replacement of changing rooms and minor alterations to existing carpark.
15. The following information is submitted in support of the application:
 - NI Biodiversity Checklist
 - Habitat Survey
 - Rebuttal to objector's comments

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2019/0536/F	Proposed replacement changing rooms and new security fence to same and minor alterations to existing car park.	Aghalee Playing Fields, Lurgan Road Aghalee	Approval
S/1997/0631/F	Playing fields, access road, carpark, possible future play and barbeque area.	88 Lurgan Road, Aghlee	Approval

17. This site is associated with a long-established community use and a history of approval for changing facilities. The new building is a replacement of the existing building.

18. The previous planning permission LA05/2019/0536/F issued on 05 November 2019. This permission expires on 05 November 2024 and whilst still extant was not implemented.

Consultations

19. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
NIEA Natural Heritage	No objection
Environmental Health	No objection
NI Water	No objection

Representations

20. Two representations have been received in objection to the proposed development from properties at 18 and 27 Broadwater Park. The detail of the representations can be viewed on the Planning Portal at:

<https://planningregister.planningsystemni.gov.uk/application/682419>

21. The following issues are raised:

- Anti-social behaviour
- Greater noise pollution
- Lack of landscaping detail on drawing
- Proposed planting to impact on natural light into property.
- Ownership of trees

22. These issues have been considered in the assessment below.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

25. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
26. The LAP indicates that the proposed site is located within the settlement limit of Aghalee on land zoned as exiting recreational/open space.
27. Within draft BMAP the site is also located within the settlement limit and zoned as recreational open space.
28. This application seeks to replace existing changing rooms and provide for minor alterations to existing carpark. The following strategic policies in Part 1 of the Plan Strategy apply.
29. 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; 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 02 Improving Health and Well-being states that:

The Plan will support development proposals that contribute positively to the provision of quality open space; age friendly environments; quality decision; enhances connectivity (physical and digital); integration between land use and transport; and green and blue infrastructure. Noise and Air quality should also

be taken into account when designing schemes, recognising their impact on health and well-being.

31. Strategic Policy 17 Open Space, Sport and Outdoor Recreation:

The Plan will support development proposals that

- (a) Protect and enhance existing open space and provide new open space provision*
- (b) Support and protect a network of accessible green and blue infrastructure*
- (c) Support and promote the development of strategic and community greenways*

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

Open Space, Sport and Outdoor Recreation

33. The application seeks to replace existing changing rooms and provide for minor alterations to existing carpark on land zoned for open space. Policy OS1 states that:

Development that will result in the loss of existing space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance.

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

34. The changing rooms are ancillary to the existing playing fields. Policy OS3 – Noise Generation Sports and Outdoor Recreational Activities states that:

Proposals for development of sport or outdoor recreational activities that generate high levels of noise will only be permitted where all the following criteria are met:

- a) there is no conflict, disturbance or nuisance caused to people living nearby or other noise sensitive uses.*
- b) there is no conflict, disturbance or nuisance caused to farm livestock and wildlife*
- c) there is no conflict, disturbance or nuisance caused to the enjoyment of the natural environment/nature conservation and the historic environment.*

Natural Heritage

35. A NI Biodiversity Checklist and habitat survey is submitted in support of the application. Policy NH2 – Species Protected by Law states that:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

37. The Application Form indicates that access arrangements involve the use of an existing unaltered access to a public road for both pedestrians and vehicles.

38. 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

39. Policy TRA 2 Access to Public Roads states:

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

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

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

40. Three additional car parking spaces a proposed. Policy TRA7 Car Parking and Servicing Arrangements in New Developments Development states that

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

Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles. Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

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

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

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

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

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

Regional Policy and Guidance

Regional Policy Context

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

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and

are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPSS within 5 years.

42. Paragraph 2.1 of the SPSS 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. It states that:

The 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.

43. Paragraph 3.6 of the SPSS 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.

44. Paragraph 3.8 of the SPSS 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.

45. 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.

46. The proposal includes the replacement of existing changing rooms and minor alterations to car parking arrangements on land zoned as open space.

47. Paragraph 4.4 of the SPSS states that

It is widely recognised that well designed buildings and successful places can have a positive impact on how people feel. The way in which places and buildings are configured, patterns of movement in the space around us and the level of access to quality open space are all factors that can make us feel good. Successful places also influence the choices we make which may contribute positively to improving our health and well-being e.g. whether to walk or cycle, or whether to stay longer in a good place.

48. Paragraph 4.8 also acknowledged that

The protection of existing, and provision of new, quality open space within or close to settlements plays a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity and interaction with others.

49. Paragraph 4.11 of the SPPS states that:

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

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

51. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts.

52. Paragraph 4.12 of the SPPS states:

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

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

Assessment

54. The application proposes to replace changing rooms on the same footprint as the existing rooms. This location adjacent to the existing playing fields is considered to be sustainable and is designed to have regard to the local context and to be as accessible to as many users as possible.

55. No hours of operation are indicated but as a Council owned facility, it will be subject to normal practice for the operation of these types of facility. Noise impact on residential amenity is considered and no significant impact is identified.

56. Access and links to public transport are not material to this assessment. Floodlighting is not proposed. Landscaping is not required other than to make good any areas impacted during the construction phase of the project. The site is overlooked subject to passive surveillance. Public safety is considered in the design in terms of the risk of anti-social behaviour or vandalism. No nature conservation, biodiversity, archaeology or built heritage impacts are identified.
57. The site is located within the development limit of Aghalee on lands designated for recreational open space.
58. The proposal seeks to provide for the replacement of existing changing rooms and minor alterations to existing carpark on previously developed land. The existing changing rooms are sited on an area of hardstanding to the east of the site near the rear of residential properties at 4 and 6 Meadow View.
59. The proposed site layout plan [drawing 01D] indicates that the proposed changing rooms are to be relocated onto a grassed area to the rear east portion of the site – an area that abuts boundaries of residential properties 18 and 27 Broadwater Park.
60. The proposed floor plan [drawing 01D] indicates that a modest floor space of 107.5 square metres is to be provided along with an accessible changing area and WC, referee changing and WC, two team changing rooms with WC and showering facilities, lobby area and cleaner's store.
61. A rectangular building is proposed with doors, high-level window openings and pitched roof as shown on elevations. The proposed material finishes are annotated to include block cavity with sand cement rendered walls, with insulated dark grey anthracite roof panels and metal doors. Metal grills are to be fitted to all window openings.
62. The existing portacabin used to provide change facilities is in need of modernisation and is not an accessible unit. The detail submitted with the application demonstrates that a more attractive, secure and accessible changing pavilion use of the existing playing field is provided .
63. This detail of the facility proposed is not considered to be significantly different from the extant approval [LA05/2019/05361/F]. The only differences relate to the material finish of building and a modest increase in floorspace. No fence is proposed around the building and its siting is broadly the same as the previously approved siting. Three additional carparking spaces are to be provided along with a ramped path to allow access to a disabled WC.

Policy OS1 – Protection of Open Space

64. As explained earlier in the report, the site is located within an area zoned as open space. There are changing rooms already located within the site along with an area of hardstanding use for parking and small grass areas associated with long established recreational open space use at this location.

65. The proposal is considered to replace a 'like for like' use and the proposed changing facility is considered necessary to facilitate the continued use of the open space for playing association football at this location. It is deemed to be compatible with existing use and as the existing pavilion is being demolished there will be no net loss of open space.
66. The new changing rooms provide an enhanced sports use as it includes facilities that allow IA standard football to be played at the pitch and the design of the building will improve the visual attractiveness of the site with a modern purpose built building.
67. It will also afford wider social and benefits to the community in relation to health and well-being, education skills and employment, social inclusion and volunteering.
68. Environmental Health having considered the detail of the application offer no objection in relation to residential amenity. Natural Environment Division having regard to the supporting ecological information offer no objection. Therefore, it is regarded that the proposed development will have no greater impact than that currently in place and no significant impact on amenity, character or biodiversity of the area.
69. The proposal does not result in the loss of open space. The existing changing facilities are replaced with the open spaces around the building retained. For the reasons set out above, the proposed development is in accordance with Policy OS1.

OS3 - Noise Generating Sports and Outdoor Recreational Activities

70. Whilst it is acknowledged that the development of sport or outdoor recreational activities have the potential to generate high levels of noise, this application relates to the replacement of changing facilities and the addition of small number of parking spaces only.
71. Both the building and parking area are not significantly increased in size to allow for them to be more intensively used. It is considered that the proposed development will not cause any additional unacceptable level of disturbance to people living nearby nor is any further conflict with neighbouring land uses likely to arise.
72. The Council's Environmental Health unit have been consulted and have offered no objections in relation to noise impact. It is a changing pavilion and it is not designed to be used for any other noise generating activity. There is no floodlighting for nighttime use and the building is designed to deter antisocial behaviour.
73. For the reasons outlined, criteria (a) to (c) of Policy OS3 of the Plan Strategy are considered to be met.

Access and Transport

TRA1 Creating an Accessible Environment

74. Detail submitted with the application indicates that the space is provided for a changing place pod with a ramped path to provide access. An annotation is shown indicating that there will be a one-metre-wide path to the rear and side of the new changing room facility. Levelled access is shown to the main entrance and access within the wider site is not hindered.
75. The internal floor plan demonstrates that the building is also designed to provide ease of access for all users. For the reasons outlined, the policy tests associated with TRA1 are met.

TRA2 Access to the Public Road

76. Detail submitted with the application explains that the development makes use of an existing unaltered access onto the public road for both vehicles and pedestrians. The access is built to a safe standard and no intensification is created that would require the access to be improved. No road safety or traffic impact issues are identified in relation to Policy TRA2. DfI Roads were consulted and offer no objection.

TRA7 Car Parking and Servicing Arrangements in New Developments

77. The proposal involves the reconfiguration of space to provide for the relocation of existing changing rooms ancillary to an established recreational use. The block plan drawing includes an annotation which indicates that the changing rooms are to be relocated and the ground reinstated to provide an additional three parking spaces in support of the proposal.
78. These additional spaces are located just at the access location to the site. Adequate provision remains for vehicles to move within the site without prejudice to road safety or inconvenience to the flow of vehicles. For the reasons outlined, the policy tests associated with TRA7 are met.

