



November 1st, 2022

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 7th November 2022 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in Lighters at 9.30 am.

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 3 October, 2022

📄 *PC 03.10.2022 - 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:

📄 *Item 1 - Schedule of Applications -November 2022 - FINAL.pdf*

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- (i) LA05/2021/0067/F - Residential development comprising 90 dwellings in a mix of apartments, detached and semi-detached dwellings, bungalows and townhouses with associated car parking and landscaping at lands at 49-51 Hillsborough Old Road, Lisburn BT27 5EW

📄 *Appendix 1(a) - DM OFFICER REPORT -Hillsborough Old Road LA0520210067 - ...pdf*

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- (ii) LA05/2022/0290/F - Proposed replacement of an existing all weather astro turf pitch and existing grass pitch with an new 3G Pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works at Lough Moss Leisure Centre Hillsborough Road Carryduff BT8 8HR

📄 *Appendix 1(b) - DM Officer Report - LA0520220290 - LOUGH MOSS - FINAL.pdf*

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- (iii) LA05/2021/0206/O - Demolition of existing building and construction of 4 detached two-storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn

📄 *Appendix 1(c)(i) - DM Officer Report - LA0520210206O - Feumore Road - Ad...pdf*

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📄 *Appendix 1(c)(ii) - Report Site Visit Minute - 14a Feumore Road - FINAL....pdf*

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📄 *Appendix 1(c)(iii) - DM Officer Report - LA0520210206O - Feumore Road - ...pdf*

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- (iv) **LA05/2022/0133/F - Car port with decking over and a 900mm balustrade (retrospective) at 8 Robbs Road, Dundonald, BT16 2NA**
 □ *Appendix 1(d)(i) - DM Officer Report - LA0520220133F - 8 Robbs Road - Ad...pdf* Page 124
- *Appendix 1(d)(ii) - DM Officer Report - LA0520220133F - 8 Robbs Road - F...pdf* Page 129
- (v) **LA05/2021/1358/O - Proposed dwelling and garage between 21 and 25 Mill Road West, Belfast**
 □ *Appendix 1(e) - DM Officer Report - LA0520211358 Mill Road West Cluster ...pdf* Page 144
- (vi) **LA05/2021/0836/F - Proposed infill dwelling on site adjacent to 113 Belfast Road at site adjacent to 113 Belfast Road, Saintfield**
 □ *Appendix 1(f) - DM Officer Report - LA0520210836F Belfast Rd Saintfield ...pdf* Page 172
- (vii) **LA05/2020/0998/F - Planning application for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility (to include provision for 1 Digestate Storage Tank, 1 covered Digestate Tank, 2 Agricultural Feedstock Storage Clamps, Biogas Feeder System, Associated CHP, pump room and office building, Emergency Backup Generator Container, Containerised Pressure Relief Container, Underground Pre-Reception Tank, 5 erected Lighting Columns, associated retaining walls and existing hard standing area and acce**
 □ *Appendix 1(g) - DM Officer Report - LA0520200998F - AD Plant LisleenRoad...pdf* Page 198
- (viii) **LA05/2022/0598/F - Change of use of a loading bay to a parklet adjacent to The Cardan, Lisburn at The Cardan Bar & Grill 41 Railway Street Lisburn**
 □ *Appendix 1(h) - DM Officer Report - LA0520220598F - Parklet - FINAL.pdf* Page 252
- 4.2 Statutory Performance Indicators - September 2022**
 □ *Item 2 - Statutory Performance Indicators - September 2022 - FINAL.pdf* Page 269
- *Appendix 2 - Lisburn_Castlereagh_Sep_Monthly_MI - September.pdf* Page 273
- 4.3 Planning Statistics for Quarter 1 (April – June 2022)**
 □ *Item 3 - Planning Statistics for Quarter 1 (April - June 2022) - FINAL....pdf* Page 274
- *Appendix 3 - Quarter 1 - Statistical Bulletin (April - June 2022).pdf* Page 278
- 4.4 Submission of Pre-Application Notice (PAN) for the erection of new post primary school, primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches at Forthill**

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4.5	Submission of Pre-Application Notice (PAN) for the proposed erection of 8 industrial units, related access improvements, parking and ancillary site works at Comber Road, Dundonald	
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4.6	Submission of Pre-Application Notice (PAN) for the erection of discount food store, provision of accesses, car parking, landscaping and associated site works at Sprucefield Park Lisburn	
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4.7	Replacement of the Northern Ireland Planning Portal	
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4.9 Abandonment at Quay Street, Lisburn

