



September 27th, 2023

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, 2nd October 2023 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

- (i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)
- (ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

3.0 Minutes of the Planning Committee Meeting held on 4 September, 2023 - FOR ADOPTION

📄 *PC 04.09.2023 - Draft Minutes for Adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined - FOR DECISION

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

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- (i) LA05/2020/0545/F - Demolition of 25 Carrowreagh Road and erection of 62 dwellings and 4 apartments, garages, open space with equipped children's play, landscaping, access arrangements and other associated site works at lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 (evens) Millreagh Grove, Dundonald

📄 *Appendix 1.1 - DM Officer Report - Millreagh - FINAL.pdf*

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- (ii) LA05/2022/0861/F - Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works at lands 300 metres to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald

📄 *Appendix 1.2 - DM Officer Report - Comber Road - Residential - FINAL.pdf*

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- (iii) LA05/2021/0738/O - Replacement dwelling opposite and 80m south west of 149 Hillsborough Road, Dromara

📄 *Appendix 1.3 - DM Officer Report - LA0520210738O - 149 Hillsborough Road...pdf*

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- (iv) LA05/2022/0807/O - Proposed dwelling and garage at lands 20 metres east of 123a Saintfield Road, Lisburn

📄 *Appendix 1.4 - DM Officer report - LA0520220807O - FINAL.pdf*

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- (v) LA05/2021/0913/O - Dwelling and garage between 10 and 14 Drennan Road,

Lisburn

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4.2 Statutory Performance Indicators - July and August 2023 - FOR NOTING

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4.3 Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2022 – March 2023) - FOR NOTING

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4.4 Review of Scheme of Delegation - FOR NOTING

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4.5 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights - FOR NOTING

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5.0 Any Other Business

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 September, 2023 at 10.11 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officers (RT, MCO'N and MB)
 Member Services Officers

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, 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** (00:02:20)

It was agreed to accept apologies for non-attendance at the meeting on behalf of Councillors D J Craig and G Thompson. It was also noted that the Vice-Chairman, Councillor U Mackin, would be arriving late.

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** (00:03:33)

The following declarations of interest were made:

- Alderman O Gawith in respect of planning application LA05/2022/0272/O, given that he had discussed some details of the application with the applicant and his agent and, therefore, could be viewed as having already formed an opinion and would not be participating in this item;
- Councillor P Catney in respect of planning application LA05/2022/0033/F, given that he had been contacted by the residents and, although he had spoken with them, he had never given an opinion on the application; and

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2. Declarations of Interest (Contd)

- The Chairman, Alderman M Gregg, in respect of planning application LA05/2018/0862/F, given that he had previously called this application in and could, therefore, be considered to have pre-determined an opinion. He stated that, as he would be leaving the meeting during consideration of this item of business, and in the absence of the Vice-Chairman, in line with Standing Orders the Nominating Officer of the Alliance Party had advised that Alderman O Gawith would take the chair at this time.

At the end of the meeting, Alderman J Tinsley submitted declaration of interest forms in respect of planning applications LA05/2022/0613/F, LA05/2020/0420/O and LA05/2020/0421/O, given that he had been contacted by both those in support of and those opposed to the applications. He advised that he had made no comment and remained neutral.

3. Minutes of Meeting of Planning Committee held on 7 August, 2023 (00:06:43)

It proposed by Alderman J Tinsley, seconded by Councillor D Bassett and agreed that the minutes of the meeting of Committee held on 7 August, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:07:02)

4.1 Schedule of Applications (00:07:05)

The Chairman, Alderman M Gregg, advised that there were two major applications and six local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined (00:07:57)

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.

The Chairman, Alderman M Gregg, advised of a slight change to the running order, in that the second application on the schedule would be considered first.

At this juncture, Alderman J Tinsley referred to application LA05/2022/0033/F. He stated that, in light of the number of issues raised by objectors and the complexities of some of these issues, and not being particularly familiar with the location, he considered that he would benefit from visiting the site. He proposed that this application be deferred for a site visit to take place. This proposal was seconded by Alderman O Gawith and agreed, on a vote being taken – the voting being 6 in favour and 2 against.

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- (i) LA05/2023/0252/F – Proposed industrial unit, associated storage yard, landscaping and ancillary site works at lands approximately 130 metres northeast of 20 Glenavy Road, Moira (00:11:31)

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

There were no individuals registered to speak in respect of this application, although the agent was available to answer Members’ questions. There were no questions put to the agent.

A number of Members’ queries were responded to by Planning Officers. The Senior Planning Officer, supported by the Head of Planning & Capital Development, confirmed that, whilst not listed within the conditions section in the report, DfI Rivers had recommended that any decision issued include a condition that, prior to the construction of the drainage network, a final drainage assessment, compliant with FLD3, be submitted to demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network. It was also clarified that the access arrangements for the site were in place from an earlier application process. This was taken into account in the transport assessment form and traffic impact assessment was not required.

Debate

There were no comments made at this point.

Vote

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

- (ii) LA05/2023/0161/F – Nine industrial units (Class B1b, B1c, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works and lands at Comber Road, Dundonald (north of Comber Road and south of the Comber Greenway) (00:42:20)

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

The Committee received Mr N Salt, who was accompanied by Mr S McKee, in order to speak in support of the application. There were no Members’ questions.

There were no Members’ questions put to Planning Officers.

Debate

During debate, both Alderman O Gawith and the Chairman, Alderman M Gregg, stated that they welcomed this application, which responded to the demonstrated market need in the area.

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- (ii) LA05/2023/0161/F – Nine industrial units (Class B1b, B1c, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works and lands at Comber Road, Dundonald (north of Comber Road and south of the Comber Greenway)
(Contd)

Vote

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

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (11.11 am).

Resumption of Meeting

The meeting was resumed at 11.25 am.

- (iii) LA05/2018/0862/F – Proposed infill site for two dwellings with detached garages between 26 and 30 Magheraconluce Road, Hillsborough
(01:00:18)

The Chairman, Alderman M Gregg, having declared an interest in this item of business, left the meeting during its consideration and the meeting was chaired by Alderman O Gawith.

The Vice-Chairman, Councillor U Mackin, arrived to the meeting during consideration of this item of business (11.47 am).

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

The Committee received:

- Mr G Duff to speak in opposition to the application; and
- Mr L Ross 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.

At this stage, Councillor N Trimble stated that he would benefit from receiving some legal advice in respect of this application.

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- (iii) LA05/2018/0862/F – Proposed infill site for two dwellings with detached garages between 26 and 30 Magheraconluce Road, Hillsborough (Contd)

“In Committee”

It was proposed by Councillor N Trimble, seconded by Alderman J Tinsley and agreed to go ‘into committee’ in order that legal advice could be sought on this application. Those members of the public in attendance left the meeting (12.12 pm).

Advice was provided by the Legal Advisor in respect of this application.

Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor D Bassett and agreed to come out of committee and normal business was resumed (12.45 pm).

Debate

During debate:

- Councillor N Trimble expressed sympathy with the applicant’s position; however, given the facts presented, he did not consider the application to be compliant with planning policy COU8 and was in support of the Planning Officer’s recommendation in respect of this application; and,
- Alderman J Tinsley sympathised with the applicant’s position and, given the planning history, stated that he would abstain from any vote.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to refuse the application, the voting being 6 in favour and 1 abstention. Not having been present for the entire item, Councillor U Mackin did not participate in the vote.

Alderman O Gawith vacated the chair and the Chairman, Alderman M Gregg, returned to the meeting.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (12.49 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (1.23 pm).

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- (iv) LA05/2022/0613/F – Proposed change of house type for application LA05/2017/0814/F – dwelling and detached garage to include stables and garden store 40 metres southeast of 3 Aghalee Road, Lower Ballinderry, Lisburn (01:52:57)

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

The Committee received Mrs L Green in order to speak in opposition to the application. A number of Members' queries were addressed, during which it was noted that Mrs Green did not object to the granting of planning permission for the building, but opposed the raising of ground levels against the wooden fence and trees at her property and had concerns about the potential for flooding.

A number of Members' queries were responded to by Planning Officers, during which time the Head of Planning & Capital Development confirmed that, if Members were minded to support the recommendation of the Planning Officer, a condition could be applied to planning permission to prevent any development taking place within the working strip in order to ensure no impact on the ability of the drainage system within the site to function properly.

Debate

During debate:

- Alderman J Tinsley stated that he would be content to support the Planning Officer's recommendation, subject to the inclusion of the above condition, assuming that also meant no planting would take place;
- Councillor A Martin stated that he considered planting would be beneficial;
- Councillor U Mackin stated that inclusion of the above condition was important to prevent any future development on the working strip; and
- Councillor N Trimble suggested that the condition applied to planning permission also stipulate that ground level should not be raised above what had been indicated on the original drawings.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve the application, subject to the inclusion of a condition, as outlined above.

- (v) LA05/2022/0033/F – Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road (amended proposal) at lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (00:09:20)

This application had been dealt with at the start of the meeting.

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- (vi) LA05/2020/0420/O and LA05/2020/0421/O – Site for dwellings, garages and associated site works due north of 68 Gregorlough Road, Dromore (02:41:37)

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

The Committee received:

- Mr G Duff and Mr M Turner to speak in opposition to the applications; and
- Mr N Coffey to speak in support of the applications.

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

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

Debate

During debate:

- Alderman O Gawith stated that, having attended the site visit and his questions having been adequately addressed, he was in support of the Planning Officer's recommendation;
- Alderman J Tinsley stated that he had found the site visit beneficial. Whilst he had some sympathy for the applicant, he considered that the Planning Officer had correctly applied the planning policies and was in support of the recommendation; and
- Councillor N Trimble stated that he had found the site visit beneficial. He had concerns in respect of the matter of visual linkage and was not in support of the Planning Officer's recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve application LA05/2020/0420/O, the voting being 8 in favour and 1 against.

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve application LA05/2020/0421/O, the voting being 8 in favour and 1 against.

- (vii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (03:24:30)

Having declared an interest in this application, Alderman O Gawith left the meeting (2.56 pm).

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- (vii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (Contd)

The Senior Planning Officer (RT) presented the above applications as outlined within the circulated report.

The Committee received Mr S Wilson to speak in support of the application. There were no Members' questions for Mr Wilson.

There were no queries for Planning Officers. However, the Head of Planning & Capital Development, at the discretion of the Chairman, responded to comments made by Mr Wilson and confirmed that the Protocol for the Operation of the Planning Committee had been properly engaged with and followed in deferring the application to allow for reflection and that it was right to hear the matter in full again.

Debate

During debate:

- Councillor N Trimble referred to reasons he had provided at the previous meeting for not being in agreement with the Planning Officer's recommendation to refuse this application. He confirmed that he remained of this view, in that there was no longer a distinction between the two settlement areas given the presence of the gospel hall, and therefore considered the application to meet with COU8. He also considered that the application met with COU15 and 16 in that the proposed dwellings would not be a prominent feature on the landscape;
- Alderman J Tinsley and Councillors A Martin and U Mackin concurred with the comments made by Councillor Trimble;
- Councillor S Burns stated that she considered the site to be too small to accommodate two buildings, although she agreed in part that the distinction at the site was now marred;
- the Chairman, Alderman M Gregg, stated that there was a distinction between rural and urban context. The exception of the siting of the gospel hall should not make the field beside it an exception also. Alderman Gregg was in support of the Planning Officer's recommendation on this application.

Vote

At the request of Councillor P Catney, a recorded vote was carried out. The voting in respect of the Planning Officer's recommendation to refuse this application was as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney and the Chairman, Alderman M Gregg **(4)**

Against: Councillor U Mackin, Councillor A Martin, Alderman J Tinsley and Councillor N Trimble **(4)**

The Chairman, Alderman M Gregg, having then used his casting vote, declared that the Planning Officer's recommendation to refuse the application was 'carried'.

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Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (3.41 pm).

Resumption of Meeting

The meeting was resumed at 3.46 pm.

Alderman O Gawith returned to the meeting at this point.

- 4.2 Submission of Pre-Application Notice (PAN) for Proposed extension to Sprucefield Park comprising new retail warehouse units, a hotel, restaurant and café/restaurant pod, car parking, site accesses, landscaping and all associated site works (04:10:04)

Councillors N Trimble and D Bassett returned to the meeting at 3.48 pm.

Members having been provided with a copy of the above PAN, it was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.3 Appeal Decision – LA05/2020/0722/O (04:12:00)

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

- 4.4 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (04:15:20)

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed to note from the report, information regarding notification by a telecommunication operator to utilise Permitted Development Rights at a location.

5. Any Other Business (04:16:52)

There was no other business.

Conclusion of the Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance and reminded Members that the next meeting of the Committee was scheduled to take place on 2 October. The Director of Regeneration and Growth also referred to a special meeting of the Regeneration and Growth Committee, due to take place on 18 September. This special meeting had been convened to consider (a) the Direction issued by the Department for Infrastructure in respect of the Draft Plan Strategy; and (b) options around the Department's intention to refuse outline planning permission for the road at West Lisburn.

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There being no further business, the meeting was terminated at 3.54 pm.

Chairman/Mayor

Committee:	Planning Committee
Date:	02 October 2023
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined

1.0 **Background**

1. The following applications have been made to the Council as the Local Planning Authority for determination.
2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There is one major application and four local applications, one of which is presented by way of exception and three have been Called In.
 - (a) LA05/2020/0545/F – Erection of 62 dwellings & 4 apartments, garages, open space with equipped children’s play, landscaping, access arrangements and other associated site works (66 no. residential units in total, scheme previously approved under Y/2009/0031/RM) on Lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 (evens) Millreagh Grove, Dundonald.
Recommendation - Approval
 - (b) LA05/2022/0861/F - Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works on Lands 300m to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald.
Recommendation – Approval
 - (c) LA05/2021/0738/O - Replacement dwelling on land opposite and 80m south west of 149 Hillsborough Road, Dromara.
Recommendation – Refusal

(d) LA05/2022/0807/O - Proposed dwelling and garage on Lands 20m east of 123a Saintfield Road, Lisburn.
Recommendation – Refusal

(e) LA05/2021/0913/O – Dwelling and garage on lands between 10 and 14 Drennan Road, Lisburn.
Recommendation - Refusal

2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.

2.0	<p><u>Recommendation</u></p> <p>For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>	
3.0	Has an equality and good relations screening been carried out?	No
3.1	<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>	
3.2	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
3.3	<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>	

Appendices:	<p>APPENDIX 1.1 – LA05/2020/0545/F APPENDIX 1.2 – LA05/2022/0861/F APPENDIX 1.3 – LA05/2021/0738/O APPENDIX 1.4 – LA05/2022/0807/O APPENDIX 1.5 – LA05/2021/0913/O</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	02 October 2023
Committee Interest	Major
Application Reference	LA05/2020/0545/F
Date of Application	17 July 2020
District Electoral Area	Castlereagh East
Proposal Description	Demolition of 25 Carrowreagh Road and erection of sixty-two dwellings and four apartments, garages, open space with equipped children's play, landscaping, access arrangements and other associated site works
Location	Lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 (evens) Millreagh Grove, Dundonald
Representations	Thirteen
Case Officer	Rachel Taylor
Recommendation	Approval

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to approve as the detailed layout and design of the proposed buildings create a quality residential environment. When the buildings are constructed, they will not adversely impact on the character of the area. 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. The proposal is in accordance with the requirements of Policies HOU1, HOU3 and HOU4 of the draft Plan Strategy (as modified by the Direction of the Department).
2. The proposal is also considered to comply with policy HOU5 of the draft Plan Strategy (as modified by the Direction of the Department) in that public open space is provided as an integral part of the development and that arrangements will be put in place for the future management and maintenance of this space consistent with policy. Children's play is provided as an integral part of the proposed development.

3. It is considered that the proposal is also in accordance with the requirements of policy HOU6 of the draft Plan Strategy (as modified by the Direction of the Department) in that provision it to be made for affordable housing at 20% of the total number of units. Flexibility is allowed for this provision to be delivered locally at an alternative site. This is subject to a Section 76 planning agreement.
4. The proposal complies with policies TRA7 and TRA8 of the draft Plan Strategy as modified in that it is demonstrated that an acceptable level of car parking is provided. It is also demonstrated through the submissions of a design and access statement that provision has been made for walking and cycling and how this links to wider pedestrian cycleway.
5. The proposal complies with policy NH 2 and NH 5 of the draft Plan Strategy as modified 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.
6. The proposal also complies with policy NH5 of the draft Plan Strategy as modified in that the ecology report submitted in support of the application demonstrates that the proposed development in that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species.
7. It is accepted that the proposed development complies with policies HE1 and HE2 of the draft Plan Strategy as modified in that the detail demonstrates that the development will not adversely affect an identified archaeological site of regional or local importance and that the protective measures to be put in place will serve to ensure its physical preservation.
8. It is accepted that the proposal complies with policies FLD 1, FLD 2 and 3 of the draft Plan Strategy as modified in that the site does not lie within the 1 in 100 year fluvial flood plain, a working strip of appropriate width is provided to an undesignated watercourse and the mitigation measures proposed to ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site Context

9. This site is approximately 4 hectares in size and located on lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 Millreagh Grove, Dundonald.
10. The site is irregular in shape and comprised of two large fields which undulate and rise steeply to the north and fall steeply to the east.
11. The land within is mainly in agricultural use but also an undeveloped portion of housing land and is accessed through Millreagh Green directly south.
12. There is a two-storey detached hipped roof dwelling at 25 Carrowreagh Road which is accessed off a long laneway to the rear of the site.
13. All boundaries with the exception of a small portion of the south western side which has been cleared, are defined by mature field hedging and some mature trees.

Surrounding Context

14. The surrounding lands to the south and west are residential in character and mainly comprised of the detached and semi-detached dwellings in what is known locally as the Millreagh development.
15. To the east is The Old Mill and a disused house accessed off the Belfast Road and to the north is a laneway with a public right of way beyond which is open countryside.

Proposed Development

16. The proposed development comprises the demolition of 25 Carrowreagh Road and erection of 62 dwellings and 4 apartments, garages, open space with equipped children's play, landscaping, access arrangements and other associated site works.
17. The application is supported with the following documents:
 - Pre-Application Community Consultation Report
 - Tree Survey report
 - NI Biodiversity Checklist
 - Preliminary Ecological Assessment
 - Bat Survey and Impact Assessment
 - Drainage Assessment and Addendum
 - Archaeological Method Statement
 - Archaeological Monitoring Report

- Transport Assessment Form
- Odour Impact Assessment Report
- Noise Impact Assessment Report
- Design and Access Statement

Relevant Planning History

18. The relevant planning history is as follows:

Application Reference	Proposal	Decision
Y/1996/0238/O	Site for housing development	Approval 19/6/97
Y/2004/0715/F	Application under Article 28 of the Planning (Northern Ireland) Order 1991 for planning permission to develop a site for housing without compliance with Condition No.2 (maximum number of dwellings) of the Outline Planning Permission granted for the site on 9th September 2002 under reference Y/1996/0238	Approval 7/2/07
Y/2009/0331/RM	Construction of 66 dwellings comprising of a mix of 3 townhouses, 22 semi-detached, 34 detached (all two story) and 7 split level detached dwellings with associated roads, garages, parking and landscaping. Access from Carrowreagh Road. (Amended Layout)	Approval 14/10/10

19. The previous history of approval of reserved matters has no material weight as the development was not commenced and is long since time expired. This proposal is considered on its own merits.

Consultations

20. The following consultations were carried out:

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

Consultee	Response
Water Management Unit	No objection
HED Historic Monuments	No objection
DfI River Agency	No objection
NIE	No objection

Representations

21. There were 13 objection received in relation to the application which raise the following issues:

- Foul sewer at capacity
- Additional traffic will increase already queued back residents at peak times
- Poor state of current infrastructure and impact/disruption of construction traffic
- Dangerous access at junction
- Lack of parking
- NI Water at capacity
- Destruction of wildlife including bats
- Antisocial behaviour from children play park
- Disturbance of views
- Drainage issues and flooding
- Retaining walls
- Access should be through Millreagh and hedgerow along lane should be undisturbed. Lane left for new future path along old rail track
- Careful archaeology required
- Overlooking
- Not neighbour notified
- Risk to human health from carbon dioxide
- Potential for subsidence into their garden
- Insufficient play areas as all built upon
- Stress on schools and doctors
- Houses on land that are earmarked for road between Comber Road and Newtownards Road

Environmental Impact Assessment (EIA)

22. 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.

23. An EIA determination was carried out and it was concluded that the scale and nature of the proposal linked to earlier phases of residential development to the south of the site means there was not likely to be any unacceptable adverse environmental impacts created by the proposed development. As such, an Environmental Statement was not required to inform the assessment of the application.
24. A preliminary ecological assessment provided in support of the application addressed a link between the drainage from the site and the River Enler that flows into designated sites at Strangford. No significant impact was identified to the various designations in the discrete report. This was also weighed in the assessment of whether a statement was required.

Pre-Application Community Consultation

25. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
26. A Pre-Application Community Consultation report [dated Feb 2020] was submitted in support of the application and provides a record of the consultation that had taken place to inform interested parties of the details of the proposed development.
27. The PACC event was held in the show home at 8 Millreagh Grove, Dundonald on 14th February 2019 from 3 to 7pm to provide opportunity for consultation with the local community. This included a public exhibition of information boards including illustrative plans and designs of the proposed development, key dates for the consultation, indicative visualisations and in person feedback facility and questionnaire.
28. One consultation session was carried out in the location and on the dates stated above. This included panel boards and leaflets. Representatives from Antrim Construction Company Ltd were in attendance along with James Cairncross from Alan Patterson Design Ltd.
29. A public advert notice providing details of the consultation event, and how to access hard copies of the materials and feedback opportunity was published in the Belfast Telegraph on 18 January 2019 and the Newtownards Chronicle on 25 January 2019. Emails were also sent to Councillors in the DEA and MLA's on 21 January 2019.
30. The format of the report is in accordance with the Practice Note published by DfI Planning Group 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 of the proposed scheme.
31. The following issues were raised through the PACC process:

- An additional cycle/pedestrian access to be provided to the northern boundary in line with the original concept masterplan.
32. It is reported that only one person, a member of a local residents group, provided any feedback regarding the proposal and no local residents attended the event.
33. The scheme was amended post submission of the PACC but the scale and form of development was not significantly changed to justify revisiting the community consultation process. Neighbours and objectors were advised of the changes through the normal notification process.

Planning Policy Context

Local Development Plan

34. 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.

LCCC - Draft Plan Strategy 2032

35. On 28 June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
36. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
37. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
38. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
39. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been

objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

40. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
41. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.
42. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
43. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

44. It is stated at page 16 of Part 1 of the draft 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.

45. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
46. The BUAP indicates that the proposed site is outside of the development limit and within the inner edge greenbelt.
47. Within draft BMAP the site is located within the settlement limit as zoned housing MCH03/12.

48. Draft BMAP confirms that this zoning is a 91.60ha land with the following draft key site requirements:
- *A concept Master Plan to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department. The Concept Master Plan shall also include the following:*
 - *Land corridor required for the proposed E14 (3) road scheme between Quarry Corner and East Link Road (Ref: MCH 16);*
 - *No direct access from housing to the proposed E14 (3);*
 - *Phasing of the proposed development and delivery of roads infrastructure;*
 - *Construction of the housing spine road through the site from Old Mill heights to Millmount Link Road including the connection / or realignment of Millmount and Greengraves Road; and*
 - *Construction of the Link Road between Comber Road and the proposed roundabout associated with the Park and Ride access as identified 2a Metropolitan Castlereagh;*
 - *Access arrangements shall be agreed with Road Service, DRD;*
 - *A Transport Assessment (TA), agreed with Road Service DRD, shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area. In addition to the need for the TA, and the requirements identified therein, an initial assessment of this specific development indicates that as a minimum, the following improvements shall be required;*
 - *Provision shall be made for an extended bus service to access the development site.*
 - *Provision shall be made within the development for a local neighbourhood scheme on approximately 3ha to include local retail outlets and community facilities offering, for example, a multipurpose hall and a 'healthy living centre' to accommodate medical and fitness facilities;*
 - *Provision shall be made within the proposed development for a primary school on approximately 1 ha;*
 - *No development shall take place within the areas identified for open space provision as shown on the map 2a Metropolitan Castlereagh and clarification map 2ab Housing lands at Millmount, Quarry Corner and Carrowreagh Road;*
 - *An Article 40 Agreement, approved by the Department, shall be required to ensure the necessary local facilities and public infrastructure, including the road required to serve these lands are provided;*
 - *Housing development shall be a maximum of 1080 dwellings;*
 - *Retaining structures shall not be included. In exceptional circumstances where retaining structures are necessary they shall not exceed 1.5m in height;*
 - *A full flora and fauna survey of the site shall be carried out to inform the proposals outlined in the Concept Master Plan;*
 - *All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained, unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site;*
 - *A 10-12m wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the Settlement Development Limit, along the northern and eastern boundaries of the site*

and outside of the curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long term management shall be formerly agreed with the Department;

- *An 8-10 m wide landscape buffer of trees and hedges of native species shall be provided along the southern and western boundaries of the site to provide screening for the development;*
 - *An archaeological survey of the site shall be carried out to inform the proposals outlined in the Concept Master Plan;*
 - *A flood risk assessment of the Enler River and other watercourses within and adjacent to the site shall be carried out and submitted to the Department to inform proposals for the development of the site;*
 - *The existing watercourses within and adjacent to the site boundaries shall be retained as open watercourses and incorporated into any proposed development unless Rivers Agency, DARD, determine that the retention of the open watercourse is not appropriate;*
 - *The design layout shall include provision for cycle and pedestrian links to adjoining residential areas and the Newtownards Road; and*
 - *Development shall be designed, landscaped and implemented to accommodate the overhead powerlines and will adhere to standard safety clearances.*
49. Within final BMAP which was quashed the site was also located within the settlement limit zoned for housing MCH 03/06.
50. This plan acknowledged that this was a site for housing and have extant approval on which development is not started or development is ongoing at 31 July 2011 and no key site requirements were therefore attached. It is this revision of the draft BMAP designation that is most relevant to the proposed development.
51. There are equivalent policies in the draft Plan Strategy to the policies described in BUAP and draft BMAP.
52. As explained above, this application is for residential development and a number of strategic policies apply.
53. The strategic policy for Housing in Settlements is set out at page 57 of the draft Plan Strategy.
54. 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.*

55. The strategic policy for Section 76 Agreements is set out at page 45 of the draft 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.*

Housing in Settlements

56. As residential development is proposed 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).

(text in bold is modified by the Direction)

57. 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.

(text in bold is modified by the Direction)

58. 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.*

59. The Justification and Amplification is modified to include the following paragraph:

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

60. The following paragraph is also modified:

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.*

61. 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.

62. The following paragraph in the Justification and Amplification is modified as follows:

*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.

(text in bold is modified by the Direction)

63. Policy HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning states

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

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

- a) 50 dwellings or more
- b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans
- c) housing development on any other site of 2 hectares or more.

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

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

64. 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.

65. The Justification and Amplification is modified to include the following paragraph:

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.

66. The Glossary associated with Part 2 of the draft 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.

(text in bold is modified by the Direction)

Natural Heritage

67. Given the size of the site and the scale of development proposed a bio-diversity and detailed ecology report is submitted in support of this application. Policy NH2 – Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

68. 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.

(text in bold is modified by the Direction)

Access and Transport

69. The P1 Form indicates that access arrangements for this development involve the construction of a new access to an existing adopted estate road for both pedestrian and vehicular use.

70. 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.

71. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.

(text in bold is modified by the Direction)

72. 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.

73. The following paragraph in the justification and amplification is modified as follows:

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

(text in bold is modified by the Direction)

Flooding

74. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere. 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.

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

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 hardsurfacing 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.

(text in bold is modified by the Direction)

The approach to the statutory Development Plan and Regional Policy

76. 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.

77. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

78. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.

79. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

80. 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

81. 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.

82. 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.
83. As the proposal is a continuation of an internal housing estate road in terms of access, movement and parking, the SPPS states at paragraphs 6.302 to 6.305 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

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.

84. 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.

85. 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.

86. 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.

87. Again give 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.

88. 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.

Regional Policy Context

89. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Quality Residential Environments

90. As housing is proposed PPS 7 – Quality Residential Environments sets out the Department’s planning policies for achieving quality in new residential development and advises on the treatment of this issue in development plans. It embodies the Government’s commitment to sustainable development and the Quality Initiative.

91. Policy QD 1 Quality in New Residential Development states that:

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

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

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

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

Design Concept Statement, Concept Master Plans and Comprehensive Planning

93. As the application site is part of a larger housing zoning policy QD2 requires Design Concept Statements, Concept Master Plans and Comprehensive Planning. It states that:

The Department will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.

A Concept Master Plan will be required for planning applications involving:

- (a) 300 dwellings or more; or*
- (b) the development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or*
- (c) housing development on any other site of 15 hectares or more.*

In the case of proposals for the partial development of a site zoned for housing the Concept Master Plan 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 identified for residential use in a development plan.

Creating Places

94. Creating Places – Achieving Quality in Residential Developments’ (May 2000) is the principal guide for developers in the design of all new housing areas. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

95. Paragraph 7.16 provides guidance on separation distances stating:

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

96. 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.

DCAN 8 - Housing in Existing Urban Areas

97. 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.

Open Space, Sport and Outdoor Recreation

98. As public open space is required as part of a residential development of this scale PPS 8 – Open Space, Sport and Outdoor Recreation sets out the Department's planning policies for the protection of open space, in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.
99. The Council will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.
100. An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.
101. Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following
 - (i) *A normal expectation will be at least 10% of the total site area;*
 - (ii) *For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and*
 - (iii) *Provision at a rate less than 10% of the total site area may be acceptable where the residential development:*
 - *Is located within a town or city centre; or is close to and would benefit from ease of access to areas of existing public open space; or*
 - *Provides accommodation for special groups, such as the elderly or people with disabilities; or*
 - *Incorporates the 'Home Zone' concept.*
102. For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.

103. The Council will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.
104. Public open space required by this policy will be expected to conform to all the following criteria
- *It is designed in a comprehensive and linked way as an integral part of the development;*
 - *It is of demonstrable recreational or amenity value;*
 - *It is designed, wherever possible, to be multi-functional;*
 - *It provides easy and safe access for the residents of the dwellings that it is designed to serve;*
 - *Its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and*
 - *It retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.*
105. Planning permission will not be granted until the developer has satisfied the Council 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.
106. Arrangements acceptable to the Council in line with the policy include:
- (a) *a legal agreement transferring ownership of and responsibility for the open space to the local district council; or*
 - (b) *a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or*
 - (c) *a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.*
107. In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Natural Heritage

108. As this is a large site it has the potential to impact natural heritage features PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
109. Paragraph 3.1 of PPS 2 states:

The objectives of this Planning Policy Statement are:

- *to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;*

- *to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;*
- *to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;*
- *to protect and enhance biodiversity, geodiversity and the environment; and*
- *to take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

Species Protected by Law

110. With regard to European Protected species, Policy NH 2 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:-

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

111. With regard to National Protected Species, Policy NH 2 states;

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

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

Habitats, Species or Features of Natural Heritage Importance

112. Policy NH5 states that:

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

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*

- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

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

Access, Movement and Parking

113. As an existing internal estate road is extended and new roads are proposed PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

114. Paragraph 3.1 of PPS 3 states that:

The main objectives of this Statement are to:

- *promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;*
- *restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes;*
- *make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;*
- *ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;*
- *ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;*
- *promote the provision of adequate facilities for cyclists in new development; promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and*
- *protect routes required for new transport schemes including disused transport routes with potential for future reuse.*

Creating an Accessible Environment

115. Policy AMP 1 – Creating an Accessible Environment states that:

The Department’s aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people

with disabilities and others whose mobility is impaired in the design of new development. Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- *facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;*
- *convenient movement along pathways and an unhindered approach to buildings;*
- *pedestrian priority to facilitate pedestrian movement within and between land uses; and*
- *ease of access to reserved car parking, public transport facilities and taxi ranks.*

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Access to Public Roads

116. Policy AMP 2 - Access to Public Roads states that:

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

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

117. The policy also states that:

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- *the nature and scale of the development;*
- *the character of existing development;*
- *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*

- *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.*

118. Policy AMP7 states that:

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

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

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

119. The policy also states that:

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Archaeology and Built Heritage

121. The site is in close proximity to a feature of built heritage. PPS 6 – Planning Archaeology and Built Heritage makes provision for the protection of our archaeology and built heritage.

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

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

123. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Settings states:

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Planning and Flooding Risk

124. The site is located close to existing drainage infrastructure and a drainage assessment is submitted with the application. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

125. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

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

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

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

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

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

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

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

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

Assessment

Housing Layout

Compliance with Policy HOU6

127. The site is comprises the last undeveloped part of a larger housing zoning MCH 03/06 for which a Concept Master Plan (CMP) was approved under application Y/1996/0407/F.
128. The CMP showed the development and connection of this site with the surrounding Millmount development including low to medium density housing, a path left along the top edge for a spine route/cycleway footpath and an area identified a possible archaeological site.
129. This proposal is broadly in accordance with that concept. It is the last piece of that overall development and the development of the land has not been prejudiced by previous phases of development. The requirements of policy HOU6 are met as the proposal follows the wider concept and this scheme finishes the comprehensive development of the wider lands.

Policy HOU 1 – New Residential Development

130. This application is for residential development. The site is within the settlement limit and zoned for housing under designation MCH03/06 and as such, the policy tests associated with Policy HOU1 are considered to be met.

131.

Policy HOU3 - Site Context and Characteristics of New Residential Development

132. The area is characterised by residential development as outlined in the description of site context and surroundings section of the report. The principle of the development of the land for housing is acceptable. Whilst there was a previous history of planning permission this is time expired and this proposal for 66 units is considered on its own merit.

133. The form and general arrangement of the new dwellings proposed is characteristic of those found in adjacent developments at Millreagh Avenue, Millreagh Green and wider Millreagh, albeit areas of this site are more challenging in terms of the site levels and the dwellings have been designed to respond to the level changes and the avoidance of having to use significant retaining structures.

134. There is a proposed two storey apartment block which steps up through the levels as the land rises. It is located centrally within the site and south east of the scheduled monument. The apartments have a footprint not dissimilar to the detached dwellings and have the appearance of a pair of semi-detached dwellings. The inclusion of apartments offers variety and choice in terms of the accommodation and one block of this scale and mass will not harm the character of the area nor will they adversely impact on the scheduled monument for the reasons outlined later in this report.

135. The rest of the proposed development is predominantly made up of a low /medium density housing comprised of mostly detached dwellings with some semi-detached set in medium to large sized plots.

136. It is considered that the residential character of the area would not be significantly changed or significantly harmed by the proposed development.

137. The proposed development completes this part of the Millreagh housing zoning with residential development which is characteristic of the surrounding approved and implemented residential developments, albeit some of the dwellings at this site are redesigned to adapt to the topography rather than relying on large retaining structures.

138. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the SPG published with the draft Plan Strategy equivalent to the Creating Place document has been taken in to account in the design of the proposed development. The requirements of criteria (a) of policy COU 3 are met in full

139. Furthermore, archaeological, historic environment or landscape characteristics/features identified have been in integration into the overall design and layout of the development. Criteria (b) is also considered to be met.