Natural Heritage

79. A NI Biodiversity Check and Habits Survey compiled by Mantella Environmental accompanies the application. The checklist identifies that broad water local wildlife site is within 0.3km of the site to the east with Broadwater/Friars Green local wildlife site 0.2km to the east. A small river is also identified to the immediate south of the playing fields some 93 metres from the location of the current changing rooms.

80. The associated ecological statement explains that no NI priority habitats are presented within the proposed development footprint nor does the site lie within 1km of any ASSI, SAC, SPA, Ramsar or nature reserve.
81. The statement also acknowledges that the site is linked to the surrounding countryside via the tree lined banks along the small river to the south of the playing fields and that it is also linked via a series of private gardens which are immediately adjacent to the south-western, western, northern and eastern site boundaries. It is acknowledged that such features are likely to act as corridors and stepping stones for foraging birds and foraging/commuting bats.
82. That said, the statement confirms that as part of a site inspection in March 2024, no evidence of protected species such as badger or otter was present within 30 metres of the site. The view was also expressed that the current changing rooms do not support cavities which have potential to serve a nesting location for birds and/or roosting bats.
83. NIEA NED having regard to the ecological information offer no objection to the proposed development.
84. Having regard to the detail associated with the application including advice from NED and the reference to all landscaping being retained, it is considered that the proposed development will have an unacceptable adverse impact on, or damage to know habitats, species or features of natural heritage importance and as such, the tests associated with policies NH2 and NH5 of the Plan strategy are capable of being met.

Consideration of Representations

Noise and antisocial behaviour from venue.

85. Concerns relate to noise and anti-social behaviour; third party suggests that the proposed development will generate greater noise pollution on adjoining dwellings and that the sites roadside presence will encourage this sort of behaviour. They also state that this is an ongoing issue particularly during good weather and evenings.
86. Environmental Health were consulted upon receipt of these comments and offer no objection to the proposed development or indicate that previous complaints in relation to noise have been made. The officer has no reason to disagree with this advice.
87. As set out above there is an extant approval on the site for a similar proposal it is regarded that the proposed development will broadly replace 'like for like' and addition of 3No. car parking spaces will not lead to significant intensification of existing long-established use at this location.

88. Whilst antisocial behaviour is not a planning related matter but is an issue for the PSNI to control, it is regarded that the proposed development does not seek to change current measures in place by the applicant to secure the site that may help deter potential for anti-social behaviour.

Lack of Landscaping Detail and Ownership of Trees

89. The third party at 18 Broadwater Park raised concern relating to a lack of detail around existing and proposed landscaping on submitted plans and any additional planting to the rear of their property would impact upon natural light into their property.
90. The applicant was requested to submit a landscape plan providing detail of existing landscaping to be retained and proposed landscaping detail. On review of submitted landscape plan 02, no proposed landscaping is to be provided to the rear of objector's property thus no loss of light will occur directly by proposed development.
91. The third party at 27 Broadwater Park raised ownership disagreement of trees to the rear of their property and that removal of such trees would create ecological concern for bats and birds.
92. In response to objectors concerns the applicant provided a biodiversity checklist in addition to previously submitted Habitats Survey that was carried out by a qualified ecologist. The applicant provided images and email to confirm the trees were in their ownership and control. The applicant also has indicated on submitted plan 02 that these trees are to be retained. NED were consulted, welcomed the retention of existing trees and offered no objection to the proposed development.

Conclusions

93. For the reasons outline above, the proposal satisfies the tests associated with policies OS1, OS3, TRA1, TRA2, TRA7, NH2 and NH5 of the Plan Strategy.

Conditions

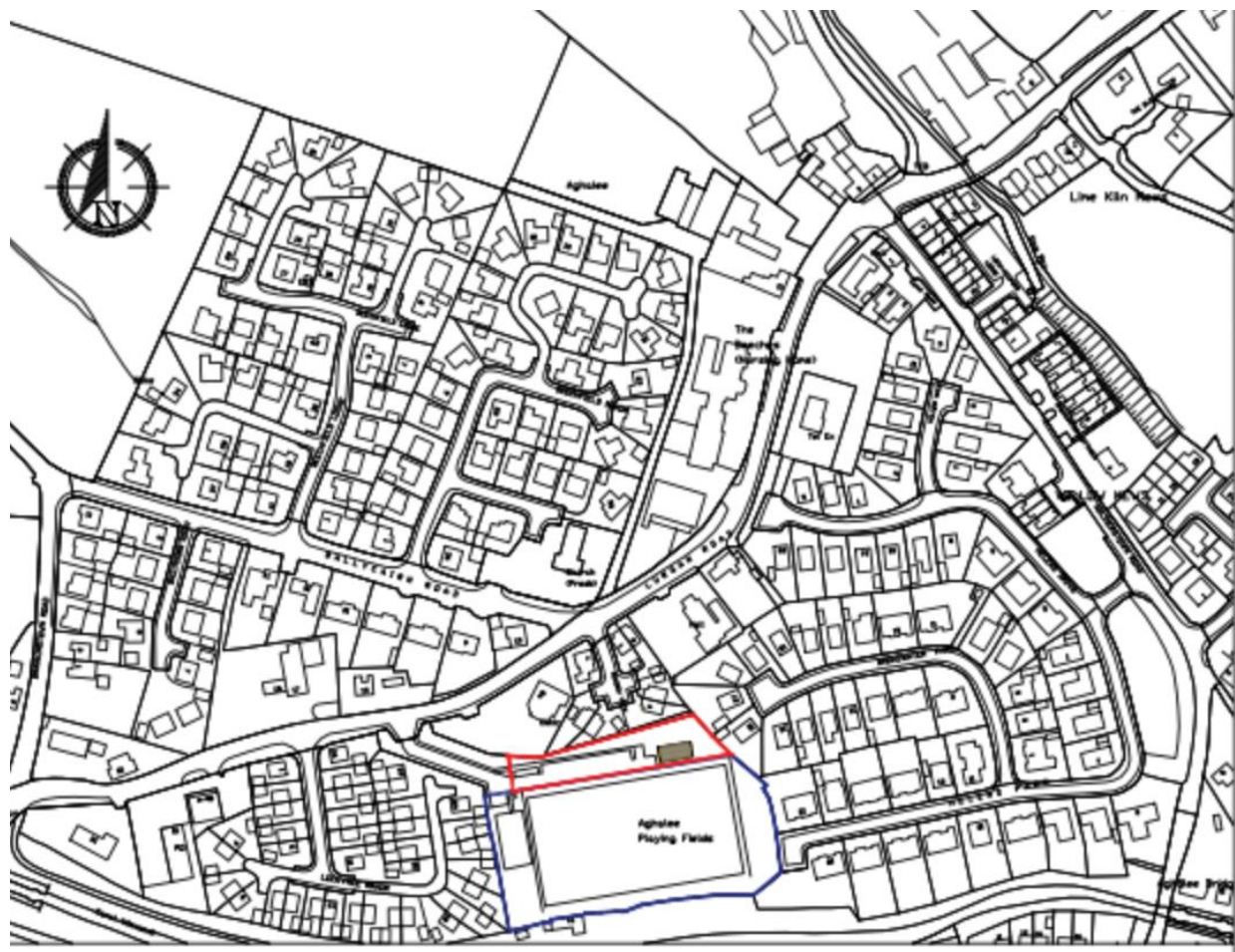
94. The following conditions are recommended:
1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. The existing natural screenings of this site, as indicated on approved plan No. 02 published to the planning register on 11th March 2024, shall be retained. If any retained tree is removed, dies, or is seriously damaged within 5 years from the date of the erection of the building, another tree or hedge of a native species shall be planted during the next planting season.

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

Site Location Plan – LA05/2024/0098/F



location plan scale 1:2500

planning drawing

Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – March 2024

1.0 Background

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

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of March 2024.
2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for March 2024 was 45.1 weeks with performance year to date noted to be 42.4 weeks. Since June 2023, officers were focused on dealing with older planning applications.
4. The focus on reducing the number of older applications meant that the Council was unlikely to return to good performance for local applications by year end. The implementation of a structural review and an improvement plan should see an overall improvement against this target in this business year.
5. The team has returned to bringing forward applications that are ready to issue which should see a reduction in processing times and an improvement by the end of the first quarter. Key performance indicators are in draft to assist in measuring this performance.
6. It is important to note that legal challenges and ongoing resourcing pressures continue to impact on the ability to improve performance in relation to local

	<p>applications. It is expected that the team will be at full complement by July 2024. There will be in house training and development to ensure new staff are able to contribute effectively to achieve the targets set out in the Performance Improvement Plan.</p>	
	<p>7. Performance in relation to major applications for March 2024 was 0 weeks as no decisions issued. That said, performance year to date noted to be 56.4 weeks. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p>	
	<p>8. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review and a protocol is in draft to speed up the processing of legal agreements.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the unvalidated information in relation to the March 2024 Statutory Performance Indicators.</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 <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
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 outlining progress against statutory targets and RNIA is not required.</p>	

Appendices:

Appendix 2 – Statutory Performance Indicators – March 2024

Statutory targets monthly update - March 2024 (unvalidated management information)

Lisburn and Castlereagh

DATA HIGHLIGHTED YELLOW IS EXPERIMENTAL

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	2	1	49.6	0.0%	55	45	57.8	11.1%	27	7	44.1	71.4%
May	0	1	102.2	0.0%	67	71	35.6	15.5%	28	16	23.3	81.3%
June	0	1	44.2	0.0%	74	71	33.6	14.1%	28	16	20.7	93.8%
July	0	0	-	-	62	8	44.2	25.0%	13	10	29.7	80.0%
August	1	0	-	-	56	79	37.2	16.5%	23	4	65.3	75.0%
September	0	1	25.6	100.0%	47	62	43.4	11.3%	39	32	29.3	87.5%
October	0	0	-	-	72	63	44.0	7.9%	18	23	25.9	95.7%
November	1	0	-	-	61	62	42.4	1.6%	15	17	32.8	88.2%
December	4	1	63.2	0.0%	38	43	44.6	2.3%	12	6	32.8	83.3%
January	0	1	63.2	0.0%	43	55	52.8	1.8%	10	17	39.3	70.6%
February	0	0	-	-	70	46	45.8	0.0%	18	9	35.0	77.8%
March	0	0	-	-	50	42	45.1	7.1%	22	11	42.0	63.6%
Year to date	8	6	56.4	16.7%	695	647	42.4	9.1%	253	168	30.9	83.3%

Source: NI Planning Portal

Notes:

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

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

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

Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2021/1364/O

1.0 **Background**

1. An application for the erection of a rural dwelling and garage on a farm on land 150 metres due west of 38 Backnamullagh Road, Dromore was refused planning permission on 20 April 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 22 August 2023.
3. The procedure followed in this instance was written representation with accompanied site visit on 29 February 2024.
4. The main issues in the appeal are whether or not the proposed development would be:
 - acceptable in principle in the countryside;
 - integrate sympathetically with its surroundings; and
 - adversely impact on the rural character of the area.
5. A decision received on 27 March 2024 indicated that the appeal was dismissed.