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4.10 Cost Award Appeal Decision in respect of planning application LA05/2017/0882/F

[!\[\]\(0b5e7e25e8775f7e7e80906ada4f0021_img.jpg\) Item 10 - Cost Award Appeal Decision - LA0520170882F - FINAL.pdf](#) Page 383

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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, 3 October 2022 at 10.00 am**PRESENT IN CHAMBER:**

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors D J Craig, M Gregg, U Mackin and A Swan

IN ATTENDANCE IN CHAMBER:

Head of Planning & Capital Development

Principal Planning Officer (RH)

Senior Planning Officers (RT and MB)

Member Services Officers

Technician

IT Officer

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman J Tinsley, welcomed those present to the Planning Committee which, in line with Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020, was being live streamed to enable members of the public to hear and see the proceedings. The Chairman pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be broadcast live online and members of the public should be aware that they were likely to be captured on the livestream. Data captured on the livestream was processed in the exercise of official authority which covered public functions and powers which were set out in law and to perform a specific task in the public interest.

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

The Head of Planning & Capital Development advised on housekeeping and evacuation procedures.

Councillors John Palmer and U Mackin arrived to the meeting at this point (10.02 am).

1. Apologies

It was agreed to accept an apology for non-attendance at the meeting on behalf of the Director of Service Transformation.

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The Chairman, Alderman J Tinsley, advised that both Alderman A Grehan and the Legal Advisor would be joining the meeting late.

2. Declarations of Interest

A declaration of interest was made as follows:

- Councillor D J Craig in respect of item 4.1 (i), Planning Application LA05/2022/0295/F, given that he was Chair of Laurelhill Sports Zone and Chair of Laurelhill Community College Board of Governors.

The Chairman, Alderman J Tinsley, pointed out that all Members of the Planning Committee, by virtue of being Members of Council, would have an interest in this application. However, section 6.6 of the Northern Ireland Local Government Code of Conduct for Councillors provided dispensation for Members to speak, and vote on, this application. Alderman Tinsley understood Councillor Craig having declared an interest in this application as he was more directly involved than other Members.

In respect of Planning Application LA05/2021/0228/F, Alderman W J Dillon stated that it had been suggested to him by an unspecified third party he may be compromised as he had discussed the application with the agent. Alderman Dillon did not consider this to be the case; however, he stated that he would err on the side of caution and take no part in consideration of this application.

Mr B Martyn, Legal Advisor, arrived to the meeting (10.06 am).

3. Minutes of Meeting of Planning Committee held on 5 September, 2022

It was proposed by Councillor U Mackin, seconded by Alderman W J Dillon and agreed that the minutes of the meeting of Committee held on 5 September, 2022 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

4.1.1 Applications to be Determined

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

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- (i) LA05/2022/0295/F – Refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works at Laurehill Sports Zone, 22 Laurehill road, Lisburn BT28 2UH

Having declared an interest in this item, Councillor D J Craig left the meeting (10.10 am).

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

Speakers

No requests had been received for speaking rights.

Questions to Planners

- The Chairman, Alderman J Tinsley, referred to condition 3 “The development hereby approved shall not be operated between 22:00 and 09:00 hours Monday to Sunday unless otherwise agreed in writing with the Council”. He stated that, on occasion there were events ran outside of those hours, eg. PSNI Midnight Soccer events. Alderman Tinsley enquired if operating hours could be deviated from to facilitate such events. In response, the Head of Planning & Capital Development advised that conditions were generally worded to protect the amenity of residents in close proximity. The original pitch was a shale pitched used for hockey. The all-weather surface allowed for extended opening hours for soccer. Most noise tended to be generated by players or fans shouting or by the referee blowing a whistle. What the Chairman had referred to were special events not frequently occurring. For such one-off events, it would be helpful and useful for organisers to let residents know in advance and to then make the Planning Unit aware.
- Alderman D Drysdale welcomed this application as it addressed needs around health and wellbeing. He referred to policy around open space and sought clarification in respect of whether the fencing to be provided would affect access to facilities. In response, the Principal Planning Officer explained that, in order to protect pedestrians from any potential impact from the activities being played on the pitch, there were different layers of fencing proposed, including a 6m high welded mesh paladin ball-stop fence to form complete enclosure around the entire site, 2m high fencing behind the goals and 1.5m wide gate openings and associated fencing at points within the site.
- Alderman D Drysdale enquired if gates at the site would be open at all times or whether they would be locked. The Head of Planning & Capital Development, having consulted with the Head of Sports Services on this matter, confirmed that this would be a managed space, operated on the basis of a booking system. That constraint, together with the need to