Policy HOU4 - Design in New Residential Development

140. There are number of different house types proposed varying from 118 square metres to 250 square metres in size.
141. The four apartments proposed are located in two attached blocks appearing as semi-detached dwellings stepping up the topography of the site. They range in size from 101 square metres to 112 square metres.
142. A sample description of some of the dwellings is outlined below.
143. House type A2.1 is a detached four bedroom detached dwelling measuring approximately 150 square metres in floor area in size. This dwelling will have a ridge height of 8.3 metres and has a hipped roof.
144. The materials proposed for the dwelling include a select facing brick with soldier course to windows to match. Concrete roof tiles with a trochal flat roof to single story return and uPVC window frames with timber or uPVC doors and fascia boards.
145. There are also a number of A20.1 dwellings dotted throughout the site. These are four bed detached dwellings measuring approximately 202 square metres in size. This dwelling will have a ridge height of approximately 9.5 metres. The House Type A20.1 is hipped roof with integral garage and front two storey projection, bay window detailing and single storey hipped roof sunroom/snug to the rear.
146. The materials proposed for the dwelling include select facing brick with smooth render detailing to selected areas with plinth finish to match walls. The roof has concrete roof tiles with uPVC windows and doors (optional timber) and fascia boards.
147. The four apartments of apartments located centrally within the site and to the south east of the open space and play area will be two storeys dropping over the change in levels, with a ridge height of 8.6 metres. The size of the apartments range from approximately 101 square metres to 112 square metres in floor area.
148. The apartments use the same palette of material used in the remainder of the site with facing brick, part smooth render, uPVC windows, doors and guttering and concrete roof tiles. The apartments have hipped roofs and the appearance of a pair of semi-detached dwellings.
149. The finishes proposed to the dwellings and apartments are considered to be acceptable and in keeping with the established character of this area and will ensure that the units are as energy efficient as possible.

150. Garages are included as integral in some of the house designs and the remainder almost all have single car detached garage provision.
151. The variety of house types provided are accessible and the dwellings are designed to ensure that they are capable of providing accommodation that is wheelchair accessible for persons with impaired mobility.
152. For the reasons outlined above, criteria (a), (e), (f) are considered to be met.
153. The proposed layout is designed to ensure that there is appropriate separation distances between the proposed dwellings whilst respecting the changes in levels of this steeply sloping site. Greater separation distances are proposed for those dwellings with more severe level changes. Planting and fencing is proposed in preference to hard retaining structures. The development has been designed to ensure that there is no adverse impact caused to the amenity of future residents as a consequence of overlooking between the proposed dwellings.
154. The layout of the rooms in each of the units, the position of the windows and separation distances have been designed to ensure that there is no overlooking into the private amenity space of the neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
155. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service roads.
156. The design and orientation of the dwellings linked to the provision of enhanced separation distances ensures that no overlooking
157. There is a back to gable relationship at the entrance of the site between site 99 and 6 Millreagh Avenue. The dwelling at site 99 has a 9.5m distance to the rear common boundary and planting is proposed along this boundary to supplement the fencing.
158. The dwelling at this site is A2.1 which is designed without upper floor bedroom windows on the rear wall and one inset upper floor bedroom window a further 3.4 metres away from the common boundary and placed towards the front of the existing house at 6 Millreagh Avenue.
159. The separation distances between the rear of the new houses at sites 63 and 65 the rear of the existing dwellings in Millreagh Avenue at the narrowest point is approximately to 21.7 metres.
160. The separation distances between the rear of site 6-10 and the common boundaries of the existing dwellings at Millreagh Grove at the narrowest point is approximately to 20 metres. Some of these dwellings are set at oblique angles.
161. The separation distances are in accordance with the guidance set out at paragraph 7.16 of the Creating Places document.

162. There is a varied type of boundary treatments proposed (discussed below) and along with the separation distance will further will ensures no overlooking or conflict in terms of noise or other disturbance will arise. They will also serve to deter crime and promote personal safety.
163. For the reasons outlined above, criteria (i) and (j) are considered to be met.
164. The provision of private amenity space varies from plot to plot ranging from a minimum of 80 square metres up to a maximum of 420 square metres per unit. An average of 147 square metres is provided across the site which is significantly in excess of the guidance in the Creating Places document for single occupied residential properties.
165. The communal garden and seating area surrounding the apartments extends to approximately 440 square metres which provides for an average of 110 square metres per apartment. There is limited differentiation between the apartments and the adjacent amenity provision so the area of communal open space is in reality larger than this again.
166. These figures are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document.
167. Given that the area of the proposed development exceeds one hectare and more than twenty-five units open space must be provided as an integral part of this development. Public areas of open space are to be provided as part of the proposal.
168. After significant investigation and consultation with Historic Environment Division, the extent of the scheduled monument has been agreed and will be delineated by open fence posts. This area can be accessed by the public. Surrounding the defined monument (below ground) is also a significant swath of open space where there has been located some equipped children's play equipment, planting and a linear walkway. The total area including the scheduled monument area is 0.56 hectares of open space provision.
169. The open space provision is accessible and usable and whilst toward the edge of the site provides a good standard of space. The area includes a large treed area which will have formal walkways and picnic style seating area. This area equates to approximately 14% of the overall site which is in line with policy requirements.
170. A landscape management plan will be conditioned as part of the application which will outline the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
171. This will ensure the maintenance programmes proposed to allow the proposal to visually integrate the development with its surroundings and develop a quality planting scheme that will reduce visual intrusion and enhance the development as a whole.

172. The landscape plan demonstrates that the proposed landscaping is of sufficient depth to establish a strong boundary with the open countryside and provide enclosure. On balance it is acceptable.
173. A number of existing trees along the boundaries are to be retained as possible and supplement where necessary with native planting along with standard and heavy standard trees.
174. It is considered this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of and maintenance of external public spaces and that the implementation of planting works should be conditioned to be carried out in the first available planting season prior to the occupation of that phase of the development.
175. For the reasons outlined above, criteria (b) is considered to be met.
176. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to shops and other neighbourhood facilities in Dundonald.
177. The density equates to 16.13 dwellings per hectare which is considered to be a low-medium density. With regard to criteria (d), the density is considered to be met.
178. Appropriate provision is made within the curtilage of individual properties for the storage of household waste. Communal provision is made to serve the apartment developments and sites are accessible to waste service vehicles. Criteria (k) is considered to be met.

Policy HOU 5 - Public Open Space in New Residential Development

179. Given that the area of the proposed development exceeds one hectare and more than twenty-five residential units are proposed open space must be provided as an integral part of this development. The detail associated with the site layout demonstrates that a public area of open space is to be provided as part of the proposal.
180. This area which is easily accessible by all the future residents of the scheme, measures in excess of 14% of the site areas. The open space area will have a walkway around it and picnic style seating areas. The centrepiece is the scheduled monument location which is open to the public.
181. Whilst the application of itself is not sufficient to warrant an equipped children's play area, given this is amongst the last of the areas of this wider zoning which did require children's play, an equipped area to the south and east of the scheduled monument has been included within this application. This should help achieve the ambitions for play for the wider zoning.
182. It is recommended that a condition is attached to the decision notice to ensure this area is maintained and that planted areas are to be checked on a regular basis.

183. For the reasons outlined above, the proposal satisfies the tests associated with HOU5.

Policy HOU10 – Affordable Housing

184. The Agent indicates in an email dated 21 August 2023, their intention to make alternative provision through the delivery of an affordable housing scheme on lands located off Belfast Road, Dundonald, immediately east of Millreagh Avenue and within the same housing zoning as Millreagh Village (dBMAP – MCH03/12).
185. The agent advises that the alternative site is 0.4 hectares in size and that an indicative layout plan, sections and indicative elevations demonstrate how a scheme of 17 two bedroom apartments can be delivered across two blocks of accommodation of 2 and 3-storeys in height.
186. The view is also expressed that the section plans highlight how the proposed built form interacts with the level change which characterises the western and mutual boundary of the site with Millreagh Avenue. That there will be no adverse impact on existing dwellings or associated amenity space and that a full standard of parking can be within the curtilage of the site.
187. Without prejudice to the outcome of any subsequent application, a draft heads of terms indicates that no more than 53 units [66 less the 13 required under HOU10] will be permitted until permission in relation to the affordable housing application has been secured.
188. Whilst the location of the various accommodation types are shown on the proposed Site Plan and for this reason, the affordable housing tests associated with Policy HOU10 of the draft plan strategy is considered to be met subject to this provision being secured and agreed through a Section 76 Planning Agreement. An additional trigger is provided in relation to the delivery of the subsequent affordable housing units.
189. For the reasons outline above and without prejudice to the outcome of any subsequent application process, the tests associated with HOU10 are considered to be met in the local area.

Natural Heritage

190. A NI Biodiversity Check List confirmed that a site walk over was undertaken on 24 January 2020. Within the Ecological Statement, commentary was provided in relation to designated sites and priority habitats and protected species scoping.
191. The statement confirmed that the application site was not situated wholly or partially within any statutory or non- statutory designated sites and that the nearest site, Craigantlet Woods SLNCl was located 390 metres to the North West.

192. The water course situated adjacent to the east site boundary is classified as a NI Priority Habitat along with the exiting field hedgerows to the north and west boundary.
193. With regard to protective species scoping, the statements confirms that site investigations included an inspection of the existing habitats located both within the application boundaries and up to 25 metres out with for their potential to support protected species.
194. Mature and semi mature trees are referenced as being located within the dividing field hedgerows with potential to support roosting bats.
195. The dwelling identified to be demolished was described as having significant structural damage at the northwest corner of the roof structure. The view is expressed that this damage provides direct access into the self-contained roof void. The dwelling was assessed as holding potential for supporting roosting bats.
196. Site investigations also identified a number of well-worn mammal trails in the eastern half of the application site. The view was also expressed that the existing watercourse may have potential to support Otter and that habitats are also present with suitability to support nesting birds.
197. The statement recommended that additional bat roost potential, bat activity surveys and badger activity surveys and otter surveys are carried out.
198. A preliminary ecological appraisal received in March 2021 served to assess likely ecological impacts and acceptability in the context of ecological mitigation. The appraisal confirmed that the application site was not located within any statutory designated area. At paragraph 4.2, reference is made to the site being hydrologically connected to Strangford Lough.
199. Data requests confirmed records of bat roosts within a 5 km radius of the application site. A phase 1 habitat survey conducted in February 2021 confirmed that improved grassland dominated the site and that there were areas of scattered and dense scrub located in the south and east of the site. No invasive flora species were noted within the site boundary or 10 metres out with it.
200. With regard to bat survey results, both the built structures to be demolished were assess as holding low and negligible suitability due to their structural condition with the majority of individual trees holding low suitability.
201. An otter survey confirmed that there were not records of otter within the 1 km grid square where the site is located. Otters were however recorded within a 5 km grid covering the application site. These records are reported as relating to the Enler River which is located some 2 km to the southeast.
202. Section 7 of the appraisal document sets out mitigation and recommendations in relation to Habitats, Bats, Lighting for Bats and Birds.

203. Advice received from Natural Environment Division [NED] confirmed that the proposal was subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).
204. The advice confirmed that NED had considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, confirmed that they had no concerns and that they agreed with the mitigation measures set out at section 7 of the submitted appraisal.
205. NED also encouraged the incorporation of artificial bat boxes as a means of enhancing the biodiversity value of the site. Officers have no reason to disagree with the advice of the consultee.
206. 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 NH 2 and NH5 of the draft Plan Strategy as modified.

Access, Movement and Parking

207. A Transport Assessment Form (TAF) is submitted in support of the application. It provides detail of Travel Characteristics, Transport Impacts and Measures to mitigate impacts/influence travel to the site.
208. With regard to Travel Characteristics, the form explains that the TRICs database has been used to quantify the daily journeys to the site based on 66 units.
209. The data confirms the peak period for vehicles leaving the site will be 08:00 – 09:00. The peak period for vehicles returning to the site will be 17:00 – 18:00 consistent with generic network peak periods.
210. Advice is provided that the development will generate 36 trips in the AM peak and 37 in the PM peak.
211. In terms of Transport Impacts, the Transport Form indicates that the development is considered to have minimal transport impact relative to the existing traffic flows in the area. Reference is made to the thresholds where a detailed Transport Assessment may be necessary being 100 residential units or 100 trips in the peak hour. The view is expressed that this proposal is well below these thresholds and as such, a detailed transport assessment should not be required.
212. The TAF explains that parking will conform to the guidelines for housing contained within Creating Places and the demand is based on in-curtilage supply, type of dwelling and size of dwelling.
213. It also explains that access to the site will not be unsafe and that internally, the layout will maintain low vehicle speeds with speed control measures. When

exiting, the proposed development will use the existing Millreagh access onto Carrowreagh Road as indicated on site layout drawings. The proposed development will join onto Millreagh Green and internal footways will link with the existing footway on Carrowreagh Road with crossing points treated with dropped kerbs and tactile paving.

214. In relation to measures to mitigate impacts/influence travel to the site, the TAF provides commentary on the Location, Walking, Cycling and Public Transport opportunities.
215. The location is considered to be one of the biggest factors of influencing travel as the site is located to the east side of Dundonald, off the upper Newtownards Road. It is adjacent to an area of existing housing and is close to many conveniences of Dundonald town centre and close to a major regional hospital.
216. The TAF explains that the layout provides a pedestrian route from the site onto Carrowreagh Road and along an existing footpath on the Upper Newtownards Road. Many conveniences within 1 km of the site can be accessed via the main road. Within a 1000 metre walk of the site there is a business park containing cafes, fitness centre, hairdressers and community centre.
217. On the Upper Newtownards Road, there is a shared pedestrian/cycleway towards Belfast and Newtownards with easy access onto Sustrans Cycle Route 99 and National Route 99. There are also bus stops on the Upper Newtownards Road within a 450 metre walking distance of the site with public transport provision enhanced with the introduction of Glider Services.
218. Advice received from DfI Roads confirms that they have no objection subject to endorsement of PSD drawings.
219. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests associated with policies TRA7 and TRA8 of the draft Plan Strategy as modified and that the internal road layout complies with standards and provision is made for cycling and walking as part of the design concept and access statement.

Archaeology and Built Heritage

220. The Design and Access Statement submitted in support of the application indicates that a prehistoric stone structure (henge) has been located on the site which carries the required level of significance in order that it is to be retained and protected.
221. An Archaeological Monitoring Report is also submitted. This report deals with the implementation of an archaeological programme of works in advance of applying for planning permission. This programme was implemented by means of an archaeological evaluation of the site, with trench locations informed by the results of a geophysical survey.
222. The objective of the works was to identify the extent of the scheduled monument DOW 5:86, located within the red line boundary.

223. Section 2 of the Monitoring Report provides details of the Archaeological Baseline. It explains that this is a regionally important monument that was originally identified in aerial photographs of a nearby henge excavation during the summer of 2008.
224. The monument appears as a circular crop mark in the field to the NE of the henge [DOW 5:61]. The field rises from the SW to the NE and the site is situated on a noticeable rise in the northern corner of the field. This rise is the most prominent in the surrounding landscape.
225. Section 3 of the Monitoring Report explains the archaeological evaluation that took place with details of some 30 test trenches provided. The report concludes that the results of the evaluation work will be used in the design of the proposed development and that the area of the henge will be contained within an area of green space thereby ensuring its preservation.
226. The extent of the scheduled area is shown on drawing 02 – Proposed Site Plan with protective fencing shown to extend around its perimeter.
227. A response from HED dated 16 February 2023 confirmed that this proposal may be made acceptable to archaeological policy and legislative requirements with conditions, and the provision of a copy of the Scheduled Monument Consent.
228. A copy of the scheduled monument consent dated 1st December 2023 has been received which deals with the temporary fencing off of the scheduled area within the area of works and the demolition and removal of the derelict house within the scheduled area.
229. Conditions offered from an HED response dated 7th December 2022 have been addressed. This required the following 5 points to be addressed:

1. Further information is required with respect to sites 24, 27 and 28, along with associated boundaries, surfaces and services.

With regards to these sites, sites 24 and 27 have been removed and there is an enhanced distance now to an apartment block. With regards site 28, this is outside of the scheduled area demarcated by posts and further away from the monument that the pre existing number 25 that was being demolished.

2. Scheduled Monument Consent (SMC) has not yet been granted.

This was granted on 1st December 2022.

3. An updated Landscape Management Plan should be submitted to the Local Planning Authority and agreed with Historic Environment Division to ensure that site maintenance will not adversely impact on the monument.

This landscaping plan will be secured by way of negative condition.

4. There is no detailed provided on the proposed archaeological informative signage. This can be dealt with via the planning condition.

This will be secured by way of negative condition.

5. A fencing condition would be required to protect the scheduled monument during the construction phase. This can be dealt with via planning condition attached.

This will be secured by way of negative condition.

230. Officers have no reason to disagree with the advice of the statutory consultee. It is taken account of in the design and layout of the building and the landscaping promotes access to and provides information about the importance of the heritage.
231. It is accepted that the proposed development complies with policies HE1 and HE2 of the draft Plan Strategy as modified in that it is demonstrated that the development will not adversely affect an identified archaeological site of regional or local importance and that the protective measures to be put in place will serve to ensure its physical preservation.

Flooding

232. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
233. A Drainage Assessment submitted in support of the application provides details of the existing runoff and post development run off.
234. With regard to existing run off, it explains that the existing site is 4.03 hectares and is a greenfield. It advises based on the existing site layout and applying a surface water run off rate of 10 l/s/ha that the site generates 40.3 l/s.
235. With regard to post development runoff, it explains that it is proposed to construct new storm sewers to serve the development and that it is proposed to limit the discharge to a maximum of 50 l/s from Network 1 as per current adoption agreement. IN addition, 11.1 l/s and the schedule 6 consented rate will be discharged from Network 2 to the adjacent, undesignated watercourse.
236. The assessment indicates that these rates are achieved through use of flow control devices with approximately 402m³ [Network 1] and 222m³ [Network 2] of attenuation provided within oversized drainage infrastructure.
237. It also indicates that the proposed network provides considerable attenuation for return periods exceeding the performance requirements of Sewers for Adoption NI.
238. An addendum to the Drainage Assessment received in July 2022 addressed comments from DfI Rivers in a response dated September 2020 in respect of

changes to the site layout and levels. This addendum provides details on a review undertaken in relation to drainage options and detailed design of the storm and foul drainage networks to ensure compliance with consented rates of discharge.

239. In addition to the provisions for storm drainage, foul sewage will be discharged to the existing sewer network to the south east of the site. External works to create capacity in the existing public sewer network have been agreed with NI Water and are to be delivered in advance of occupation.
240. Advice received from DfI Rivers on 22 September 2020 confirmed that the site does not lie within the 1 in 100 year fluvial flood plain and as such, they had no reason to object to the proposed development from a drainage or flood risk perspective.
241. With regard to Policy FLD 2, the advice acknowledged the concept drawing showing the undesignated watercourse at the eastern boundary and a working strip of appropriate width to enable access to fulfil statutory obligations being provided.
242. In relation to Policy FLD 3, the response confirms that the mitigation measures proposed to ensure that all surface water discharge is attenuated and limited to greenfield run-off rates is agreed and whilst not responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions.
243. Water Management Unit in a response received on 07 October 2020 advised that they had considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment.
244. Their concern related to the sewage loading associated with the above proposal and the potential to cause an environmental impact if transferred to Kinnegar Waste Water Treatment Works (WWTW).
245. Water Management Unit recommended that advice be sought from NIW in relation to both the WWTW and associated sewer network capacity to cope with the additional load and/or whether they would need to be upgraded.
246. If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.
247. Advice received from NI Water in November 2020 confirmed that there was public water supply within 20 metres of the proposed site. In relation to public foul sewer, the response advised that a formal sewer connection application was required to be made for all developments including those where it is proposed to re-use existing connections.

248. With regard to public surface water sewer, the advice confirmed that there was no surface water sewer within 20 metres of the site.
249. Confirmation was also provided to indicate that there was available capacity at the receiving Waste Water Treatment Works.
250. A further response received on 5 October 2021 recommended that the application was approved with conditions.
251. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD 1, 2 and 3 of draft Plan Strategy as modified in that the site does not lie within the 1 in 100 year fluvial flood plain, a working strip of appropriate width is provided to an undesignated watercourse and the mitigation measures proposed to ensure that all surface water discharge is attenuated and limited to greenfield run-off rates is agreed.

Noise/Odour

252. Noise Impact Assessment [NIA] and Odour Impact Assessments were submitted in support of the application in an attempt to demonstrate that there will be no loss of amenity to the residents of the proposed properties including outdoor amenity spaces as a result of the proximity of the dwellings to agricultural buildings to the north.
253. Section 3 of the NIA provides detail on baseline noise survey results indicating that the noise climate in the area is influenced by distant traffic noise and that the farm yard identified as a potential source of noise and odour was derelict hence no noise or odour was detected.
254. Window glazing and ventilation were identified as weak points in dealing with noise. Typical modern double glazing was specified as glazing that would achieve the level of attenuation required to mitigate any noise.
255. Noise associated with external amenity spaces was shown to be within the desirable external noise level of less than 50 – 55 dB $L_{Aeq,T}$
256. The Odour Impact Assessment explains that a number of individual odour surveys were undertaken. Regards was had to the prevailing wind direction. The proposed development was identified as being primarily upwind of the farmyard for the majority of the year due to the prevailing south – westerly wind direction.
257. The Odour Impact Assessment demonstrates that there is no potential for significant odour impact in proximity to the proposed residential development site boundary.
258. In a response received on 12 August 2020, the Councils Environmental Health Unit confirmed that they had no objection to the proposed development. Based on a review of the information provided and the advice received, it is accepted

that the proposed development complies with paragraph 4.11 of the SPPS in that it will not present any significant impacts in respect of Noise and Air Quality to the amenity of residents.

Consideration of Representations

259. The following points of objection have been raised and are considered below:

Foul sewer at capacity.

260. Consultation with NI Water indicates that there is a foul sewer within 20m of the proposed development boundary which can adequately serve the proposal.

Additional traffic will increase already queued back residents at peak times

261. The application was submitted with a Transport Assessment Form and consultation has been ongoing with DfI Roads who are content with the proposal subject to conditions.

Poor state of current infrastructure and impact/disruption of construction traffic

262. The site has been designed to be adopted by DfI Roads standards. DfI Roads have been consulted and offer no objections to the proposal. Construction traffic is an impact of every development proposal and is outside of the remit of planning.

Dangerous access at junction

263. The proposed access onto the Upper Newtownards Road from the existing junction has been considered by DfI Roads and is acceptable.

Lack of parking

264. Each dwelling has two in curtilage parking spaces provided and meets required standards. There is also adequate parking provision shown for the apartments.

NI Water at capacity

265. A consultation response from NI Water has indicated that the development should be approved with standard conditioned and that there is available capacity at the WWTW.

Destruction of wildlife including bats

266. Relevant biodiversity reports have been submitted with the application and several consultations have been undertaken with NED who are content that the proposal is not detrimental to interests of natural heritage importance.

Antisocial behaviour from children play park

267. This is a management issue. The potential for antisocial behaviour is not a planning consideration that is not given significant weight.

Disturbance of views

268. The right to a view is a planning consideration that is not given determining weight. The proposal is located in an area which is part of a larger housing zoning and was always anticipated to be developed for housing.

Drainage issues and flooding

269. The site is not located within a flood plain. The proposal is submitted with a drainage assessment and addendum. Following full consultation, Rivers Agency are content with the proposal subject to condition.

Retaining walls

270. The use of retaining walls is now limited after the scheme was redesigned. The topographical challenges of the site are responded to by the proposed dwellings and apartments in level changes.

Access should be through Millreagh and hedgerow along lane should be undisturbed. Lane left for new future path along old rail track

271. The access is through Millreagh and the track to the rear has been left in accordance with the key design Requirements for the area.

Careful archaeology required

272. Scheduled Monument Consent has already been granted for the scheme and archaeological digs have been undertaken. The site will also be protected by way of condition for monitoring.

Overlooking

273. The scheme has been revised a number of times and the latest submission ensures adequate separation and orientation of dwellings so that there should be no overlooking to an unreasonable degree.

Not neighbour notified

274. Neighbour notification of the scheme and the subsequent amendments has been checked in line with established procedures.

Risk to human health from carbon dioxide

275. Environmental Health have been fully consulted and raise no concerns regarding impact on human health subject to conditions.

Potential for subsidence into their garden

276. The scheme has been redesigned a number of times and the build is designed to reflect the change in levels. Any impact on neighbouring property in the future would be a civil matter.

Insufficient play areas as all built upon

277. Play has been introduced as part of this scheme under the latest revision.

Stress on schools and doctors

278. This site was always part of the wider zoning for housing, therefore the principle is acceptable subject to compliance with relevant policy tests.

Houses on land that are earmarked for road between Comber Road and Newtownards Road

279. The line for the new road is not impacted on by this site.

Recommendation

327 The application is presented with a recommendation to approve subject to conditions outlined and a Section 76 Agreement requiring the developer to:

- Make provision for affordable housing at an alternative site and that no more than 53 dwellings would be constructed to ensure that if the affordable housing requirement could not be met locally elsewhere that it could still be secured as part of this development.

Conditions

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

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

3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing

by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

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

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

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

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

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

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

6. 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.

7. 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.

8. Full details of the archaeological signage, including wording, should be submitted to and approved in writing by the Council as agreed with Historic Environment Division (Historic Monuments) within 12 months of the commencement of development.

Reason: To ensure that the archaeological information signage is appropriate.

9. A landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for the monument shall be submitted to and approved by the Local Planning Authority in consultation with Historic Environment Division (Historic Monuments) prior to the commencement of the development.

Reason: To ensure that features of historical significance are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

10. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design, compliant with Annex D of PPS 15 shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

11. Development shall be carried out in strict accordance with the construction phase noise mitigation measures as set out in the Noise Impact Assessment Report received by the Council 15 July 2020.

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

12. Prior to occupation of the proposed dwelling, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 33 dB(A) Rw shall be installed to all habitable rooms.

Reason: To achieve internal noise level in line with BS8233

13. All hard and soft landscape works shall be carried out in accordance with Drawing [insert drawing number] published to the Planning Register on [insert date]. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

14. 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.

15. No retained tree as identified on drawing [insert number] published to the planning register on [insert date] shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Site Location Plan – LA05/2020/0545/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	02 October 2023
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/0861/F
Date of Application	2 October 2023
District Electoral Area	Castlereagh East
Proposal Description	Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works
Location	Lands 300 metres to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald
Representations	One
Case Officer	Mark Burns
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 the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of policies HOU1, HOU3 and HOU4 of the draft Plan Strategy (as modified by the Direction of the Department) and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.
3. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the draft Plan Strategy (as modified by the Direction of the Department) in that adequate provision is made for affordable housing as an integral part of the development.

4. The proposal complies with the SPPS and Policy NH 5 of the draft Plan Strategy as modified in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
5. The proposed complies with policy of TRA1 the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points to the wider neighbourhood.
6. It is also considered that the development complies with policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal is considered to comply with the policy TRA7 of the draft Plan Strategy as modified in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policies FLD 1 and FLD 3 of the draft Plan Strategy as modified in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

9. The application site is approximately 1.9 hectares in size and is comprised primarily of rough grassland. The topography of the site is relatively flat throughout,
10. The Comber Greenway and a former railway line runs along the sites north eastern boundary and Billy Neil playing fields are located to the southeast of the site. An open water course crosses the site in its northern section and the Enler River runs parallel with the Comber Greenway on its northern side.

Surrounding Context

11. In the surrounding area lands to the north and northeast are zoned for residential development with Millmount village currently under construction. Lands to the southeast and west of the site are primarily rural in character and in agricultural use with the occasional of dwelling dispersed throughout the landscape.

Proposed Development

12. The proposed development comprises the erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works
13. The following documents are submitted in support of the application:
- Generic Quantitative Risk Assessment Report
 - Remediation Strategy, Implementation and Verification Plan
 - Bio Diversity Checklist.
 - Ecological Impact Assessment
 - Landscape Management Plan

Relevant Planning History

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

Y/2002/0297/O	Site for residential development and ancillary works	Withdrawn May 2004
Y/2010/0081/O	Proposed key local employment site comprising light industry, storage/distribution call centre and research/development uses, formation of two new access points from Comber Road.	Deemed Refusal July 2014
Y/2010/0504/F	Access arrangements to proposed employment site	Application withdrawn October 2012
LA05/2016/0002/O	Development of site for residential purposes (housing), public open space, street network to include pedestrian and cycle provision and access to Comber greenway and Billy Neill Soccer Centre, vehicular access onto Comber Road, landscaping and any other necessary works.	Application withdrawn July 2017
LA05/2016/0985/F	Erection of 7 detached dwellings, with car-parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald.	Granted at appeal August 2021
LA05/2017/1153/F	Proposed mixed use development comprising housing (119 units) and 18 no. industrial units (Class B1b/B1c and B2 employment uses) with associated public open space, related access improvements, parking and ancillary site works.	Granted September 2020

15. The planning history granted in September 2020 is a relevant material consideration. The lands is zoned for employment use in the plan but this proposal is for a modification to an approved mixed use development granted under application reference LA05/2017/1153/F.

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
Natural Heritage	No Objection
DfI River Agency	No Objection

Representations

17. One representation has been received in respect of the application. The following issue are raised:
- Site numbers are not as previously approved under LA05/2017/1153/F
 - Discharge Consent

Environmental Impact Assessment (EIA)

18. 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 2017.
19. An EIA determination was carried out and it was concluded given the scale and nature of the proposal that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.
20. A preliminary ecological assessment provided in support of the application addressed a link between the drainage from the site and the River Enler that flows into designated sites at Strangford. No significant impact was identified to

the various designations in the discrete report. This was weighed in the assessment of whether a statement was required.

Planning Policy Context

Local Development Plan

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

LCCC - Draft Plan Strategy 2032

26. On 28 June 2023 the Department for Infrastructure issued a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
27. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
28. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
29. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
30. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

31. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.

32. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the test of soundness was met in full.
33. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above, there is a strong likelihood that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
34. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

35. It is stated at page 16 of Part 1 of the draft 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.

36. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
37. The BUAP identifies the application site as being located outside the settlement limit of Metropolitan Castlereagh.
38. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for employment use within the context of designation MCH08 where the following draft KSR's are identified:
 - Development shall only include light industrial uses as currently specified in Use Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; and storage or distribution uses as currently specified in Use Class 11 of the same Order;
 - Development of the site shall only be permitted in accordance with a masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site:

- Access shall be from the proposed Millmount Link Road;
 - A transport Assessment will be required as well as detailed consultation with Roads service in the north west corner as affected by the protection line corridor for the Quarry Corner – East link Road (Ref:MCH16)
 - Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;
 - A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department.
 - Positive long-term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site.
39. As mentioned above the lands are zoned for employment use in the plan and this proposal is for a modification to an approved mixed use development granted under application reference LA05/2017/1153/F
40. The strategic policy for Sustainable Development is set out at page 42 of the draft 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.*
41. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out at page 43 of the draft 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.*
42. The strategic policy for Supporting Sustainable Economic Growth is set out at page 43 of the draft Plan Strategy. Strategic Policy 04 – Supporting Sustainable Economic Growth states that:
- The Plan will support development proposals that support sustainable economic growth without compromising on environmental standards. Economic growth can contribute to an enhanced society and improve health and well-being through the creation of job opportunities.*
43. The strategic policy for Good Design and Positive Place Making is set out at page 44 of the draft 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.

44. The strategic policy for Protecting and Enhancing the Environment is set out at page 44 of the draft 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.

45. The strategic policy for Section 76 Agreements is set out at page 45 of the draft 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.*

46. The strategic policy for Economic Development in Settlement Limits is set out at page 76 of the draft Plan Strategy. 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.*

47. The strategic policy for Housing in Settlement Limits is set out at page 57 of the draft 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.*

Economic Development

48. As the proposal comprises in part development of the land for economic use Policy ED 1 - Economic Development in Cities and Towns of the draft plan strategy 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.

49. As part of the employment designation is redevelopment for the mixed uses including housing Policy ED7 - Retention of Zoned Land and Economic Development states that:

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.

Unzoned Land in Settlements

*On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, **or land last used for these purposes**, will only be permitted where it is demonstrated that:*

- a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy*
- b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use*
- c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location*
- d) the present use has a significant adverse impact on the character or amenities of the surrounding area*
- e) the site is unsuitable for modern employment/economic, storage or distribution purposes*
- f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not*
- g) there is a definite proposal to replicate existing economic benefits on an alternative site in the vicinity.*

A development proposal for the reuse or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

50. As the site is located adjacent to existing employment land 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.

Housing in Settlements

51. 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).

(text in bold is modified by the Direction)

52. 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.

53. 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.*

54. The Justification and Amplification is modified to include the following paragraph:

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

55. The following paragraph is also modified:

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.*

56. 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.

57. The following paragraph in the Justification and Amplification is modified as follows:

*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.*

(text in bold is modified by the Direction)

58. 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.

59. The Justification and Amplification is modified to include the following paragraph:

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.

60. The Glossary associated with Part 2 of the draft 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

61. Given this is a large site the impact on the natural environment is considered.
62. 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

63. A new access is proposed to Millmount Road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

64. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.

65. 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.

66. The following paragraph in the justification and amplification is modified as follows:

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

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

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

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

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

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

Flooding

68. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.

69. 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.

70. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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.

(text in bold is modified by the Direction)

The approach to the Development Plan and Regional Policy

71. 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.

72. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

73. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
74. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
75. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.
76. 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

77. Paragraph 3.6 of the SPPS states:

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

78. 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.

79. 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.
80. As previously outlined this is a mixed use proposal and part of the employment designation will be developed for housing. At paragraph 6.89 of the SPPS it is stated 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.

81. It is further stated at paragraph 6.90 that:

Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro-organisms may be incompatible with industrial enterprises requiring a particularly clean and contaminant free environment. Examples of the latter include pharmaceuticals, medical products, food products and research and development. Often, an individual enterprise engaged in one of these sectors will offer employment in specialised jobs and of significant importance to the local or regional economy. Accordingly, it is in the public interest to ensure that their operations are not unduly compromised through incompatible development. In other cases, incompatibility could arise when new residential development is approved in proximity to an existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance. Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application. However, it is incumbent on the planning authority to explore all reasonable means of mitigation with the developer and the established enterprise prior to determining the application.

82. At paragraph 6.91 it is also stated 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.

83. The site is also proposed to be developed for housing as part of an earlier mixed use development. It is stated at paragraph 6.136 that:

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

84. 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.

Regional Policy Context

85. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Planning and Economic Development

86. There is no distinguishable difference between the policy contained at paragraphs 6.89 to 6.91 of the SPPS and the retained policies in PPS 4 - Planning and Economic Development which set out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.
87. The PPS seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development.
88. Paragraph 3.1 states that the objectives of the PPS are:
- *to promote sustainable economic development in an environmentally sensitive manner;*
 - *to tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality, size and location;*
 - *to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;*
 - *to support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;*
 - *to promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and*
 - *to ensure a high standard of quality and design for new economic development.*
89. As this site is located in a settlement Policy PED 1 – Economic Development in settlements is a consideration and it states:

Cities and Towns

Class B1 Business Use

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

In addition, a development proposal for a Class B1(b) use as a call centre or B1(c) use for research and development proposals will be permitted within an existing or proposed industrial/employment area. Class B1(a) office use will only be permitted in an industrial/employment area when specified in a development plan.

Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

- (a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;*
- (b) it is a firm rather than a speculative development proposal for business use; and*
- (c) the proposal would make a substantial contribution to the economy of the urban area.*

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

Class B2 Light Industrial Use and Class B3 General Industrial Use

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

Class B4 Storage or Distribution Use

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.

In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

90. The site is also existing zoned employment land and policy PED 7 – Retention of Zoned Land and Economic Development uses states that:

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) 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 sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or*
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or*
- (c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or*
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or*
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or*
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or*
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.*

A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

91. The site is also adjacent to existing employment land and Policy PED 8 – 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.