Key Issues

1. At paragraph 14, the Commissioner provided clarification that Policy COU10 does not state that a new farm dwelling must visually link or cluster with the principal group of buildings on the farm and that it merely refers to 'an established group of buildings'. The view is expressed that the word 'an' indicates instances of more than one group of established buildings and that a farm can have more than one established group.
2. The Commissioner noted that all parties accepted that the area associated with the application functioned as an isolation area and that it is part of the farm and that the issue of concern is whether there is an established group of buildings at the appeal site with which the proposed dwelling can visually link or be sited to cluster with.
3. The buildings relied upon in this appeal are referred to at paragraph 17 of the Commissioners decision. At paragraph 18, the Commissioner agreed with the Council that whether a site is excluded from productive land for crops or not does not equate to a classification or status as building.

4. The Commissioner's detailed consideration of the respective 'buildings' are set out at paragraph 23 to 26 of the decision and for the reasons outlined, 'buildings' A and C were not considered to be buildings for the purpose of assessing Policy COU10.
5. At paragraph 27, the Commissioner provided clarification that in normal usage 'group of buildings' is understood to constitute two or more buildings.
6. Exceptional circumstances which allow for consideration to be given to an alternative site elsewhere on the farm are dealt with at paragraphs 28 to 31 of the decision. The Commissioner did not accept the case advanced for living beside the isolation area. In any event, they concluded that the proposed dwelling would be sited to cluster with a single building which did not benefit from planning permission and as such, could not be sited to visually link or cluster with an established group of buildings on the farm.
7. The commissioner also accepted that the new building would not be sited to cluster with an established group of buildings as no group of buildings exists. The Commissioner also considered that development did not respect the traditional pattern of settlement exhibited in the area and that it would have an adverse impact on rural character. The Commissioner's reasons for why the policy failed the tests of policies COU15 and COU16 were set out in paragraphs 32 to 35 of the decision.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	



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Our reference: 2023/A0046
Authority
reference: LA05/2021/1364/O
27 March 2024

Dear Sir/Madam

Appellant name: Mr. Ross Russell

Mrs. Denise Russell

Description: Outline planning permission for a rural dwelling and garage on a farm

Location: 150m due west of 38 Backnamullagh Road, Dromore, BT25 1QT

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decision

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Appeal Reference:	2023/A0046
Appeal by:	Ross Russell
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for a rural dwelling and garage on a farm
Location:	150m due west of 38 Backnamullagh Road, Dromore
Planning Authority:	Lisburn & Castlereagh City Council
Application Reference:	LA05/2021/1364/O
Procedure:	Accompanied site visit on 29 th February 2024
Decision by:	Commissioner Carrie McDonagh, dated 27 th March 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether or not the development would be:
 - acceptable in principle in the countryside;
 - integrate sympathetically with its surroundings; and
 - adversely impact on the rural character of the area.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an application, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise. On 26th September 2023, the Council adopted the Plan Strategy (PS) entitled 'Lisburn and Castlereagh Local Development Plan 2032'. The purpose of the PS is to provide the strategic policy framework for the plan area as a whole. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together.
4. In this appeal, the Lisburn Area Plan 2001 (LAP) is the relevant DDP. In that plan the appeal site was located outside any settlement, within the Green Belt. Policy COU1 states that development within the Green Belt will be controlled in accordance with policies set out in "A Planning Strategy for Rural Northern Ireland". This document has been overtaken by more recent regional policy within Planning Policy Statements (PPSs). In accordance with the subject legislation, any conflict between a policy contained in the LAP and those of the PS must be

resolved in favour of the latter. There are no policies in the LAP that are pertinent to this appeal.

5. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted. While it could still be a potential material consideration in certain cases, it is not pertinent to this appeal. Further, as the Council has now adopted the PS, previously retained policies set out in the PPSs have now ceased to have effect within this area.
6. Following the adoption of the PS, the Council provided updated refusal reasons to take account of the most up to date policies within the PS. The appellant also based their evidence on the updated PS insofar as they relate to the proposal, so no prejudice arises. This appeal decision is therefore based on the updated reasons for refusal. The Council also refer to corresponding paragraphs of the Strategic Planning Policy Statement for Northern Ireland (SPPS). However, whilst the SPPS remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the proposal is to be determined in accordance with the PS policies, which I turn to below.
7. Policy COU1 is titled 'Development in the Countryside'. It sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It provides for residential development in a number of instances and requires that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policy COU15 "Integration and Design of Buildings in the Countryside" and Policy COU16 "Rural Character and other Criteria".
8. As well as Policy COU1, which is the Council's first reason for refusal as amended, the Council raise both policies in terms of the inability to cluster with an established group of buildings, lack of respect for the traditional pattern of settlement exhibited in the area and adverse impact on rural character. Their second refusal reason, as updated, relates to Policy COU10 "Dwellings on Farms" which provides for a dwelling on a farm where three criteria are met. The Council argue the proposal fails criterion (c), as it is not visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
9. The appeal site is set back approximately 120/130 metres from the Backnamullagh Road in the southern section of a larger agricultural field, which slopes from north to south. The northern boundary is undefined. Hedging interspersed with trees forms the boundaries with adjacent fields. Abutting the western boundary is a small stream. Within the southeastern corner there is a corrugated tin structure (described by the appellant as "Building B"). A lean-to is attached on its southern elevation, along the southern field boundary (described by the appellant as "Building C"). A repurposed lorry container is situated to its north (described by the appellant as "Building A"). A portable metal manger and an animal pen are located adjacent to an agricultural gate in the eastern corner. A further agricultural gate is attached to the western side of the structures. A block water retainer is situated along the southern boundary.
10. To the east of the site access on Backnamullagh Road is an agricultural field. Beyond a bend in the road is an envelope of built development including

dwelling and farm complex's (Nos 38-44 Backnamullagh Road) with dwellings, with associated outbuildings to the rear and side, opposite at Nos 35-49 Backnamullagh Road. The wider area is agricultural in character, interspersed with dwellings and farm buildings.

11. The location map, which forms part of the refusal, illustrates the proposed dwelling and garage positioned centrally in the appeal site, west of the existing structures referred to above. The proposed access laneway runs southwards from the existing agricultural gate alongside the eastern field boundary, with a planted hedge proposed to the inside.
12. The Council do not accept this proposed access arrangement utilises an existing lane, as required under Policy COU10 (c). The appellant argues there is an existing undisclosed laneway, the purpose of which is mainly for transferring infected animals to slaughter, given the impracticality at present of any constant use of the field entrance, due to the limited visibility and hazardous road conditions close to the road bend. Any evidence of a track/laneway does not extend to the access from Backnamullagh Road. The appellant argues the proposal represents planning gain through the removal of a danger for motorists on a dangerous bend (by setting back the hedge behind the necessary visibility splays) and creates biodiversity benefits (from the doubling of the length of existing vegetation). This does not alter my conclusions that no existing lane is apparent between the access gate and the proposed dwelling. Notwithstanding, the policy refers to "where practicable". This indicates that there is no absolute requirement for a new dwelling on a farm to take access from an existing lane. Failure to do so is not, in itself, a reason to reject a proposal.
13. The appellant refers to the appeal site as "the principal group of farm buildings", located 170m southwest of the other buildings on the farmyard which are close to the appellant's dwelling (250m away). They supplied legislation to support their case that an isolation area should be separate from these other farm buildings. I was referred to four gates, individually affixed to the "buildings", two of which form part of the southern eastern boundary of the field, which when closed, create an enclosed area suitable to contain animals and administer liquid medication from a mobile applicator. They argue this corner of the appeal site is a strategically positioned cluster of health and safety compliant isolation/separation/medication buildings which play a pivotal role in the farms biosecurity protocol and in adhering to evolving animal disease regulations.
14. Criterion (c) of Policy COU10 does not state that a new farm dwelling must visually link or cluster with the principal group of buildings on the farm, it merely refers to "an established group of buildings". The word "an" also indicates instances of more than one group of established buildings and that a farm can have more than one established group. There is no dispute that this area functions as an isolation area or that it is part of the farm, the difference between the parties is whether there is an established group of buildings at the appeal site with which the proposed dwelling can visually link or be sited to cluster with.
15. The Council refer to "structures" on the appeal site. They further consider their temporary appearance and nature prevents their consideration as "buildings". They also refer to an absence of planning approval or a lawful planning status through the submission of an application for a Certificate of Lawfulness of

Existing Use or Development (LDE). In the absence of such an LDE, they argue the structures are unauthorised and cannot contribute towards the policy requirement.