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- (i) LA05/2022/0295/F – Refurbishment works comprising replacement of the existing shale athletics pitch with a new 3g pitch, new floodlighting, new fencing, new ball catch netting, reconfiguration of existing car park, car park lighting, access improvements and all associated works at Laurelhill Sports Zone, 22 Laurelhill road, Lisburn BT28 2UH (Contd)

protect the asset, would mean gates would remain locked when the facility was not in use. The Head of Planning & Capital Development stated that it had been accepted that the existing pitch was no longer fit for purpose and the Council was seeking to invest in a new surface that would give the public access to a bookable open space over an extended period of time and over an extended number of months and, given that floodlights were also proposed, meant it could be used all year round. Despite the requirement to lock up the facility outside normal operating hours, it would still have significant value as open space.

- Councillor U Mackin having commented on possible inconsistency in relation to gates being locked at different facilities, the Head of Planning & Capital Development agreed to provide clarity to Members on this matter following the meeting.
- In response to a query by Alderman D Drysdale as to whether hockey would still be played at this location, the Head of Planning & Capital Development confirmed that hockey could continue to be played on the existing adjacent site.
- In response to a query by Councillor M Gregg regarding the provision of Electric Vehicle (EV) Charging Points, the Principal Planning Officer stated that the Planning Unit had not been made aware of any intention to provide EV Charging Points at this time. The Head of Planning & Capital Development advised that the Council was bound by parking standards. He appreciated that there was a wider issue around EV Charging Points and their availability in the future. This was something that could be discussed more broadly with the Sports Services Unit in terms of the delivery of the overall project and outside of the current planning application process.

Debate

There were no comments made at the debate stage.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, by a unanimous show of hands, to adopt the recommendation of the Planning Officers to approve the application.

Councillor D J Craig returned to the meeting at this point (10.37 am).

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- (ii) LA05/2021/0288/F – Proposed “dutch barn style” hay shed at Site 88m east of no. 75 Grove Road, Dromore, BT25 1QY

The Chairman, Alderman J Tinsley, referred to an email that had been received earlier this morning seeking a further deferment of this application. The Head of Planning & Capital Development confirmed receipt of an email from the agent acting on behalf of the applicant asking that the application be postponed to allow further time for it to be considered. In accordance with the Protocol for the Operation of the Planning Committee, the Head of Planning & Capital Development had consulted on this matter with the Chairman. In the absence of any substantive reason being provided, and no request having been received within the specified time for speaking rights, it had been agreed by the Chairman that consideration of the application would proceed.

The Principal Planning Officer presented the application as outlined within the circulated report and drew attention to the following:

- This application had been deferred twice previously to allow for a site meeting (which had taken place on 21 July) and to allow further clarification to be provided by the applicant team in relation to matters raised by the Committee; and
- Consideration of the additional information provided, and the planning advice previously offered that planning permission should be refused, had not changed.

Speakers

No requests had been received for speaking rights.

Questions to Planners

- Councillor U Mackin asked if any evidence had been produced to show that this site was within the farm boundaries as he recalled from previous discussion that it was outwith the boundary plans of the farm. The Head of Planning & Capital Development stated that it was his understanding from a meeting that had taken place that land was not mapped in the name of Roger Wilson, but rather in the name of his brother, Alan Wilson. It was proposed to have that remapped with DAERA. At the time of bringing the application back to Committee, that had not yet occurred.
- Alderman O Gawith referred to the Principal Planning Officer having stated that “it was considered on balance it will open up frontage” and asked that she explain her use of the term ‘on balance’. The Principal Planning Officer advised that, to facilitate access onto the site, quite a bit of vegetation would require to be removed. For that reason, it was considered on balance that the site would be opened up and in doing so would cause harm to the rural character.