92. Policy PED 9 - General Criteria for Economic Development is considered and it states that:

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all 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 built heritage;*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*
- (e) it does not create a noise nuisance;*
- (f) it is capable of dealing satisfactorily with any emission or effluent;*
- (g) 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;*
- (h) adequate access arrangements, parking and manoeuvring areas are provided;*
- (i) a movement pattern is provided that, insofar as possible, 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;*
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
- (l) is designed to deter crime and promote personal safety; and*
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

Natural Heritage

93. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
94. Paragraph 3.1 of PPS 2 states:

The objectives of this Planning Policy Statement are:

- to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;*
- to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*

- *to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;*
- *to protect and enhance biodiversity, geodiversity and the environment; and*
- *to take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

Habitats, Species or Features of Natural Heritage Importance

95. Policy NH5 states that:

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

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

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

Access, Movement and Parking

96. PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

97. Paragraph 3.1 of PPS 3 states that:

The main objectives of this Statement are to:

- *promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;*
- *restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes;*
- *make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;*

- *ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;*
- *ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;*
- *promote the provision of adequate facilities for cyclists in new development; promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and*
- *protect routes required for new transport schemes including disused transport routes with potential for future reuse.*

Creating an Accessible Environment

98. Policy AMP 1 – Creating an Accessible Environment states that:

The Department's aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development. Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- *facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;*
- *convenient movement along pathways and an unhindered approach to buildings;*
- *pedestrian priority to facilitate pedestrian movement within and between land uses; and*
- *ease of access to reserved car parking, public transport facilities and taxi ranks.*

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Access to Public Roads

99. Policy AMP 2 - Access to Public Roads states that:

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

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

100. The policy also states that:

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- *the nature and scale of the development;*
- *the character of existing development;*
- *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
- *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.*

Car Parking and Servicing Arrangements

101. Policy AMP 7 - Car Parking and Servicing Arrangements states that:

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

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

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

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

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

Cycle provision

102. Policy AMP 8 - Cycle Provision states that:

Planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- (a) safe and convenient cycle access;*
- (b) safe, convenient and secure cycle parking having regard to the Department's published standards; and*
- (c) safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.*

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

Design of Car Parking

103. Policy AMP 9 Design of Car Parking states:

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;*
- (b) it will not adversely affect visual amenity; and*
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

Development Control Advice Note 15 – Vehicular Access Standards

104. The guidance for Vehicular Access Standards are set out in Development Control Advice Note 15 and it stated at paragraph 1.1 that:

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

Parking Standards

105. The Parking Standards document provides relevant guidance for the parking requirement for the non-residential component of the proposed development sets out the parking standards that the Department will have regard to in assessing proposals for new development.

106. Paragraph 3 of the document states that the:

The principle objective of the parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of wider government policy aimed at promoting modal shift to more sustainable forms of transport.

107. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to these standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Quality Residential Environments

108. PPS 7 sets out the Department's planning policies for achieving quality in new residential development and is the proposal is considered against the requirements of this policy document.

109. Policy QD 1 Quality in New Residential Development states that:

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

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

- (a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
- (b) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
- (c) *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along*

- site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
- (d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
 - (e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
 - (f) *adequate and appropriate provision is made for parking;*
 - (g) *the design of the development draws upon the best local traditions of form, materials and detailing;*
 - (h) *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and*
 - (i) *the development is designed to deter crime and promote personal safety.*

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

Creating Places

111. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments’ (May 2000) to also be considered.
112. 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.

113. Paragraph 7.16 provides guidance on separation distances stating:

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

114. 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.

Open Space, Sport and Outdoor Recreation

115. PPS 8 sets out the Department's planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

116. Policy OS2 set out the requirement for public open space in new residential development and states that:

planning authorities will only permit proposals for permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided.

An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.

Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following:

- (i) A normal expectation will be at least 10% of the total site area;*
- (ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and*
- (iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:*
 - is located within a town or city centre; or*
 - is close to and would benefit from ease of access to areas of existing public open space; or*
 - provides accommodation for special groups, such as the elderly or people with disabilities; or*
 - incorporates the 'Home Zone' concept.*

For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.

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

- *it is designed in a comprehensive and linked way as an integral part of the development;*
- *it is of demonstrable recreational or amenity value; • it is designed, wherever possible, to be multi-functional;*
- *it provides easy and safe access for the residents of the dwellings that it is designed to serve;*
- *its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and*
- *it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.*

Planning permission will not be granted until the developer has satisfied the Department 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. Arrangements acceptable to the Department include:

- (a) *a legal agreement transferring ownership of and responsibility for the open space to the local district council; or*
- (b) *a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or*
- (c) *a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.*

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

Planning and Flooding Risk

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

118. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that the

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

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

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

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

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

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

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

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

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

Other Considerations – Supplementary Guidance

120. A Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses was published by the Department and last updated in November 2019.
121. The purpose of this advice note was to ensure an effective and consistent approach to implementing regional planning policy when determining planning applications, and to assist with local development plan preparation, in relation to:
 - a) *sites zoned for economic development use in a local development plan; and*
 - b) *planning applications on unzoned land that is currently used (or was last used) for economic development purposes 3. This advice note is an amplification of existing planning policy and supplementary planning guidance.*
122. It is stated that the advice note does not add to or change existing policy or guidance that is considered appropriate for assessing applications for economic development proposals and preparing local development plans.
123. Paragraph 21 states that:

When making balanced judgements on the merits of a particular case or the potential loss of economic development land, planning officers should consider matters such as:

 - *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*

- *Accessibility to the regional transportation network and a variety of transport modes;*
- *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
- *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
- *Why a site is no longer required or considered suitable for continued economic development use;*
- *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*
- *Compatibility with neighbouring land uses;*
- *The views of relevant statutory and non-statutory consultees; and*
- *The availability of adequate services and infrastructure such as water and sewerage.*

124. The PAN was drafted not only in the context of the retained regional policy in PPS 4 but with regard to the overarching policy requirements of the RDS and the SPPS. It provides context for the consideration of other material considerations.

125. As the policies in the draft Plan Strategy are written to take account of the regional policies in the RDS and the SPPS the PAN remains a material consideration to be taken account of in the assessment of this proposal.

Assessment

Loss of employment land

126. This proposal seeks to amend the layout and arrangement of the buildings previously approved as part of the mixed use development of the site for housing and employment.
127. The proposed housing does not encroach into the part of the site that is to be developed for the employment use and the developer remains committed to delivering this as a mixed use proposal. The obligations to do so are protected by a Section 76 planning agreement.
128. None of the reasons for granting planning permission for the mixed use development of this land need to be revisited and significant weight is still attributed to the earlier grant of planning permission referenced LA05/2017/1153/F.

Housing in Settlements

Policy HOU 1 – New Residential Development

129. This application is for 38 residential units within the settlement limit of Castlereaugh. The site associated with the application has an extant permission for housing as part of a mixed use development and this application is proposing a change of house type

and as such, the little weight is attached to the employment designation and the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

130. The lands to the north and northeast at Millmount village are currently under construction for housing. The development comprises a mix of detached, semi-detached and terrace housing along with a number of apartment blocks. The dwellings are set in medium sized plots with in-curtilage and communal off street parking. Areas of public open space and two playparks are also provided as part of the overall scheme.
131. The scheme comprises thirty-eight detached dwellings. The dwellings are of different size and design typical of a suburban residential scheme.
132. The form and general arrangement of the buildings is considered to be characteristic of those built and currently under construction in the adjacent Millmount Village to the northeast.
133. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
134. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established residential character of the area would not be harmed.
135. 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. The buildings are not dominant or overbearing and no loss of light would be caused.
136. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the SPG published with the draft Plan Strategy equivalent to the Creating Place document and that criteria (a) of policy HOU 3 met.
137. With regard to criteria (b) no archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

138. There are number of different house types of varying size from 110 square metres to 191 square metres.
139. A sample description of the some of the dwellings is outlined below.

140. House type H is a detached 3 bedroom linear dwelling measuring approximately 111 square metres in floor area. This dwelling will have a ridge height of approximately 8 metres.
141. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
142. House type G3 is a large detached six bedroom dwelling measuring approximately 192 square metres in floor area and will have a ridge height of approximately 10 metres.
143. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details and timber cladding, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
144. The residential dwellings are designed to current building controls standards and to be as energy efficient as possible.
145. The finishes considered to be acceptable and in keeping with the established character of this area and will ensure that the units are as energy efficient as possible.
146. The variety of house types provided are accessible capable of providing accommodation that is wheelchair accessible for those with impaired mobility.
147. The provision of private amenity space varies from plot to plot ranging from a minimum of 65 square metres up to 250 square metres. The average provided across the site is generally consistent with the guidance in the SPG document for a medium density housing development.
148. For the reasons outlined above, criteria (a), (d) (e) and (f) of policy HOU 4 are considered to be met.
149. A landscape management plan dated 10 March 2023 was submitted in support of the application. It outlines the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
150. It details that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.
151. The landscape plan demonstrates how the existing tree group to the north east of the site are to be retained and protected during construction. The management plans also sets out how the proposal will be complemented by additional tree planting to increase the screening effect of the boundary planting supplemented where necessary on all other boundaries.

152. It is considered that this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of and maintenance of external public spaces and that the implementation of planting works should be conditioned to be carried out in the first available planting season prior to prior to the occupation of that phase of the development.
153. For the reasons outlined above, criteria (b) of policy HOU 4 is considered to be met.
154. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is on the Comber Road and accessible to shops and other neighbourhood facilities currently under construction at the village centre at Coopers Mill. . Criteria (c) of policy HOU 4 is considered to be met.
155. 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. No on street car parking is provided or required as part of the proposal. Criteria (g) and (h) of policy HOU 4 are considered to be met.
156. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.

Policy HOU 5 - Public Open Space in New Residential Development

157. Detail submitted with the application indicates that the site exceeds one hectare and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
158. The application provides for a change of house type for 38 detached dwellings. As previously indicated this site is part of a wider planning approval (LA05/2017/1153).
159. Detail submitted with the above application demonstrated that areas of open space were provided throughout the site.
160. The areas of open space are designed to protect the watercourse running through the northern portion of the site and space was also reserved to create potential future linkages from the development to the Comber Greenway.
161. More than 100 dwellings were proposed as part of this development therefore an equipped children's play park was also required in line with the then Policy OS2 of PPS8. An equipped children's play area is proposed as part of the wider development and is located centrally within the site. No additional open space is required and the existing approved open space does not need to be reconfigured.

162. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met. Suitably worded conditions were attached to the earlier grant of planning permission to ensure the open space and play was delivered early in the scheme and not at the end.

Policy HOU10 - Affordable Housing

163. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 8 dwellings. The applicant has confirmed that they have identified apartment units in the adjacent Millmount Village development with extant planning permission under LA05/2018/0512/F.
164. It is proposed that eight of these apartment units will be offered as intermediate housing from sale through Co-ownership.
165. The affordable housing tests associated with Policy HOU10 of the draft plan strategy is capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

166. A Preliminary Ecological Appraisal and Assessment carried out by RPS in October 2022 is submitted in support of the application.
167. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works.
168. The purpose of the PEA is to:
- Identify and categorise all habitats present within the site and any area immediately outside of the site where there may be potential or direct effects.
 - Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
 - Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
 - Provide a map showing the habitats identified on site and location of identified ecological constraints.
169. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.
- Desktop Study
 - Designated
 - Data Requests
 - Historical Mapping

- Extended Phase 1 Habitat Survey
 - Phase 1 Habitats
 - Invasive Species
 - Potential to support protected species
 - Aerial photographs
170. Section 4.2 explains that the site of the proposed project is not located within the boundary of statutory or non-statutory designated sites of international, national or local nature conservation.
171. Section 5.12 states that the closest designated sites are Strangford Lough SAC, Strangford SPA and the Strangford Ramsar which are located 5.7 km east from the site and 6.2 hydrologically linked to the site via a drain that flows into the River Enler. There are two designated sites that are hydrologically linked to the site via River Enler, Outer Ards SPA and Outer Ards Ramsar. It is stated that if pollutants entered the drain during construction or operational phase the water quality could be impacted upon.
172. To mitigate against the potential for the water quality to impact upon a Construction Environmental Management Plan (CEMP) will be produced for the site and will be submitted prior to the commencement of construction works. The CEMP will outline how construction will avoid, minimise and/or mitigate effects on the environment and surrounding area.
173. In relation to species, the assessment identified Bats, Otters, Badgers and Birds.
174. With regard to Otters, consultations and surveys identified two historical records of otter *Lutra lutra* within 1 km of the site. The phase 1 Habitat Survey was extended to include further information on the potential for Otters within the site.
175. No otter underground Holts above ground couches or any other evidence of otter recorded within the site or within 20 metres of the site. A pre-construction protected species survey for otter will be undertaken by an Ecological Clerk of works to provide the most up to date information and to ensure the continued absence of otter immediately prior to construction works.
176. With regards to bats paragraph 5.3.1.2 states that there are no structures on site and no trees with potential roost features (PRF's) on site that could provide suitable roosting habitat for bats. The development has been designed to avoid the loss of trees that have potential foraging opportunities along the Comber Greenway for bats. The report concludes that the proposal will have no significant negative impacts on bats subject to mitigation measures.
177. Paragraph 5.3.3.2. of the PEA states that there were no badger setts or evidence of badgers recorded within the site or within 25 metres of the boundary of the site. A pre-construction protected species survey for badgers undertaken by an Ecological Clerk of works to provide the most up to date information and to update the status of Badger Setts recorded on site immediately prior to construction works.
178. With regards to birds section 5.3.4.2 states that the proposal has been designed to avoid to avoid where possible the loss of existing woodland and trees along

the northern boundary of the site. Scrub vegetation across the semi-improved grassland part of the site has been removed to accommodate the project.

179. A response from Natural Environment Division dated 24 January 2023 confirmed that it had considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to informatives to ensure compliance with wildlife order.
180. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as Policy NH5 of the draft Plan Strategy (as modified by Direction of the Department) is capable of being met.

Access Movement and Parking

181. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
182. Under the previous approval LA05/2017/1153/F a further additional access was approved onto the Comber Road. Whilst this portion of the site does not include the access point onto the Comber Road it does form part of the wider overall approval and once the whole scheme is built out the site will avail of two access points onto the Millmount Road and Comber Road.
183. Detailed roads information was submitted with the original application including a Transport Assessment, Road Safety Audit and Travel Plan. Given that this application is for a change of house type only it is not considered necessary to submit that level of information again with this submission.
184. The detail associated with the application indicates that all dwellings will have garages and in curtilage car parking.
185. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been returned with appropriate conditions.
186. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
187. It is also considered that the development complies with policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.

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

Planning and Flood Risk

189. As previously stated above all drainage issues were dealt with through the previous application LA05/2017/1153/F and the site still has a valid Schedule 6 from DfI Rivers which runs until June 2024.
190. However for completeness the applicant has submitted an amended Drainage Assessment (DA) for this portion of the site.
191. The DA concludes that the NI Flood maps indicate no fluvial or coastal flood plain within the proposed site and that there is marginal pluvial flooding estimated in lower lying areas. It further states that there is no recorded historical flooding and it is not estimated to be in the inundation zone of a reservoir.
192. The statement confirms that it is proposed to construct new storm sewers to serve the development and that discharge will be limited to equivalent greenfield rate of 21.3l/s. This is achieved through use of a flow control device and attenuation in the form of oversized infrastructure providing 300m³ of storage volume. Schedule 6 consent has been secured to discharge to the adjacent watercourse.
193. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 10 November 2022 advised that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided, they were content with the proposal.
194. NI Water in a response received on 4 October 2022 confirmed that there was available capacity at the Waste Water Treatment Works and that there was a public foul sewer within 20 metres of the proposed development boundary which can adequately service these proposals.
195. Based on a review of the information provided and the advice received from DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 2 and 3 of the draft Plan Strategy as modified by the Direction of the Department).

Contaminated Land/Human Health

196. An updated Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd dated September 2022 in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data from three rounds of investigations in 2015, 2017 and 2020.

197. A Remediation strategy dated December October 2022 is also submitted in support of the application.
198. The PRA & GQRA are undertaken to identify potential contamination sources on the site and to assist the client in identifying potential environmental liabilities that may be present which will have consequences for the future commercial development of the site
199. The report describes the ground conditions in relation to Geology, Ground Gas, and Radon, Hydrology in relation to aquifer characteristics and groundwater vulnerability and Groundwater abstractions and Hydrology in terms of surface watercourses and flooding.
200. A summary of potential contaminant sources is provided for in table 4 in relation to on site and off site sources. Sensitive receptors and plausible pathways where potential contamination could come into contact with receptors are outlined at paragraphs 4.1.2 and 4.1.3.
201. Section 8 makes reference to the findings of the risk assessment that was undertaken.
202. With regard to Human Health considerations, exceedance for several PAH compounds were returned within proposed soft landscaping areas. Asbestos was also identified in several soil samples.
203. Section 8.2 makes reference to Ground Gas and recommends gas protection measures within all proposed buildings.
204. Section 8.3 makes reference to Controlled Waters and confirms that the PRA identified potential risks to shallow groundwater and the controlled water receptors associated with potentially reduced quality made ground. It was concluded that the site does not pose an unacceptable risk to controlled water receptors.
205. By way of remediation, the following measures are recommended in the Remediation Strategy:
 - A physical barrier in the form of a capping layer to the proposed gardens and landscaped areas due to localised reduced quality shallow soil identified in the soil samples across the site.
 - Works in relation to capping must be supervised by an appropriately qualified person to ensure capping layer is installed with appropriate material and works verified.
 - Gas protection measures should be incorporated into the proposed development buildings and should comprise two or more of the following three types
 - structural barrier of the floor slab
 - ventilation measures
 - gas resistant membrane

206. Advice received from the Regulation Unit within the Department for Agriculture, Environment and Rural Affairs [DAERA] dated 10 November 2022 confirms that they have no objection to the proposal subject to conditions aimed at ensuring the protection of environmental receptors to ensure the site is suitable for us.
207. Advice is also received from the Councils Environmental Health Unit in relation to gas protection measures and soil capping layer that has been proposed. EHO have commented that a clean cover system is to be installed to form an encapsulation layer above the contaminated soils.
208. The clean cover system shall be installed in the gardens, soft landscaped areas and communal areas as detailed in the Remediation Strategy received by the Council 24 October 2022. A minimum capping system of 700mm shall be provided within private gardens, soft landscaped areas and communal areas to include 500mm of subsoil and 200mm of clean material.
209. In relation to contamination and in receipt of the reports mentioned above and also commented upon by Regulation Unit, Environmental Health were content subject to the conditions recommended.

Consideration of Representations

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

The site numbers associated with this application are not near the position of them on the original application.

211. The objection states that the site numbers are different to those approved under planning reference LA05/2017/1153/F. This application is for a portion of the site previously approved and whilst the site numbers may be different there is no increase in the numbers of dwellings and the proposed units are in a similar position and of a similar design to those previously approved.

Conditions associated with the original application have not yet been discharged and this is piecemeal development.

212. The objection states that conditions associated with the previous approval have not been discharged and this proposal represents piecemeal development.
213. A number of conditions associated with the previous approval have been discharged including the submission of a piling assessment and a construction management plan.
214. That said it is not a requisite that relevant conditions are required to be discharged before an application to amend a proposal can be submitted for consideration. A proposal to amend the design of 38 dwellings previously approved does not represent piecemeal development.

Conclusions

215. For the reasons outlined above this proposal is to alter a previously approved housing layout. The mixed use development of the land is still protected through a Section 76 agreement and the scheme as amended meets all other policy requirements of the Plan.

Recommendation

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

Conditions

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: P262/R30c bearing the Council date stamp 11 May 2023 and the Department for Infrastructure Determination date stamp of 16 May 2023.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: P262/R30c bearing the Council date stamp 11 May 202 and the Department for Infrastructure Determination date stamp of 16 May 2023, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm 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.

3. 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.

4. The gradient of the access road shall not exceed 2.5% (1 in 33) over the first 20m outside the road boundary.

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

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

No other development hereby permitted shall be [occupied] until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number P262/R30c bearing the Council date stamp 11 May 2023 and the Department for Infrastructure Determination date stamp 16 May 2023.

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 that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

6. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no walls, gates, pillars or fencing, or hedges, formal rows of trees grown in (verges/service strips) shall be erected in relation to the development hereby permitted without the grant of a separate planning permission from the Council.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

8. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

9. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no P262/R30c bearing the Council date stamp 11 May 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

11. All hard and soft landscape works shall be carried out in accordance with Drawing 22-034 L201 bearing the Council date stamped 16^h September 2022 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

12. Prior to the occupation of the first dwelling, a phasing plan for the landscaping works shall be submitted to and agreed in writing with the Council.

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

13. Prior to the occupation of the first dwelling the hard and soft landscaping works shall be carried out in accordance with the agreed phasing plan and maintained and managed thereafter, in accordance with the approved Plan by a suitably constituted management company.

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

14. 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.

15. No retained tree as identified on Drawing 22-034 L201 bearing the Council date stamped 16^h September 2022 shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

16. No development shall commence until the Council has received in writing and agreed a suitable groundwater and surface water monitoring plan which should include monitoring of borehole BHCO2 and the surface water monitoring points SW1 and SW2 as a minimum. The plan shall include a schedule for monitoring prior, during and post development; include the substances and parameters for monitoring and the limits of detection for each substance and parameter. These works are required ensure the land will be in a condition suitable for the proposed development. Any significant change to the water quality monitored shall be investigated through the provisions of Conditions 19 and 20 for unforeseen contamination or risks and verification of any remedial works.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

17. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

18. After completing the remediation works under Condition 19; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report will include the monitoring data required by Condition 1, and should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

19. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Council. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

20. The proposal is in close proximity to a busy road and proposed industrial units and the applicant should ensure there is sufficient sound insulation, including acoustic glazing and ventilation, to ensure compliance with 'BS8233:2014 - Sound insulation and noise reduction for buildings'. Therefore, internal ambient noise level should not exceed LAeq(16hr) 35dB(A) daytime in habitable rooms (including bedrooms) and LAeq(8hr) 30dB(A) night time in bedrooms.

Reason: To provide internal noise levels in line with within BS8233.

21. The development shall not be occupied until the remediation measures as described in the Remediation Strategy received by the Council 21 October 2022 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

22. A clean cover system shall be installed to form an encapsulation layer above the contaminated soils. The clean cover system shall be installed in the gardens, soft landscaped areas and communal areas as detailed in the Remediation Strategy received by the Council 21 October 2022. A minimum capping system of 700mm shall be provided within private gardens, soft landscaped areas and communal areas to include 500mm of subsoil and 200mm of clean material

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

23. Prior to occupancy of the development a validation report containing full details of the selected cover system, the sampling methodology and results must be submitted to the Council. The clean cover system shall be validated in accordance with Liverpool City Council Guidance – Verification Requirements for the remediation of Contaminated Land Cover Systems. Installation of the clean cover system must be overseen and validated by a suitably qualified environmental consultant.

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

24. The development shall not be occupied until the preferred ground gas protection measures in line with Wilson and Card Classification – Characteristic Situation 2 classification, as detailed in the Remediation Strategy received by the Council 21 October 2022, have been implemented.

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

25. Prior to occupancy of the development a validation report containing full details of the selected gas protection system must be submitted to the Council. Verification of the gas protection measures shall be carried out by a suitably qualified person.

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

26. Prior to any piling work on site a piling risk assessment shall be submitted to and agreed with the Council.

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

27. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the site shall cease. The Council shall be advised and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and any necessary mitigation measures shall be submitted for approval by the Council.

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

28. The applicant should have full regard to all relevant and current guidance and standards during the remediation and validation processes and should incorporate such detail within any report submissions required to be submitted for prior approval by the Council.

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

29. Prior to construction work commencing on site a Construction Environmental Management Plan shall be submitted to and agreed with the Council. This plan should include the proposed hours for piling activity (in accordance with BS 5228), details of the wheel wash and details of the other dust mitigation measures.

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

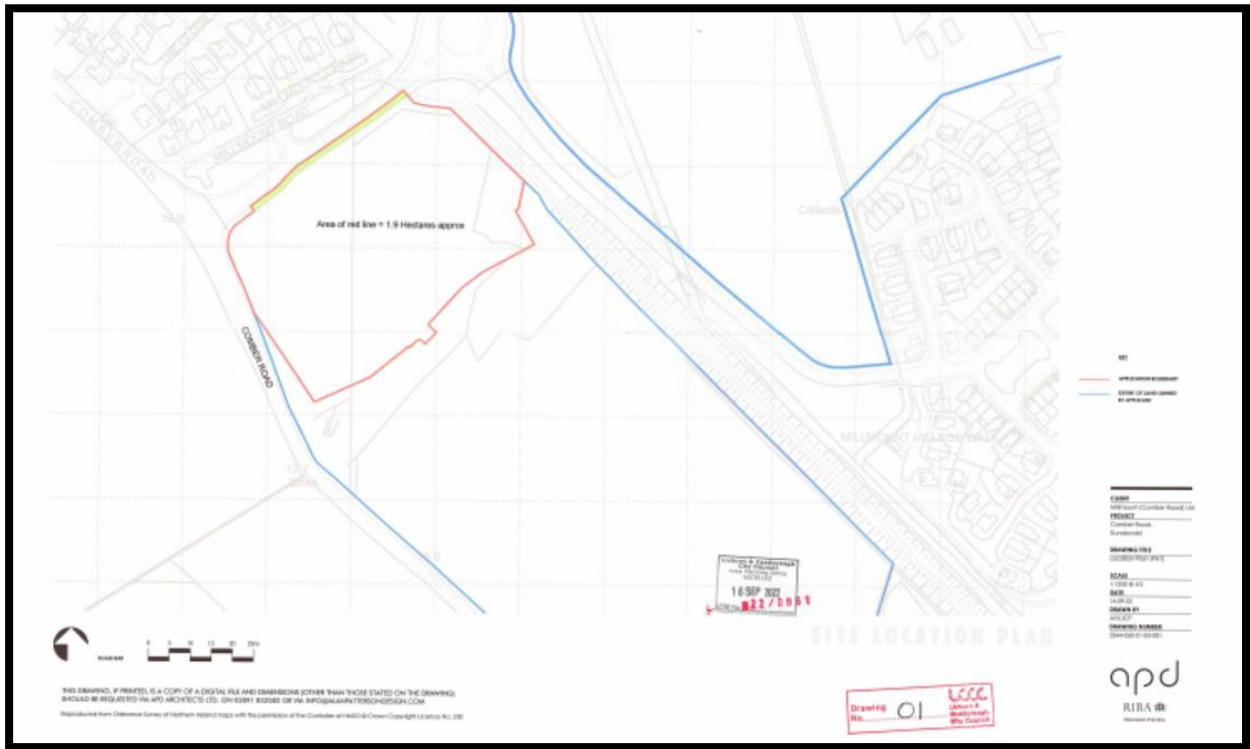
30. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development.

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

31. A Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

Site Location Plan – LA05/2022/0861/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	02 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2021/0738/O
Date of Application	29 June 2021
District Electoral Area	Downshire East
Proposal Description	Replacement Dwelling
Location	Opposite and 80m south west of 149 Hillsborough Road, Dromara
Representations	None
Case Officer	Richard McMullan
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It is referred 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 proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not acceptable in the countryside.
3. The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council draft Plan Strategy in that the building identified to be replaced is not the original structure nor does it exhibit the essential characteristics of a dwelling.

Description of Site and Surroundings

Site

4. This site is located to the southern side of the Hillsborough Road Dromara opposite and approximately 80 metres south west of 149 Hillsborough Road.
5. Access is taken from an existing agricultural access via an overgrown laneway. This laneway leads to two buildings. This application relates to the building located on the southern side of the lane. The building to the northern side of the lane is subject to a separate planning application [LA05/2021/0737/O].
6. The site is rectangular in shape and its topography falls slightly in a westerly direction from the road to the rear of the site.
7. The eastern boundary is defined by roadside hedgerow and the existing access, the northern by partial mature trees and hedgerow with the balance of the boundaries undefined.
8. The building within the application site is rectangular in footprint, and the majority of its roof has been removed. The walls are originally of masonry construction using random stone but there appears to be have been significant alteration to the structure in more recent times that are more than minor repairs. Within the structure the remains of a fire place were noted.

Surroundings

9. The site is located within the open countryside and the surrounding lands are predominantly in agricultural in use. There is a single storey dwelling to the east of the site and a graveyard to the south east.

Proposed Development

10. This is a full application for a Replacement dwelling. The following documents are submitted in support of the application.
 - Supporting Planning Statement
 - Bat Emergence Survey
 - Supporting Ecological Reports (Protected Species)

Relevant Planning History

11. The planning history associated with the adjacent site is set out in the table below.

Reference Number	Location	Description	Decision
LA05/2021/0737/O	Opposite and 90 metres west of 149 Hillsborough Road, Dromara	Replacement Dwelling	Approved 19 June 2023

Consultations

12. The following consultations were carried out:

Consultee	Response
NI Water	No objection
Water Management Unit	No objection
Environmental Health	No objection
DfI Roads	No objection
Historic Environment Division - Monuments	No objection
Natural Environment Division	No objection
Shared Environmental Services	No objection

Representations

13. No representations have been received in relation to this application.

Planning Policy Context

Local Development Plan Context

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.

LCCC - Draft Plan Strategy 2032

15. On 28 June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
16. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
17. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
18. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
19. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
20. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
21. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for

Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.

22. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
23. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

24. It is stated at page 16 of Part 1 of the draft Plan Strategy that:

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

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

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

25. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
26. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

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

27. In draft BMAP (2004) this site is also identified was being located in the open countryside. It is also part of a monument ref: DOW 021/027. It is stated at page 17 of the Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the

RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

28. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that: *The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.*

29. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

30. There are equivalent policy in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.

31. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.

32. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

33. The proposal is for a replacement dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

34. As explained this is an application for a replacement dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16.

Replacement Dwellings

35. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

*The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement **in accordance with policies COU4 and HE13.***

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance

or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

(text in bold as modified by the Direction)

Integration and Design of Buildings in the Countryside

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

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

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

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

37. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

38. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Habitats, Species or Features of Natural Heritage Importance

- 39. As the existing building is being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.
- 40. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance 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.*

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.

Waste Management

- 41. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

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

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

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

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

43. The justification and amplification states:

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

(text in bold as modified by the Direction)

Historic Environment and Archaeology

44. The application site contains part of the monument Dow 021/027. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the

Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

45. Policy HE13 - The Conversion and Reuse of Non-Listed Buildings states that:

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building³⁰ (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- a) *the building is of permanent construction*
- b) *the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality*
- c) *any new extension is sympathetic to the scale, massing and architectural style and finishes of the existing building*
- d) *the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued use of adjoining land or buildings*
- e) *the nature and scale of the use is demonstrated to be appropriate to its location.*

The approach to the statutory Development Plan and Regional Policy

46. 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.

47. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council

and shall not be material from that date, whether the planning application has been received before or after that date.

48. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
49. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

50. Paragraph 3.8 of the SPPS states:

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

51. This proposal is for replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states that:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

52. It is further stated at paragraph 6.78 of the SPPS that:

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

53. 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.

Relevant Policy Context

54. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Sustainable Development in the Countryside

55. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.
56. Policy CTY 1 –states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

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

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

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

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

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

56. This is a proposal for a 'Replacement dwelling'. In addition to CTY 3, there are other CTY policies that are engaged as part of the assessment including CTY8, 13, 14 and 16, and they are also considered.

57. Policy CTY 3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' include buildings previously

used as dwellings.

Buildings designed and used for agricultural purposes such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy. Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-listed Vernacular Dwellings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.*
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.*

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

Vernacular Buildings

58. The Department published 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland' in March 1998. In relation to defining what constitutes the vernacular, and in particular rural vernacular dwellings it advises that:

Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such

vernacular buildings will have been typical, i.e., of a common type in any given locality and will lack the individualistic and 'educated' design features that characterised international fashions in formal architecture during the same period."

It highlights that rural vernacular houses may be recognised as such by meeting most of the primary characteristics and some of the secondary characteristics listed below.

Primary Characteristics of vernacular include:-

1. *Built without the benefit of any formal plan, drawing or written specification.*
2. *Linear plan – elongated, rectangular.*
3. *Depth of houses (front to back) generally limited by roof construction to about 6 metres.*
4. *Walls of mass load-bearing materials.*
5. *Cooking (kitchen) hearth and other chimneys always expressed along the ridge line (i.e, the long axis of the linear plan).*
6. *Door (front) opens through the long wall into the space defined as the kitchen (i.e, room with the cooking hearth and solid floor).*
7. *Openings (windows and doors) predominantly on front and back long walls, and with a low proportion of ration of void to mass.*
8. *Houses extended linearly or with extra storey. Where 'returns' or extensions to linear plan are added (to give a T or L plan) these are always to the rear of the dwelling. The front of the dwelling therefore never has projections other than a front door wind-break or porch.*

Secondary characteristics include:-

1. *Tendency for openings to lack symmetry and regularity, particularly at rear.*
2. *Relationship between roof pitch and height of building ('ladder rule' for thatched building). Traditional roof form may be hipped rather than gabled in some localities.*
3. *Internal transverse walls extend to the roof and are load-bearing.*
4. *Longitudinal internal walls never load-bearing for roof structure.*

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;*
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;*
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and*
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

Building on Tradition

59. Paragraph 5.1.3 of Building on Tradition states that

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

60. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

61. It also notes with regards to visual integration that the following points be considered:

- Work with the contours (not against them)
- Look for sheltered locations beside woodland
- Make use of natural hollows
- void full frontal locations where bad weather can damage buildings
- Avoid north facing sloping sites (difficult to achieve good passive solar gains)
- Look for sites with at least two boundaries in situ and preferably three
- Look for sites that face south (easy to achieve good passive solar gains).

62. It also includes design principles that have been considered as part of the assessment:

- Get the size and scale right relative to what is existing.
- Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
- Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
- Retain existing hedgerows, boundaries and mature vegetation.
- Acknowledge building lines and informal setbacks.
- Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.

Integration and Design of Buildings in the Countryside

63. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that

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

64. The policy directs that a new building will be unacceptable where:

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

Rural Character

65. Policy CTY 14 – Rural Character states that

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

66. The policy states that

A new building will be unacceptable where:

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

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

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

68. The policy also states that:

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

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

69. With regards to Policy CTY16, Building on Tradition [page 131] states that

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

Natural Heritage

70. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
71. Policy NH 1 – European and Ramsar Sites states

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

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

72. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority

shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

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

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

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

74. The policy also states that

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

Access, Movement and Parking

64. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

65. Policy AMP 2 – Access to Public Roads states

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Planning, Archaeology and the Built Heritage

67. PPS 6 - Planning, Archaeology and the Built Heritage sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Archaeological Mitigation

69. Policy BH 4 - Archaeological Mitigation of PPS 6 outlines that

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

The Importance of Vernacular Buildings

68. Paragraph 9.1 states that

The vernacular buildings of Northern Ireland have developed as a response to local economic and social circumstances, using simple styles and largely local materials. They have a natural place in our towns, villages and smaller settlements and help give the countryside its personality. While the Department operates a general presumption in favour of the preservation of buildings listed

as being of special architectural or historic interest there is growing concern about the continuing loss of those traditional buildings with historical associations and local character, which are not listed, particularly in rural areas.

A report published in March 1998 by the Environment and Heritage Service entitled "A Sense of Loss" highlights the severe decline in the number of rural traditional buildings of Northern Ireland in recent years. Buildings of character which display local traditions of architecture and design are an important part of our heritage and regional identity. It is therefore sensible to sympathetically rehabilitate and improve such vernacular buildings, rather than replace them or allow them to fall derelict.