16. In support of their position that there are no established buildings on the site the Council refer to a previous appeal decision and Section 250 of the Planning Act (Northern Ireland) 2011, which provides supplementary interpretation of what constitutes a building. The definition includes “any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building”. The Council refer to the Commissions conclusion that it is envisaged that the policy writers would not have considered ‘any structure’ or ‘any part of a building’ as referred to in the Act as constituting an appropriate building for the purpose of applying the policy. Accordingly, the Act’s usefulness in interpreting what constitutes a building for the purpose of Policy COU10 is limited. The Council further add that the mere fact that something has been erected on land is not sufficient to make it a building for the purposes of policy and it is for the decision maker to determine what constitutes a building on a fact and degree basis.
17. Images of three “buildings” within the appeal site are identified in the Biodiversity Checklist and Ecological Statement:
 - A, described as an animal feed/bedding/medication store utilising a remanufactured lorry container positioned to the north of the eastern corner;
 - B, described as a historic livestock shed/animal shelter, positioned adjacent to the hedge along the southern boundary; and
 - C, described as a feed/bedding storage facility (repurposed as a maintenance store) positioned in a gap between the animal shelter and the southern boundary.
18. The Department for Agriculture, Environment and Rural Affairs (DAERA) farm map and schedule dated 15th January 2021 identifies the isolation area as 0.04h of hardstanding and excluded from that generating single farm payment. Notwithstanding, the area remains in earth as part of the field rather than hardstanding, I agree with the Council that whether it is excluded from productive land for crops or not does not equate to a classification or status as buildings.
19. “Building C” is approximately 1-2m². It is attached to the front (eastern side) of the animal shelter (“Building B”) by a section of tin sheeting forming its roof. Their open fronts (eastern elevation) sit alongside each other. The rear is enclosed by a flat aluminium metal gate, like that typical on an animal container. Its southern section, adjacent to the hedge, is comprised of sheets of tin and pieces of wood, arranged randomly providing support for the tin roof. I am advised it is used to store maintenance materials or contaminated material separate to animal feed. Its small scale, temporary construction methods with associated gaps in enclosure and inability to stand on its own right (given its physical attachment to the animal shelter), all lead me to conclude that it is not a separate building for the purposes of Policy COU10.
20. In terms of “Building B”, the Council accept that it is used as an animal shelter, is attached to the ground and has a greater degree of permanence than the other structures referred to by the appellant. They also accept it is likely to be the

structure that is denoted on the PRONI Historic map viewer for the 1957-1986 period.

21. The flat roof animal shelter is enclosed on three sides by heavy corrugated zinc sheeting. Perspex lengths above are bolted to the frame, constructed of what appear to be wooden upright railway sleepers with timber cross members, with concrete at the front corners permanently fixing the sleepers in the dirt ground. The roof is constructed of the same tin sheeting. Notwithstanding "Buildings" B and C having been constructed in the 1950s, their alleged historic and cultural value and the instigator of the farms current practices and procedures there is no requirement in the Policy COU10 for an established building to be old or significant in the area.
22. Its scale provides for the ongoing effective use as an animal enclosure and its fixed position, with concrete permanently retaining it in place and structural materials, whilst deteriorating due to their age, support its use as a building. However, whilst the Council did not dispute that the physical works would have long since achieved immunity, I accept their position that it cannot be ascertained without an LDE if the structures lawful use is as a building. For these reasons, I conclude that "Building B" cannot count as a building for the purposes of Policy COU10 as it has no LDE confirming its status as such.
23. "Building A" is a converted lorry container body, with a door and ventilation windows. Its limited head height and narrow door entrance opening prevents its use for animals and veterinary inspections however, I observed it is in use as a store for farm items including barbed wire, wooden fence panels and water butts.
24. The Council refer to its original design not being for agricultural purposes and how it would have been moved to the appeal site. They do not consider it to be permanent, referring to how it is being held down only by its own weight. They also refer to its absence on either the PRONI OS maps or the later DAERA information.
25. The appellant acknowledges features, such as rear hazard illumination remain visible, adding that the lorry container body was imported into the site as a single entity and was subsequently repurposed as a feedstore barn. They argue it was constructed under permitted development rights and disagree with the Council's position that it could be moved to another position on the site as it is permanently fixed by 4 heavy web steel anchors mounted and secured under the structure. The appellant accepted it was not assembled on the site nor by any conventional means of construction.
26. The only building work that is apparent is affixing it to the ground. I observed one large pin anchor under the wooden planks which comprise of the floor and rest on the chassis. The pin appears to have been attached to the metal chassis and hammered into the ground. Other than these pins, the structure is only held to the ground by its own weight. Subject to the removal of these pins, and potentially the wooden planks forming the floor base, the small size which I estimate at less than 15m², means it could be lifted and transported to another part of the appeal site quite easily and without any requirement for dismantling it. Its appearance and original purpose which is inherently moveable reinforces this.

Therefore, given its limited attachment to the ground, I am not of the view that “Building A” can be considered a building for the purposes of Policy COU10.

27. In normal usage “group of buildings” is understood to constitute two or more buildings. There is no argument that any of the proposed buildings would visually link with or cluster with an established group of buildings elsewhere on the farm. Accordingly, the proposal fails the criterion (c) as a dwelling sited on the appeal site cannot visually link or cluster with an established group of buildings on the farm.
28. Exceptionally, Policy COU10 states that consideration may be given to an alternative elsewhere on the farm, provided it is demonstrated that there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group. The Council argue that in the absence of evidence to show alternatives have been fully explored or their exclusion justified, the proposal does not meet the exceptional provision.
29. The appellant argues that the Council’s suggested alternative location, to the rear and south of their dwelling and existing farm complex at 44 Backnamullagh Road, is not suitable due to the existing drainage positioning behind their house. It was accepted that the farm building adjacent to the appellant’s house has a slated floor and its own animal and septic tank facilities. I do not consider that the remaining drainage infrastructure, comprising of soakaways and a septic tank, would be of a significant enough scale to exclude a dwelling being sited within either field 1 or 2, given their large scale.
30. Even had I accepted there was no site available at this other group of buildings, demonstrable health and safety reasons or verifiable plans to expand the farm business must be provided to justify the alternative site. The appellant’s health and safety reasons include the appeal site containing the farm’s statutory health and safety infrastructure and being critical to its regulated operational processes, as well as the alleged historical and cultural value in the context of the farm’s development, as well as the unique need for this specific farm and the specific background of the previous owner and their professional, ethical and legal obligations. While all demonstrate the background to and continued reasoning for the appeal sites use as an isolation area, none demonstrate why there is a health and safety reason to live beside that isolation area. The exceptional test within Policy COU10 is not met.
31. The proposed dwelling would be sited to cluster with a single building, but one that does not have the benefit of planning permission or an LDE. Therefore, the appeal proposal could not be sited to visually link or cluster with an established group of buildings (my emphasis) on the farm, even though the failure to obtain access to the proposed dwelling from an existing lane is not in itself fatal. Furthermore, the appeal development does not meet the exceptional test under the policy. For these reasons the appeal development fails Policy COU10 read as a whole. The Council have sustained their second refusal reason, as amended.

32. Policy COU15 “Integration and Design of Buildings in the Countryside” requires that all development must be sited and designed to integrate sympathetically with their surroundings and be of an appropriate design. The circumstances in which new buildings will not be permitted includes if it is not sited to cluster with an established group of buildings.
33. This overlaps with Policy COU16 “Rural Character and Other Criteria”, which requires that development in the Countryside must be in accordance with, and must not cause a detrimental change to, or further erode the rural character of an area. The listed circumstances when a new development proposal will be unacceptable also refers to clustering with an established group of buildings. Given my conclusions above in respect of Policy COU10, there is no group of buildings on the appeal site. The appellant’s argument that the proposal respects the existing built environment and contributes to the overall cohesion of the rural landscape does not override the policy requirement for development to cluster with an established group of buildings. Accordingly, the proposal fails Policy COU15 (b) and Policy COU16 (b). The Council has sustained its third refusal reason, as amended, in respect of Policy COU15.
34. The Council also consider the proposal falls within the circumstances in Policy COU16, (c) and (e). They describe the traditional pattern of settlement exhibited in the area as generally consisting of isolated farm complexes and ribbons of dwellings, with site frontages onto Backnamullagh Road. They do not accept that any of 15 residences referred to by the appellant share similar attributes in terms of distance from the road and overall layout or identity. They argue the proposal, set back in the field and separate to the road frontage would not respect the pattern in the area. I agree “the area” to be considered includes the envelope of buildings closest to the appeal site entrance and other dwellings accessed from Backnamullagh Road.
35. Specific examples, located to the east of the appeal site, were referred to by the appellant during the site visit. 41 Backnamullagh Road has a number of outbuildings set behind and to the side of a road frontage dwelling. A farmhouse at 56 Backnamullagh Road, is accessed via an agricultural lane. However, it is viewed as part of a farmyard alongside and in a cluster with a number of adjacent large farm sheds. 57 Backnamullagh Road is situated at the road bend and has its garden adjacent to the road. None assist in demonstrating that dwellings, set back behind agricultural fields are part of the traditional pattern of settlement exhibited locally. A dwelling, located to the east of 49 Backnamullagh Road, is accessed of a long lane and positioned back from the road in a similar layout to the proposal. However, it is one example and does not assist in demonstrating a pattern. The appeal site, with fields either side appears well removed from the existing envelope of development. Combined with its siting, 130m from the road and set back behind an agricultural field, and with only the animal shelter to cluster, I consider the proposal does not respect the traditional pattern of settlement exhibited in the area. Accordingly, the proposal fails to comply with criterion (c) of Policy COU16.
36. Given my conclusions above in respect of Policy COU 16 Criteria (b) and (c), the proposal would cause a detrimental change to the rural character of the area. Accordingly, the proposal also fails criterion (e) as it would have an adverse impact on rural character. The appellant’s argument in respect of a thoughtful

dwelling design and a layout which blends seamlessly with the existing landscape does not alter my conclusions in this regard. The Council have sustained their fourth reason for refusal, as amended.