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- (ii) LA05/2021/0288/F – Proposed “dutch barn style” hay shed at Site 88m east of no. 75 Grove Road, Dromore, BT25 1QY (Contd)
- From a time point of view with regard to changes required to the boundary, Councillor D J Craig asked if Officers considered that they had given a reasonable amount of time for that to have taken place and if any reason had been given as to why the proposed building was not to be located beside existing farm buildings. The Head of Planning & Capital Development advised that a meeting had taken place approximately one week after the Committee had deferred the application. Additional clarification had been provided regarding the speaking note provided by the applicant. Planners had subsequently sought additional clarification on a further three matters (the extent of activity on the farm, the covenant associated with the land and site levels). All those matters had been resolved either through consultation with the applicant/agent at the meeting, through subsequent correspondence and submission of further drawings.

Debate

During debate, the following comments were made:

- Councillor A Swan stated that, as no reason had been given as to why the proposed building was located so far away from the existing farm, he was in support of the Planning Officer’s recommendation in respect of this application.

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 of the Planning Officers to refuse the application, the voting being 8 in favour, none against and 1 abstention.

- (iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh

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

Mr G Thompson, Registered Speaker (accompanied by Mr T Dobbin)

The Committee received Mr G Thompson (accompanied by Mr T Dobbin) to the meeting in order to speak in support of the application. A written submission had been provided to the Committee in advance of the meeting.

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- (iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh (Contd)

Questions to the Speaker

- Councillor A Swan sought details on how the existing bungalow was constructed and what would make it difficult to drop switches, etc. Mr Thompson stated that the bungalow, which was of block construction, was around 70 years old; it had narrow doorways, steps up to the access, no space for turning a wheelchair.
- Alderman W J Dillon referred to the Planning Officer's report indicating that the application did not comply with policies CTY 1, CTY 6, CTY 8 or CTY 14. He asked Mr Thompson how he would suggest there was compliance with these policies. Mr Thompson stated that getting the existing building suitable for a wheelchair would be virtually impossible. In respect of CTY 6, there was a raft of medical evidence regarding the condition of Mr Gareth Dobbin, including information on falls from his wheelchair and a neurology report indicating that "should a proposal for such not be forthcoming there is no doubt genuine hardship and stress on the Dobbin family could have dire consequences". Mr Thompson stated that this was compliance with CTY 6.
- Councillor D J Craig stated that Planning Officers had indicated the existing building could be modified or extended to meet Mr Dobbin's needs. He asked if Mr Thompson could provide evidence to the contrary. Mr Thompson confirmed that a letter had been sent to the Planning Unit in August advising the existing building was too old and would not easily convert. An extension would mean that access and egress to the existing home could not be provided for Mr Dobbin in his wheelchair and, therefore, he would be discriminated against. In addition, there was not a lot of scope at the rear of the existing dwelling for a suitable extension. Mr Thompson also made reference to the access to the existing dwelling being hazardous, given that it was on a blind hill and on the bend of the road. If the existing dwelling was modified or extended, there would be intensified use of the existing access by medical professionals. For this reason, there was a long driveway provided for in the proposal, in order to comply with DfI requirements.
- Councillor Swan referred to the plans for access to the proposed new dwelling, which was beside the existing dwelling, and asked if this proposed new access could be used if the existing dwelling was modified or converted. Mr Thompson stated that the proposed access to the dwelling was 100m away from the existing dwelling.
- Alderman O Gawith stated the proposal was described as a modest two bedroom bungalow; however, it included a carport and a double garage. Mr Thompson explained that the carport was to allow for wheelchair access into the dwelling. The double garage was to accommodate Mr Gareth Dobbin's car, as well as his brother's car when he was temporarily residing with him.

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- (iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereaugh (Contd)

Councillor N Anderson, Registered Speaker

The Committee received Councillor N Anderson in order to speak in support of the application. A written submission had been provided to the Committee in advance of the meeting.