The Re-use of Non-listed Vernacular Buildings

69. Policy BH15 - The Re-use of Non-listed Vernacular Buildings states that

The Department will normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element in the landscape and of local architectural merit or historic interest. All proposals for conversion will normally be required to meet all of the following criteria:

- (a) the building is structurally sound and capable of conversion;*
- (b) the scheme of conversion will not have an adverse effect on the character or appearance of the locality and safeguards the form, character and architectural features, design and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of traditional or sympathetic design and materials;*
- (c) the new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;*
- (d) normally no new extensions are involved; and (e) access and other necessary services are provided without adverse impact on the character of the locality.*

Assessment

Replacement Dwellings

70. The first step of the policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact as set out in the SPPS.

71. Within a supporting statement provided in support of the application, the following points are made relative to this current application:
- The buildings to the south (site A) consists of several buildings in various state of repair and missing their roof coverings.
 - The long linear building is of stone construction and has the form and layout of a traditional small farm holding.
 - The central part has the layout of a small dwelling with external and internal door opening and window openings of the shape and form of a dwelling with timber heads over the openings and the reveals splayed. This type of details not engaged in agricultural buildings and loft access door and the remains of a fireplace reinforces the case that this building was a dwelling.
 - The group of buildings associated with site A appear to sit within their own curtilage with the private access lane and clear front and rear areas.
72. At section 4 of the planning statement, reference is made to Griffiths Valuation information around 1860 and that this information shows the buildings and associated land were two farm holdings and held in separate ownership and each contained a house, office and land. It is noted that the valuation entry refers to lands 76 and 77 and the map indicates 76 and 77A.
73. Reference is made to the areas given in the Griffiths Valuation being checked against it accompanying boundary map and that this check allows the conclusion to be reached that the areas of lands 76 and 77A equate with the current fields areas as outlined on OSNI Ace Map and recorded in the Griffiths Maps.
74. The supporting statement also makes reference to the two properties being developed over time as evidenced in Historical Ordnance Maps. The view is expressed that whilst these maps do not demonstrate ownership they demonstrate to a point that they were separate properties at the time of the Griffiths valuation.
75. Reference is also made to the oldest maps uncovered dating from 1829-1835 and that these maps shows two distinct buildings within separate curtilages.
76. The next maps dates evidenced are from 1838-1862 and reference is made to these showing two distinct buildings within separate curtilages but with the additional of small additional buildings and what could be front and rear yards.
77. Maps dated from 1900-1932 shows two distinct buildings within separate curtilages additional and front and rear yards.
78. Maps dated from 1916-1957 show the two distinct buildings within separate curtilages additional and front and rear yards and perhaps more buildings.
79. The supporting statement concludes by stating;

The evidence and in particular the Griffiths valuation and the retained existing features and domestic characteristics including the physical layout, relationship, built form, massing and materials used all in direct that there were 2 dwellings set on separate small farm holdings. In both cases the structural walls are substantially intact and there are clear characteristics of dwellings at each and the proposals can comply with all other planning policies. Therefore both application satisfy planning policy and should be approved.

80. In consideration of the evidence presented and from inspection of the subject building the external walls are substantially intact and a fireplace is noted internally within the building. That said, following a more detailed inspection of the subject building it is considered that extensive alterations to the external walls which is relatively recent, without the benefit of planning approval and more than minor repairs.
81. This is evident from differences in colour/hue between the original stonework and the recently introduced stonework with the recent stone and cement (pointing differentiated from original stonework due to its lack of weathering.
82. It is considered that the majority of the northern gable end of the building has been built from new stone. This includes a door opening with a wooden lintel on top which also appears to be relatively new, given its character.
83. The majority of the western (long) wall is considered to have also been re-built utilising new stone with a wooden lintel placed above the remains of a window opening which again is not weathered to the same extent as other elevations.
84. The eastern wall of the building is the only elevation that is substantially intact comprising original stone. Some works have taken place to fix up the window opening with a new stone lintel and 'new' cement although this work has not held.
85. There is a barn type structure attached to the subject building to the south. Its walls consist of original stone work with doors propped up within the eastern elevation. This section of the building is seen to be overgrown with the gable wall covered with ivy.
86. Planning Appeal Decision 2020/A0025 provides some guidance in respect of cases where buildings appear to have been rebuilt. At paragraph 12 it states that

Policy CTY3 is entitled 'replacement dwellings' and it explicitly states, 'the building to be replace' (emphasis added). The policy wording relates to one and the same building. It does not envisage a rebuild from a ruin or a new building.

87. Having regard to this decision and given the degree of intervention to the structure in terms of the construction of new walls, lintels and cement pointing it is considered that the building which this application relates to does not comply with the policy and as such, no replacement opportunity exists.

88. The Griffiths Valuation evidence presented in support of the application is not disputed. That said, the use of the subject building for residential purposes has long been abandoned and the building has as a result, fallen into a state of severe disrepair. There are no other features other than the remnants of a fireplace that could be considered essential characteristics. This is not sufficient on its own to demonstrate the requirement of the policy is met.
89. For the reasons outlined above, the proposal is considered to be contrary to Policy COU1 and COU3 of the draft plan strategy as modified as there is no substantially intact structure that exhibits the essential characteristics of a dwelling within the site.
90. With regard to the balance of the policy tests (a) – (c), the detail demonstrates that the proposed replacement dwelling will be sited within the established curtilage of the existing dwelling with its footprint shown to largely cover that of the existing building.
91. Whilst no detail is provided it is considered that a dwelling of appropriate rural design, scale and massing could be positioned within the site so as not to ensure that the development would not have a visual impact significantly greater than the existing building. A dwelling could also be designed to be of high quality and appropriate to its rural setting.
92. For the reasons outlined above, criteria (a), (b) and (c) are capable of being met.

Integration and Design of Buildings in the Countryside

93. Taking into account the topography and the existing vegetation, it is considered that a dwelling could be sited and designed so as not to be a prominent feature within the local landscape. Criteria (a) is capable of being met.
94. Detail indicates that the proposed dwelling will be positioned on the footprint of the existing structure. For this reason, it is considered to be sited with the established building. Criteria (b) is met.
95. With regard to criteria (c), the development is capable of being sited so as to blend into the landscape using the existing band of mature landscaping to the east of the proposed dwelling. Slightly rising topography to the north of the site would also provide a backdrop.
96. Whilst the site lacks long established natural boundaries, the presence of sporadic tree hedge planting to existing boundaries would if supplemented provide a suitable degree of enclosure for an appropriately designed dwelling. For this reason, criteria (d) and (e) are capable of being met.
97. The application is an outline application and as such, no design details are submitted. That said, a dwelling could be sited and designed so as not to have

any significantly greater visual impact that the building that once occupied the site. Criteria (f) is capable of being met.

98. The ancillary works are mainly comprised of a new access which is required to achieve a better standard of visibility. Given the nature of the site in respect of its topography it is considered that required ancillary works required to reinstate and access would be minimal. All the other ancillary works associated with the installation of a septic tank underground and connecting to existing overhead utilities which are an existing feature of the landscape would be minimal. Criteria (g) is capable of being met.

COU16 - Rural Character

99. The proposed dwelling could be sited so as not to be prominent in the landscape and it can be sited to cluster with an established group of former farm buildings. These matters are dealt with in the preceding section and for the same reasons criteria (a) and (b) are met.
100. The proposed dwelling is shown indicatively on drawing 02B to be orientated to the road to be largely on the same footprint of the previous dwelling with the same distance of setback from the Road. This proposal is consistent with the established pattern of settlement for these reasons and the requirement of criteria (c) is met.
101. This site is not adjacent to the settlement of Dromara to mar the distinction between a settlement and the surrounding countryside and as an existing dwelling is replaced largely in situ it does not result in urban sprawl. Furthermore, a dwelling could be sited, designed and oriented to ensure that no adverse impact on residential amenity or rural character occurs. Criteria (d), (e) and (f) are considered to be met.
102. Whilst the red line now extends to the public road, a condition restricting the curtilage in keeping with the existing would be necessary to ensure that the development has access only to the road and does not then add to a ribbon of development along the road frontage.

Policy WM2 - Waste Management

103. Environmental Health and Water Management Unit were consulted and offer no objections in principle.
104. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
105. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood

risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

Access and Transport

106. The proposal seeks permission for a replacement dwelling with alterations required to an existing access for both vehicular and pedestrian use.
107. DfI Roads have been consulted and offer no objection subject to standard conditions.
108. Taking the above into account it is considered that the development as proposed satisfies the policy requirements of Policy TRA2 in that the alterations will not prejudice road safety or significantly inconvenience the flow of vehicles.

Natural Heritage

109. Ecology information submitted in support of the application provides details on bat and badger activity. Whilst the survey information relates to both sites, it does seem to focus on the building adjacent referred to as an outbuilding in the survey report.
110. The bat emergency survey dated August 2021 confirms that no bats were seen to emerge from the derelict outbuilding and that a moderate level of commuting and foraging activity by a small number of bats was detected through the survey session along the mature vegetation located west of the outbuilding.
111. A badger mitigation plan submitted in December 2021 shows the indicative replacement house and garage well clear of the badger protection zone and retaining the two trees that have been referred to as having moderate bat roost potential and these trees are identified to be retained.
112. The badger activity assessment report identified an outlier sett along a site boundary to the south. A 30 metre buffer zoned is indicated on drawings.
113. Natural Environment Division and Water Management Unit have been consulted and offer no objection subject to condition.
114. Based on a review of the information submitted in support of the application and the advice from consultees, it is considered that the proposal complies with Policy NH5 of the draft plan strategy as modified and that the development will not result in an unacceptable adverse impact on or damage to habitats, species or features of Natural Heritage Importance.

Built Heritage

115. The site contains part of the monument DOW 021/027, noted from curving field boundaries in the 1930's OS map, and according to the HERoNI record it may not be an archaeological site. The application site also contains a building marked on the 1st Edition Ordnance Survey Map.
116. Advice received from Historic Environment Division [monuments] confirms that the impacts of the proposal have been considered and no objection is raised subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.
117. The purpose of this programme of works is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ consistent with Policy HE4 of the draft Plan Strategy as modified.

Conclusions

118. For the reasons outlined above, the proposal fails to meet the requirements of policies COU1 and COU3 of the draft Plan Strategy as modified.

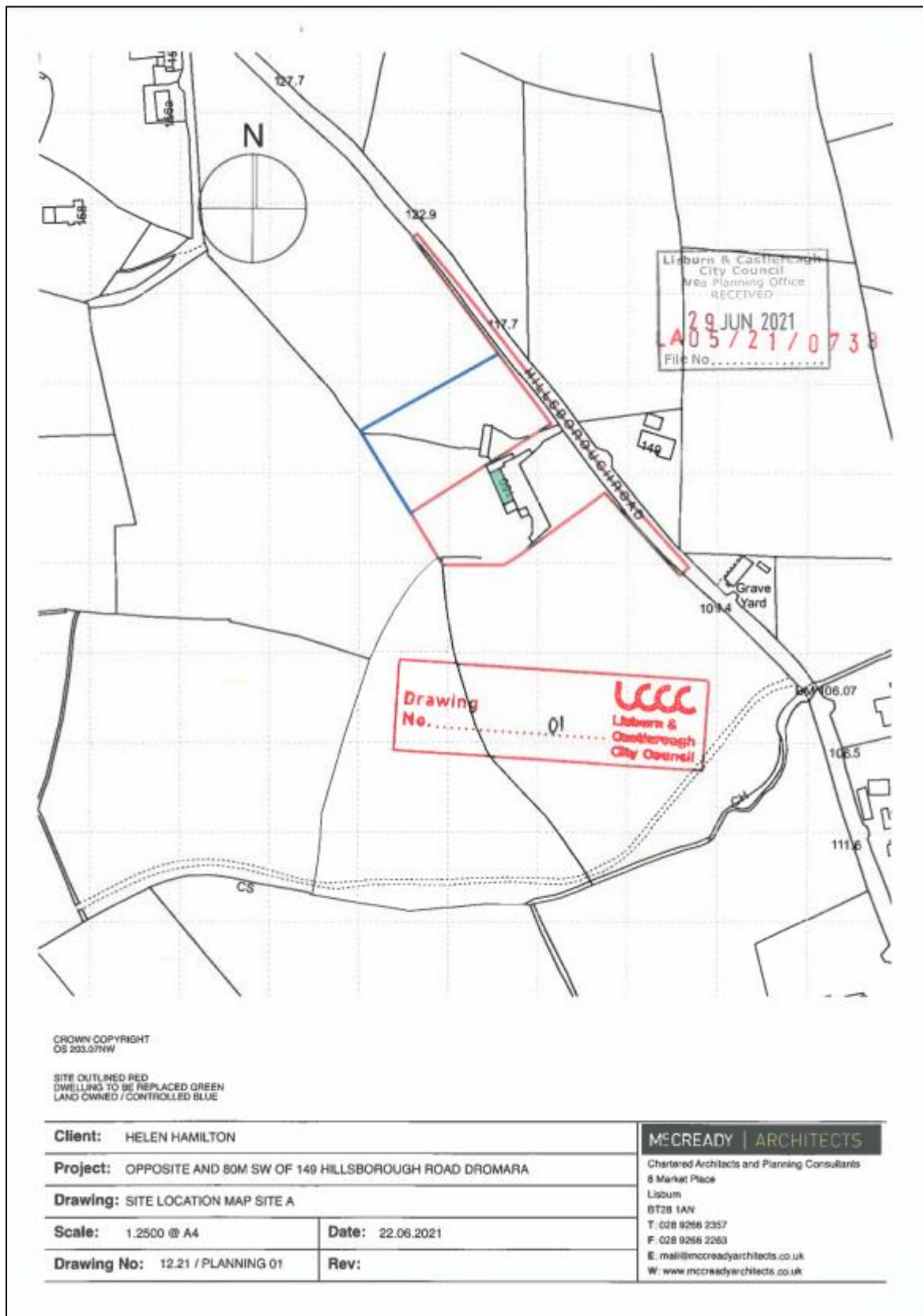
Recommendations

119. It is recommended that planning permission is refused

Conditions

120. The following refusal reasons as recommended:
 - The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not acceptable in the countryside.
 - The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council draft Plan Strategy in that the building identified to be replaced is not the original structure nor does it exhibit the essential characteristics of a dwelling.

Site Location Plan – LA05/2021/0738/O



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	02 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/0807/O
Date of Application	01 September 2022
District Electoral Area	Downshire East
Proposal Description	Proposed dwelling and garage
Location	Lands 20 metres east of 123a Saintfield Road, Lisburn, BT23 5PG
Representations	Two
Case Officer	Brenda Ferguson
Recommendation	Refusal

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. It is considered that the proposal is contrary to paragraph 6.73 of the SPPS and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) as the gap is not sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development in this part of the countryside in terms of its frontage width and plot size.
4. The proposal is contrary to the SPPS and policy COU15 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would be a prominent

feature in the landscape as the site lacks long established natural boundaries to provide a suitable degree of enclosure and instead relies primarily on new planting for integration.

5. The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would be unduly prominent and fails to respect the traditional pattern of settlement. It would also result in urban sprawl and have an adverse impact on the rural character. Furthermore, access cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
6. The proposal is contrary to policies TRA2 and TRA3 of the draft Plan Strategy (as modified by the Direction of the Department) in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Description of Site and Surroundings

Site

7. The site comprises of part of the side garden of an occupied dwelling at 123A Saintfield Road, Lisburn. The land slopes upwards towards the northern boundary which is formed by a low wall and dispersed newly planted saplings.
8. The eastern boundary is defined by hedging and mature trees along the length of the laneway which leads to 23. The southern boundary is defined by a ranch style fence and the western boundary is undefined.
9. The dwelling at 123, its outbuildings and associated curtilage sits to the rear and eastern side of the site.

Surroundings

10. The site lies within the countryside beyond any defined settlement limit. There is a build-up of dwellings within the immediate vicinity but beyond this the area is mainly rural in character and the land in agricultural use.

Proposed Development

11. The development proposed is for a dwelling and garage.

Relevant Planning History

12. The most relevant planning history is set out in the table below:

Reference Number	Location	Description	Decision
S/2010/0147/F	Proposed site 56m west of No 123 Saintfield Road	Proposed 1 and a half storey farm dwelling (CTY 10) & detached garage.	Permission granted
LA05/2014/0024/F	Site 56m West of No 123 Saintfield Road Lisburn.	Proposed change of house type and siting within field for farm dwelling and garage in lieu of existing approval S/2010/0147/F.	Permission granted
LA05/2015/0849/F	Site 56m west of No. 123 Saintfield Road, Lisburn BT27 5PG	Proposed change of house type and siting within field for farm dwelling and detached garage, in lieu of existing approval S/2014/0024/F	Permission granted
LA05/2016/0959/F	Approved site 56m west of No 123 Saintfield Road Lisburn BT27 5PG	Revised access position and driveway, in substitution for that previously approved under application LA05/2015/0849/F, to serve dwelling and garage	Permission granted
LA05/2017/0439/F	121b Saintfield Road Lisburn BT27 5PG	A one and a half bedroom dwelling with integrated garage	Permission granted 15/02/18

Consultations

13. The following consultations were carried out:

Consultee	Response
DFI Roads	Recommend Refusal
Environmental Health	No objection
NI Water	No objection
Rivers	No objection

Representations

14. Two letters of objection have been received in relation to the proposal. A summary of the issues raised to date include;

- Inadequate information on the supporting statement
- A dwelling on site would add to ribbon development
- Proposal would create a suburban style build-up of development when viewed with existing buildings
- Site does not lie within a substantial and continuous built up frontage. No. 23 nor its garage have a frontage to the Saintfield Road.
- Access driveway does not constitute a frontage to the road
- Proposal contrary protected routes policy as it does not fall within one of the four categories of development which a new access will be permitted on “other protected routes” outside settlement limits

Planning Policy Context

Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

16. On 28th June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
17. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
18. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
19. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
20. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
21. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
22. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.
23. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
24. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

25. It is stated at page 16 of Part 1 of the draft 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.

26. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
27. The site is located in the Countryside in LAP and at page 49 it states:

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

28. In draft BMAP (2004) this site was located in the open countryside. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

29. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

30. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment to sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

31. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
32. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
33. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

34. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

35. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

36. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

37. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

39. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

40. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Waste Management

41. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Natural Heritage

42. 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

43. A new access is proposed to the Saintfield Road which is identified in the Plan as a Protected Route. Policy TRA2 – Access to Public Roads states:

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

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

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

44. The justification and amplification states:

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

(text in bold as modified by the Direction)

45. Policy TRA3 states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances:

- i. *For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the*

Protected Route;

- ii. *For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. *For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map.

The approach to the statutory Development Plan and Regional Policy

46. 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.

47. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period

planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

48. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
49. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
50. Paragraph 3.8 of the SPPS states:

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

51. This proposal is for infill development. Paragraph 6.73 of the SPPS states: that:

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

52. It is further stated at paragraph 6.78 of the SPPS that:

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

53. 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.

Regional Policy Context

54. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

55. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

56. Policy CTY 1 states:

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

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

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

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

57. The policy states:

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

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

58. As per the submitted Concept Statement, this application pertains to a proposal for the development of a gap site for a single dwelling/garage.

59. In addition to Policy CTY 8, there are other CTY policies that are engaged as part of the assessment including; CTY 13, CTY 14 and CTY 16, and they are also considered.

60. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.'

61. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.
62. Regard is also had to the justification and amplification which states:

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

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

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

Consideration of the Courts

63. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

64. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
- (iv) Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*

- (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
- (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement.”*
65. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development.
66. Policy CTY 13 – Integration and Design of Buildings in the Countryside states;
‘Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.’
67. The policy states;
A new building will be unacceptable where:
- (a) *it is a prominent feature in the landscape; or*
 - (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
68. Policy CTY 14 – Rural Character states:

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

69. The policy states:

A new building will be unacceptable where:

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

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

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

71. The policy also states:

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

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

72. With regards to Policy CTY 16, Building on Tradition [page 131] states:

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

The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.'

Natural Heritage

73. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
74. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states:

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

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.'*

75. The policy also states;

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

Access, Movement and Parking

76. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
77. Policy AMP 2 – Access to Public Roads states:

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Building on Tradition

79. Whilst not policy, and a guidance document, the SPPS states that:

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

80. This notes:

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

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

81. The guidance also notes that:

- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
- *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
- *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an*

existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.

- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

82. It also notes at the following paragraphs that:

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

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

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

84. It includes infill principles with examples that have been considered as part of the assessment:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

Assessment

85. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the policy in COU8 is restricted and that any infill application is an exception to the prohibition on ribbon development.

86. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a

tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

87. Officers are satisfied that the proposal does engage ribbon development. The frontage is significantly built up either side of the site. To the east is a detached dwelling with a frontage to the road. To the west there are three dwellings with frontages to the road. This consistent with the description of what a ribbon is in the justification and amplification of policy COU8.

The issue of exception

88. The next step is to consider whether the proposal comes within the exception set out in the policy and to identify whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
89. The application site fronts onto the Saintfield Road and is comprised of a large portion of the side garden area associated with 123A Saintfield Road which is set back from the road by approximately 70 metres.
90. The site lies due east of this property. The site also lies directly to the front of the outbuildings associated with 123 Saintfield Road which is set back from the road by approximately 95 metres.
91. To the west of 123 lies a dwelling at 121b Saintfield Road. This is a two storey detached dwelling finished in grey rough render. There are also a number of old outbuildings which have gable end onto the road. This dwelling is set back from the road by approximately 10 metres.
92. The dwelling associated with 123A is a detached two storey dwelling finished in a mix of random rubble stone, white render and timber cladding. A detached garage lies to the rear and western side of the dwelling, also finished in white render. The garage is a domestic garage and as such, it not considered to form part of the buildings making up the substantial and continuously built up frontage.
93. The dwelling associated with 123 has a number of large outbuildings sit to the rear of the site accessed via a separate laneway and its associated curtilage and extended garden area lies to the east. No. 123 is a two story detached dwelling finished in cream render.
94. Although there is a low wall which divides a portion of the site to the north from the buildings at 123, the dwelling and outbuildings at 123 are said to share a common frontage with the road as the garden extends from the house down to the road with no boundary in-between.

95. Moving further eastwards along the Saintfield Road, there is a single storey dwelling at 125 finished in red brick. It also fronts onto the road and is set back from it by approximately 45 metres.
96. Taking these buildings into account, it is considered that there is a substantial and continuously built up frontage consisting of four dwellings with frontages to the road excluding domestic garages and ancillary buildings and a number of other agricultural related outbuildings. This part of the policy is therefore met.
97. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.
98. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, officers have not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy.
99. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
100. Bearing in mind that the site is identified to comprise part of the garden associated with 123A, the gap between the two closest building at 123A and 123 Saintfield Road is approximately 55 metres.
101. With that in mind, the characteristics of the gap identified have been considered.
102. It is noted that the frontage widths and plots either side of the site are relatively large in scale, size and width measuring as follows:

121b – 112 metres
125 – 138 metres
123 – 70 metres
123A – 64 metres
103. The average frontage width for the dwellings either side of the gap is measured at approximately 96 metres.
104. The application site will see the frontage associated with 123A subdivided from 64 metres to 34 and 30 metres respectively which is significantly smaller in comparison to the frontage widths either side which fails to respect the established pattern along this stretch of Saintfield Road.
105. The plot size associated with number 121b is approximately 4691.7 square metres, the plot size associated with number 123 is approximately 8104 square

metres. The adjacent site at 125 is approximately 6967.6 square metres. The plot size associated with 123A is approximately 6385 square metres.

106. The average plot size either side of the site would therefore equate to 6587.7 square metres.
107. To provide for the proposed development, this plot is reduced to approximately 3762 square metres. The plot associated with the application site would be approximately 2623 square metres.
108. This analysis demonstrates that the site in terms of plot size would not be in keeping with the existing development pattern and is less than half the average plot size.
109. Furthermore, the site is not of sufficient size to accommodate two dwellings whilst ensuring that the existing pattern of development in terms of siting, plot size and width compared with neighbouring buildings is respected.
110. Consideration is also given to the significance of the gap. There are no local features recorded or observed to indicate that the gap frames a viewpoint or provide an important setting for the amenity and character of the established dwellings. The site is not comprised of a woodland or other feature to suggest that it is an important visual break in the developed and built up appearance of the landscape at this location.
111. Guidance in Building on Tradition does state at paragraph 4.5.0 that it may not be appropriate to fill gaps with development that are important visual break. For the reasons discussed, this is not considered to be one of these gaps.
112. The final part of the test is requires consideration of whether the buildings are visually linked. It is considered that despite the degree of set back from the Saintfield Road, there is a sequential linkage of buildings along the road frontage. This part of the exceptions test is considered to be met.

Integration and Design of Buildings in the Countryside

113. This outline application seeks to establish the principle of development only. Full plans have not been submitted. Without prejudice to the consideration outlined above in relation to the principle of development, the following assessment is made.
114. It is not accepted that a dwelling could be sited and designed so as not to appear as a prominent feature in the landscape for the following reasons:
 - Any dwelling would have to be sited forward of 123A Saintfield Road to reduce any adverse impact on residential amenity in terms of overlooking; and

- On approach from the east [125 Saintfield Road] the garden area is quite exposed with no boundary vegetation to this south eastern corner. Likewise, views to the site are quite exposed when approaching from the west near the access to the site making any new development prominent feature in the landscape.
115. Criteria (a) of policy COU 15 is not met for these reasons.
116. Criteria (b) requires the proposed building to be sited to cluster with an established group of buildings. This proposed dwelling is considered to be capable of being sited to cluster with an established group of buildings to the west and north of the site, this is one of the two bookends to the gap.
117. The development is considered to be capable of blending with the existing buildings which provide a backdrop. Criteria (c) is capable of being met.
118. The proposal involves the fragmentation of an existing curtilage and as such, it lacks long and established boundaries and instead relies on new planting for the western, northern and south eastern boundaries to aid integration. Criteria (d) and (e) are not met.
119. This is an outline planning application and details of the design are not included. That said the bulk, scale, massing and external appearance of the building can be controlled by condition. The requirement of criteria (f) is capable of being met.
120. The main impact resulting from the ancillary works is the construction of the access. Access from a protected route is to be taken from an existing lane. There will be no loss of significant vegetation. The requirements of criteria (g) are capable of being met.
121. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to satisfy criteria (a), (d) and (e) of policy COU15.

Rural Character and Other Criteria

122. For the reasons outlined above, it is considered that a dwelling would be unduly prominent in the landscape and that the subdivision of the existing plot at 123A would result in the plot size being substantially reduced for both sites and as such, the development would not respect the traditional pattern of settlement exhibited in the area. Criteria (a) and (c) are not met.
123. Criteria (b) of policy COU16 requires the dwelling to cluster with and established group of buildings. This is also dealt in the preceding section
124. The spatial relationship and inter-visibility between the proposed dwelling and existing buildings has also been considered. The proposed dwelling on the site,

when taken cumulatively with the existing buildings and their ancillary features in the vicinity, would result in an unacceptable build-up of development akin to urban sprawl which would have an adverse impact on the rural character of the area. For this reason criteria (d) and (e) are not met.

125. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent lands. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
126. In respect of criteria (i) and for the reasons set out later in the report within the Access and Transport section of the report, the development if approved would prejudice to road safety and/or significantly inconveniencing the flow of traffic and conflict with Policy TRA3.

Waste Management

127. LCCC Environmental Health were consulted and offer no objection in principle subject to a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and area of subsoil irrigation for the disposal of effluent being provided at reserved matters stage.
128. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
129. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

Access and Transport

130. The Saintfield Road (B6) is a protected route therefore new accesses and the intensification of use of existing accesses is strictly controlled.
131. Detail associated with this application indicates that the access is now to be paired with the adjoining dwelling at 123 Saintfield Road. It is still a new access for the purpose of assessment.
132. Having regard to Policy TRA3, the proposal is not considered to be an exception to policy COU8 and as such is not an exception to the protected routes policy in so far as it relates to Other Protected Routes – Outside Settlement Limits.

133. Advice from DfI Roads indicates that the proposal would if permitted, result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
134. Based on a review of the detail and advice from DfI Roads, it is considered that proposed development fails to satisfy the policy tests associated with TRA2 and TRA3 and as such, would if approved result in a new access onto a protected route and prejudice road safety and/or significantly inconvenience the flow of vehicles.

Natural Heritage

135. There are no works on site that would lead to concerns over the impact of the proposal on any natural heritage and a biodiversity check list was not considered necessary in this particular case.
136. The proposal does not involve the removal of mature roadside hedging for the purposes of facilitating access arrangements and the existing boundary planting to the east can be conditioned to be retained and augmented where necessary.
137. It is considered that the proposal would not have a negative impact on any natural heritage features and complies with policy NH5 of the draft Plan Strategy as modified.

Consideration of Representations

138. Consideration of the representations are as noted below;

Inadequate information on the supporting statement (in relation to details on compliance with Policy CTY 6)

139. Proposal has been amended to remove the reference to Policy CTY 6 and is no longer assessed under this policy.

A dwelling on site would add to ribbon development

140. For the reasons outlined above, Ribbon Development is engaged as the proposed site is considered to fall within a substantial and continuously built up frontage.

Create a suburban style build-up of development

141. For the reasons outline in the report, it is considered that the proposed development would when read with existing buildings result in a build-up of

development akin to urban sprawl and have an adverse impact on the rural character of the area.

Not a substantial and continuous built up frontage

142. The frontage along the road either side of the site has been considered. The dwelling associated with 123 Saintfield Road is considered to have a frontage to the road as there is no defined boundary separating the curtilage from the road.

An Access only does not constitute a frontage to the road

143. It is agreed that a dwelling with an access only to a road cannot be counted as forming part of a substantial and continuously built up frontage. That said, none of the buildings identified as forming part of a substantial and continuously built up frontage have an access only to the road.

Proposal contrary to Policy AMP 3

144. For the reasons outlined in the report, the proposal is not considered to be an exception to Policy COU8 and as such, it is not an exception to the Protected Routes policy.

Conclusions

145. For the reasons outlined above, the proposal fails to comply with the SPPS and Policies COU1, COU8, COU15, COU16, TRA2 and TRA3 of the draft Plan Strategy as modified by Direction of the Department.

Recommendations

146. It is recommended that planning permission is refused.

Reasons for refusal

147. The following refusal reasons are recommended:
- The application is presented to the Planning Committee with a recommendation to refuse as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not a type of development which in principle is acceptable in the countryside.

- The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) as the gap is not sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development in this part of the countryside in terms of its frontage width and plot size.
- The proposal is contrary to the SPPS and policy COU15 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would be a prominent feature in the landscape as the site lacks long established natural boundaries to provide a suitable degree of enclosure and instead relies on primarily on new planting for integration.
- The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would be unduly prominent and fail to respect the traditional pattern of settlement. It would also result in urban sprawl and have an adverse impact on the rural character. Furthermore, access cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
- The proposal is contrary to policies TRA2 and TRA3 of the draft Plan Strategy (as modified by the Direction of the Department) in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	02 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2021/0913/O
Date of Application	18 August 2021
District Electoral Area	Downshire East
Proposal Description	Dwelling and garage
Location	Between 10 and 14 Drennan Road, Lisburn
Representations	One
Case Officer	Richard McMullan
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It 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 recommended for refusal as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the site is not a small gap sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage and would if permitted fail to respect the existing pattern of development along the frontage in terms of its frontage width and plot size and would add to a ribbon of development.

4. The proposal is contrary to the SPPS, and policy COU15 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the development would be prominent as it fails to blend with the landform as a consequence of there being no backdrop when viewed from the Drennan Road. The site also lacks long established natural boundaries and as a consequence the development would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would if permitted result in urban sprawl and fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area.

Description of Site and Surroundings

Site

6. The application site is located upon the southern side of the Drennan Road, Lisburn between numbers 10 and 14 Drennan Road.
7. The 0.5 hectare site is comprised of the northern roadside section of an L-shaped agricultural field. It is roughly rectangular in shape and rises gently in a southerly direction from the roadside towards the rear boundary.
8. Beyond the rear boundary the topography of the land then falls away. It is noted that along the southern boundary is a watercourse which links into another watercourse remote from the site.
9. The northern roadside boundary comprises wooden ranch fencing and an agricultural gate. The Eastern boundary is likewise comprised of wooden ranch fencing with neighbouring trees along length. The western boundary is defined with a post and wire fencing and the southern boundary is undefined.

Surroundings

10. The site is located within a rural location characterised by agricultural lands interspersed within detached dwellings.
11. To the east of the application site there is a single-storey detached dwelling and integral garage at 14 Drennan Road. The curtilage extends to the Drennan Road with access taken from this road.

12. To the west of the site there is a split level single-storey dwelling with integral garage at 10 Drennan Road. The dwelling presents a frontage to the Drennan Road via a mature lawn and driveway.
13. Two outbuildings are noted to the side and the rear of the dwelling at 10 Drennan Road. These outbuildings are situated at a lower level than the dwelling. Further to the rear there a ménage.
14. To the eastern side of 10 Drennan Road, there is a paddock. The paddock area is accessed from 10, to the rear of the dwelling and also from a gate within an internal wall to the side of the dwelling. Access is also available directly from the road via an agricultural gate.

Proposed Development

15. The application seeks outline planning permission is sought for a dwelling and garage.

Planning History

16. The following planning history linked to the site is set out in the table below:

Reference	Description of Development	Location	Decision
S/1974/0171	Bungalow	Cargycroy, Lisburn	Approved 22 July 1974
S/1977/0109	General Purpose Shed, Workshop and store.	10 Drennan Road, Lisburn	Approved 03 May 1977

Consultations

17. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC EHO	No objection
NI Water	No objection
NIEA NED	No objection
NIEA WMU	No objection
NIE	No objection
SES	No objection

Representations

13. One representation has been received in respect of this application. Concern is expressed in relation to the extent of the available visibility splays and who has control of land to provide such splays.
14. The Agent has confirmed that the 2.4 x 79 metre visibility splays are contained with land controlled by the applicant and the roadside verge, No third party interest is identified that would require a third party interest to be recognized or acknowledged.

Planning Policy Context

Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

16. On 28 June 2023 the Department for Infrastructure issued a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
17. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
18. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
19. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
20. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
21. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
22. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the test of soundness was met in full.
23. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above, there is a strong likelihood that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
24. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

25. It is stated at page 16 of Part 1 of the draft 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.

26. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

27. The site is located in the Green Belt in LAP and at page 49 it states:

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

28. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

29. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

30. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

31. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
32. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
33. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

33. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

34. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

35. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

36. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

38. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

39. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Waste Management

40. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

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

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

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

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

42. The justification and amplification states:

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

(text in bold as modified by the Direction)

Natural Heritage

43. The site is within 50 metres of the Ravarnet River with potential for hydrological links to designated habitat. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

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

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

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

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

44. The justification and amplification states:

Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)

'Other' natural heritage features worthy of importance are most likely to include those located along green and blue infrastructure, trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.

To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

The approach to the statutory Development Plan and Regional Policy

45. 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.

46. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

47. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
48. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite of planning policy statements and is of determining weight in the assessment of this planning application.
49. 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

50. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

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

51. It is further stated at paragraph 6.78 of the SPPS that:

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

52. 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.

Regional Policy Context

53. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

54. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

55. Policy CTY 1 states that:

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

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

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

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

56. The policy also states that:

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

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

55. This is a proposal for the development of a gap site for infill dwellings and is to be assessed against the requirements of policy CTY 8.

56. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

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

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

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

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses

nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

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

Consideration of the Courts:

59. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

60. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) *Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and*

Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).

- (iii) In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
 - (iv) Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
 - (v) Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
 - (vi) Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement."*
61. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development. However the draft plan strategy the subject to the Direction contains new interpretation of relevant buildings that are important new considerations.