37. The appellant made reference to support for the proposal within certain strategic policies including SP 01 "Sustainable Development" and SP 09 titled "Housing in the Countryside" nevertheless, for the reasons given above, the proposal fails against Policies COU10, COU15 and COU16. As no other overriding reasons are advanced to demonstrate why the development is essential, the proposal is not acceptable in principle in the countryside, offending Policy COU1. The Council's first refusal reason, as amended, is sustained. As the Council's reasons for refusal have been sustained, the appeal must fail.

This decision is based on:

Drawing 01 "Location Map" at 1:2500 scale, stamped received by Council on 16th December 2021.

COMMISSIONER CARRIE MCDONAGH

Appearances

Planning Authority: -

Kevin Maguire
Laura McCausland (observing)

Lisburn and Castlereagh City Council
Lisburn and Castlereagh City Council

Appellant: -

Robert Poots

Diversitec on behalf of Ross Russell

List of Documents

Planning Authority: - Lisburn & Castlereagh City Council

“A1” Statement of Case and Appendices
“A2” Rebuttal Comments

Appellant: -

Diversitec on behalf of Ross Russell

“B1” Statement of Case and Appendices
“B2” Rebuttal Comments

Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – EN/LA05/2021/0269/O

1.0 **Background**

- Members will recall a decision that issued in November 2022 which refused planning permission for the retention of a carport with decking over the top, 900mm balustrading on decking at Robbs Road, Dundonald [LA05/2022/0133/F]. This application was withdrawn by the applicant on 15 November 2022.
- An enforcement notice issued on 02 March 2023. The Council was notified by the Planning Appeals Commission on 17 May 2023 that an appeal had been brought against the Notice.
- The procedure followed in this instance was Informal hearing on 31 January 2024. A decision received on 19 April 2024 indicated that the appeal was dismissed.

Key Issues

- Ground (c) argues that those matters if they occurred do not constitute a breach of planning control. The ground (c) part of the appeal is considered at paragraphs 2 to 6 of the Commission's decision. At paragraph 5, the Commissioner confirmed, based on their observations on site and assessment of drawing, that the width of the enlarged part of the dwelling slightly exceeded half the width of the original house and as such, it failed criteria (h) of Class A1 of the General Permitted Development Order (GPDO).
- Ground (a) argues that planning permission ought to be granted for the matters stated in the notice. The ground (a) part of the appeal is considered at paragraphs 7 to 26 of the Commission's decision. This ground will be of particular interest to the Committee given the fact that this proposal had previously been considered as part of planning application LA05/2022/0133/F. This application has been considered by the committee and planning permission was refused.
- The main issues in respect of the deemed planning application were whether the proposal:
 - Was sympathetic to the built form and appearance of the existing property
 - Would detract from the appearance and character of the surrounding area; and
 - Unduly affect the privacy or amenity of neighbouring residents.

4. At paragraph 17 of the appeal decision, the Commissioner explains that the position, form and size of the structure, combined with the materials used, cause it to be visually jarring when viewed against the host property. Furthermore, it reads as an obtrusive and unsympathetic addition and one which dominates and detracts from the overall character of number 8 Robbs Road. It was not considered by the Commissioner to be sympathetic with the built form and appearance of the existing property.
5. The Commissioner also considered that the applicant's offer to treat the timber would not negate the visual impact of the overall structure and that further planting to the boundaries of the appeal site were not likely to result in an acceptable solution, taking time to mature to a height that would offer a degree of screening.
6. At paragraph 19, the Commissioner explains that they had assessed the impact of the deck on the privacy or amenity of neighbour residents at 10 Robbs Road and having regard to the position, height, proximity and orientation of the deck, there was direct intervisibility between the two. Even with conifers planted along part of the boundary with number 10, the elevated nature of the deck remains apparent, permitting views.
7. The Commissioner did not accept that the views from the front facing bedrooms of 10a and 10b to the rear of number 10 Robbs Road were comparable to the views from the deck. Overlooking from the deck was intrusive to an unacceptable degree, adversely impacting upon the residential amenity of 10 Robbs Road.
8. Consideration was given at the hearing to the provision of a 1.8 metre screen around the perimeter of the deck but the Commissioner expressed the view that whilst such an addition could potentially address amenity issues, the position of the structure, flush with the dwellings frontage and along the majority of the side gable, coupled with its overall size is such that a higher screen could increase its visual impact and harm.
9. It was concluded that general disturbance from the use of the deck taken together with overlooking would result in an unacceptable impact upon residential amenity of the immediate neighbours.
10. Medical arguments not presented as part of the separate planning application process were cited at the appeal as a reason of the structure having been built. The evidence presented was not considered to be persuasive as it related to an individual who temporarily resides at the property. The evidence was not deemed sufficient to outweigh the visual and amenity concerns explained above.
11. Ground (f) sets out the steps required by the notice. In respect of this ground the Commissioner acknowledged at paragraph 27 that the Notice requires removal of the complete structure. Whilst the appellant argued that the carport itself was permitted development and that they were unaware of the need to apply for planning permission and had spent a considerable amount of money erecting the structure, the matter as to whether the car port on its own would amount to development permitted under Article 3 of the GDPO failed for the reasons outline earlier.
12. Ground (g) deals with the period for compliance with the notice. In respect of this ground the commissioner having regard to the ongoing medical circumstances

	<p>agreed to extend the period for compliance to three months as opposed to 28 days stipulated in the Notice.</p> <p>13. The enforcement notice as varied as per ground (g) was upheld. Officers will now pursue the notice as varied. An application currently pending will also be concluded.</p>	
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 – EN/LA05/2021/0269/CA



4th Floor
92 Ann Street
Belfast
BT1 3HH

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81023) (direct line)
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Lisburn & Castlereagh City Council

Our reference: 2022/E0056
Authority
reference: EN/LA05/2021/0269/CA
19 April 2024

Dear Sir/Madam

Re:

Appellant name: Mr. Steven McMillen

Description: Alleged construction of a car-port with upper floor decking and screen fence

Location: Premises at 8 Robbs Road, Dundonald

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Enforcement Appeal Decision

Planning Appeals Commission
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Appeal Reference:	2022/E0056
Appeal by:	Mr. Steven McMillen
Appeal against:	An enforcement notice dated 2 nd March 2023
Alleged Breach of Planning Control:	Construction of a car-port with upper floor decking and screen fence
Location:	Premises at 8 Robbs Road, Dundonald
Planning Authority:	Lisburn and Castlereagh City Council
Authority's Reference:	EN/LA05/2021/0269/CA
Procedure:	Informal Hearing on 31 st January 2024
Decision by:	Commissioner Trudy Harbinson, dated 19 th April 2024

Grounds of Appeal

1. The appeal was brought on Grounds (a) and (d) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). Ground (f) was cited within the Statement of fact. At the hearing the Appellant confirmed that Grounds (a) and (f) were being pursued but not Ground (d). There was an implicit ground (c) pleaded within the Appellant's evidence. At the hearing the Appellant also raised matters that fall to be considered under Ground (g). There is a deemed planning application by virtue of Section 145(5).

Ground (c) - that those matters (if they occurred) do not constitute a breach of planning control.

2. Ground (c) relates to whether the alleged breach of control constitutes 'development' and if so, is planning permission required. The Appellant considered that the car port itself falls under the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) in that planning permission is not required subject to meeting stipulated requirements. They stated that the car port is not more than half the total area of the property, the car port is proposed to be set back from the front of the dwelling, the maximum height does not exceed 4m and the maximum eaves height is 2.5m. However these statements in part relate to an application currently before the Council (LA05/2023/0053/F). I must consider the structure that is subject of the breach.
3. Part 1 of the Schedule to the GPDO sets out development permitted within the curtilage of a dwelling house. The Council stated that the breach was one structure of which the car port was incidental. They considered the structure under Class D, the provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the

dwelling house, or the maintenance, improvement or other alteration to such a building. The structure fails criteria (f) of Class D in that it involves the construction or provision of a deck, balcony, veranda or other raised platform. The Council also considered the structure against Part 1 Class I, the erection, construction or alteration of a deck or other raised platform within the curtilage of a dwelling house, with the structure failing criteria (a) that any part of the deck or other raised platform would exceed 0.3m above ground level.

4. The Appellant referenced Part 1 Class A of the GPDO which permits the enlargement, improvement or other alteration of a dwellinghouse. The Council however consider that the structure taken as a whole fails Part 1 Class A A1 (i) (ii) as it includes the construction or provision of a deck, balcony, veranda or other raised platform. They did not agree that works to make the car port good would be permitted development and stated that they would require planning permission. They also referenced the Conditions set out at A.3.(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
5. Class A.1 sets out circumstances where development is not permitted by Class A at (a) to (j). Taking measurements of the car port, without the upper deck and screen, from the 'As Existing' drawing included within background papers, it complies with criteria (a), (b), (c), (d), (e), (f), (g), (i) and (j). Development is not permitted by criterion (h) where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would (i) exceed 4 metres in height; or (ii) have a width greater than half the width of the original dwellinghouse. Given my observations on site and assessment of the drawing the width of the enlarged part of the dwelling slightly exceeds half the width of the original house failing criterion (h) of Class A1.
6. The Appellant stated that the timber car port is a common feature of the surrounding area. Having considered the character of the area under ground (a) later in this report I did not find this to be a prevalent occurrence. In any event the condition at A.3.(a) requires the material used to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The dwelling house is constructed in red brick and pebble dash render. To be of a similar appearance does not require the materials used to be identical to those existing, they must however have a resemblance. The smooth lightly coloured timber used in the construction of the structure is not similar in colour or texture to the brick or rough cast render on the existing dwelling. Even if I were to accept that the car port could be severed from the overall structure and remain in isolation it would not meet criteria A1(h) or condition A3(a) under which development is permitted by Class A. Planning permission would be required. Accordingly the arguments put forward on this basis are not successful and therefore the appeal under Ground (c) fails.

Ground (a) and the Deemed Planning Application – that planning permission ought to be granted for the matters stated in the Notice

7. The Appellant referenced a planning application currently before the Council (LA05/2023/0053/F) for the 'retention of car port with raised decking (with amendments)'. The deemed planning application however is defined by the breach

as stated on the Enforcement Notice (EN) and relates to ‘the construction of a car port with upper floor decking and screen fence’. Two representations to the deemed application were received by the Commission.