Questions to the Speaker

- Alderman W J Dillon referred to Councillor Anderson having stated that the application met with policy tests. However, the Planning Officer's report indicated that the application did not comply with policies CTY 1, CTY 6, CTY 8 or CTY 14. Councillor Anderson stated that the application did meet with CTY 6 requirements in that hardship would be caused if planning permission was refused, therefore issues relating to the other CTY policies fell.
- Councillor D J Craig asked for the opinion of Councillor Anderson on whether an extension to the existing building would meet the needs of Mr Dobbin without the requirement for a new dwelling. Councillor Anderson stated that the existing dwelling on the site was built many years ago when access would not have been considered as a major feature. It would not be possible to amend the internal workings of the dwelling from an architectural perspective. Mr Dobbin would not be able to access the existing dwelling from the extension, which would require to be sizeable to meet his needs. In addition, Councillor Anderson reiterated earlier comments regarding the intensification of traffic which would require to use the existing access, leading to potentially hazardous conditions. A new dwelling would create a greater degree of independent living for Mr Dobbin.
- Councillor M Gregg asked if Councillor Anderson could elaborate on why he considered the application complied with CTY 8 and CTY 14. Councillor Anderson stated that the proposal met with CTY 8 in that it did not create ribbon development and, given that it met CTY 6, it did not impact on CTY 14.
- Alderman O Gawith drew attention to reference within CTY 6 that "all permissions granted under policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents". Whilst he understood the necessity for a second bedroom for those caring for the applicant, he enquired as to the need, as proposed in the application, for a carport and a double garage, which had been stated would be used by the applicant's brother who lived only 25m away. Councillor Anderson stated that Mr Dobbin's condition was a degenerative one. It was necessary to ensure future safeguarding of his needs. The provision of a carport would meet his access needs whilst affording him some protection from the elements, which could impact on his physical wellbeing.

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- (iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh (Contd)

Questions to Planners

- Councillor D J Craig asked that Planning Officers indicate why they considered an extension to the existing dwelling would be possible and suitable to meet the needs of Mr Dobbin. The Head of Planning & Capital Development stated that the aerial photograph on display for Members did not show the full extent of the land owned by the applicant in this context. The existing dwelling at 66 Knockbracken Road was a chalet bungalow. He was unsure whether that was a design typical of buildings erected 70/80 years ago. It had windows and gable elevation. There was what appeared to be a single-storey project to the rear which may have a flat roof, an outbuilding and a driveway that fronted onto Knockbracken Road. There was significant vegetation behind the dwelling. The established curtilage of the site was masked by trees to the back and side. The matter in question was whether the curtilage was large enough to accommodate an extension. An extension would require to meet DDA standards and there must be shared accommodation between the existing dwelling and the extension. The Head of Planning & Capital Development stated that the site was sufficiently large enough to accommodate an extension to the existing building. No evidence had been provided to the Planning Unit to demonstrate why the inside of the existing dwelling could not be brought up to DDA requirements in terms of shared accommodation. If it was too expensive to upgrade the existing dwelling, another alternative would be to replace the existing dwelling. The CTY6 policy was clear in that planning permission could only be granted if both criteria were met – (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and (b) there are no alternative solutions to meet the particular circumstances of the case, such as an extension or annex attached to the existing dwelling. No evidence had been submitted to demonstrate that a retrofit to bring the existing dwelling up to DDA standards was not possible, nor that replacement of the existing dwelling was not possible. In terms of access from the road, a new access could be created to the existing dwelling to facilitate a standard of access that would be acceptable.
- Councillor D J Craig stated that, from the photograph on display for Members, it appeared that the existing dwelling could not be extended from the side or access to the garage would be blocked. An area would require to be cleared at the back of the property to provide what would be quite an extensive extension. He also asked if Officers had taken account of the economic viability of retrofitting the existing dwelling. The Head of Planning & Capital Development stated that Councillor Craig had raised a separate point about ribbon development and something that impacted on the rural character of the area. The key question was whether the curtilage was so restrictive that the existing dwelling could not be extended. The Head of Planning & Capital Development had not been provided with a set of drawings indicating that the curtilage was so

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(iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh (Contd)

restrictive that the building could not be extended. He accepted the point that, if Mr Dobbin moved from his current home to this existing dwelling, he should have the opportunity to have access to his father and brother in their own home. The question was, should Mr Dobbin's father and brother upgrade their accommodation to allow him access to the property or was the purpose of the extension to facilitate the care of Mr Dobbin. They could go to the extended part of the dwelling where care could be offered and there could still be a family relationship where Mr Dobbin's quality of life was extended and he had access to all the amenities he required.