Building on Tradition

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

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

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

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

63. The guidance also notes that:

- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
- *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
- *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

64. It also notes that:

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

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

65. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.
66. It includes infill principles with examples that have been considered as part of the assessment:
- *Follow the established grain of the neighbouring buildings.*
 - *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
 - *Design in scale and form with surrounding buildings*
 - *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
 - *Use a palette of materials that reflect the local area*
67. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that:
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*
68. The policy states that:
- a new building will be unacceptable where:*
- (a) *it is a prominent feature in the landscape; or*
 - (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
69. Policy CTY 14 – Rural Character states:
- that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.*
70. The policy states that:
- A new building will be unacceptable where:*

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

71. There is no mains sewer and connection is required to septic tank Policy CTY 16 - Development Relying on Non-Mains Sewerage states

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

72. The policy also states that:

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

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

73. With regards to Policy CTY16, Building on Tradition [page 131] states that:

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

Access, Movement and Parking

74. A new access to the public road is proposed as part of the development. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for

vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

75. Policy AMP 2 – Access to Public Roads states:

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

77. As the Courts have noted in the Glassdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the regional policy in PPS21 CTY8 is restricted and that any infill application is an exception to the prohibition on ribbon development. The same approach applies to COU8, however COU8 contains a new and significant definition of the buildings to be taken into account.

78. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

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

79. Officers are satisfied that the proposal does engage ribbon development. There are two dwellings either side of the application site, namely 10 and 14 Drennan Road. The application site located between these buildings
80. 14 Drennan Road to the east of the site consists of a detached single dwelling house with an integral garage.
81. 10 Drennan Road to the west of the site consists of split level single storey dwelling house with integral garage. To its west there is a single-storey building, which from inspection appears to have a domestic swimming pool.
82. To the south of this building there is another detached single-storey domestic stable block and to the south of this, a ménage.
83. The dwellings associated with 10 and 14 have common frontages to the Drennan Road. The ancillary swimming pool building associated with 10 Drennan Road is also seen to front onto the Drennan Road.
84. In turn the stable building to the rear of the swimming pool building does not present a frontage. The buildings are visually linked when travelling along the Drennan Road. This is sufficient to conclude that the proposal does engage ribbon development.

The issue of exception

85. The next step is to consider whether the proposal comes within the exception set out in the policy.
86. The first step is to consider whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
87. Two drawings entitled 'Concept Plan' and 'Plot Sizes Plan' have been submitted in support of this application.
88. The Concept Plan identifies the existing frontage buildings to consist of the dwelling at 14 Drennan Road to the east of the site and the dwelling, swimming pool and the dwelling at 10 Drennan Road to the west as the substantial and continuous frontage.
89. That said, the swimming pool is considered to be a domestic building and as such, it and the domestic stable block to the rear of 10 Drennan Road are not counted as part of the substantial and continuously built-up frontage. This part of the policy is therefore not met.
90. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.

91. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.
92. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
93. In this case the gap between the buildings at 10 and 14 Drennan Road is 91.5 metres.
94. The frontage widths associated with 14 Drennan Road measures 46.3 metres and the frontage of number 10 Drennan Road is 63.5 metres. The frontage width associated with the application site is 55.1 metres. This provides for an average road frontage of approximately 55 metres.
95. Having regard to these plot frontage measurements, the gap is not considered to be a small gap sufficient to accommodate two dwellings whilst respecting the established pattern of development.
96. To provide for two dwellings the site would require divided resulting in two sites with frontages of 27.5 metres. This is much smaller than the average frontage of 55 metres.
97. The policy also requires that the dwellings respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
98. The 'Plot Sizes Plan' drawing provided for consideration illustrates the following plot sizes;

▪ No. 10 Drennan Road has a plot area of 4,610.89m.sq	(0.46h)
▪ No 14 Drennan Road has a plot area of 3,473.87m.sq	(0.34h)
▪ Application site has a plot area of 4,191.53m.sq	(0.41h)
99. The average plot size measures approximately 4,042 metres squared (0.40h). To provide for two dwellings, this plot would need to be subdivided into two resulting in a plot size of approximately 2,095 metres squared (0.20h).
100. This would be significantly less than the average plot size and not in keeping with the established pattern of development.
101. The Building on Tradition document is written with a different policy in mind and the guidance contained at 4.4.0 and 4.4.1 and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.

102. That said, the general criteria at 4.5.0 and 4.5.1 still apply and for the reasons outlined above, the site is not a small gap capable of accommodating two dwellings whilst respecting the existing pattern of development.

Integration and Design of Buildings in the Countryside

103. Without prejudice to the view expressed that the proposed development is not an exception to Policy COU8, a dwelling of appropriate size and scale would be a prominent feature within the local landscape given the nature of topography, the elevation of the buildings and the absence of a back drop when viewed from surrounding vantage points. Criteria (a) is not met.
104. Any dwelling would be able to be sited so as to cluster with the existing buildings to the east and west. Criteria (b) is capable of being met.
105. That said, the southern boundary of the site when viewed from the Drennan Road is currently undefined and as such, there are no natural features to provide a backdrop or help the development blend into the landform. Criteria (c) is not met.
106. The site also lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
107. Three of the four site boundaries are not defined with any established natural boundaries and as such, it would rely on the use of new landscaping for integration.
108. For the reasons outlined, criteria (d) and (e) are not considered to be met.
109. As this application seeks outline approval only, no detailed design details have been provided for consideration apart from an indicative layout within drawings provided. That said, it is accepted that a dwelling of an appropriate rural design could be presented at reserved matters stage. Criteria (f) is capable of being met
110. Given the nature of the site it is considered that required ancillary works associated with the access and any other infrastructure above or below ground could be designed so as to integrate into the surroundings without harm to the rural character. Criteria (g) is capable of being met.

Rural Character and other criteria

111. For the reasons outlined above, a new building would be prominent in the landscape for the reasons outlined above. Criteria (a) is not met.
112. For the reasons outlined within the context of policy COU8 a new dwelling would not respect the traditional pattern of settlement exhibited in the area. Criteria (c) is not met.

113. Whilst the proposal does not mar the distinction between a settlement and surrounding countryside, it does result in urban sprawl by adding to a ribbon of development which in turn has an adverse impact on the rural character of the area. Criteria (d) and (e) are not met.
114. In relation to criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity levels. This criteria is capable of being met.
115. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
116. In respect of criteria (i) for the reasons set out in the following paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Access and Transport

117. Detail submitted with the application indicates that it is proposed to construct a new access to the public road for both pedestrians and vehicles to use.

DfI Roads have been consulted and offer no objections subject to conditions in relation to the provision access arrangements and car parking at reserved matter stage.
118. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that a new access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the draft Plan Strategy are met in full.

Waste Management

119. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul via septic tank.
120. LCCC Environmental Health were consulted and offer no objection.
121. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
122. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process.

Foul and storm discharge is normally through a soak-away designed to an appropriate standard. No flood risk is identified.

123. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of policy WM2 of the draft Plan Strategy are met in full.

Natural Heritage

124. Ecological information provided has been assessed and consultation with DAERA NED & WMU has taken place. The SES unit have also been informally consulted.
125. All of the above consultees offer no objections to the development as proposed.
126. NED outline that they have completed a full assessment of the proposal and do not identify the need for further study.
127. SES detail that 'having considered the project it is concluded that it is eliminated from the need for Habitats Regulations Assessment because it could not have any conceivable effect on a European Site. This is concluded because there is a sufficient land buffer of approximately 25m+ between the proposal and any watercourse. In any case it is 30km+ to the hydrologically linked European sites at Belfast Lough. No conceivable effect given the nature and scale of the proposal and dispersion and magnitude rates'.
128. DAERA WMU refer the planning authority to standing advice in respect of single dwellings.
129. Taking the advice of the three consultees together into account it is considered that the development will not cause any harm to any noted features of natural heritage importance. The requirements of policies NH 5 of the draft Plan Strategy are met in full and the proposal will not have an adverse impact on habitats, species or features of natural heritage importance.

NIE Infrastructure

130. NIE have been consulted as powerlines run along the roadside (northern) boundary of the site. No objection is offered and as such, it is accepted that the proposed development will not impact on NIE infrastructure.

Conclusions and Recommendation

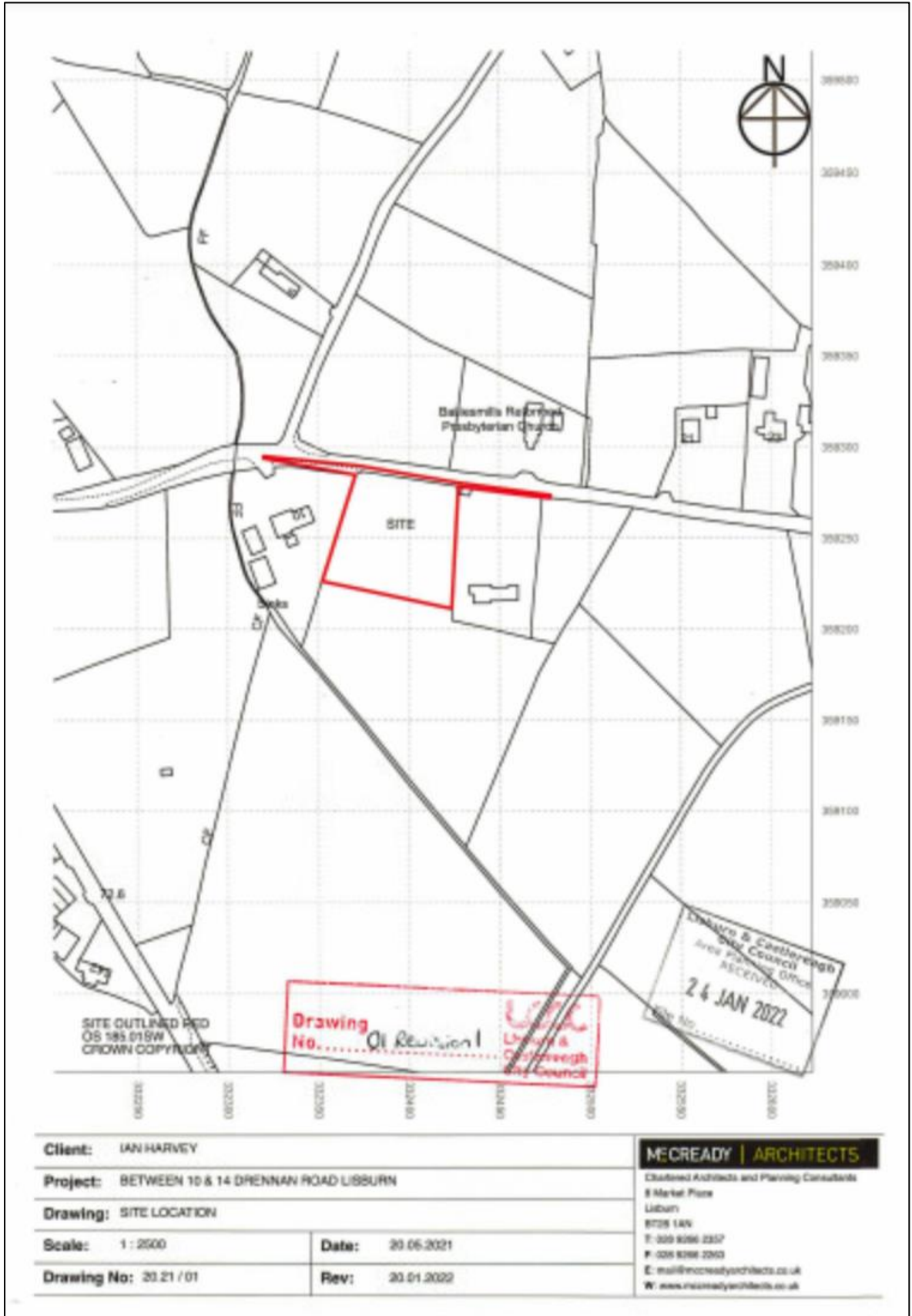
131. For the reasons outlined, the application is considered to be contrary to paragraph 6.73 of the SPPS and policies COU1, COU8, COU 15 and COU16 of the draft Plan Strategy.

Refusal Reasons

132. The following reasons for refusal are proposed:

- The application is recommended for refusal as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the site is not a small gap sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage and would if permitted fail to respect the existing pattern of development along the frontage in terms of its frontage width and plot size and would add to a ribbon of development.
- The proposal is contrary to the SPPS, and policy COU15 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the development is prominent and would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Drennan Road. The site also lacks long established natural boundaries and as a consequence the development would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development would if permitted result in urban sprawl and fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area.

Site Location Plan – LA05/2021/0913/O



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Project: BETWEEN 10 & 14 DRENNAN ROAD LIBBURN		
Drawing: SITE LOCATION		
Scale: 1 : 2500	Date: 20.06.2021	
Drawing No: 20.21 / 01	Rev: 20.01.2022	

Committee:	Planning Committee
Date:	02 October 2023
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Statutory Performance Indicators – July and August 2023

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning functions. 2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. 3. 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. Monthly reports assist Councils in tracking quarterly and annual performance. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is provided summarising the monthly position for each indicator for the months of July and August 2023. 2. This data is unvalidated management information. The data has been provided for internal monitoring purposes only. They are not official statistics and should not be publically quoted as such. 3. Members will note that the performance against the statutory target for local applications for July and August 2023 was 44.6 and 37.4 weeks respectively. Officers are focused on reducing the number of older applications undecided and returning to good performance before the end of the financial year. 4. Performance in relation to major applications for July and August 2023 was 0 weeks respectively as no decisions have issued. As explained previously, there has been no opportunity to perform against the statutory target for major applications as a number of proposals brought forward in previous months are subject to Section 76 planning agreements.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information.</p>

3.0	<u>Finance and Resource Implications</u>	
	There are no finance or resource implications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	This is a report outlining progress against statutory targets and RNIA is not required.	

Appendices:	Appendix 2 (a) – Statutory Performance Indicators – July 2023 Appendix 2 (b) – Statutory Performance Indicators – August 2023
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Statutory targets monthly update - July 2023 (unvalidated management information)

Lisburn and Castlereagh

Enforcement conclusion information is not currently available

	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	49.8	0.0%	56	45	58.0	6.7%	27			
May	0	1	102.4	0.0%	67	71	35.8	15.5%	28			
June	0	1	5.2	100.0%	73	71	33.8	14.1%	29			
July	0	0	-	-	55	8	44.6	25.0%	13			
August	-	-	-	-	-	-	-	-	-			
September	-	-	-	-	-	-	-	-	-			
October	-	-	-	-	-	-	-	-	-			
November	-	-	-	-	-	-	-	-	-			
December	-	-	-	-	-	-	-	-	-			
January	-	-	-	-	-	-	-	-	-			
February	-	-	-	-	-	-	-	-	-			
March	-	-	-	-	-	-	-	-	-			
Year to date	2	3	49.8	33.3%	251	195	38.6	13.3%	97			

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.

Statutory targets monthly update -August 2023 (unvalidated management information)
Lisburn and Castlereagh

Enforcement conclusion information is not currently available

	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	49.8	0.0%	55	45	58.0	6.7%	27			
May	0	1	102.4	0.0%	67	71	35.8	15.5%	28			
June	0	1	44.4	0.0%	75	71	33.8	14.1%	29			
July	0	0	-	-	62	8	44.4	25.0%	13			
August	1	0	-	-	50	77	37.4	16.9%	24			
September	-	-	-	-	-	-	-	-	-			
October	-	-	-	-	-	-	-	-	-			
November	-	-	-	-	-	-	-	-	-			
December	-	-	-	-	-	-	-	-	-			
January	-	-	-	-	-	-	-	-	-			
February	-	-	-	-	-	-	-	-	-			
March	-	-	-	-	-	-	-	-	-			
Year to date	3	3	49.8	0.0%	309	272	38.4	14.3%	121			

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:	02 October 2023
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2022 – March 2023)

1.0 Background

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in Northern Ireland and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. On 06 July 2023, the Department for Infrastructure published the Northern Ireland Statistics Annual Statistical Bulletin (April 2022 – March 2023) which can be found at the link:

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2022-march-2023>
3. This bulletin provides an overall view of planning activity across Northern Ireland including a summary on the performance of Council's measured against the two statutory targets for major and local planning applications.
4. This bulletin recognises that during the last two years there have been some key events that will have impacted on planning activity and processing performance namely the coronavirus pandemic and introduction of a new Planning Portal system.

Key Issues

1. There were 11217 planning applications received during 2022/23; an 18% decrease from the previous financial year [13600 applications] across all the Council Areas. The majority of the applications received were categorised as local applications – 11072. Of the balance 144 were categorised as major applications and one was regionally significant.
2. The volume of applications received is noted to have decreased in Lisburn and Castlereagh by 20% compared with volumes received last year [213 applications less] which is broadly comparable to the general reduction in the number of applications received in Northern Ireland as a whole.
3. The number of planning decisions issued during 2022/23 across Northern Ireland was 10771, a decrease of 17% on the previous year [12914 applications].

4. A total of 726 decisions issued within LCCC, which was less than the number issued the previous year [846]. This is a 14% reduction in the total number of decisions issued which is below the average in Northern Ireland as a whole.
5. Whilst the number of applications received in LCCC exceeded the number of decisions issued in during 2022/23 [108], no significant backlog was created.
6. In 2022/2023 it took on average, 19 weeks to process local applications to decision or withdrawal across all Councils. This was 1.8 weeks longer than the previous financial year.
7. Lisburn & Castlereagh City Council was one of seven Councils that did not meet the fifteen week target for processing local applications. The average processing times for local applications within LCCC was 32.7 weeks which was 16.5 weeks longer than last year.
8. A continued focus on reducing the number of older applications means it is unlikely that the Council will return to good performance for local applications in the short term but the implementation of a structural review and an improvement should see an overall improvement against this target by the end of the financial year.
9. It is important to note that legal challenges; changes in our reporting requirements, the introduction of a new IT system and sickness absence cumulatively impacted on our ability to maintain good and improving performance in relation to local applications.
10. A total of 144 major planning applications were received in Northern Ireland during 2022/23, which was the same as the previous year. The average processing time for major applications increased by 8 weeks to 57.8 compared to 49.8 weeks across all councils last year. No Council met the 30 week target in 2022/23.
11. A total of 11 major applications were received in LCCC during the reporting period and performance in respect of major applications within LCCC was 87.2 weeks, an improvement of 19.6 weeks compared to the previous year.
12. It is important to note that the major category of applications represents a very small percentage of the total applications processed in this Council. 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 requiring legal agreements. Our practice for dealing with agreements is under review.

2.0 **Recommendation**

It is recommended that the Committee notes the information provided in relation to

- Analysis of 2022/2023 Bulletin relative to LCCC;
- Northern Ireland Statistics Annual Statistic Bulletin (April 2022 – March 2023); and

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report providing an analysis of planning statistics relative to LCCC. EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	This is a report providing an analysis of planning statistics relative to LCCC. RNIA is not required.	

Appendices:	<p>Appendix 3(a) – Analysis of 2022/2023 Bulletin relative to LCCC</p> <p>Appendix 3(b) – Northern Ireland Planning Statistics – Annual Statistical Bulletin (April 2022 – March 2023)</p>
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Lisburn & Castlereagh City Council

Committee	Planning Committee
Date of Meeting	02 October 2023
Responsible Officer	Conor Hughes
Date of Report	12 September 2023
Subject	Annual Performance April 2022 to March 2023
Attachments	Yes

Purpose of the Report

1. The purpose of this report is to provide members with an update and analysis of the data collated for the Lisburn and Castlereagh City Council Area in the Annual Statistical Bulletin (the Bulletin) produced by the Department for Infrastructure (DfI) and published on 06 July 2023 for the period April 2022 to March 2023. The document is attached at **Appendix 3(b)**.
2. A summary of the information is set out in tables and charts. It is attached at **Appendix 3(c)** for ease of reference and provides comparison in performance between the agreed indicators for the years 2021/22 and 2022/23.

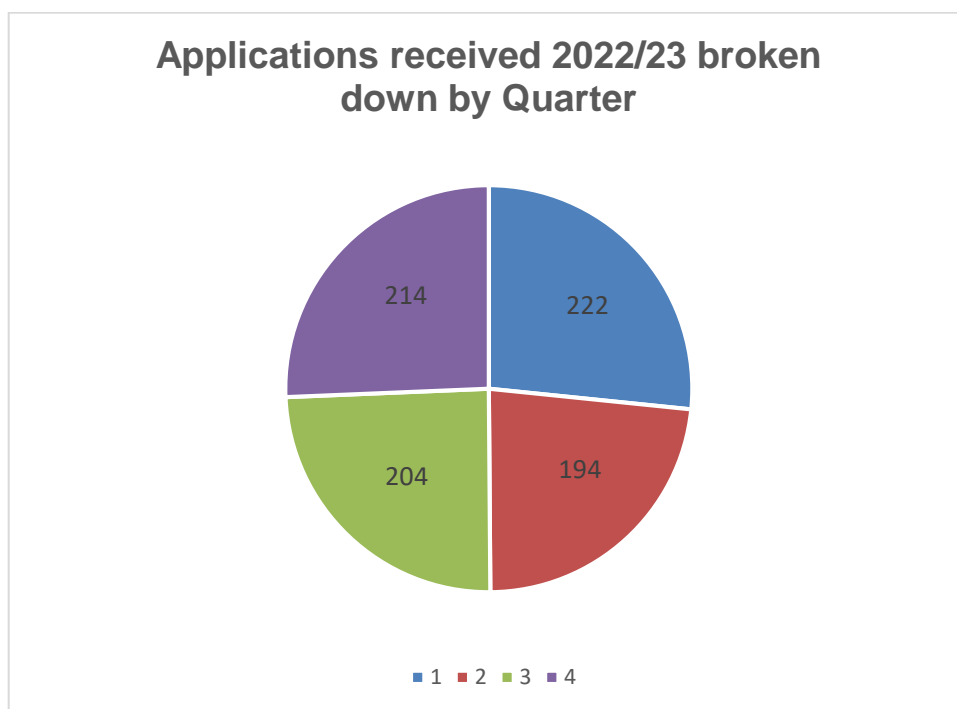
Background

3. The Bulletin provides an overall view of planning activity across Northern Ireland and the details of individual Council performance in respect of the statutory targets for major and local development applications as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.
4. Members are reminded that the statutory targets for Development Management are as follows:
 - Major development applications will be processed within an average of 30 weeks.

- Local development applications will be processed within an average of 15 weeks.

Overall Planning Activity

- The Bulletin indicates that across Northern Ireland, the number of planning application received [11217] decreased by 18% on the previous financial year [13,600].
- Within the Lisburn & Castlereagh City Council, a total of 834 applications were received (11 of which fell within the major category of development). This was 213 applications less than the number received in the previous year.



- When broken down by types of development the majority of all the applications were for residential development (including alterations and extensions to existing dwellings).

Development Type	Received
Residential	510 [740]
Commercial	37 [38]
Industrial	12 [10]

Development Type	Received
Mixed Use	26 [21]
Civic	48 [61]
Change of Use	53 [34]
Agricultural	14 [22]
Other	134 [121]

*[] denotes the previous year 2021/22.

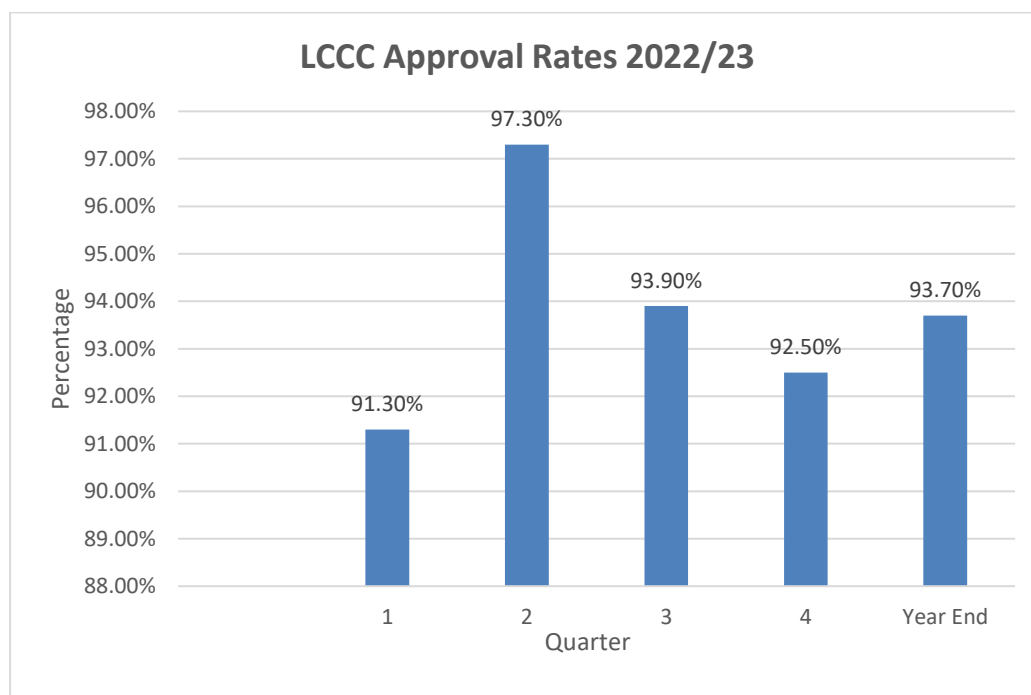
Applications Decided

8. In the 2022/23 business year, 726 planning decisions were issued. This was 120 less than the previous year. The approval rate for this business year was 93.7%.
9. The report acknowledges that in addition to processing planning applications, the Council dealt with other planning related work.
10. During 2022/23, this Council dealt with:
 - 36 [44] non-material change applications,
 - 47 [57] discharge of condition requests,
 - 49 [60] formal Pre-Application Discussion requests, and
 - 10 [8] Pre-Application Notices.
11. An increased interest in application processes was also noted with increased numbers of pieces of correspondence. There was also a rise in the number of planning appeals received and processed over this period.

Approval Rates

12. The Bulletin indicates that the overall Northern Ireland approval rate for all planning applications for 2022/2023 was 95.3%, a slight increase compared with the 2021/22 figure of 94.9%.

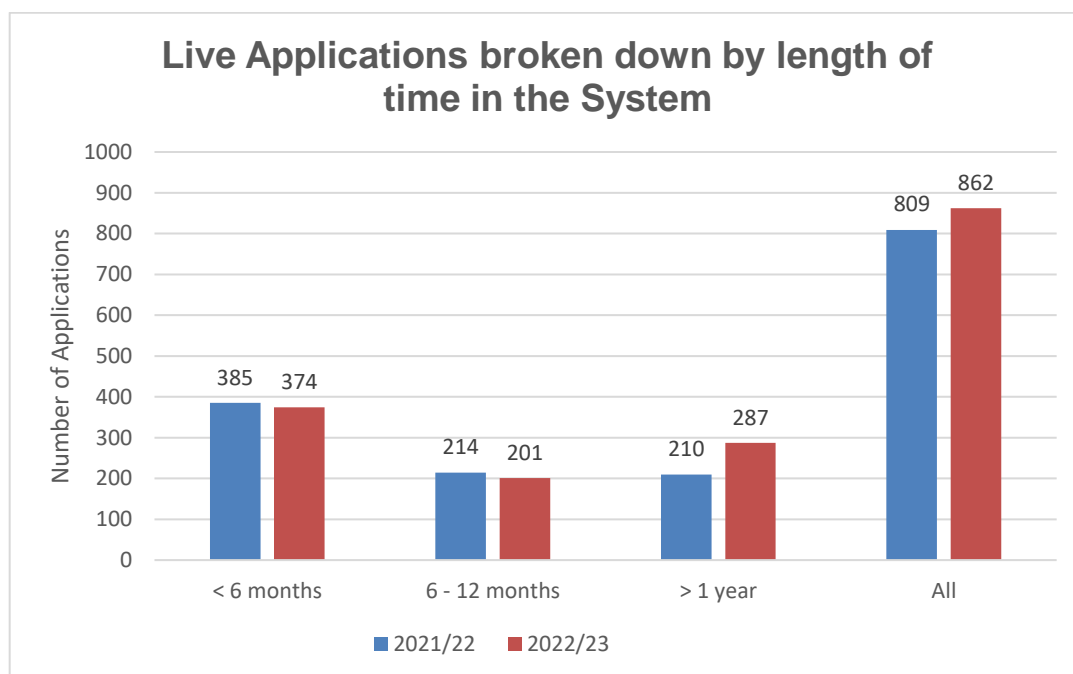
- 13. Approval rates varied across councils during the 2022/23 business year. Seven Councils reported a decrease in approval rate when compared with last year. Approval rates are dependent on many factors and care should be taken in making any comparisons.
- 14. Lisburn & Castlereagh City Council reported a very marginal increase from 93.5% to 93.7%. The trend over the 4 quarters is reflected in the chart below.



Live Applications

- 15. At the end of March 2023, there were 8074 live applications in the planning system as a whole which represents slight decrease compared with the number and the end of March 2021 [8236].
- 16. Any increase in the live count is due to fewer applications being processed, i.e. decided or withdrawn, compared with applications received over a given period.
- 17. Approximately one quarter of all live applications in the planning system at the end of March 2023 were over one year old (25.7%), an increase from the proportion reported for the end of March 2022 (22.2%). , The proportion of live cases in the system for over a year increased in five council areas.

18. The total number of live applications within LCCC at the end of March 2023 was 862. Last year, the figure as of the end of March 2022 was 809. The breakdown of live applications by length of time in the system is reflected in the chart below.



19. Across the Council network, there were 2072 live applications more than 12 months in the system. This is an average of 330 applications per Council Area. The actual number of cases for the Lisburn & Castlereagh City Council was 287 which is recognised to be marginally below this average.
20. The number of applications more than one year old grew by 77 in LCCC. There were a number of reasons for this but the single biggest reason was linked to a number of judicial reviews received by the Council in this period.

Major Development Planning Applications

21. The Bulletin acknowledged that developments falling within the major category of application have important economic, social and environmental implications.
22. The number of major applications received across Northern Ireland during 2022/23 was 144 which was similar to the previous year [145].

23. LCCC received 11 major applications (which was 3 more than last year) and processed a total of 10 major applications to decision.
24. Average processing times for major applications across the Council network was noted in the Bulletin to be 57.8 weeks an increase of 8.0 weeks compared with the 49.8 week reported for the 2021/22 business year. No Council is reported to have met the statutory target of 30 weeks in 2021/22 business year.
25. Average processing times for major applications in LCCC at the year-end was 87.2 weeks compared with 106.8 weeks in the previous year.
26. Approval rates for major applications within LCCC registered in the Annual report at 100% which was higher than the Northern Ireland average of 98.6%.
27. The major category of applications represent only a small percentage (approximately 2%) of the total applications processed in this Council Area. The challenge in achieving good performance consistently can depend on a number of unrelated factors for example, a long consultation process for a major piece of road infrastructure for one application, can mask good performance generally.
28. However the importance that the contribution that applications of a large scale make to the local economy of Lisburn & Castlereagh is recognised and the Council continue to manage these cases proactively and are processed expeditiously where possible.
29. It is recognised in a recent NIAO Audit Report that funding of the Northern Ireland planning system needs to be reformed and put on a more sustainable model. How performance is measured in the future is part of a wider improvement agenda and officers from this Council are participating in an ongoing review which is being co-ordinated by the Department of Infrastructure.
30. Good performance, relative to other councils, remains a challenge, given the complexity of a number of major applications received in the past two years.

31. Officers are continually focused on moving major applications particularly where there is a demonstrable economic growth opportunity. The oldest application decided during this period was a 2017 application for a nursing home.
32. There are currently 20 in the system and we are committed to bringing forward all major applications as expeditiously as possible. The planning committee are briefed monthly on performance and we attempt to bring forward a minimum of one major application per month.

Local Development Planning Applications

33. Local applications are typically residential and minor commercial applications. The number of local applications received across Northern Ireland during 2022/23 was 11,074 (a decrease of 17.5 %) from the 13,451 received during 2021/22.
34. The number of local planning applications decided in 2022/23 was 10614 a decrease of 16.6% when compared with the 2021/22 figure (12,783).
35. LCCC received 823 local applications which was 216 applications more than the number received the previous year (1039). A total of 716 decisions issued in respect of local applications during the reporting period which was 122 less than the number issued last year.
36. Average processing times across the Council network was noted in the Annual Bulletin to be 19 weeks representing a 1.6 week increase compared with 2021/22 [17.2 weeks]. The shortest average processing time for local applications was 8.6 weeks.
37. Average processing times for processing local applications in LCCC at year end was 32.7 weeks, an increase of 16.5 weeks when compared with the 16.2 week processing time captured for the previous business year.



- 38. During this period, the Planning Unit brought 141 applications to the weekly delegated list for Member consideration. Of those 28 applications were 'Called In' to the Committee for determination.
- 39. A total of 66 [82] applications to the Planning Committee for determination. There were no meetings of the Planning Committee in May or June due to the elections. Approximately 7 applications were presented per meeting.
- 40. Approval rates for local applications within LCCC registered in the Annual report as 93.6%, which was 1.8% lower than the Council wide rate of 95.2%.

Recommendation

- 41. It is recommended that Members note the information provided in the report in relation to performance against the statutory target in this Council area when considered in the context of the performance of the planning function in Northern Ireland in the year 2022/23.



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn
Bonneagair

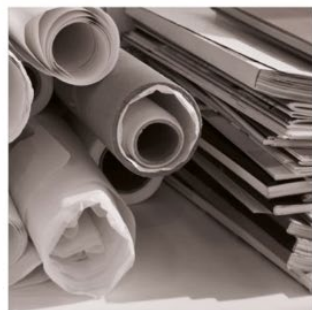
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NORTHERN IRELAND PLANNING STATISTICS

Annual Statistical Bulletin 2022/23

April 2022 to March 2023



Theme: People and Places
Coverage: Northern Ireland
Frequency: Annual
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National Statistics status

National Statistics status means that the statistics meet the highest standards of trustworthiness, quality and public value as set out in the [Code of Practice for Statistics](#). It is the Department for Infrastructure's responsibility to maintain compliance with these standards.

The Northern Ireland Planning Statistics were designated as National Statistics in December 2020, following a full assessment of compliance with the [Code of Practice for Statistics](#).