8. The Council advanced two deemed reasons for refusal. The main issues in respect of the deemed planning application and Ground (a) appeal are whether or not the development would:
 - be sympathetic to the built form and appearance of the existing property and detract from the appearance and character of the surrounding area; and
 - unduly affect the privacy or amenity of neighbouring residents.
9. Section 45(1) of 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’. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
10. On 26th September 2023, the Council adopted the Plan Strategy entitled ‘Lisburn and Castlereagh Local Development Plan 2032’ (PS). In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the Belfast Urban Area Plan (BUAP) is the relevant DDP. In it the site is located in the development limit. In accordance with the subject legislation, any conflict between a policy contained in the BUAP and those of the PS must be resolved in favour of the latter. There are no policies in the DDP that are pertinent to the appeal.
11. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted. While it could still be a potential material consideration in certain cases, it is not pertinent to this appeal. In accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), as the Council has now adopted the PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs) have now ceased to have effect within this Council area.
12. The Council consider that the appeal development is contrary to the SPPS and Policy HOU7 Residential Extensions and Alterations of the PS. Policy HOU7 states that planning permission will be granted to extend or alter a residential property where four criteria are met. The Council consider the appeal development offends criterion (a) in that the design is not sympathetic with the built form and appearance of the existing property and that it would detract from the appearance and character of the surrounding area. They also consider that it unduly impacts on the privacy and residential amenity of neighbouring residents through overlooking offending criterion (b). The policy headnote further indicates that supplementary planning guidance, Part A: Guidance for Residential Extensions and Alterations will be taken into account when assessing proposals against the criteria.

13. The appeal site at no. 8 Robbs Road comprises a two storey semi-detached dwelling with pitched roof. The dwelling is red brick on the ground floor with a cream pebble dash finish to the first floor. It has been extended over two stories to its rear. It has a driveway to its side with rear and side gardens beyond. There is a garage in the rear garden. The front boundary is defined by a red brick wall with black iron gates to the driveway. The boundary with the neighbouring semi-detached dwelling's front garden is defined by a hedge. The boundary with the property at no. 10 to the northeast is defined by a wooden fence.
14. Robbs Road runs from the northeast to the southwest. The appeal site is located to the south western end of Robbs Road where it gently sweeps on to Church Road. The pair of semi-detached dwellings, of which no.8 is one, are orientated to face onto Robbs Road. The gable of no. 8 is at angle to the neighbouring property at 10 Robbs Road.
15. The appeal development comprises a wooden structure attached to the side gable of no. 8, which functions as a car port with a deck area above it. It extends from the front of the dwelling, along the majority of its length to the fence and gate which define the entrance to the rear garden. It comprises wooden posts bolted to the gable wall on one side and a series of wooden posts set into the soil within the side garden on the opposite side. These posts support rafters and corrugated sheets above which are overlaid with decking. There is a wooden horizontal slated timber balustrade on three sides of the upper deck. The upper deck is accessed via a bedroom window on the side gable of the dwelling.
16. There is a Northern Ireland Housing Executive Office to the west of the appeal site, however Robbs Road is primarily residential in character. It comprises a mix of dwelling types including semi-detached, detached, single and two storey dwellings with three storey apartments opposite in Bailey Manor. In the main the dwellings are two storey with pitched roofs. Whilst two properties on this road have a car port to their side, these are mono pitch single storey structures. One of the car ports has a timber faced overhang, however the materials used in the area mostly comprise red brick, roughcast and smooth render. The property boundaries along Robbs Road are defined by walls and hedging.
17. Criterion (a) of Policy HOU7 has two elements, requiring a visual assessment of the subject property and of the surrounding area. The appeal structure is flush with the dwelling's front façade, protrudes outwards to its side and extends along most of its length. It has a flat roof with the balustrade above rising midway in height between the first floor and the eaves of the dwelling. It is constructed in timber. Its position, form and size, combined with the materials used cause it to be visually jarring when viewed against the host property. It reads as an obtrusive and unsympathetic addition and one which dominates and detracts from the overall character of no. 8. It is not sympathetic with the built form and appearance of the existing property, failing the first element of criterion (a) of Policy HOU7.
18. The front part of the upper deck of the structure is clearly visible travelling eastwards from the corner of Church Road and Robbs Road. The front and part of the side of the upper deck are visible when travelling from the opposite direction along Robbs Road. Its position, flush with the dwelling's frontage and along its side gable, combined with the choice of material draw the eye to the timber balustrades of the upper deck. It is a discordant feature, visually intrusive in the street scene.

The Appellant's offer to treat the timber would not negate the visual impact of the overall structure. Whilst I acknowledge that neighbouring planting provides some intermittent screening of the structure, I do not consider it sufficient to offset the overall visual intrusion. Even if further planting to the boundaries of the appeal site were undertaken, I am not convinced it would result in an acceptable solution, and in any event it would take some time to mature to a height that offered a degree of screening. The structure detracts from the appearance and character of the surrounding area failing the second element of criterion (a) of Policy HOU7.

19. Criterion (b) of Policy HOU7 requires that the proposal does not unduly affect the privacy or amenity of neighbouring residents. The side garden of the appeal site is triangular narrowing to its rear where the deck is closest to the rear garden of no. 10 Robbs Road. Where the deck runs along the boundary with no. 10's rear garden that includes the first few metres closest to the rear of no. 10, which the Part A guidance to Policy HOU7 indicates, as a general rule of thumb, is the most private area of the garden. I have assessed the impact from the deck and in the rear garden of no. 10 Robbs Road. Given the position, height, proximity and orientation of the deck there was direct intervisibility between the two. Even with the conifers planted along part of the boundary within no.10s garden, the elevated nature of the deck remains apparent, permitting views.
20. While I accept that there may already be a certain degree of overlooking given the backland position of the dwellings at 10a and 10b Robbs Road, it is the extent and significance of the overlooking that must be assessed. I do not accept that views from the front facing bedroom windows of No 10a and 10b are comparable to the views from the deck, as views from the deck would be more accessible given its closer proximity and open nature. In this case overlooking would be intrusive to an unacceptable degree and adversely impact upon the residential amenity of no. 10 Robbs Road. At the hearing, it was suggested that provision of a 1.8m screen around the perimeter of the deck could be erected to protect residential amenity in the event of an approval. However, whilst such an addition could potentially address residential amenity issues, the position of the structure, flush with the dwelling's frontage and along the majority of the side gable, coupled with its overall size, is such that a higher screen could increase its visual impact and consequent harm.
21. Third party concerns were raised with respect to noise. The deck offers a sizeable extension to the dwelling's outdoor amenity provision. Notwithstanding the Appellant's assertion that there have been no complaints from Environmental Health or the Police, and their arguments with respect to the nature of the access to the deck, and to the nature of the people using it, it would nonetheless be capable of accommodating gatherings. Given its position on the first floor side gable of the property and its proximity to the neighbouring properties, noise and general disturbance from its use is likely to be more obtrusive than that caused by a gathering in a typical ground level garden.
22. Light pollution was also raised as a concern. Whilst I did note the presence of an outdoor lantern post on the corner of the deck, I was not presented with any specific or persuasive evidence of the extent of light pollution associated with the deck and whether its effect would be disproportionate to that associated with outdoor lighting typical within a dwelling's curtilage. Notwithstanding the lack of objection to the car port element at ground level, general disturbance from the use

of the deck taken together with overlooking would result in an unacceptable impact upon residential amenity of the immediate neighbours. Accordingly, I find that the development fails to comply with criterion (b) of Policy HOU7 of the PS.

23. Medical arguments were presented with respect to a person temporarily residing at the property and another who permanently resides at the property. The third party highlighted that health issues had not previously been raised during the processing of a, now withdrawn, retrospective application for the structure (LA04/2022/0133/F). They questioned the assertion that ill health was the reason for the structure having had been built and as such the relevance of its consideration. Regardless of whether such matters had been cited under a previous application, it is a material consideration before me now.
24. I was told by the Appellant that there were no alternatives available as the ground floor of the dwelling is open plan with no opportunity for a ground floor bedroom. However, no persuasive evidence has been submitted by the Appellant regarding the specific needs of the individuals in question. Medical documentation relating to the individual who temporarily resides at the property was made out to a different address and did not specify that the patient in that case would be confined to one floor or require the provision of an outdoor space at the appeal property in response to their medical circumstances. Whilst I have no reason to doubt the medical circumstances of the individuals, within the evidential context before me I am not persuaded that the stated personal circumstances taken in isolation would necessarily require the retention of the first floor deck, nor that all other alternatives have been adequately investigated. Accordingly, the circumstances presented in this deemed application are not considered sufficient to outweigh the visual and amenity concerns with the development that have been considered above.
25. The third party raised additional concerns with the appeal development. With respect to impact on marketability of the neighbouring dwelling at no. 10 Robbs Road I have already concluded above that the proposal would impact on the amenity of the property. In respect to the concern that outdoor garden furniture placed on the deck could be dislodged in inclement weather and cause injury or damage, I was presented with no persuasive evidence that this has happened, or that the structures present on the deck would give rise to health and safety issues.
26. The Council's deemed reasons for refusal are sustained. Third party concerns are sustained insofar as stated. The appeal on ground (a) fails and the deemed planning application is refused.

Ground (f) That the steps required by the notice, or the activities required to cease, exceed what is necessary to remedy the breach of planning control or to remedy any injury to amenity caused by any such breach.

27. Section 140 of the Act requires an enforcement notice to specify the steps required to be taken, or the activities required to cease, in order to achieve, wholly or partly, certain stated purposes. These purposes include remedying the breach of planning control by restoring the land to its condition before the breach took place or remedying any injury to amenity which has been caused by the breach. The EN requires removal of the complete structure.