- Councillor U Mackin asked how CTY 8 and CTY 14 linked back to the key criteria of CTY 6. The Head of Planning & Capital Development stated that there were 8 buildings to the right hand side of the existing dwelling; the application was for a dwelling that extended along the front of the road, extending the ribbon of development. The Planning Officer was required to reconcile if the proposed site was the only one on which a new dwelling could be located. The site chosen for the new dwelling was not the only one available. It was considered that the proposal would cause harm to rural character of the area irrespective of whether the principle of a dwelling to meet the special and domestic circumstances of the applicant had been demonstrated.
- In response to a query by Alderman D Drysdale, the Head of Planning & Capital Development confirmed that Planning Officers had visited the site and were satisfied that there was sufficient curtilage to accommodate an extension.

Debate

During debate, the following comments were made:

- Councillor A Swan, whilst sympathising with the circumstances of the Dobbin family, stated that it was his view that there was no reason to build a new dwelling as opposed to converting part of the existing building and providing an extension. He was in support of the Planning Officer's recommendation in respect of this application.
- Alderman W J Dillon stated that, whilst sympathising with Mr Dobbin, the granting of planning permission for this application would result in the continuation of ribbon development. He was in support of the Planning Officer's recommendation in respect of this application.
- Alderman D Drysdale stated that he did not dispute in any way that Knockbracken Road was a dangerous one. However, he had not been convinced around work not being possible in the current dwelling to facilitate Mr Dobbin. He was in support of the Planning Officer's recommendation in respect of this application.

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- (iii) LA05/2020/0496/F – Erection of a dwelling adjacent and south west of 66 Knockbracken Road, Lisnabreeny, Castlereagh (Contd)
- Councillor M Gregg empathised with the Dobbin family around its individual circumstances. However, information had not been provided to the Committee nor to Planning Officers to satisfy CTY 6 and he had not heard anything compelling that would allow CTY 8 and CTY 14 to be overcome. He was in support of the Planning Officer's recommendation in respect of this application.
 - Alderman O Gawith referred to the two conditions of CTY 6 (as cited earlier in the minutes) that must be met in order for planning permission to be granted and stated that no compelling evidence had been submitted that there were no alternative solutions. He was in support of the Planning Officer's recommendation in respect of this application.
 - Councillor John Palmer stated that he was not convinced of the need for a new building as opposed to extending the existing dwelling. He was in support of the Planning Officer's recommendation in respect of this application.

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 of the Planning Officers to refuse the application, the voting being 8 in favour and 1 against.

Alderman A Grehan arrived to the meeting at this point (12.14 pm).

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (12.14 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed and the livestream was recommenced (12.26 pm).

- (iv) LA05/2022/0331/O – Site for dwelling at Clogher Road approximately 40m northwest of 58 Clogher Road and immediately north of 115a Saintfield Road, Lisburn

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

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- (iv) LA05/2022/0331/O – Site for dwelling at Clogher Road approximately 40m northwest of 58 Clogher Road and immediately north of 115a Saintfield Road, Lisburn (Contd)

Mr A McCready, Registered Speaker

The Committee received Mr A McCready to the meeting in order to speak in support of the application. A written submission had been provided to the Committee in advance of the meeting.

Questions to the Speaker

- Alderman W J Dillon stated that the Planning Officer reported that this application did not comply with CTY 1, CTY 8 and CTY 9. He asked Mr McCready to explain why he did not consider that to be the case. Mr McCready referred to a photograph he had submitted of a 'bookend' building that had received planning permission at an approved infill site at Dromara Road, Hillsborough. This roofless structure, which did not have a floor and whose walls were not plastered, had been deemed by the Planning Unit to be a building; therefore, he considered the stable block, which had been built up to roof level, with 3 walls, should also be deemed to be a building. The application complied with CTY 8 as it was an exception to ribbon development, given that it was an infill opportunity site.

Questions to Planners

- Councillor U Mackin asked why the site at Dromara Road, Hillsborough had been deemed satisfactory yet this one had not. The Senior Planning Officer explained how the Dromara Road site was distinguishable from this one and the two were not comparable. She referred to two previously approved planning applications at that site, one of which was for a garden store and veranda. This was under construction and was a building in terms of being completely enclosed, having a door, a veranda and a pitched roof. What was being considered today was a 3-sided breeze block structure.
- Councillor A Swan enquired if the Planning Committee was obliged to take account of precedent in terms of decisions made previously. The Head of Planning & Capital Development stated that a precedent could only be deemed to have been set if two sets of circumstances could be directly compared. He confirmed that the photograph submitted by Mr McCready had shown the building at Dromara Road, Hillsborough had in fact been completed; whilst it had no roof, it was enclosed on all four sides with door openings; therefore, no precedent had been set. The proposed structure at Clogher Road was against the boundary of a menage. Part of a fence had been removed. Planning Officers did not deem the removal of a fence and the construction of three sides of a stable block sufficient to demonstrate there was a building with frontage onto the road.