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Key points

- During 2022/23, 11,217 planning applications were received in Northern Ireland (NI); an 18% decrease from the previous financial year. This comprised 11,072 local, 144 major and one regionally significant application.
- A total of 10,771 planning applications were decided during 2022/23; a decrease of 17% from the previous financial year. Decisions were issued on 10,620 local, 150 major and one regionally significant application during 2022/23.
- The average processing time for local applications brought to a decision or withdrawal during 2022/23 was 19.0 weeks across all councils. This exceeds the 15 week target and represents an increase of 1.8 weeks from the previous financial year. Three of the 11 councils met the 15 week target in 2022/23.
- The average processing time for major applications brought to a decision or withdrawal during 2022/23 was 57.8 weeks across all councils. This represents an increase of 8.0 weeks compared with the previous financial year and exceeds the 30 week target by almost 28 weeks. No council met the 30 week target in 2022/23.
- The number of enforcement cases concluded and corresponding processing times are not presented in this report. This information will be published later and users will be notified when available.
- During the last two years there have been some key events that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

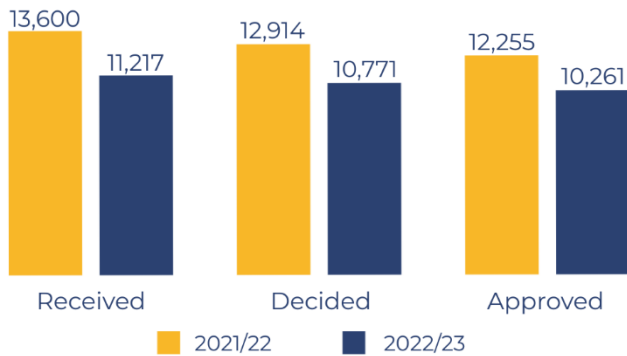
Northern Ireland Planning Statistics 2022/23



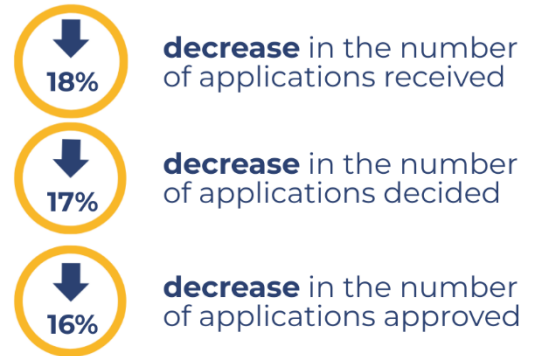
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Overall planning applications

Applications received, decided & approved



Comparing 2022/23 with 2021/22:

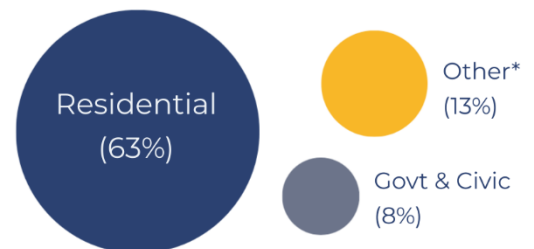


Applications received 2022/23

A total of 11,217 planning applications were received during 2022/23:



3 largest development types



*Other includes work to facilitate disabled persons, signs/advertisements & listed buildings

Planning statutory targets 2022/23

Average processing times (weeks) - major



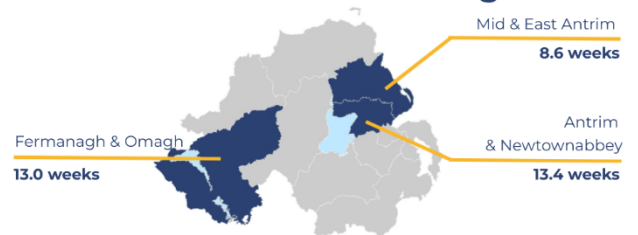
Councils within major target



Average processing times (weeks) - local



Councils within local target



For further information please contact ASRB@nisra.gov.uk or view report at: www.infrastructure-ni.gov.uk/articles/planning-activity-statistics

Northern Ireland Planning Statistics: Annual Statistical Bulletin 2022/23

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure for 2022/23. From the 8 May 2016, Ministerial responsibility for planning transferred from the former Department of the Environment to the Department for Infrastructure (the 'Department') following departmental re-organisation.

Whilst the bulletin and [accompanying tables](#) report data for 2022/23, the detailed tables also include comparable data from previous periods. Commentary will be mainly focussed on changes since 2021/22. Please note that application figures for 2022/23 are now final and will not be subject to further scheduled revisions. Enforcement figures for 2022/23 remain provisional and will be subject to a further revision once the full suite of enforcement data is available.

Background

The [Planning Act \(Northern Ireland\) 2011](#) (the '2011 Act') sets out the legislative framework for development management in NI and provides that, from 1 April 2015, councils largely have responsibility for this planning function.

Planning applications for development categorised as being either major development or local development are largely determined by the councils. Responsibility for planning applications for regionally significant development rests with the Department. In addition, the Department retains responsibility for legacy 'Article 31' applications (i.e. Article 31 of the [Planning \(Northern Ireland\) Order 1991](#)).

Furthermore, the Department has the power to 'call in' both major and local development applications from councils, where it so directs, and determine them. Responsibility for planning legislation, and for formulating and co-ordinating policy for securing the orderly and consistent development of land, remains with the Department.

Consequently, the responsibility for development management is shared between the 11 councils and the Department (the 12 planning authorities).

The Department continues to have responsibility for the provision and publication of statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the NI headline results split by district council (and the Department where relevant). These data will also provide councils with information on their performance in order to meet their own reporting obligations under the [Local Government Act \(Northern Ireland\) 2014](#).

Note that whilst pre-transfer activity volumes can be mapped historically to the new organisational areas from which the demands arise, it would not be valid to do the same with performance data as the newly established district councils did not exist, nor do they neatly overlap with the old area planning office jurisdictions.

The first year of data under the new organisational areas was 2015/16. Therefore 2015/16 is regarded as the base year for reporting of performance-related data at council level with comparative trend data building from that point onwards. Whilst historic comparisons of performance at NI level can still be made, it is important to be aware that there were a number of significant changes to the planning system which will have had an impact. Where relevant these have been highlighted throughout the report.

Statistics included in this report

This bulletin provides an overall view of planning activity across NI. It provides summary statistical information on council progress across two of the statutory targets, for major development applications and local development applications, as laid out in the [Local Government \(Performance Indicators and Standards\) Order \(Northern Ireland\) 2015](#). The number of enforcement cases concluded and corresponding processing times (statutory target) is not presented in this report. This information will be published later and users will be notified when available.

It also provides information relating to Departmental performance against a quantitative corporate business plan target.

All of the information underlying the charts and graphs featured in this bulletin are included in the [accompanying data tables](#) (see [Appendix 1 for additional definitions](#) used in these tables). This summary bulletin provides an overview and high level commentary with more detail and further analysis available [in the data tables](#). Where relevant, some of the more detailed findings may be referred to in the commentary.

Revisions and changes since Quarter 1 2015/16

(i) Major versus local classification - following the publication of the first quarter provisional bulletin in November 2015, a number of planning application classification issues were identified which required further investigation. This led to a number of revisions to the first quarter 2015/16 provisional figures which are reflected in later quarterly bulletins. The validation exercise additionally highlighted some inconsistencies in major and local development classification between 2015/16 and 2014/15 when the new classification hierarchy was first administratively implemented. It was decided, therefore, that 2015/16, when the classification hierarchy was given full legal effect, would be the base year for future comparisons of major and local development activity. As such, back-comparisons at council level for these application types are not possible.

(ii) Discharge of conditions - whilst forming part of a council's workload, these are not planning applications per se and hence should be excluded from the assessment of target processing performance. This led to some further revisions from the previously released first quarter 2015/16 results. However, whilst there were some small changes to activity

volumes, their exclusion did not materially affect average processing times across the vast majority of councils. See [User Guidance](#) for further detail on excluded planning activity. Table 9.1, in the [accompanying data tables](#), provides volumes and processing times for all such 'non-application' workload.

(iii) Legacy versus new council activity – in order to provide additional context around council performance, two additional analyses have been included in the data tables. [Table 8.1](#) shows the volume of legacy work which each council inherited on 1 April 2015 and to what extent it has since been reducing, while [Table 8.2](#) splits out processing performance for major and local development into legacy versus council applications. These tables will be retained until the legacy applications become a negligible part of overall council workload.

User engagement

ASRB plan to carry out a user consultation exercise during the summer/autumn 2023. Part of this engagement will seek users' views on the future format of the quarterly release.

Future releases

The next quarterly release is currently planned for September 2023. The format of this release will be determined by the outcome of the user engagement exercise carried out in the summer/autumn 2023. The next release will contain provisional planning data up to 30 June 2023 and will commence the quarterly reporting cycle for 2023/24. The next annual report covering 2023/24 is planned for release in July 2024. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

National Statistics designation

Between November 2019 and March 2020, the Northern Ireland Planning Statistics underwent an assessment by the Office for Statistics Regulation. A [report](#) detailing the findings of this assessment was published in May 2020.

The assessment report identified four requirements which, once met, enabled the Northern Ireland Planning Statistics to be designated as new National Statistics. Analysis, Statistics and Research Branch (ASRB) published [an action plan](#), detailing how and by when these requirements were met. This includes a forward work plan which outlines scheduled work and further developments over the coming years, and this will be updated on an ongoing basis.

In [December 2020](#), the UK Statistics Authority Regulatory Committee confirmed National Statistics designation for the Northern Ireland Planning Statistics. This designation means that the statistics meet the highest standards of trustworthiness, quality and public value as set out in the [Code of Practice for Statistics](#).

New Northern Ireland regional planning IT system

The [New Planning Portal](#) for 10 of the 11 councils and the Department for Infrastructure went live on 5 December 2022. This is the first planning statistics bulletin to be published

following the introduction of the new regional planning IT system. This publication incorporates all planning statistics published in previous bulletins by the Department for Infrastructure with exception of the data relating to the number of enforcements concluded and processing times for these, which will be published at a later date. Users will be notified when this information becomes available. Information reported for Mid Ulster council within this bulletin has been extracted from the [Mid Ulster planning portal](#).

The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods.

Impact of the coronavirus (COVID-19) pandemic

Restrictions due to the coronavirus pandemic commenced on 12 March 2020, with varying levels of restrictions in place up to 15 February 2022. This impacted planning activity and processing performance; therefore, caution should be taken when interpreting planning figures from 2020/21 and 2021/22, and when making comparisons with other time periods.

Planning Monitoring Framework

The [Northern Ireland Planning Monitoring Framework 2021/22](#) was published in December 2022. The next update of the framework, with data for 2022/23, is planned for publication in winter 2023.



Chapter 1: Overall Northern Ireland planning activity

Chapter 1: Overall NI planning activity

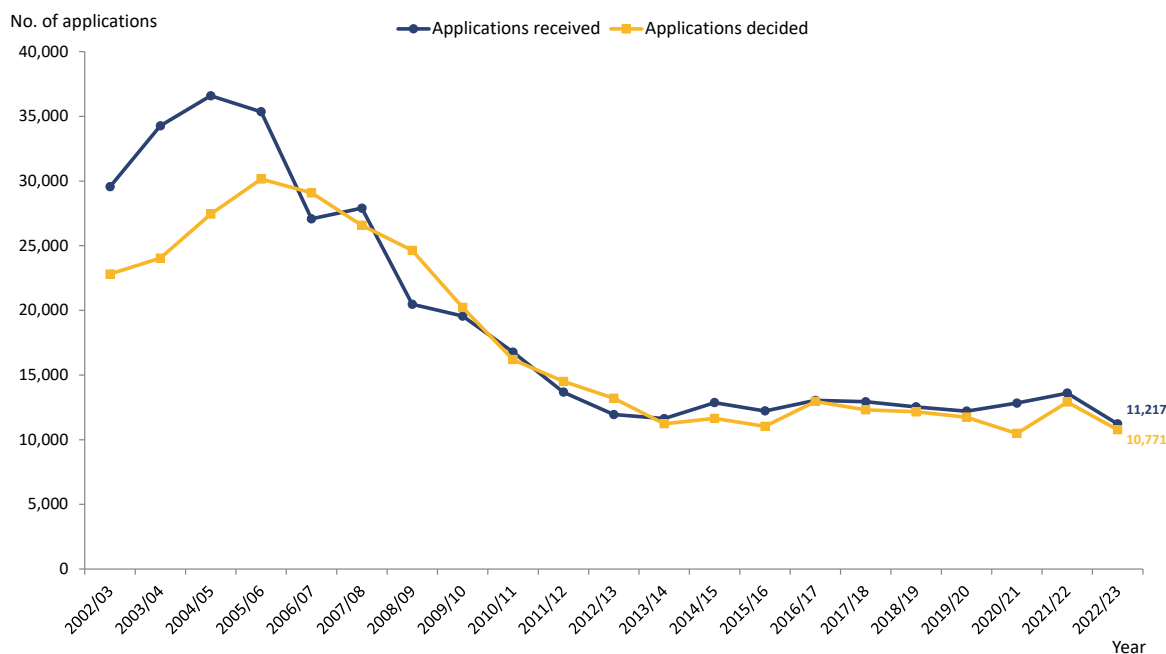
In 2022/23 the volume of planning applications received was the lowest since the series began in 2002/03. With the exception of 2020/21, the volume of planning applications processed (i.e. decided or withdrawn) in the most recent year was also the lowest on record. While the number of enforcement cases opened in 2022/23 was slightly higher than 2021/22, the volume of cases closed was lower than the previous year.

During the last two years there have been some key events that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

Applications received

During 2022/23, **11,217** planning applications were **received** in Northern Ireland (NI) by councils and the Department; a decrease of 17.5% from the previous financial year (13,600) and the lowest level on record. ([Figure 1.1](#)). [Refer to Table 1.1](#).

Fig 1.1 NI planning applications, annually, 2002/03 to 2022/23



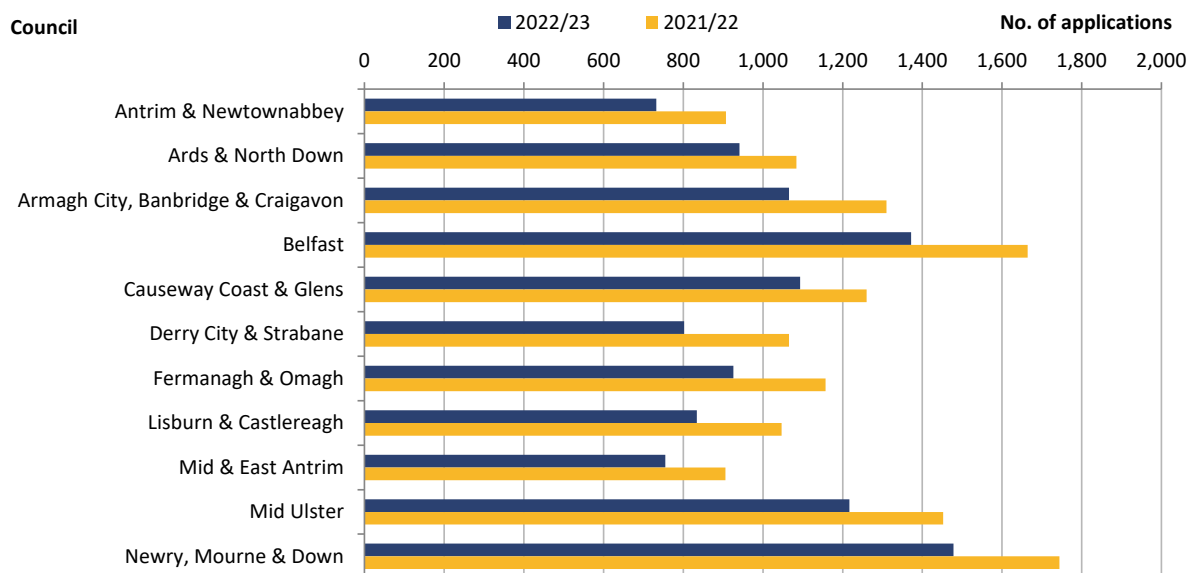
Just over three-quarters of the planning applications received in 2022/23 were for full planning permission (75.5%); similar to the proportion reported for 2021/22 (75.3%).

During 2022/23, the number of planning applications received varied across councils, ranging from 1,478 in Newry, Mourne and Down (accounting for 13.2% of all applications received across NI) to 732 in Antrim and Newtownabbey (6.5% of all applications received).

Reflecting the overall decrease in the number of applications received in 2022/23 compared with 2021/22 (-17.5%), all 11 councils reported a decrease over the year. The largest decrease, in percentage terms, was in Derry City and Strabane (-24.7%). ([Figure 1.2](#)).

[Refer to Tables 1.1, 1.2, 5.6.](#)

Fig 1.2 Applications received by council, 2021/22 & 2022/23



Applications decided

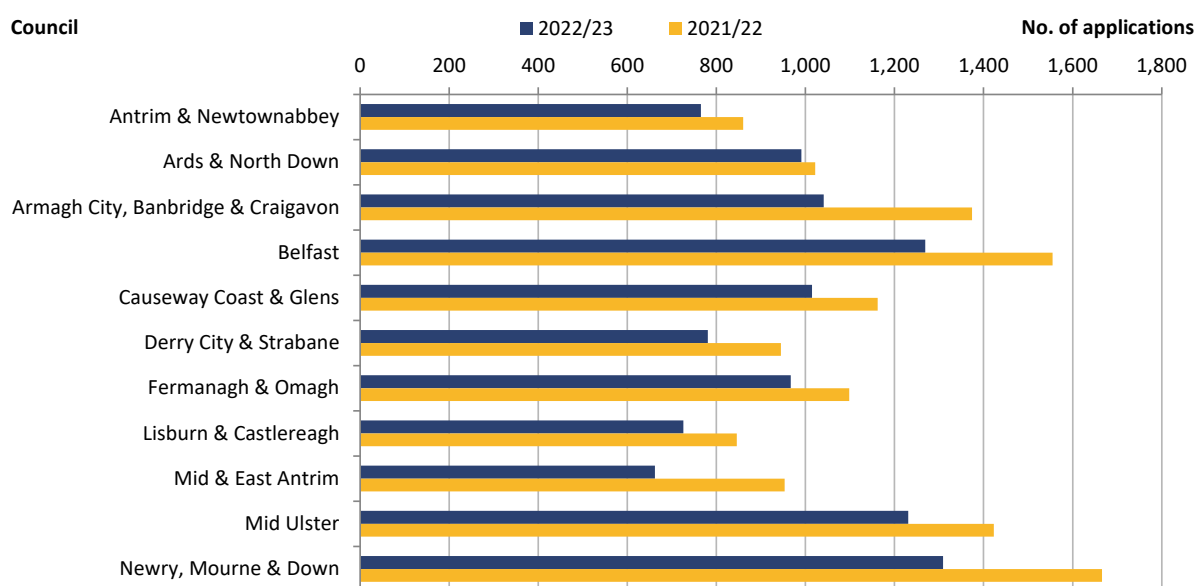
The number of planning **decisions issued** during 2022/23 was **10,771**; the second lowest figure of the series and a decrease of 16.6% from 2021/22 (12,914) ([Figure 1.1](#)). [Refer to Table 1.1.](#)

Over three quarters of planning decisions in 2022/23 (75.2%) were for full planning permission. This was a decrease from the proportion recorded for the previous financial year (76.9%).

Across councils the number of decisions issued during 2022/23 ranged from 1,309 in Newry, Mourne and Down (accounting for 12.2% of all decisions across NI) to 662 in Mid and East Antrim (6.1% of all decisions).

Reflecting the overall decrease in the number of applications decided in 2022/23 compared with 2021/22 (-16.6%), all 11 councils reported a decrease in the number of applications decided in 2022/23, with the percentage decrease greatest in Mid and East Antrim (-30.5%). ([Figure 1.3](#)).

Fig 1.3 Applications decided by council, 2021/22 & 2022/23



The number of applications received exceeded the number of decisions issued in seven out of the 11 councils during 2022/23.

Over the course of the year, **565** applications were **withdrawn**; a decrease of 9.3% from the number withdrawn in 2021/22 (623).

Overall, the number of applications processed (i.e. decided or withdrawn) in 2022/23 was 11,336; a decrease of 16.3% from the previous year (13,537).

[Refer to Tables 1.1, 1.2, 5.6.](#)

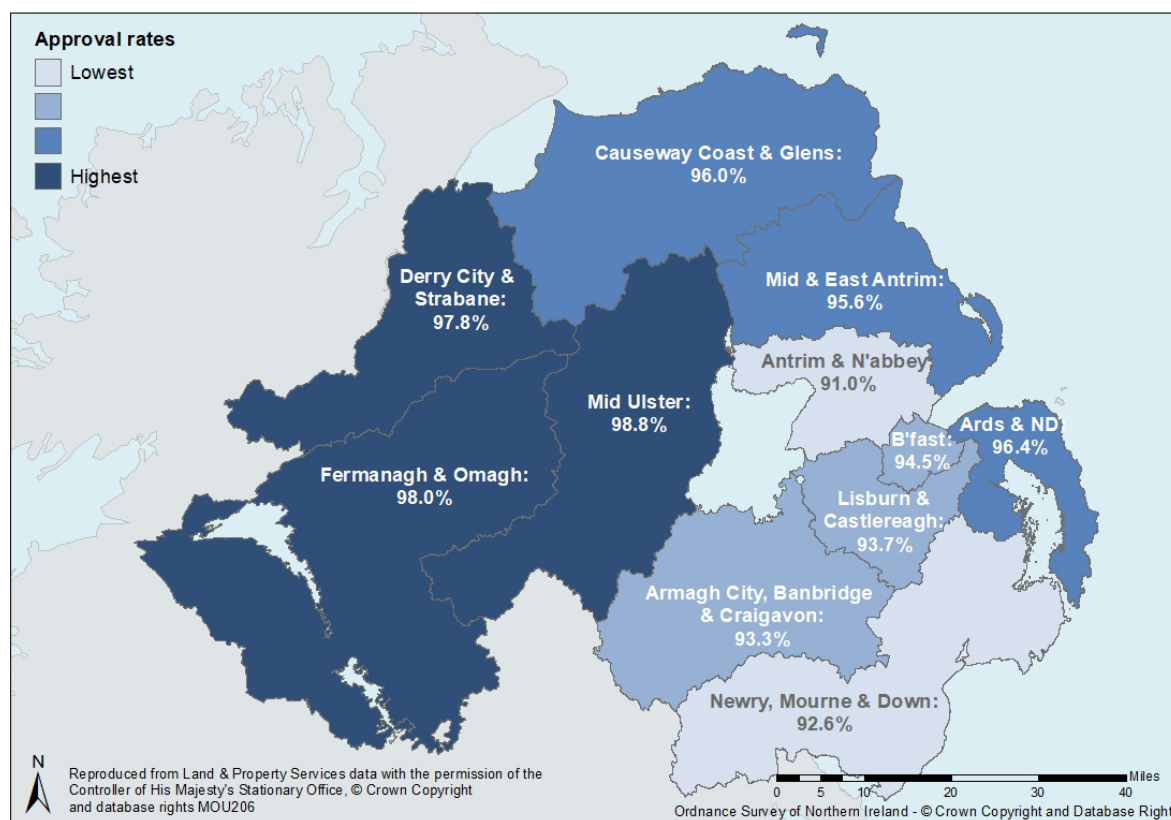
In addition to processing applications, planning authorities deal with a range of other planning related work. For example, during 2022/23 they processed to decision or withdrawal: 950 discharge of conditions; 833 certificates of lawfulness; 395 non-material changes; and 270 tree preservation orders. A further breakdown of these figures is provided in [Table 9.1](#).

Approval rates

The **overall Northern Ireland approval rate** for all planning applications was **95.3%** in 2022/23; an increase from the rate reported for 2021/22 (94.9%). [Refer to Table 1.1.](#)

Approval rates varied across councils during 2022/23, from 98.8% in Mid Ulster to 91.0% in Antrim and Newtownabbey ([Figure 1.4](#)). These rates are dependent on many factors and care should be taken in making any comparisons.

Fig 1.4 Approval rates by council, 2022/23



Six councils reported a decrease in approval rate in 2022/23 when compared with 2021/22, with the largest decrease occurring in Antrim and Newtownabbey (down from 94.5% to 91.0%). Approval rates increased over this period in the remaining five councils, with the largest increase occurring in Newry, Mourne and Down (up from 87.5% to 92.6%). [Refer to Table 1.2.](#)

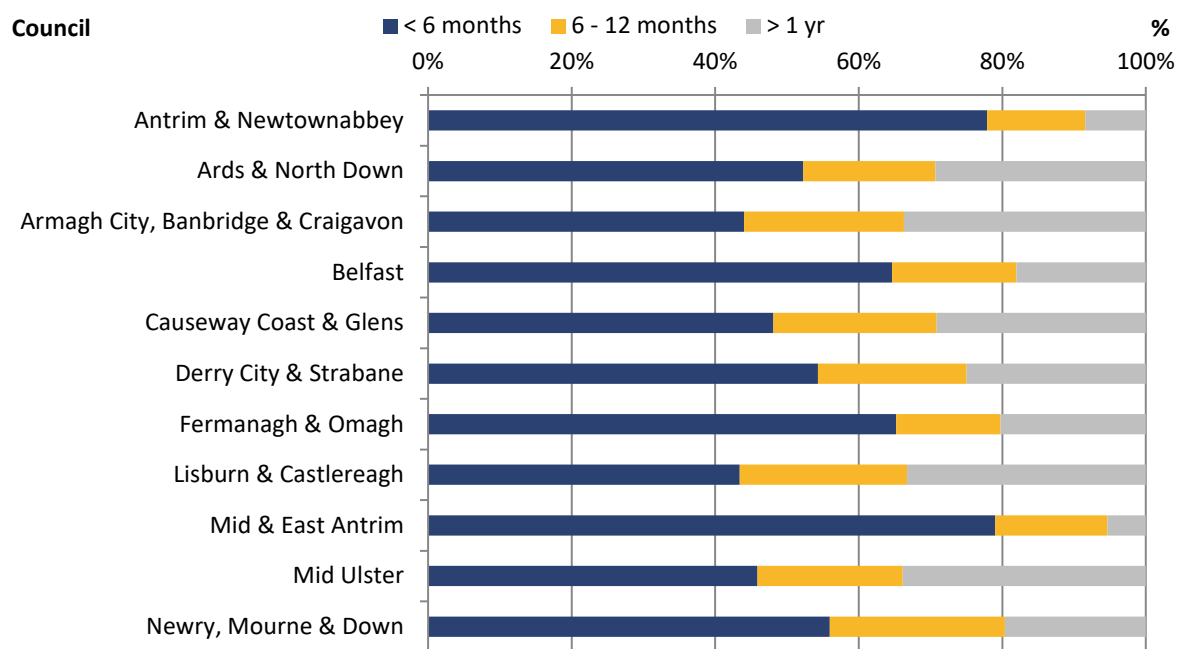
Live applications

There were **8,092 live** applications in the planning system across NI at the end of March 2023, a decrease from the number of live applications at the end of March 2022 (8,236). Any decrease in the live count is due to more applications being processed, i.e. decided or withdrawn, compared with applications received over a given period.

Over one-quarter of all live applications in the planning system at the end of March 2023 were over one year old (25.8%); an increase from the proportion reported for the end of March 2022 (22.5%), and the highest end-of-year proportion since 2012/13. [Refer to Table 1.3.](#)

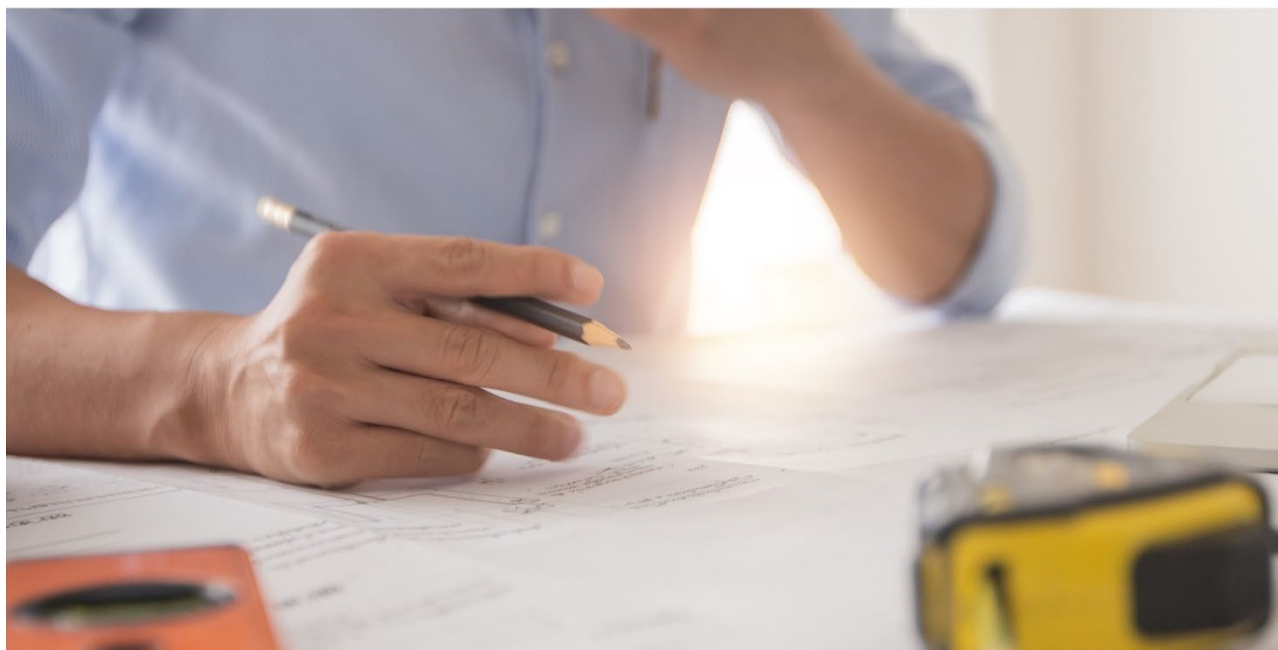
The proportion of live applications over one year old at the end of March 2023 varied across councils, ranging from 33.9% in Mid Ulster to 5.3% in Mid and East Antrim ([Figure 1.5](#)).

Fig 1.5 Live applications by council & time in the planning system at end of March 2023



Comparing the end of March 2023 with the same point a year earlier, the proportion of live cases in the system for over a year increased across nine councils, with the increase greatest in Lisburn and Castlereagh (up from 26.0% to 33.3%). The remaining two councils reported a decrease in the proportion of live cases over the year with the decrease greatest in Antrim and Newtownabbey (down from 10.4% to 8.4%).

[Refer to Table 1.4.](#)



Chapter 2: Departmental activity

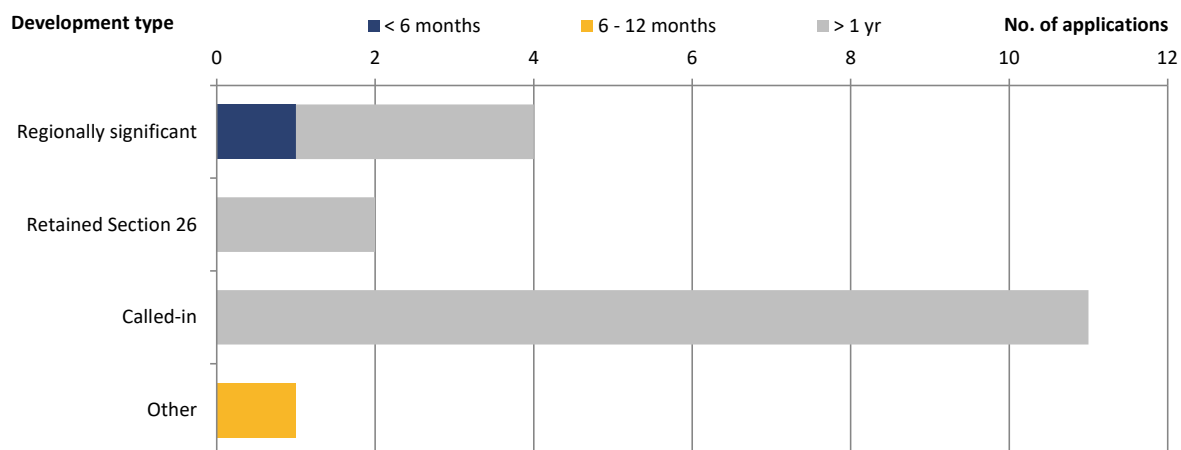
Chapter 2: Departmental activity

Departmental planning activity

In 2022/23 the Department received two applications; one regionally significant development (RSD) and one other application. This compares with 10 received during 2021/22. The Department issued decisions on 15 applications during 2022/23; one RSD, one Retained Section 26, five called-in and eight other applications. This is an increase from the 10 decisions issued by the Department during the previous year. In addition, two applications were withdrawn during the most recent year, compared with one during 2021/22. The applications withdrawn in 2022/23 were both Retained Section 29 applications.

At the end of March 2023 there were 18 live Departmental applications: four ongoing RSD applications; two retained applications; 11 called-in applications; and one other application. The majority of these applications (16 out of 18) were in the planning system for over a year at the end of March 2023 ([Figure 2.1](#)). [Refer to Tables 2.1, 2.2.](#)

Fig 2.1 Live Departmental applications by development type & time in system at end of March 2023



Departmental target

RSD applications are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the four RSD applications live in the planning system at the end of March 2023, one had already been progressed to ministerial recommendation prior to 2022/23. Another was progressed to ministerial recommendation in Q3 2022/23 but the 30 week period for recommendation / withdrawal had been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded for one, and the other which was received during Q4 2022/23 will be progressed in future months. In addition, there are two former Article 31 applications which are being dealt with under Section 26 of the Planning Act (NI) 2011 as regionally significant applications.

Progress on these applications, and any new RSD applications received, will continue to be assessed in future reports.



Chapter 3: Major development planning applications

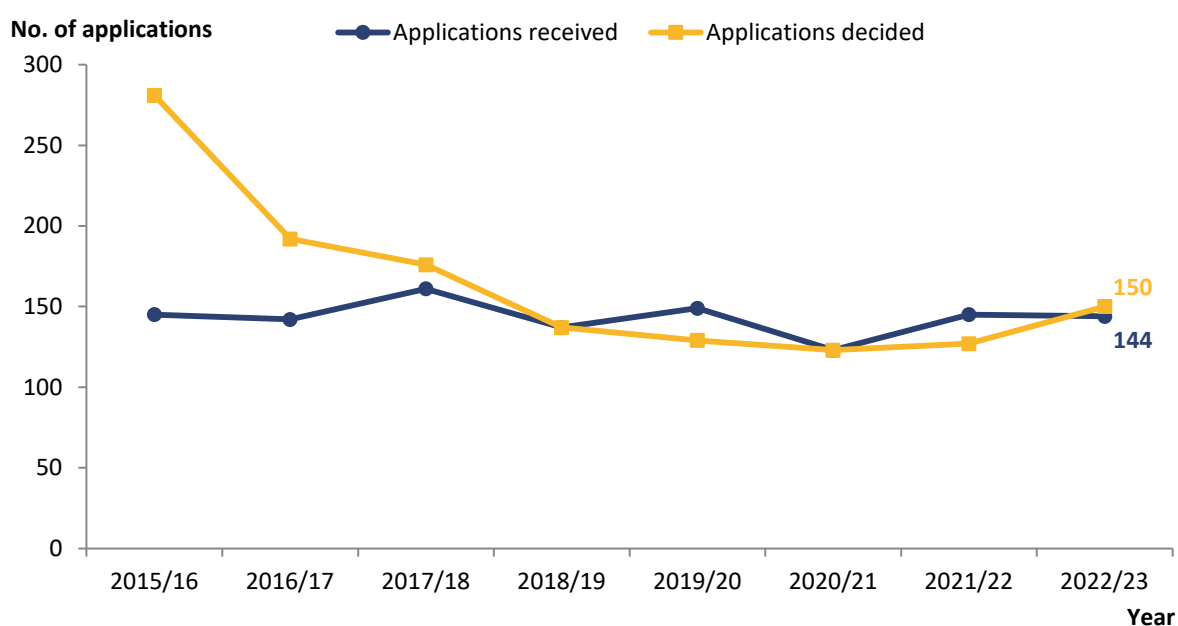
Chapter 3: Major development planning applications

Major Developments have important economic, social and environmental implications. The majority of major applications are multiple housing, commercial, and government and civic types of development.

Major applications received

A total of **144 major** planning applications were **received** in NI during 2022/23; similar to the number received in 2021/22 (145) ([Figure 3.1](#)).

Fig 3.1 Major development applications, annually, 2015/16 to 2022/23



From 1 July 2015, pre-application community consultation became a pre-requisite to a major application. All major applications now go through a minimum 12 week consultation process before being accepted. The impact of this requirement should be borne in mind when considering the longer term trend in major applications received, particularly when considering quarterly data. As [Figure 3.1](#) shows, the impact of this requirement is less evident for annual data. The number of major applications received has been relatively stable since the time series began in 2015/16, ranging from 123 in 2020/21 to 161 in 2017/18.

From 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was subsequently extended until 31 March 2022¹.

¹ For more information, see the [Departmental website](#).

The number of major applications received across the councils in 2022/23 ranged from 25 in Belfast to four in Ards and North Down. Six councils recorded decreases in the number of major applications received in 2022/23 compared with 2021/22, with Belfast recording the largest decrease (down 13, from 38 to 25). Five councils reported increases in the number of major applications received over the year, with the greatest increase recorded in Mid Ulster (up 10, from 10 to 20).

Major applications decided

During 2022/23, **150 major** planning applications were **decided**; an increase of 18.1% from the previous year (127) ([Figure 3.1](#)).