28. The Appellant's argument under Ground (f) is that the requirements of an EN must not purport to prevent an Appellant from doing something which they are entitled to do without planning permission. They considered that the car port itself was permitted development under the GPDO. They stated that, unaware of the need for planning permission, considerable money had been spent in erecting the structure. They requested that in the event the decking was found to be unacceptable that the car port could remain and be made good.
29. I have already considered above whether the car port on its own would amount to development permitted under Article 3 of the GPDO and have found that it fails to satisfy Part 1, Class A1 criteria (h) (ii) and the condition under A.3 (a). The steps suggested by the Appellant would not be permitted development and would not remedy the breach of planning control. The breach of planning control can only be remedied by removal of the unauthorised structure. The appeal on Ground (f) fails.

Ground (g) - that any period for compliance specified in the notice falls short of what should reasonably be allowed.

30. The EN requires the removal of the complete structure within 28 days of the date the EN takes effect.
31. It was stated that the Appellant had constructed the structure themselves, however now have ongoing medical circumstances that preclude them from carrying out the work to remove the structure themselves. They will therefore have to seek the services of someone else to carry out the removal of the structure on their behalf, which they stated may not be possible to secure within the 28 day period specified. The Appellant seeks to extend the period for compliance to three months. The third party stated that the structure had been erected in a matter of weeks.
32. I am cognisant of the continuation of harm to the amenity of the adjacent residents and the desire for expediency to remedy the breach. Notwithstanding, given the medical circumstances of the Appellant and their reliance on securing the services of others to remove the structure, it is reasonable to extend the period for compliance with the EN. I consider that a period of three months is reasonable in the circumstances. The Ground (g) appeal therefore succeeds and the EN is amended accordingly.

Decision

The decision is as follows:-

- The appeal on Ground (c) fails;
- The appeal on Ground (a) fails;
- The appeal on Ground (f) fails;
- The appeal on Ground (g) succeeds and the period for compliance is amended to three months from the date of this decision; and

The enforcement notice as varied is upheld.

COMMISSIONER TRUDY HARBINSON

List of Appearances

Planning Authority:- Patrick Savage, Lisburn and Castlereagh City Council
Greg McComb, Lisburn and Castlereagh City Council

Appellant:- Claire Millar, Agent

Third Party: - Catherine Scott

Observing: - Lois Jackson, Lisburn and Castlereagh City Council
Laura McCausland, Lisburn and Castlereagh City Council

List of Documents

Planning Authority:- Statement of Case
Lisburn and Castlereagh City Council

Appellant:- Statement of Case
Claire Millar

Third Party: - Statement of Case
Cathy & Steven Scott



Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 5 – Proposed residential development of approximately 50 dwellings including open space, landscaping, site access and all other associated works on land at Carnreagh Road, opposite Nos. 8 to 14A (evens) Carnreagh Road, to the north of Downshire Primary School and south east of Nos. 1 to 3 Kilwarlin Mews and No. 23 Kilwarlin Avenue, Hillsborough.

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 5(a) - Report in relation to LA05/2024/0252/PAN</p> <p>Appendix 5(b) – LA05/2024/0252/PAN – PAN Form</p> <p>Appendix 5(c) – LA05/2024/0252/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	13 May 2024
Responsible Officer	Conor Hughes
Date of Report	24 January 2024
File Reference	LA05/2024/0252/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 residential development of approximately 50 dwellings including open space, landscaping, site access and all other associated works.
2. The site is located on land at Carnreagh Road, opposite Nos. 8 to 14A (evens) Carnreagh Road, to the north of Downshire Primary School and southeast of Nos. 1 to 3 Kilwarlin Mews and No. 23 Kilwarlin Avenue, Hillsborough.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above-described development was received on 27 March 2024. The earliest possible date for the submission of a planning application is week commencing 22 July 2024.

Consideration of PAN Detail

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

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

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

9. The postal address identified on the FORM PAN1 is as described above.
10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

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

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

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

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

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

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

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

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

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

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

The PAN form indicates that a public event will be held in Hillsborough Village Centre on Thursday 16 May 2024 from 1pm to 7pm.

The event will be publicised in the Ulster Star on 03 May 2024.

Meetings will also be held with local representatives and stakeholders where requested. Leaflets will be circulated to residents and businesses within a 250 metre radius from the edge of the site including information on the public event and contact details for the applicant team.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 28 March 2024.

Recommendation

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



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

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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

167

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

168

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)

359193

169

Site Area

What is the area of the site?

2.02

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 residential development of c.50 dwellings including open space, landscaping, site access and all other associated works

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

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

- Yes
 No

Has an Environmental Impact Assessment determination previously been made?

- Yes
 No

Please add separate details for each proposed consultation

Proposed public event: Hillsborough Village Centre, Thursday 16th May 2024, 1pm to 7pm
 Venue: Hillsborough Village Centre
 Date and time: 16/05/2024 13:00

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

Publication

Name of publication Ulster Star
 Proposed advert date start 03/05/2024
 Proposed advert date finish 03/05/2024

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)

Meetings with local representatives and stakeholders, where requested

Leaflets to be circulated to residents and businesses within a 250metre radius from the edge of the site, including information on the public event and contact details for the applicant team

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:

Sir Jeffrey Donaldson MP, Democratic Unionist Party; Mr Robbie Butler MLA, Ulster Unionist Party; Ms Sorcha Eastwood MLA, Alliance Party; Mr Paul Givan MLA, Democratic Unionist Party

Date notice served:

28/03/2024

Elected member(s) for District Electoral Area:

Mr David Honeyford MLA, Alliance Party; Mrs Emma Little-Pengelly MLA, Democratic Unionist Party; Alderman Allan Ewart, Democratic Unionist Party; Alderman Owen Gawith, Alliance Party

Date notice served:

28/03/2024

Elected member(s) for District Electoral Area:

Councillor Alan Martin, Ulster Unionist Party; Councillor Caleb McCready, Democratic Unionist Party; Councillor Gretta Thompson, Alliance Party

Date notice served:

28/03/2024

Other(s):

Downshire Primary School; Hillsborough & District Committee

Date notice served:

28/03/2024

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

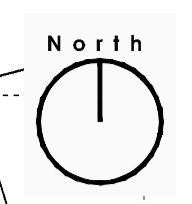
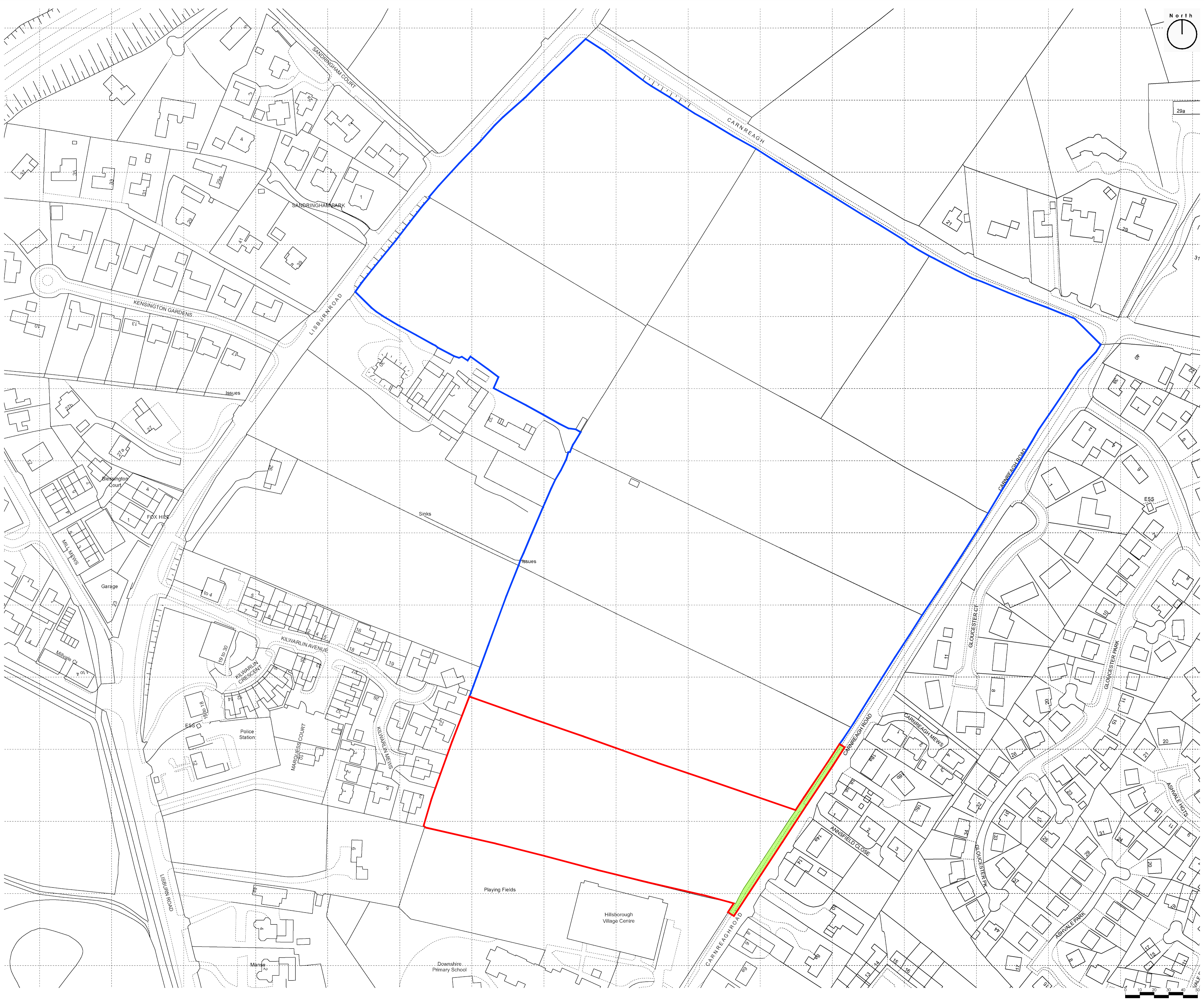
Emma McIlwaine

Date

27/03/2024

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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REV. DESCRIPTION	BY	DATE

- PLANNING
- BUILDING CONTROL
- RECORD
- FOR APPROVAL

CLIENT
Lagan Homes Ltd

PROJECT
Lands at Carnreagh Road, Hillsborough

DRAWING TITLE
Lands B Location plan

SCALE/S
1:1250 @ A1

SITE AREA
4.99acres/2.02hectares

DATE
22-03-24

DRAWN BY
AH

DRAWING NUMBER
3311-050-01-02-003

apd RIBA Chartered Practice

APD Architects Ltd.
Company Number NI676912

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Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 6 – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss 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> <p>3. This is a new PAN submitted on behalf of the applicant with a different application site boundary. It is distinguishable and different from an earlier submission. It is not an amendment to the previous PAN.</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 6(a) - Report in relation to LA05/2024/0296/PAN</p> <p>Appendix 6(b) – LA05/2024/0296/PAN – PAN Form</p> <p>Appendix 6(c) – LA05/2024/0296/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	13 May 2024
Responsible Officer	Conor Hughes
Date of Report	29 April 2024
File Reference	LA05/2024/0026/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) a new cemetery including new main vehicular access and secondary access, parking and associated infrastructure.
2. It is proposed on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliss Road.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above-described development was received on 15 April 2024. The earliest possible date for the submission of a planning application is week commencing 08 July 2024.
6. A PAN was previously submitted for the same development in January 2024. This PAN is not an amendment to the earlier submission. The application site boundary is changed. The site is distinguishable, and officers are advised by the applicant that a fresh consultation process is proposed.