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- (iv) LA05/2022/0331/O – Site for dwelling at Clogher Road approximately 40m northwest of 58 Clogher Road and immediately north of 115a Saintfield Road, Lisburn (Contd)

Debate

During debate, the following comments were made:

- Councillor U Mackin stated that he had no doubt that the proposed dwelling faced onto the Clogher Road and that there was a menage in front of it. He stated that CTY 8 referred to buildings rather than houses and he considered the structure on the site to be a building, whether open-fronted or not. There was a gap there and he saw no reason why a dwelling could not be located there. He was not in support of the Planning Officer's recommendation in respect of this application.
- Alderman W J Dillon stated that the stable block had required planning permission to be there in the first place. He stated that buildings without roofs had been accepted before and he did not understand why it did not meet the criteria. He was not in support of the Planning Officer's recommendation in respect of this application.
- Councillor M Gregg referred to previous planning permission granted for the stable block which required there to be a corrugated roof and for the boundaries of the site to be retained. He stated that if those had been removed to give the stable block frontage onto the road, that would constitute a breach of planning permission. He also stated that the proposed dwelling would contribute to ribbon development. He was in support of the Planning Officer's recommendation in respect of this application.
- Councillor A Swan stated that most houses on Clogher Road fronted onto the Saintfield Road. He was in support of the Planning Officer's recommendation in respect of this application.
- Alderman D Drysdale stated that if this planning application were to have been presented at a future date, when the structure had a roof, the outcome may have been different. He was not in support of the Planning Officer's recommendation in respect of this application.

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 of the Planning Officers to refuse the application, the voting being 6 in favour and 4 against.

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for lunch (1.03 pm).

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Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed and the livestream was recommenced (1.45 pm).

- (v) LA05/2021/0206/O – Demolition of existing building, construction of 4 detached two storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn

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

Mr P Donnelly, Registered Speaker

The Committee received Mr P Donnelly to the meeting in order to speak against the application. A written submission had been provided to the Committee in advance of the meeting.

Questions to the Speaker

- Alderman W J Dillon having asked if there was any other backland development in the area, Mr Donnelly stated there was not and that this application would set a dangerous precedent.
- Alderman W J Dillon referred to Mr Donnelly having advised that site visibility splays could not be achieved; however, DfI Roads Service had approved the application. Mr Donnelly suggested there had been insufficient detail for DfI to consider.
- The Chairman, Alderman J Tinsley, referred to Mr Donnelly having stated that some drawings were incorrect and he asked if that had been pointed out to Planning Officers. Mr Donnelly stated that this had been pointed out when objections had first been submitted.
- Alderman O Gawith asked Mr Donnelly, in his opinion, should the application proceed, what would constitute a less intensive development. Mr Donnelly stated that a significant reduction in development would help. More importantly, no backland development behind the frontage houses. If the developer could accommodate 3/4 houses across the frontage, that would be acceptable. The impact of the houses on the rear of the site, where it was clear countryside, would be major – not only for Feumore Road but for the wider area where there were many rural sites like this one.

Councillor R T Beckett, Registered Speaker

The Committee received Councillor R T Beckett to the meeting in order to speak against the application. A written submission had been provided to the Committee in advance of the meeting.

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- (v) LA05/2021/0206/O – Demolition of existing building, construction of 4 detached two storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn (Contd)

Questions to the Speaker

- Alderman D Drysdale having asked Councillor Beckett to give his opinion in relation to the roads aspect of the application, Councillor Beckett stated the proposed development would add more traffic to the area. Coming out of the development onto the main Feumore Road would be difficult. Sand lorries used that road going to the lough.

Mr D Donaldson, Registered Speaker (accompanied by Mr J Caithness)

The Committee received Mr D Donaldson (accompanied by Mr J Caithness) to the meeting in order to speak in support of the application. A written submission had been provided to the Committee in advance of the meeting.