There were **seven** major applications **withdrawn** during 2022/23, compared to 4 in 2021/22.

At council level, the number of major applications decided in 2022/23 ranged from 25 in Belfast to three in Ards and North Down. Nine of the 11 councils issued more decisions on major applications in 2022/23 than in 2021/22.

Of the 150 major applications decided upon in NI during 2022/23, 147 were approved, meaning the overall Northern Ireland **approval rate** was **98.0%**. All eleven councils issued decisions on major applications during the most recent year; in nine of those, 100% of the major applications decided upon were approved. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target



It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

[Figure 3.2](#) presents annual average processing times for major applications. The **average processing time** for **major** applications brought to a decision or withdrawal during **2022/23** was **57.8 weeks** across all councils. This represents an increase of 8.0 weeks when compared to the average processing time in 2021/22 (49.8 weeks) and is considerably higher than the 30 week target.

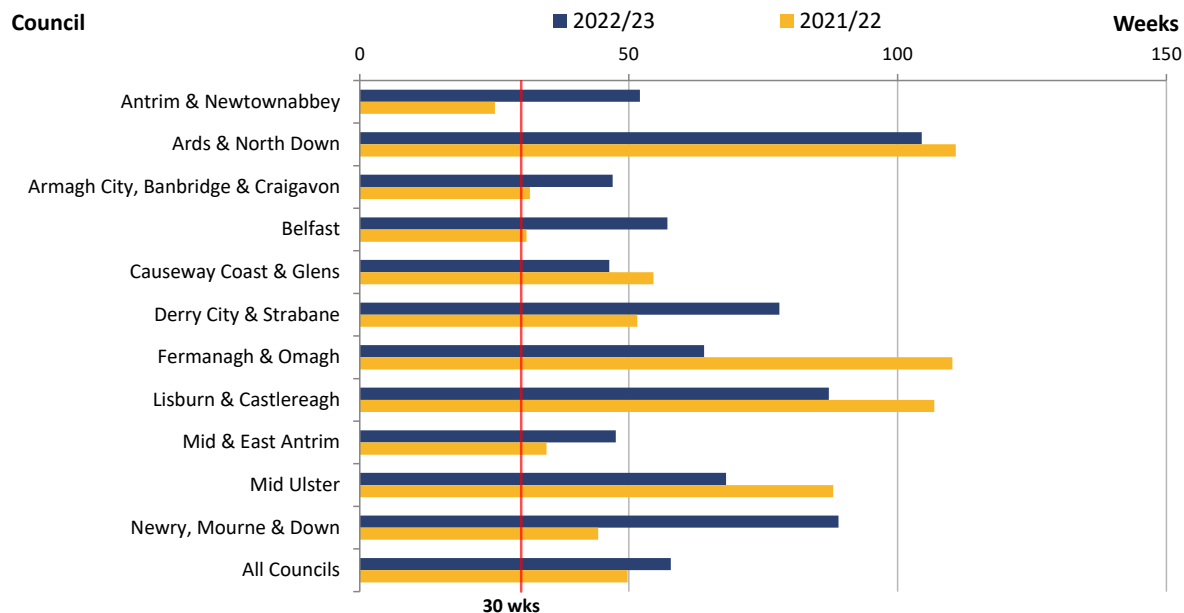
Whilst [Figure 3.2](#) below has been provided for completeness, some councils (3 of the 11) processed fewer than 10 major applications to decision or withdrawal during 2022/23. [Refer to Table 3.2 for further information.](#)

No councils were within the 30 week target in 2022/23. The lowest average processing times were recorded in Causeway Coast and Glens (with an average of 46.4 weeks across 17 applications), Armagh City, Banbridge and Craigavon (with an average of 47.0 weeks across 17 applications), and Mid and East Antrim (with an average of 47.6 weeks across 9 applications). [Refer to Table 3.2.](#)

Six of the 11 councils reported an increase in average processing times for major applications in 2022/23 compared with 2021/22, with the increase greatest in Newry, Mourne and Down (up from an average of 44.3 weeks to 89.0 weeks). The remaining five

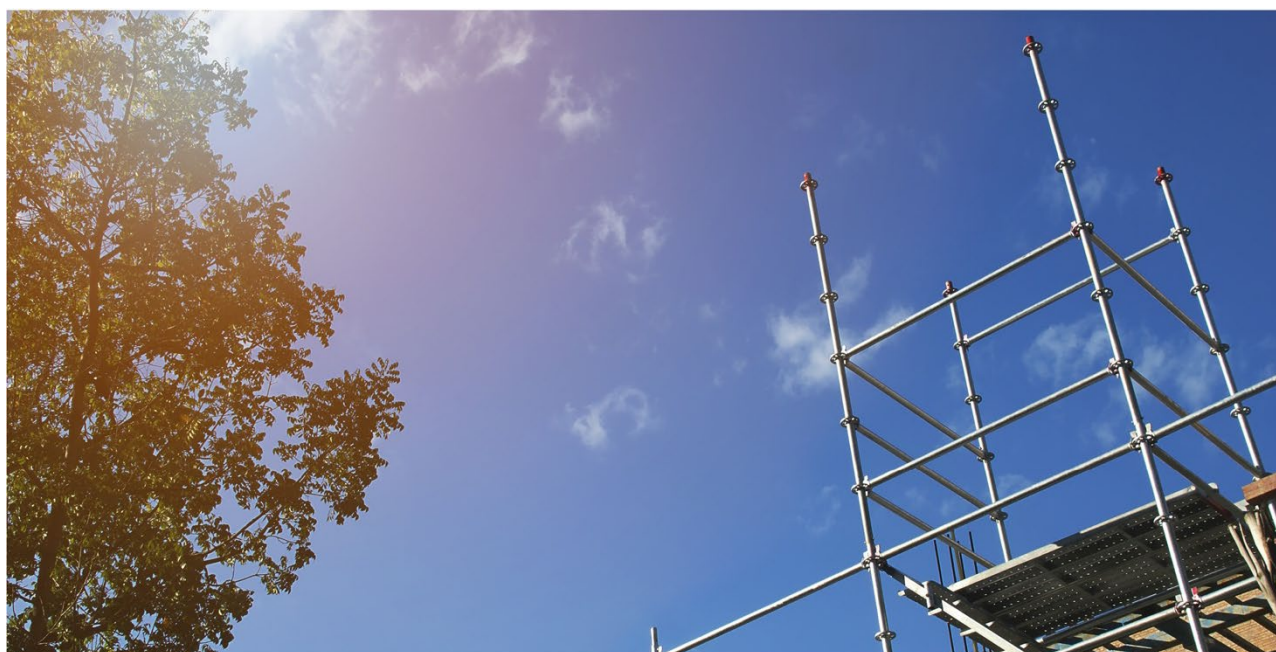
councils reported a decrease in average processing times for major applications over the year, with Fermanagh and Omagh reporting the greatest decrease (down from an average 110.2 weeks to 64.0 weeks).

Fig 3.2 Major development average processing times by council, 2021/22 & 2022/23



[Refer to Table 3.2 for further information.](#)

Three of the 147 major applications processed by councils in 2022/23 were legacy cases (i.e. those received before 1 April 2015). There were 8 live major legacy applications in the planning system at the end of March 2023. A breakdown of these figures by legacy cases (those applications received prior to transition of planning powers) and council received cases is provided in [Table 8.2](#).



Chapter 4: Local development planning applications

Chapter 4: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils.

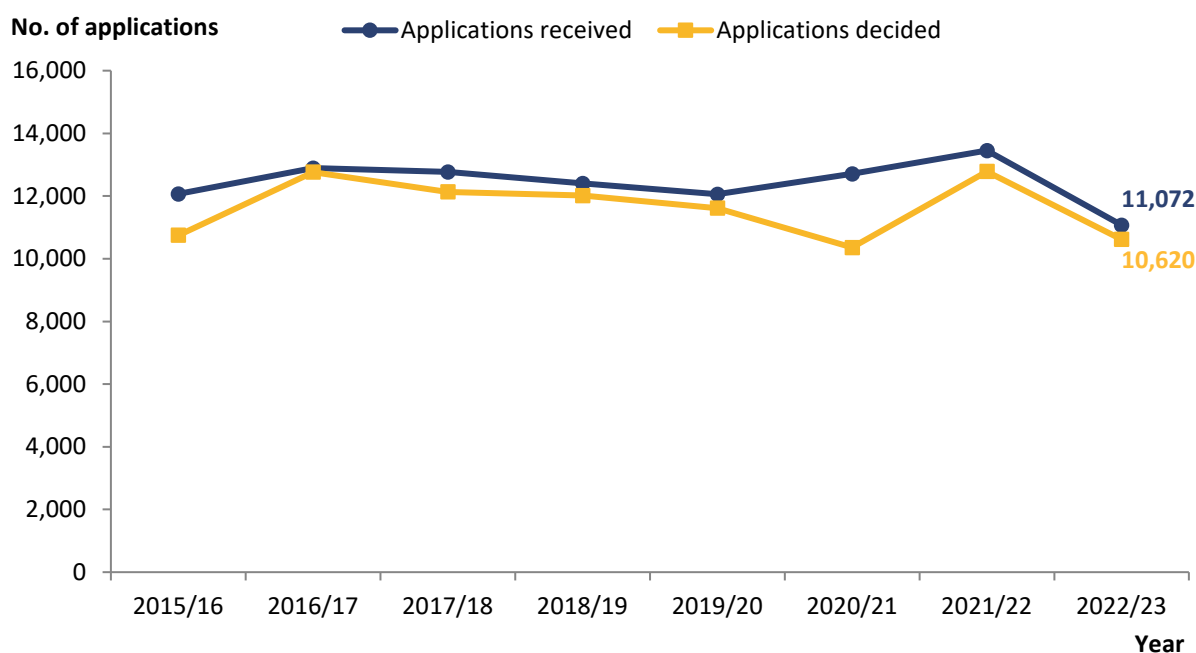
Local applications received

The number of **local** applications **received** in NI during 2022/23 was **11,072**; the lowest since the series began in 2015/16 and a decrease of 17.7% on the 13,454 received during 2021/22 ([Figure 4.1](#)).

Across councils the number of local applications received during 2022/23 ranged from 1,471 in Newry, Mourne and Down to 714 in Antrim and Newtownabbey.

All 11 councils reported a decrease in the number of local applications received in 2022/23 compared with the previous year. The decrease was greatest, in percentage terms, in Derry City and Strabane, where the number of local applications received was down by nearly one quarter (-24.6%).

Fig 4.1 Local development applications, annually, 2015/16 to 2022/23



Local applications decided

The number of **local** applications **decided** in 2022/23 was **10,620**; a decrease of 16.9% from 2021/22 (12,787). In each year since the transfer of planning powers the number of local applications received has exceeded the number decided. This difference was considerable in 2015/16, in large part due to the gap between the number received and decided during the first quarter of 2015/16, immediately following transfer. In 2016/17 the gap narrowed considerably, before widening again in subsequent years. The gap was greatest in 2020/21,

with 2,352 more applications received than decided, suggesting that the coronavirus pandemic and resulting restrictions impacted the ability of planning authorities to issue decisions on local applications. That gap has since narrowed, with 452 more applications received than decided in 2022/23 ([Figure 4.1](#)).

During 2022/23 the number of local planning decisions issued across councils ranged from 1,298 in Newry, Mourne and Down to 653 in Mid and East Antrim.

All 11 councils reported a decrease in the number of local applications decided in 2022/23 compared with the previous year, with the decrease greatest in percentage terms in Mid and East Antrim (-30.9%).

In 2022/23, **558** local applications were **withdrawn**; a decrease of 9.9% from the number withdrawn in 2021/22 (619). Across councils the number of local applications withdrawn in 2022/23 ranged from 71 in Causeway Coast and Glens to 24 in Mid and East Antrim.

The **overall Northern Ireland approval rate** for local applications was **95.2%** in 2022/23; this compares to 94.9% in 2021/22.

[Refer to Tables 4.1, 4.2.](#)

Local planning applications statutory target



It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

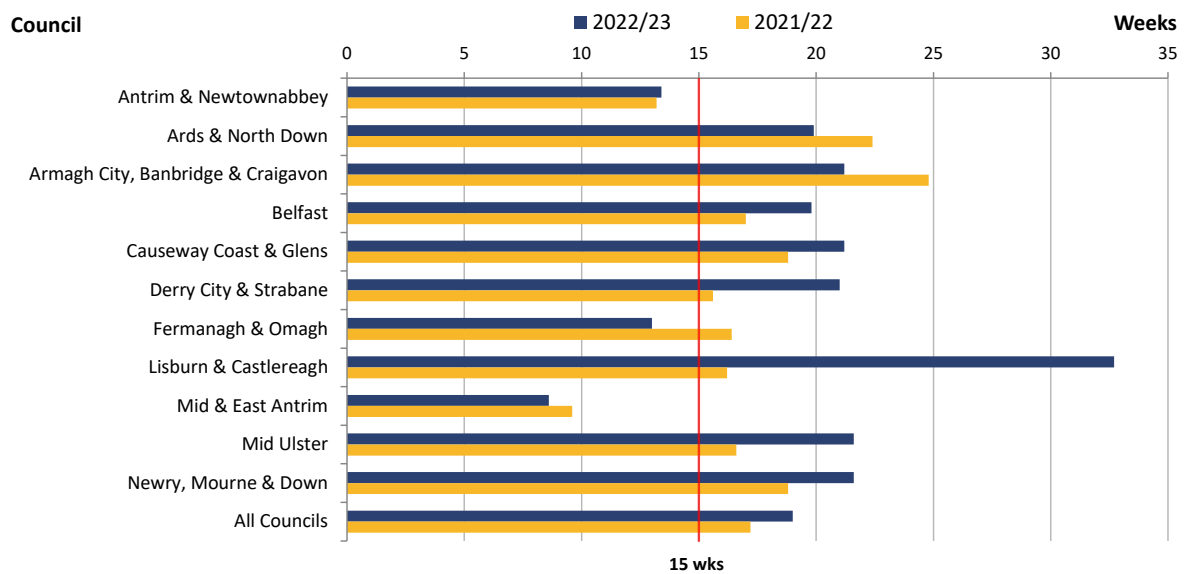
The **average processing time** for local applications brought to a decision or withdrawal during **2022/23** was **19.0 weeks**, exceeding the statutory target of 15 weeks. This represents an increase of 1.8 weeks compared with 2021/22 (17.2 weeks).

Three of the 11 councils met the 15 week target in 2022/23: Mid and East Antrim (8.6 weeks); Fermanagh and Omagh (13.0 weeks); and Antrim and Newtownabbey (13.4 weeks).

The average processing time for local applications increased in seven councils during 2022/23, compared with 2021/22, with the increase greatest in Lisburn and Castlereagh (up 16.5 weeks, from 16.2 to 32.7 weeks). Over the same period, average processing times for local applications decreased in the remaining four councils, with the decrease greatest in percentage terms in Fermanagh and Omagh (down 3.4 weeks, from 16.4 to 13.0 weeks) ([Figure 4.2](#)).

[Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, 2021/22 & 2022/23



Seven of the 11,172 local applications processed by councils in 2022/23 were legacy cases (i.e. those received before 1 April 2015). There were 17 live local legacy applications in the planning system at the end of March 2023. A breakdown of these figures by legacy cases (those applications received prior to transition of planning powers) and council received cases is provided in [Table 8.2](#).



Chapter 5: Development type

Chapter 5: Development type

Generally, the majority of planning applications received are for residential development. During 2022/23, **residential** applications accounted for over three-fifths (**62.5%**) of all planning applications received in NI; a decrease on the proportion for 2021/22 (66.2%).

Residential applications accounted for the majority of applications received in each council during 2022/23; ranging from 71.0% in Mid Ulster to 44.2% in Belfast.

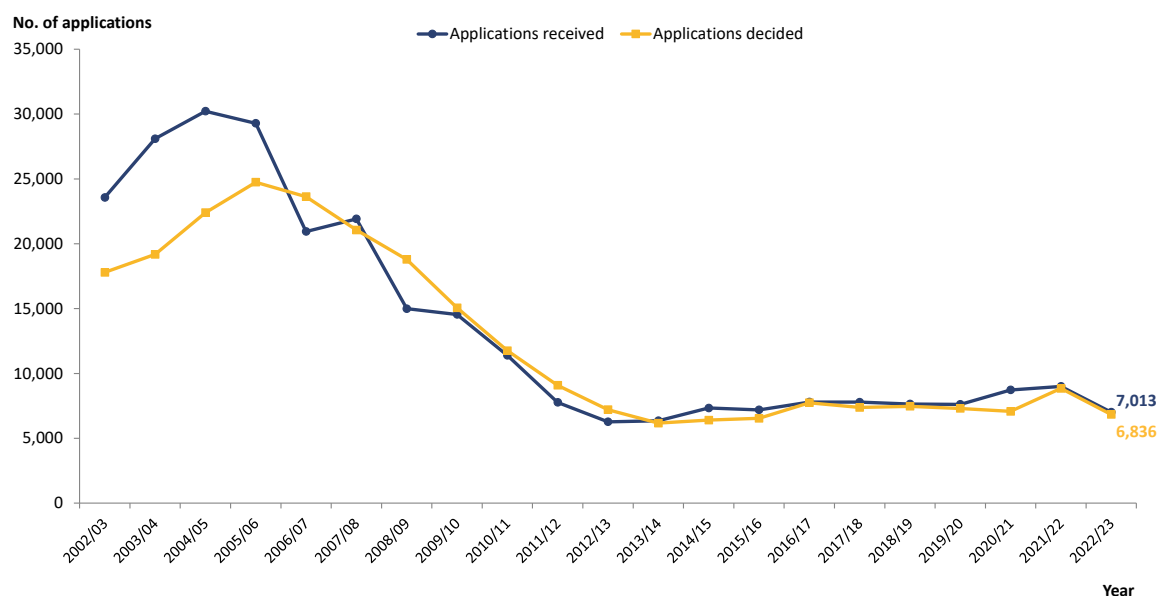
Consistent with previous years, a higher proportion of applications received in Belfast (24.8%) and Derry City and Strabane (23.1%) were categorised as ‘other’² in 2022/23, compared with the other councils. See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category.

At NI level the overall number of planning applications received decreased by 17.5% between 2021/22 and 2022/23. There was also a decrease in six of the eight development types, with the greatest decrease being in residential applications (down 22.1%, from 9,006 to 7,013). The number of industrial applications increased by 11.4% (from 175 to 195), while the number of change of use applications remained the same over the year (634). [Refer to Tables 5.1, 5.2.](#)

Residential applications received

The overall number of **residential** planning applications **received** in NI during 2022/23 was **7,013**; a decrease of 22.1% from 2021/22 (9,006). [See Figure 5.1.](#)

Fig 5.1 NI Residential applications, annually, 2002/03 to 2022/23



² See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category

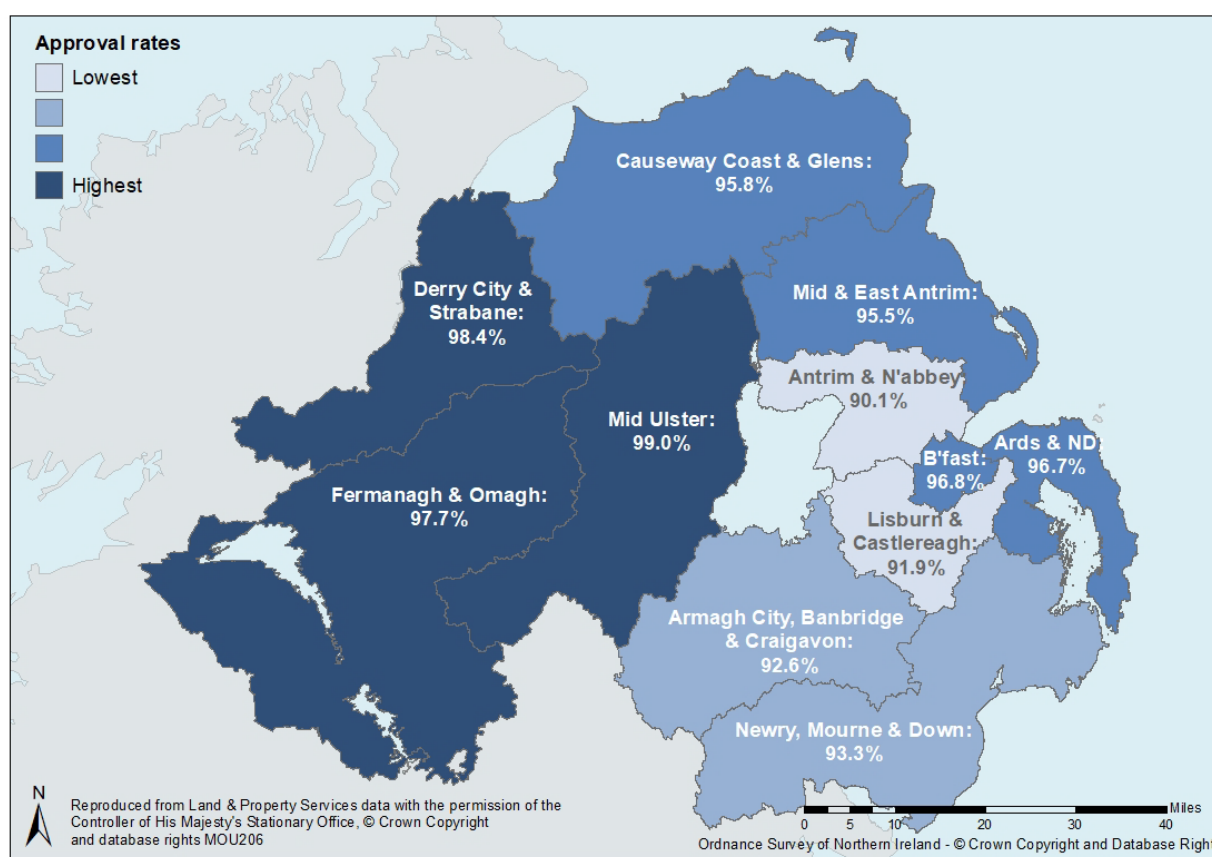
Residential applications decided

There were **6,836 residential** planning applications **decided** during 2022/23; a decrease of 22.7% over the year from 8,846. [See Figure 5.1.](#)

The **Northern Ireland approval rate** for **residential** planning applications was **95.4%** in 2022/23; similar to the rate reported for 2021/22 (95.0%), and the second highest annual residential approval rate reported since the series began in 2002/03.

Approval rates for residential planning applications varied across councils in 2022/23, ranging from 99.0% in Mid Ulster to 90.1% in Antrim and Newtownabbey ([Figure 5.2](#)).

Fig 5.2 Residential approval rates by council, 2022/23



In 2022/23 approval rates for residential planning applications decreased in seven councils when compared with 2021/22, with the largest decrease occurring in Antrim and Newtownabbey (down from 93.9% to 90.1%). Four councils reported an increase in residential approval rates over the same period with the greatest of these reported in Newry, Mourne and Down (up from 87.3% to 93.3%).

During 2022/23, 343 residential applications were withdrawn across NI, a decrease from the number reported for the previous year (389).

[Refer to Tables 5.3 and 5.4.](#)

Residential applications – urban, rural and open countryside

Across urban areas (settlements greater than or equal to 5,000 population), the number of residential applications received in 2022/23 was 2,260; a decrease of 24.1% from 2021/22 (2,978).

In rural areas, within settlements of less than 5,000 population, there was a decrease in the number of residential applications received in 2022/23 (795) compared with 2021/22 (down 27.4%, from 1,095).

In the open countryside (outside population settlements), the number of residential applications received in 2022/23 (3,958) also decreased over the year (down 19.8%; from 4,933).

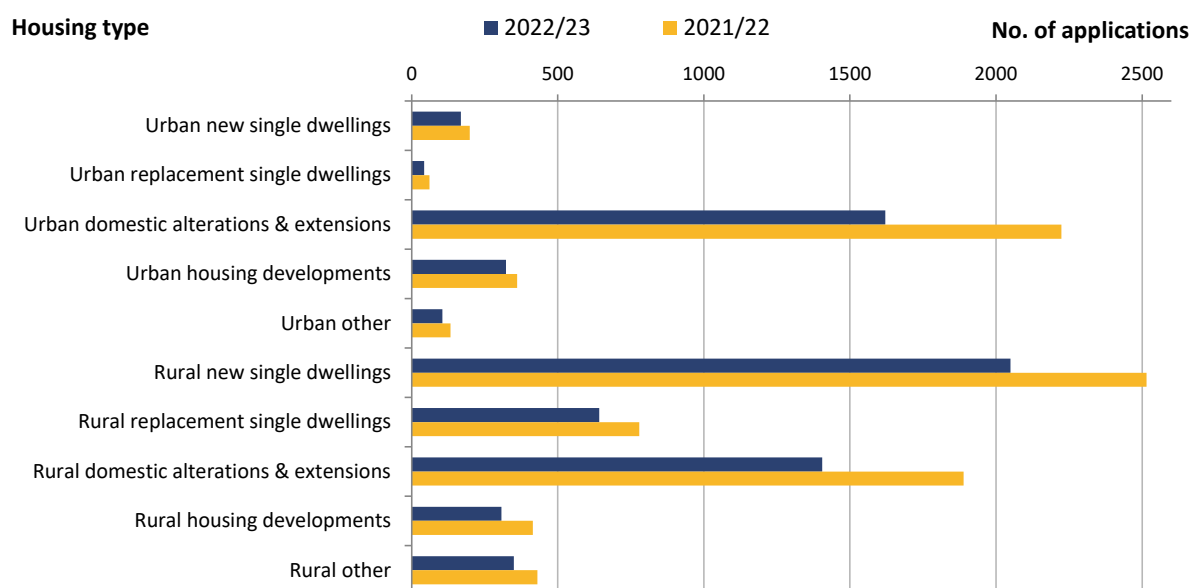
Residential applications – urban and rural

Figure 5.3 shows the number of residential applications received in 2021/22 and 2022/23, broken down by urban and rural housing type. Urban is based on areas with settlements greater than 5,000 population while rural is a combination of settlements below 5,000 population and the open countryside.

New single dwellings in rural areas (2,049) and alterations/extensions in urban areas (1,621) continue to be the most common types of residential application, together accounting for over half (52.3%) of all residential applications received during the 2022/23.

The overall decrease over the year in the number of residential applications received (-22.1%) was a result of decreases in the number of applications across all housing types, see Figure 5.3.

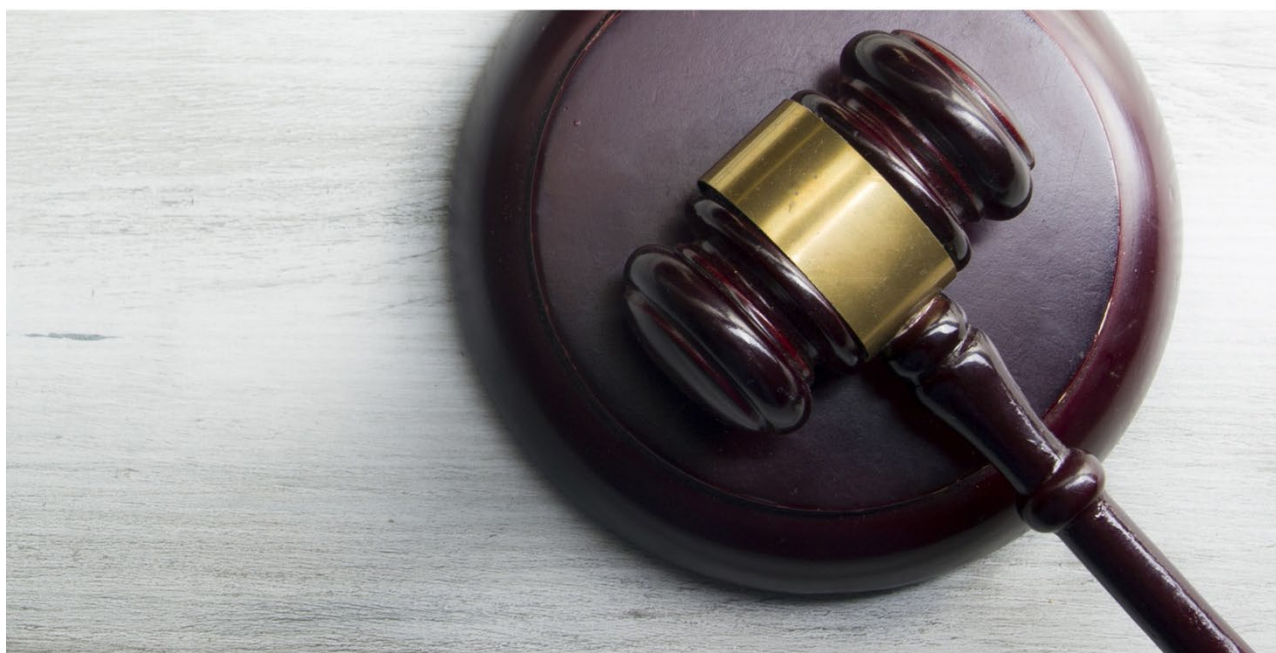
Fig 5.3 NI Residential applications received by urban/rural, 2021/22 & 2022/23



The overall decrease in the number of residential applications decided between 2021/22 and 2022/23 (-22.7%), was driven in large part by decreases in the number of decisions issued on domestic alterations and extensions in rural areas (down 33.5%; from 1,995 to 1,327) and in urban areas (down 33.1%; from 2,354 to 1,574). [Refer to Table 5.5](#) and [Figure 5.4](#).

Fig 5.4 NI Residential applications decided by urban/rural, 2021/22 & 2022/23





Chapter 6: Compliance and enforcement activity

Chapter 6: Compliance and enforcement activity

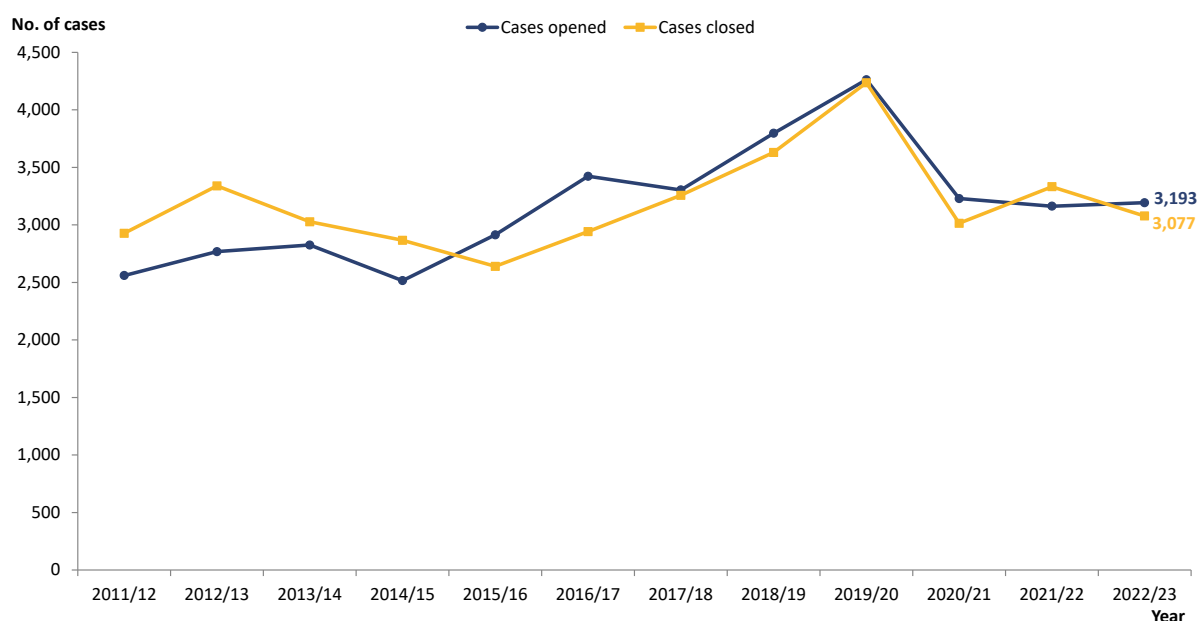
Enforcement cases

The number of **enforcement cases opened** in NI during 2022/23 was **3,193**; up 0.9% from the number opened in 2021/22 (3,163), which was the lowest annual total reported since 2015/16 ([Figure 6.1](#)). [Refer to Table 6.1](#).

Across the councils, the number of enforcement cases opened in 2022/23 ranged from 491 in Belfast, to 171 in Mid Ulster. Six councils reported decreases in the number of cases opened in 2022/23 compared with the previous year. This decrease was greatest in Newry, Mourne and Down, where the number of cases opened fell by more than one-fifth (-21.1%) over the year (from 408 to 322). The number of cases opened increased in five councils over this period, with the largest increase recorded in Derry City and Strabane (up 60.5%, from 172 to 276).

The number of **enforcement cases closed** during 2022/23 was **3,077**; down by 7.7% from the same period a year earlier (3,332) ([Figure 6.1](#)).

Fig 6.1 Enforcement cases opened & closed, annually, 2011/12 to 2022/23



The number of cases closed in 2022/23 varied across councils, ranging from 432 in Armagh City, Banbridge and Craigavon to 145 in Mid Ulster. Eight of the 11 councils reported a decrease in the number of enforcement cases closed in 2022/23 compared with the previous year. This decrease was greatest in Newry, Mourne and Down, where the number of cases closed decreased from 511 to 316 (-38.2%). Three councils reported an increase in the number of cases closed with the greatest of these in percentage terms in Derry City and Strabane, up 80.9% (from 157 to 284).

The most common reasons for enforcement cases closing in 2022/23 were that no breach had actually occurred (35.4%) or that the case had been remedied or resolved (25.0%).

Together these accounted for over three-fifths (1,858; 60.4%) of the 3,077 cases closed during the year.

Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

The number of enforcement cases concluded and corresponding processing times is not presented in this report. This information will be published later and users will be notified when available.

Live enforcement cases

The number of **live enforcement cases** at the end of March 2023 was **3,774**, up 3.2% from 2021/22 (3,658).

The number of **cases over two years old** stood at **1,322** at the end of March 2023, accounting for 35.0% of all live cases, the highest end of year proportion since the end of March 2013. This compared with 33.2% of live cases at the end of March 2022.

[Refer to Tables and 6.1 and 6.4.](#)

Across councils, Newry, Mourne and Down had the highest number of live cases at the end of March 2023 (708), with almost one-half (48.6%) of these in the system for over two years.

Mid and East Antrim had the smallest number of live cases (97) at the end of March 2023, with 16.5% of these in the system for over two years.

The number of live enforcement cases increased in seven of the 11 councils between the end of March 2022 and the end of March 2023. The increase was greatest in Belfast, where the number of live cases increased by 50.9% over the year (from 283 to 427).

The overall increase in the enforcement live count recorded across the year was offset by decreases reported in the remaining four councils, with the greatest of these reported in Armagh City, Banbridge and Craigavon (down 23.7%; from 456 to 348).

[Refer to Table 6.5.](#)

Compliance activity

There were 19 prosecutions initiated during 2022/23; down 48.6% from the number recorded for 2021/22 (37). Eight councils initiated prosecutions during 2022/23, with Causeway Coast and Glens initiating the most (6).

During 2022/23, there were 10 convictions across NI; down by -52.4% from the previous year (21). Six councils recorded convictions during this period, with Antirm and Newtownabbey recording the most (four).