Consideration of PAN Detail

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

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

8. The description associated with 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 considered that an adequate description of the proposed development has been provided.

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

10. The postal address identified on the FORM PAN1 is as described above.
11. 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;

12. 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;

13. 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.
14. 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 Turley, Hamilton House, 3 Joy Street, Belfast, BT2 8LE.
15. 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;

16. 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.
17. 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

18. 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

19. 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 event will be held in the Ballymac Hotel, 7A Rock Road, Lisburn BT28 3SU on 20 June 2024 at 3pm.

The event will be publicised in the Ulster Star on 07 June 2024 and the Belfast Telegraph on 13 June 2024.

Leaflets will be distributed to properties within 1000 metres of the proposed development and a consultation website will be developed www.dundrodconsultation.co.uk

A consultation phonenumber will be promoted on the project leaflet and hard copies of materials can be provided to parties unable to access the public event.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 15 April 2024.

Recommendation

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



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

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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

Postcode

Planning Portal Reference:

Contact Details

179

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

Country

Contact Details

Telephone number

02890723900

180

Mobile number

07467335314

Email address

Donna.lyle@turley.co.uk

Ref no.

LVPB3001

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

Lands located c.120m east of No.10 and c.140m West of No.28 Quarterland Road,

Address Line 2

and c.80m east of No. 27 Carnaghliiss Road

Town/city

Dunrod

Postcode

BT29 4TU

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

322516

Northing co-ordinates (y)

375342

Site Area

What is the area of the site?

181

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

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

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

- Yes
 No

Has an Environmental Impact Assessment determination previously been made?

- Yes
 No

Details of Proposed Consultation

Proposed public event: Public information event
 Venue: The Ballymac Hotel, 7A Rock Road, Lisburn, BT28 3SU
 Date and time: 20/06/2024 15:00

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

Publication

Name of publication Ulster Star
 Proposed advert date start 07/06/2024
 Proposed advert date finish 07/06/2024

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)

Leaflets distributed to properties within 1,000m of the proposed development.

Develop a consultation website www.dundrodconsultation.co.uk.

Consultation phone line promoted on project leaflet.

Hard copies of materials can be provided to parties unable to access public event.

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

Leaflets will include free-post feedback form and will provide a postal address, email address and consultation telephone number for interested parties to use to provide feedback or ask questions.

A social media campaign will also be utilised to draw the publics attention to the consultation.

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:

Killultagh DEA Cllr Gary McCleave (Sinn Féin) Cllr James Tinsley (DUP) Cllr Ross McLernon (UUP) Cllr Thomas Beckett (DUP) Cllr Claire Kemp (Alliance)

Date notice served:

30/04/2024

Other(s):

South Antrim MLAs Paul Girvan MP (DUP) John Blair MLA (Alliance) Trevor Clarke MLA (DUP) Steve Aiken MLA (UUP) Declan Kearney ML (Sinn Féin) Pam Cameron MLA (DUP)

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Date notice served:

30/04/2024

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

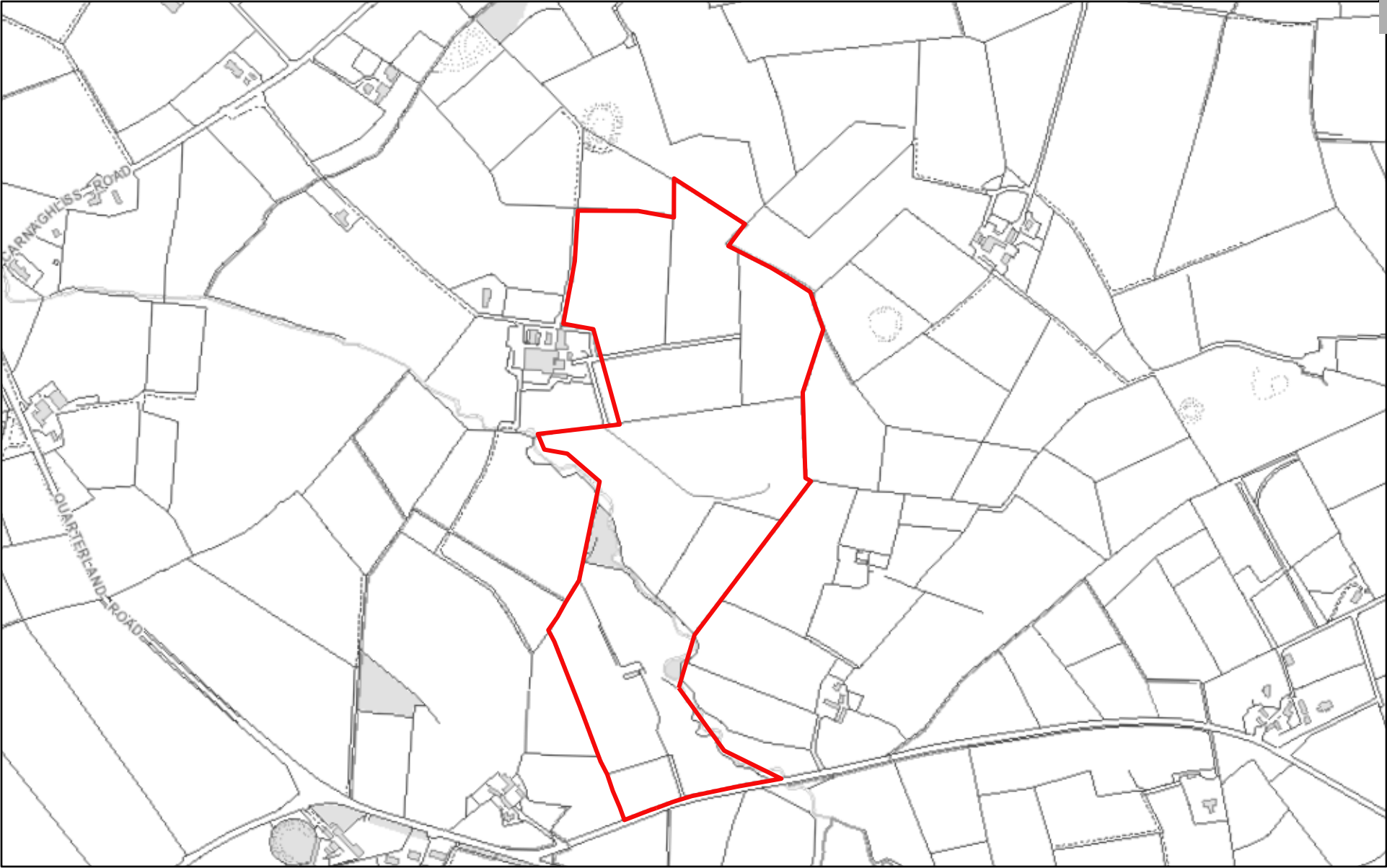
Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes

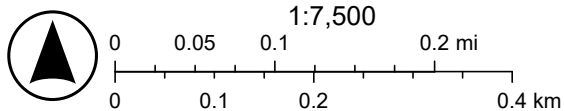
No

It is an important principle of decision-making that the process is open and transparent.

Site Location Plan



4/22/2024



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Committee:	Planning Committee
Date:	13 May 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by three operators, WHP Telecoms Ltd, Openreach, and Clarke Telecom Limited, of their intention to utilise permitted development rights at six locations within the Council area to install communications apparatus. The installations consist of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<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 7 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights May 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	WHP Telecoms Ltd	Cornerstone	150 Magheraknock Road	Removal of 3no. existing antennas and allocation of 3no. antennas (3no. antennas total). Allocation of 1no. 300 transmission dish. Removal and replacement of 3no. RRUs and allocation 9no. RRUs (9no.RRUs total). Allocation of 2no. equipment cabinets. Allocation of 1no. GPS module. Associated ancillary upgrades thereto.	25/03/2024
2	Openreach	BT	134 Hillsborough Road	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	02/04/2024
3	Openreach	BT	Old Coach Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/04/2024
4	Clarke Telecom Ltd	Cornerstone	Lisburn Rugby Club 71 Eglantine Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	09/04/2024
5	Clarke Telecom Ltd	Cornerstone	Ballyskeagh Road, Distillery Football Club, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	15/04/2024
6	WHP Telecoms Ltd	Cornerstone	Laganvale Farm, Blaris Road, Lisburn	Proposed upgrade to the 20m High Lattice Tower. Proposed installation of 3No. Antennas and associated ancillary works. Existing 3No. Antennas to be removed and relocated to the new tower. Existing 1No. Cabinet to be removed and replaced with proposed 1No. Cabinet.	17/04/2024
7					
8					