[Refer to Tables 6.1 and 6.3.](#)



Chapter 7: Renewable energy activity

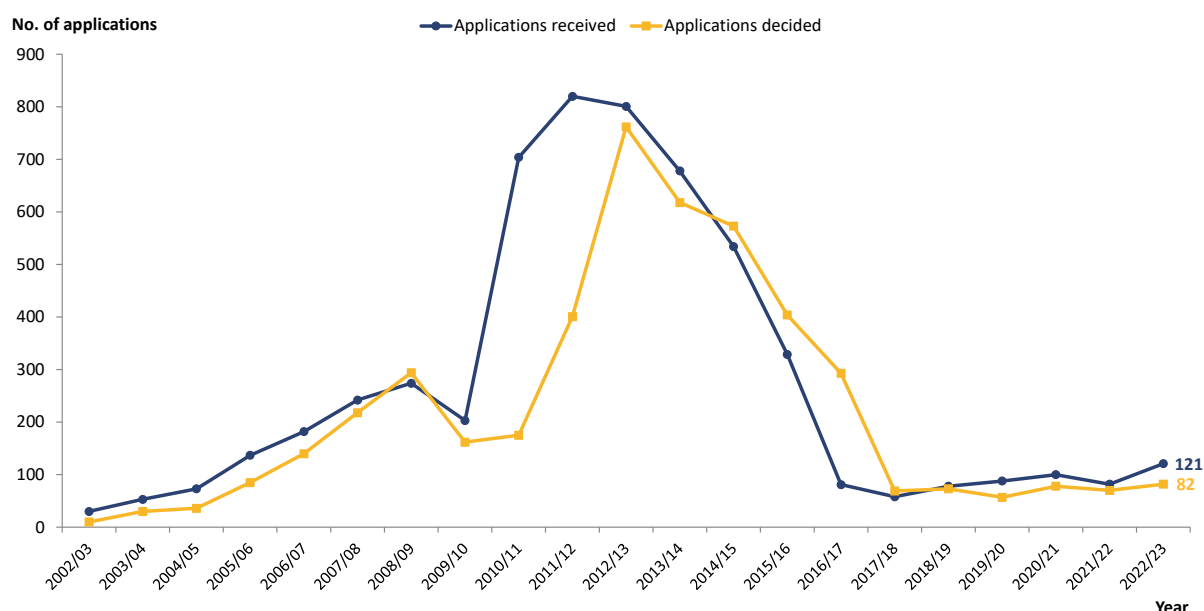
Chapter 7: Renewable energy (RE) activity

Renewable energy applications received

The number of **renewable energy** applications **received** in 2022/23 was **121**; an increase from 82 in 2021/22.

The number of renewable energy applications received annually peaked in 2011/12 at 820. It is likely that the high levels at this time were driven by the NI Executive’s former targets for electricity consumption from renewable sources, with a target of 20% to be achieved by 2015, and 40% by 2020. The sharp decline in recent years (a 85.2% decrease between 2011/12 (820) and 2022/23 (121)) may be partly due to a reduction in government funding available, as well as a lack of capacity on the power grid to allow for new connections ([Figure 7.1](#)).

Fig 7.1 Renewable Energy applications, annually, 2002/03 to 2022/23



Renewable energy applications decided

The number of renewable energy applications **decided** during 2022/23 was **82**; up from 70 reported for 2021/22 ([Figure 7.1](#)). Five renewable energy applications were withdrawn during 2022/23. [Refer to Table 7.1.](#)

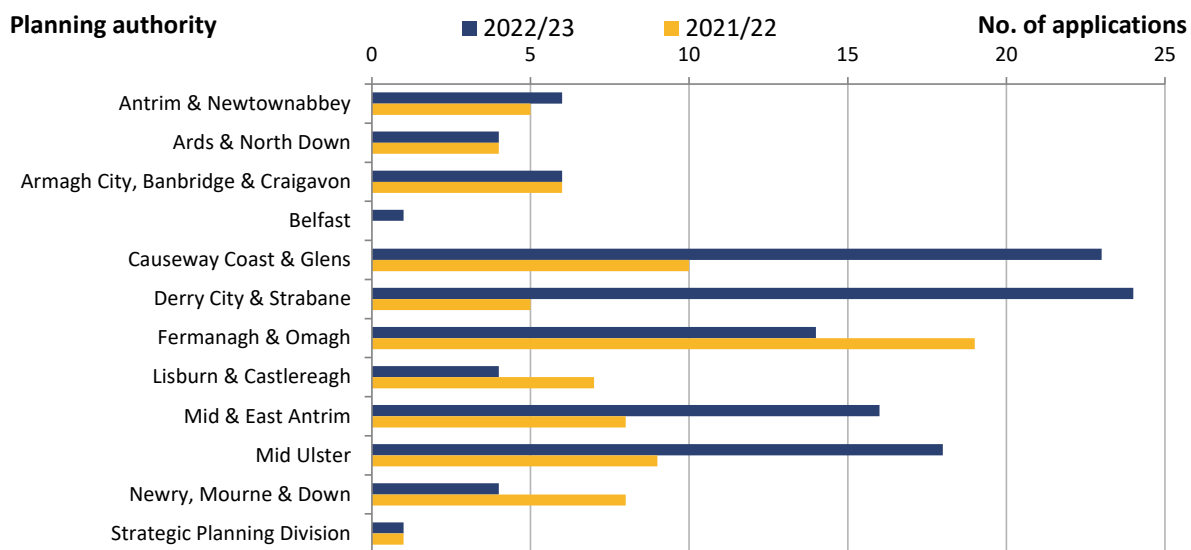
The average processing time for the 87 renewable energy applications brought to a decision or withdrawal during 2022/23 was 51.4 weeks across NI; with processing times increasing over the year from 43.8 weeks reported for 2021/22.

Single wind turbines continue to be the most common renewable energy application, accounting for 82 out of 121 applications received during 2022/23. In addition, 59 of the 82

renewable energy decisions issued during 2022/23 were for single wind turbines. [Refer to Table 7.2.](#)

[Figure 7.2](#) shows the distribution of renewable energy applications received across the different planning authorities, with Derry City and Strabane receiving the most in 2022/23 (24). Six planning authorities received an increased amount of applications in 2022/23 compared with the previous year; this increase was greatest in Derry City and Strabane (up from five to 24).

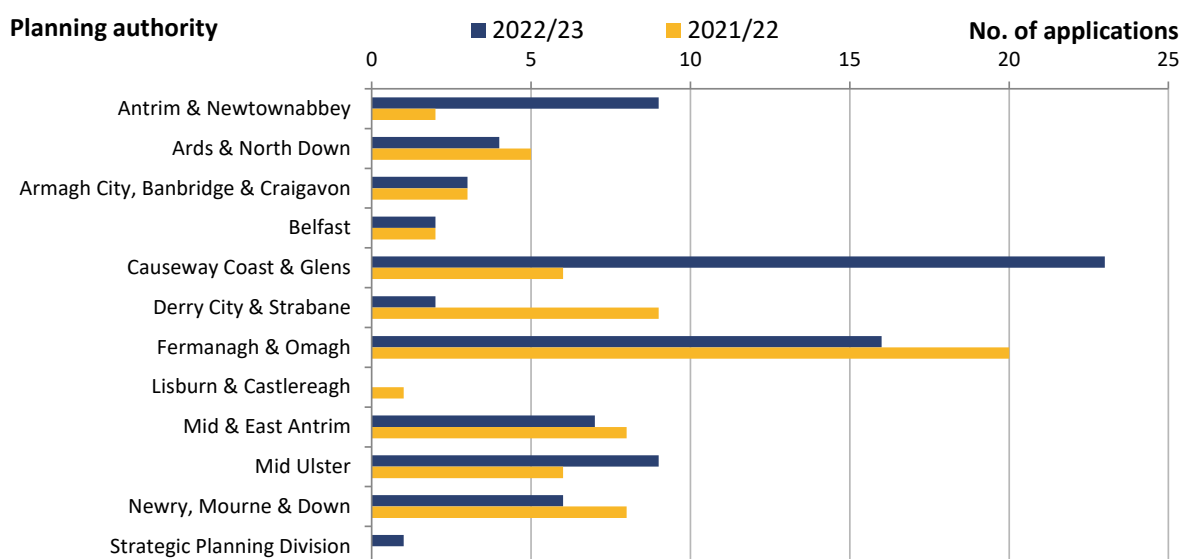
Fig 7.2 Renewable Energy applications received by authority, 2021/22 & 2022/23



[Figure 7.3](#) shows the distribution of decisions issued on renewable energy applications across the different planning authorities. Over the year, in four planning authorities, the number of decisions issued increased, with Causeway Coast and Glens deciding the most in 2022/23 (23).

Derry City and Strabane recorded the largest decrease in the number of renewable energy applications decided in 2022/23 compared with the previous year (down from nine to two), and was one of six authorities to record a decrease.

Fig 7.3 Renewable Energy applications decided by authority, 2021/22 & 2022/23

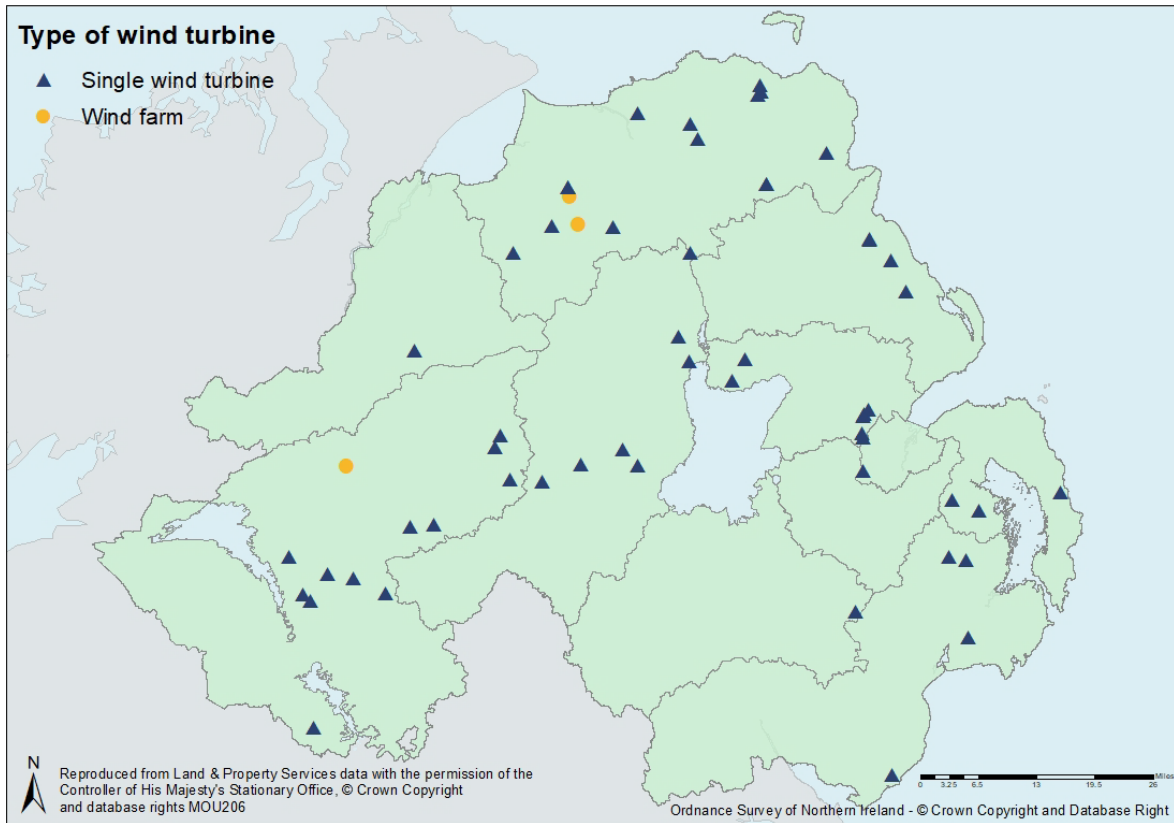


At the end of March 2023, there were **159 live** renewable energy applications in the planning system across NI; 71.7% of these (114 of 159) were for single wind turbines. Of the 159 live applications, 36.5% were in the planning system for over a year; a decrease from the proportion reported for the end of March 2022 (50.0%).

The **NI approval rate** for renewable energy applications was **91.5%** in 2022/23, with 75 out of the 82 decisions issued during this period being approved.

[Figure 7.4](#) displays the locations of wind energy applications approved during 2022/23. A total of 54 single wind turbines and three wind farms were approved during this period. Please note, some approved wind energy applications are in close proximity to each other and may not be individually identifiable on the map.

Fig 7.4 Location of approved wind energy applications by council, 2022/23



[Refer to Tables 7.2, 7.3 and 7.4.](#)

User Guidance

Notes on data source and quality

The records of all planning applications from 1 April 2022 to 31 March 2023 were transferred in May 2023 from a live database. This included all live planning applications in the Northern Ireland Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB) which involved quality checks and inspection of the coding of classifications in the Planning Portal. Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. On completion of ASRB and planning authority validation, a final extract was taken in May 2023. Quarterly application level data for 2022/23 are now finalised and will not be subject to further scheduled revision. Enforcement data for 2022/23 remains provisional and will be subject to a further revision once the full suite of enforcement data becomes available.

Quality assurance of administrative data sources

In 2015 the UK Statistics Authority published a regulatory standard for the quality assurance of administrative data (QAAD). This standard is supported with an [Administrative Data Quality Assurance Toolkit](#) which provides useful guidance to assure the quality of administrative data used in the production of statistics. ASRB have carried out a QAAD assessment on the Northern Ireland Planning Portal application – the administrative data source that is used to produce the Northern Ireland Planning Statistics. [This report](#) will be reviewed and updated as necessary on a biannual basis, with the most recent update published in December 2021.

Background quality report

In order to provide users with further information on how the statistics in the NI Planning Statistics report have been compiled and detail on the quality of the data used, a [background quality report has been published](#). This report will be reviewed and updated as necessary on a biannual basis, with the most recent update published in December 2021.

Regionally significant / major / local development applications after 1 April 2014

A new classification hierarchy of development for planning applications came into effect on 1 April 2014, on an administrative basis, with the introduction of the following new categories – regionally significant, major and local development. The hierarchy was subsequently placed on a statutory basis in line with the transfer of planning functions to the new district councils on 1 April 2015. It should be noted that there are some differences between the initial administrative hierarchy classifications in place from 1 April 2014 and the final classifications set out in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015 \(S.R.2015 No.71\)](#). Data and analysis based on this new hierarchy is available from 1 April 2015.

Regionally significant developments (RSD) are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan. Applications for these development proposals will be submitted to and determined by the Department. However, the thresholds for RSD may mean that applications which may have previously been dealt with by the Department will now be classified as major development and thus determined by the relevant council. Like major applications, RSD proposals will be subject to pre-application consultation with the community. Note that from 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was extended until [31 March 2022](#).

Major developments have important economic, social and environmental implications. The majority of applications for major developments will be dealt with by councils and will be subject to pre-application consultation with the community. Note that from 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed for five months in response to the coronavirus pandemic. This was extended until 31 March 2022.

Local developments will comprise of all other developments (other than permitted development) that do not fall within the classes described for major or for regionally significant developments. They comprise of the vast majority of residential and minor commercial applications to be received and determined by a council.

Departmental activity

[Refers to Chapter 2 of report](#)

Retained Section 26 (former Article 31) applications are major applications being processed by the Department as Article 31 (under the Planning (NI) Order 1991) where a decision had not issued before 1 April 2015. These are now determined under Section 26 of the Planning Act (NI) 2011.

Retained Section 29 (former non Article 31) applications are those being dealt with by the Department's Strategic Planning Division and were retained for determination as if the Department had called them in under Section 29 of the Planning Act (NI) 2015.

Called-in applications are those initially made to councils where the Minister/Department directs that these should fall to the Department for determination.

It should be noted that in Chapter 2 of this report, processing times for called-in applications are calculated from the date the application was called-in by the Department. This method is only used in Chapter 2 of the report in order to show Departmental processing performance. All other processing times reported in the publication are based on the date the application is made valid.

Departmental target

From Q1 2019/20 the Departmental target for Regionally Significant planning applications in the NI Planning Statistics publication changed.

The previous target was:

It is a target for the Department to contribute to sustainable economic growth by processing 50% of regionally significant planning applications to a ministerial recommendation within 30 weeks, subject to pre-application discussions having taken place and meeting the requirements of relevant environmental legislation.

From Q1 2019/20 onwards, this was replaced by:

It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Enforcement activity

[Refers to Chapter 6 of report](#)

Compliance and enforcement are important functions of the planning process. The summary data presented in this report and [accompanying data tables](#) covers enforcement cases opened, enforcement cases closed and concluded, court action taken and the live caseload as at the end of the quarter. A case is closed for one of the following reasons:

- case has been remedied or resolved (the breach may have been removed or amended accordingly);
- planning permission has been granted (so no breach has occurred);
- it would not be expedient to take further action;
- no breach has actually occurred;
- the breach may be immune from enforcement action (it may be outside the time limit in which to initiate action); or
- an application has been allowed on appeal or indeed the notice has been quashed.

The time taken to conclude an enforcement case is calculated from the date the complaint is received to the earliest date of the following:

- a notice is issued;
- legal proceedings commence;
- a planning application is received; or
- the case is closed.

Please note that the number of cases closed is not a sub-set of the number of cases concluded in that period - cases that are concluded in any given period may not be closed until subsequent periods, and cases that are closed in any given period may have been concluded in previous quarters.

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.

Processing times

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 average processing time is the median. The median is determined by sorting data from its lowest to highest values and then taking the data point in the middle of the sequence. The median is used because some planning applications can take several years to reach a decision. As a consequence, these extreme cases (outliers) can inflate the mean to the extent that the mean may not be considered as 'typical'. Therefore the median is considered to better represent the 'average' or 'typical' processing time.

Geographical classification

The method of classifying the urban and rural marker has been updated to reflect the latest [NISRA guidance](#) using the 2015 Settlement limits. This is preferred to the previous method as it more accurately considers which of the eight settlement bands (A-H) fall into mainly urban or rural areas. The limitation of the previous method was that all settlement bands were classified as urban. Under the new method it is recognised that smaller settlements are more rural than urban in character and should be distinguished as such. Presently the mid-point of the application polygon is used to plot the location and subsequently determine the urban/rural banding.

From Q3 2016/17, an additional split was introduced which reports separately rural settlements with populations of less than 5,000 people. In addition, 'housing developments' and 'other' residential applications have been included within the urban and rural breakdowns.

In line with NISRA guidance, the following definitions have been used in this report:

- Urban settlements - settlements with a population greater than or equal to 5,000 (bands A-E);
- Rural settlements - settlements with a population less than 5,000 (bands F, G and part of H); and
- Rural countryside - the open countryside which falls outside population settlements (part of band H).

If users want to compare this information with information published before 2015/16 the 'housing developments' and 'other' residential applications should be excluded first; the next step to obtain a comparative figure would be to add 'urban settlements' and 'rural settlements' together.

To obtain rural figures in line with the NISRA definition users should add 'rural settlements' and 'rural countryside' together.

The method of classifying the Parliamentary Constituencies is based on the x and y coordinates as recorded on the planning application in conjunction with Westminster Parliamentary Constituency boundaries (2008).

Appeals

All applicants of a planning application have the right to appeal a decision or the conditions attached to a decision. The statistics reflected in this publication only reflect the original decision and not any subsequent decision on appeal.

Note on exclusions

In addition to processing planning applications and enforcement activity, planning authorities deal with a range of other planning related work. Data on this 'non-application' workload is generally excluded from the main publication as it does not inform any of the calculation of performance against relevant statutory targets. Information on this part of the planning authorities' workload is included in [Table 9.1](#) of the accompanying data tables. Details of these exclusions are:

Discharge of Conditions (DCs)

It will be necessary to seek to discharge a condition where planning approval has been granted and a condition has been attached to the decision which requires the further consent, agreement or approval of the council (or the Department).

Certificates of Lawful Use or Development (CLUDs)

Certificates of Lawful Use or Development (CLUDs), either proposed or existing, have not been included in the main NI Planning Statistics bulletin since 2012/13. A council will issue a CLUD if it is satisfied that a particular development is lawful within the provisions of planning legislation. Examples include proposed extensions, which fall within the provisions of the [Planning \(General Permitted Development\) Order \(Northern Ireland\) 2015](#) for permitted development and do not require planning permission, or uses that have become lawful due to the length of time they have been in existence.

Pre-Application Discussions (PADs)

Pre-Application Discussions (PADs) are not provided for in planning legislation and councils may adopt different approaches in relation to these, as may the Department.

Proposal of Application Notices (PANs)

Proposal of Application Notices (PANs) are provided for under Section 27 of the 2011 Act, but they are not planning applications. They are essentially advance notices of major/RSD planning applications and detail how a developer proposes to engage with the community. A major/RSD development planning application cannot be submitted without a PAN having been issued.

Non Material Changes (NMCs)

Applications for a Non Material Change (NMCs) to an existing planning permission are provided for under the 2011 Act, but they are not planning applications. There is no requirement to advertise or consult on NMCs.

Tree Preservation Orders (TPOs)

While applications for planning permission and other consents were included in the operational statistics produced prior to the transfer of planning powers, Tree Preservation Orders (TPOs) were excluded. In the interests of consistency TPOs are excluded from the main NI Planning Statistics bulletin.

Uses of the data

The data in this statistical release are used by a wide variety of users for a range of purposes. For example, the Department uses the information to inform policy and monitor performance in relation to planning in Northern Ireland, as required in legislation. Local councils use the information for policy briefing and development, and to monitor performance. The data are also used to ensure democratic accountability in answers to Northern Ireland Assembly Questions, ministerial correspondence, Freedom of Information Act cases and queries from the public.

User engagement

Users are encouraged to provide feedback on how these statistics are used and how well they meet their needs. Comments on any issues relating to this statistical release are welcomed and encouraged. Feedback can be provided through an [ongoing customer survey](#).

Alternatively, users can email ASRB directly at: ASRB@nisra.gov.uk.

During 2019, ASRB undertook a specific user consultation exercise and [results of this were published](#) in October 2019. It is anticipated that an updated user consultation exercise will take place during the summer/autumn 2023. Part of this user engagement will seek users' views on the future format of the quarterly release.

Further information

Information and statistics for England, Scotland, Wales and the Republic of Ireland, as well as other relevant NISRA statistics, can be found at the following links:

England

This [statistical release](#) presents National Statistics on authorities that undertake district and county level planning activities in England. It covers information on planning applications received and decided, including decisions on applications for residential developments (dwellings) and enforcement activities. Data are provided at national and local planning authority level.

Scotland

The Scottish Government establishes overarching land use policies and principles in Scottish Planning Policy, which is applied spatially in the National Planning Framework for Scotland. In the four largest city regions in Scotland, Strategic Development Planning Authorities prepare strategic development plans which set out the vision for long term development and which should address important land use issues that cross local authority boundaries or involve strategic infrastructure. There are 34 planning authorities in Scotland, 32 local authorities and two national park authorities, who must deliver local development plans, in these plans they must identify sites for new development and set decision-making policies. [Published planning statistics](#) include data on planning performance and vacant and derelict land.

Wales

The context for planning in Wales is established by Planning Policy Wales. There are 25 planning authorities in Wales and each must prepare a local development plan. These plans must conform to the national context and the plans must set out proposals and land use policies for the development of the area. Regional planning is a discretionary layer of the planning system, the Welsh Government has powers to identify 'Strategic Planning Areas', who have planning powers to produce strategic plans. Data on planning services performance are [published](#) on the Welsh Government website.

Republic of Ireland

[Central Statistics Office provides](#) tables which present the number of planning permissions granted, floor area and units. Region and county data is available in associated tables.

Northern Ireland

Building Control (LPS Starts and completions)

Land & Property Services (LPS) receives information from Building Control in each council in Northern Ireland. [This information](#) contains the number of recorded new dwellings (houses and apartments) started and completed.

Housing Bulletin, Department for Communities (DfC)

[DfC produce](#) quarterly and annual compendium publications of housing statistics, as well as biannual homelessness statistics and an ongoing review of data included in these publications and their proposed changes. The Northern Ireland Housing Bulletin is a quarterly bulletin containing information on new housing starts and completions, homelessness, the House Price Index and new house sales and prices.

Cross-government working group on housing and planning

The Department for Infrastructure is part of a cross-government working group, working to improve the trustworthiness, quality and value of housing and planning statistics across the UK. ASRB's involvement in this group ensures continuous engagement with producers of similar and related statistics across the UK, ensuring opportunity for collaboration and improvement of this publication through understanding the wider UK picture. More information can be found on the [Government Statistical Service website](#).

OpenDataNI

Datasets accompanying the finalised Northern Ireland Planning Statistics annual reports are made available on [the OpenDataNI website](#). These datasets contain information on received and decided planning applications during the year, as well as details of pending applications at the end of the financial year. Datasets are available from 2016/17.

NISRA Data Portal

Finalised annual data on planning applications and enforcements from 2015/16 onwards will be made available on the [NISRA Data Portal](#). These data can be found under the 'People, Places and Culture' theme.

Planning readership list

An email alert is sent after the release of each NI Planning Statistics publication to readers who wish to be informed of new / updated planning statistics. To sign up for this free service, please email: ASRB@nisra.gov.uk.

Pre-release access

Details of persons who receive pre-release access to this statistical release up to 24 hours prior to publication can be found on the [Department for Infrastructure website](#).

Appendix 1

Definitions

The statistical categories referred to in [Chapter 5](#) and [Data Tables 5.1 and 5.2](#) are defined below.

Agricultural

These include: agricultural buildings or structures for the storage of slurry and/or manure; agricultural glasshouses, stables and livery yards; and infilling of land for agricultural purposes.

Commercial

These include: food supermarkets and superstores; non-food retailing; major retail developments exceeding 1000 sq. m; alterations, extensions and improvements to buildings used for retailing; retail warehouses; clubs; post offices; factory outlets; petrol stations; offices; purpose built office developments; restaurants; car parking; and motor vehicle display, hire, repair or sale.

Government and civic

These include: police stations; coastguard stations; civic amenity sites; recycling centres; schools and colleges; hospitals; clinics; other medical establishments including surgeries and dental practices; and 'hard infrastructure' facilities such as roads, water mains, water treatment works, trunk sewers, waste water treatment works and natural gas pipelines. This also includes: recreational facilities, including indoor and outdoor sports facilities, and swimming pools; and renewable energy applications, including wind turbines, wind farms, solar panels, biomass burners, hydroelectric schemes etc. Note that this category also includes non-public sector applications related to the above topics.

Industrial

These include: factories; warehousing; light and general industrial floor space; quarries; sand and gravel extraction; and fuel depots.

Mixed use

These include applications for mixed development, incorporating a number of development types such as residential, retailing, offices, community and leisure.

Residential

These include: housing developments (incorporating a mixture of house types and apartments); purpose built apartment developments; sheltered housing schemes; single dwellings including dwellings on farms; holiday chalets; caravans and mobile homes;

alteration, extension or improvement of existing dwellings; residential homes or nursing homes; and hotels or motels.

Change of use

These include applications for a change in the use of land or buildings, including changes to residential, retailing, offices, community or leisure uses.

Other

All other types of applications not mentioned above are put into the 'Other' category but mainly comprise 'Works to Facilitate Persons Who Are Disabled', 'Advertisements', and 'Listed Buildings'.

The application types referred to in [Data Table 5.6](#) are defined below.

Outline permission

An application for outline planning permission can be used to ascertain whether a proposed development is acceptable in principle. This usually means that detailed drawings are not needed. However, the council or, as the case may be, the Department, may, in certain circumstances, require the submission of additional information or insist that an application for full planning permission be submitted.

Full permission

An application for full planning permission requires the submission of all details of the proposal. This type of application would be appropriate, for example, if the erection of new buildings is proposed and / or if a change of use of land or buildings is proposed.

Approval of reserved matters

If outline planning permission is granted, then a subsequent application and approval relating to the siting, design, external appearance, means of access and landscaping details, known as 'reserved matters', will be required before building work can commence. The reserved matters application must be consistent with the outline planning permission and take into account any conditions that have been attached to it. If the development proposal changes, then it may be necessary to submit a new planning application.

Consent to display an advertisement

Advertisement consent is normally required to display an advertisement, particularly large signs and illuminated adverts.

Listed building consent

Works that would affect the character of a listed building need listed building consent. This includes work to the internal or external fabric of the building, or any demolition. It should be noted that the requirement for listed building consent is in addition to any requirement for planning permission for works to a listed building.

Conservation area consent

Works that would entail the full or partial demolition of a non-listed building in a conservation area need conservation area consent. It should be noted that the requirement for conservation area consent may be in addition to any requirement for planning permission.

Hazardous substances consent

The Planning (Hazardous Substances) (No2) Regulations (Northern Ireland) 2015 are concerned with the storage and use of hazardous substances which could, in quantities at or above specified limits, present a risk. Hazardous substances consent ensures that hazardous substances can be kept or used in significant amounts only after the council or, as the case may be, the Department has had the opportunity to assess the degree of risk arising to persons in the surrounding area and to the environment.

Reader information

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.

Committee:	Planning Committee
Date:	02 October 2023
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Review of Scheme of Delegation

1.0 **Background**

1. In accordance with Section 31 (1) of the Planning (Northern Ireland) Act 2011, Lisburn & Castlereagh City Council (LCCC) produced a Scheme of Delegation for planning applications, enforcement and other matters delegated to an authorised officer. The scheme is required to be approved by the Department for Infrastructure.
2. The Scheme of Delegation was designed primarily to enable speedier decisions and improved efficiency in the operation of the Planning function and was to be kept under periodic review to ensure this objective was being achieved.

Key Issues

1. Members will be aware from the report presented in July 2023 that the last review of the Scheme of Delegation in 2016 came into effect on 1 March 2017.
2. Part E of the Scheme states that the Scheme of Delegation will be subject to review by the Planning Committee periodically. A recent internal audit of the operation of the Planning Unit has highlighted the need for a review to take place as it is more than five years since the last one.
3. In July 2023, Members were invited to provide comment on proposed changes to the Scheme in advance of submitting this to the Department for Infrastructure for approval. No comments were received.
4. The Scheme of Delegation is amended only to take account of the following changes recommended under the heading - Consideration of other Planning Matters to enable to following types of notices to be delegated to an officer of the Council:
 - Providing advice on Pre-Application Notices – with the Notice presented to the Committee for information.
 - Providing advice in relation to subsequent and repeat applications – with notification presented to the Committee for information.
5. A copy of this report will be presented to the Corporate Services Committee on Wednesday 11 October 2023 for agreement in advance of it being submitted to the Department for Infrastructure for approval.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee note the final draft of the Scheme of Delegation which is to be issued to the Department for Infrastructure for approval subject to agreement of the Corporate Services Committee.	
3.0	<u>Finance and Resource Implications</u>	
	There are no finance or resource implications.	
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	This is a report in relation to the periodic review of the Planning Scheme of Delegation. EQIA is not required as there is no change in policy and the legislative obligation to report is still met.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	This is a report in relation to the periodic review of the Planning Scheme of Delegation. RNIA is not required as there is no change in policy and the legislative obligation to report is still met.	

Appendices:	Appendix 4 – Review of Scheme of Delegation
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Scheme of Delegation: Delegation of Planning Applications and Enforcement



Scheme of Delegation: Delegation of Planning Applications and Enforcement

The scheme of delegation for the determination of planning applications was agreed by the Council at its meeting XXXXXX

Part A – Mandatory Applications to be determined by the Planning Committee of the Council

By statute, certain types of application are required to be determined by the Planning Committee and therefore cannot be delegated to officers:

- Applications which fall within the Major category of development (as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015);
- Applications made by the Council or an Elected Member of the Council.
- Applications relating to land in which the Council has an interest.

Part B – Delegated Applications

Applications shall be delegated for determination by the authorised officer of the Council.

All local development applications will be delegated for approval or refusal with the exception of:

- Applications which are significant departures from the Local Development Plan and which are recommended for approval.
- Applications submitted by the Council, senior Council staff,

members of Council staff involved in the consideration of planning applications, a Planning Officer or their immediate families, or the immediate family¹ of an elected Member.

- Applications which the Council considers should be referred to Committee for determination. A sound planning reason must be given for such a referral.
- Applications where the Head of Planning or other delegated officer considers that the proposal merits consideration by the Committee.
- Any application that the authorised officer is minded to approve under terms of this scheme of delegation, but which is the subject of an extant objection from a statutory consultee.
- Any application where a legal agreement is required.
- An application which has an associated application (which falls within the Major category of development (as defined by the Planning (Development Management) Regulations 2015) which is being determined by the Planning Committee.
- Any application in a rural setting which consists of five or more dwellings.

Part C – Enforcement and consideration of other Planning Matters

In addition to determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents. Part 4 Section 7 (4) (b) Local Government Act (Northern Ireland) 2014 allows a Council committee to delegate to an officer of the Council.

Matters to be considered and determined by the Planning Committee of the Council

- Determination of a request to revoke or modify planning permission

Matters to be delegated to the authorised officer

- The making of a Tree Preservation Order.
- Confirmation of a Provisional Tree Preservation Order.
- The serving of a provisional Tree Preservation Order.
- The investigation of breaches of planning control proceedings through the issuing of planning contravention notices, temporary stop notices, enforcement notices, stop notices, breach of condition notices, fixed penalty notices, Replacement of Trees Notice and all other powers under Part 5 of the Planning Act (Northern Ireland) 2011 including powers of entry. Commencement of proceedings in a magistrates court and application to

¹ Immediate family for the purposes of this Scheme of Delegation refers to wife/Husband/partner, son(s), daughter(s)

the High Court for an injunction.

- Determination of any application for a certificate of lawful development.
- Determination of applications for Alternative Development Value.
- Determination of any application for listed building consent.
- Determination of any application for conservation area consent.
- Determination of any application for advertisement consent.
- Determination of any application for carry out works to trees.
- Determination of any hazardous substance consent.
- Determination of Applications for Non Material Changes
- Provide advice on Pre-Application Notices – with the Notice presented to the Committee for information.
- Provide advice in relation to subsequent and repeat applications – with notification presented to the Committee for information.
- Precise wording of Conditions/Refusal reasons relating to local applications in accordance with section 31 of the Planning Act (Northern Ireland) 2011.
- Precise wording of Conditions/Refusal reasons relating to major applications in accordance with section 7 of the Local Government Act (Northern Ireland) 2014.
- Power to formulate decision notices following decisions made in principle by the Planning Committee.
- To issue Environmental Impact Assessment screening and scoping opinions in accordance with legislative requirements.
- Making of an order to revoke or modify a planning permission
- The power to defend a Planning Appeal
- The obtaining of information under section 240 of the Planning Act (Northern Ireland) 2011
- Determination of a request for Correction of Errors in decision documents is currently legislated for
- Negotiating the terms of a Planning Agreement under section 76 of the Planning Act (Northern Ireland) 2011.

Part D – Publicity

On adoption of this scheme of delegation the Council made a copy available on the Council's website at www.lisburncastlereagh.gov.uk. A copy is also available for inspection at Island Civic Centre, The Island, Lisburn, Co Antrim, BT27 4RL

Part E – Review

This Scheme of Delegation will be subject to review by the Planning Committee periodically.

Committee:	Planning Committee
Date:	02 October 2023
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by Openreach of their intention to utilise permitted development rights at three locations within the Council area to install telecommunications apparatus. The installations consist of fixed line apparatus and poles 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 notification advises the Council of the locations of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. The content of the recent notifications are in the schedule attached to this report. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the planning enforcement team of the Council. 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 the operator. 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out	

	This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 5 – 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 October 2023 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	58 Edentrillick Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	23/08/2023
2	Openreach	BT	25 Station Road, Ballinderry Upper	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	29/08/2023
3	Openreach	BT	53, Woodland Park, Lambeg, County Antrim, Lisburn, BT27 4PF	Erection of a pole	04/09/2023
4	Openreach	BT	35, Howard Place, County Antrim, Lisburn, BT28 1EX	Erection of a pole	11/09/2023
5	WHP Telecoms Ltd Corwyn Hall	Vodafone	Old Dundonald Road, Belfast	New telecommunications apparatus	12/09/2023