Questions to the Speaker

- At the request of Alderman W J Dillon, Mr Donaldson confirmed that there was currently planning permission in place for two dwellings and the current application was seeking to accommodate a further two dwellings to the rear of those. This was backland development in the context that it proposed to site two dwellings behind two dwellings. The important thing was the depth of the site, which was a brownfield site that had accommodated a former primary school. It was not backland development in terms of unacceptable backland development; it was a residential development within a settlement.
- Alderman W J Dillon asked Mr Donaldson if he considered this would set a dangerous precedent by opening up the back of houses for future development. Mr Donaldson stated that this would not create a precedent in that it was the deepest site on Feumore Road. It was a carefully designed concept, developing houses on the site of a former primary school.
- In response to a query by Councillor A Swan as to whether each of the four houses would have comparable meterage, Mr Donaldson advised that each of the four dwellings would sit on a ¼ acre plot, which he deemed entirely reasonable.
- In response to a query by Councillor D J Craig, Mr Donaldson stated that the proposed density was approximately 10 dwellings per hectare. Reference had been made by objectors to the fact that the density in recent approvals had been 7/8 dwellings per hectare. Mr Donaldson did not consider a move from 7/8 dwellings to 10 dwellings to be significant. He further stated that four dwellings within a settlement was entirely reasonable and sustainable.

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- (v) LA05/2021/0206/O – Demolition of existing building, construction of 4 detached two storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn (Contd)
- Councillor D J Craig asked Mr Donaldson if he considered the pattern of development was in keeping with the overall character of the area. Mr Donaldson accepted that the general pattern on Feumore Road was houses ribboned along both sides of the road. In this case, the site was at least twice as deep as others, having accommodated the former primary school, which was located further back on the site. The site being considered could comfortably accommodate four houses.
 - Alderman D Drysdale asked if the proposed development could use the existing network for sewerage, drainage, etc. Mr Donaldson stated that there was capacity within the existing networks. Both NI Water and the Rivers Agency had been consulted and had raised no objections.
 - The Chairman, Alderman J Tinsley, asked if the houses on the opposite side of the road were all single road frontage. Mr Donaldson stated that several planning permissions had been granted on the opposite side of the road. As the settlement plan was only around 30-40m depth, that only accommodated single fronted properties on that side of the road.

Questions to Planners

- The Chairman, Alderman J Tinsley, asked that the Head of Planning & Capital Development provide more information on the settlement limit. The Head of Planning & Capital Development stated that Feumore was made up largely of road frontage sites. On one side of the road, plots were much shallower. The site being considered was a deeper plot than was found elsewhere within the settlement. This proposal was for the redevelopment of a brownfield site as opposed to backland development. The plot was distinguishable and different to others found in the settlement of Feumore as it was much deeper. In relation to precedent being set, there was limited opportunity for this, given that other plots were much shallower.

At this point, it was proposed by Alderman O Gawith, seconded by Alderman W J Dillon and, on a vote being taken, agreed that this application be deferred for a site visit. The voting was 5 in favour and 5 against; the Chairman then used his casting vote in favour of the site visit.

4.2 Statutory Performance Indicators – August 2022

It was agreed that the Statutory Performance Indicators for August 2022, together with the explanatory narrative in this regard, be noted.

The Head of Planning & Capital Development reminded Members of the forthcoming introduction of a new planning portal. Whilst it was hoped that this would not impact on performance, it was highlighted that there would be a process of bedding in of the new system.

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4.3 Appeal Decision in respect of Planning Application LA05/2021/0079/O

It was agreed that the decision of the Planning Appeals Commission in respect of the above planning application be noted.

4.4 Submission of Pre-Application Notice (PAN) for a proposed residential development on lands north of Ballymaconaghy Road including 14 and 22-24 Ballymaconaghy Road, Castlereagh

It was agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

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

Members had been provided with information in regarding to notification by Cornerstone to utilise Permitted Development Rights at the following locations:

- Land to rear of Sion Mill; and
- Upper Newtownards Road, outside 1031 Upper Newtownards Road, Belfast (upgrade of existing equipment).

5. Any Other Business

5.1 New Planning Portal Chairman, Alderman J Tinsley

The Chairman, Alderman J Tinsley, stated that Officers had been working hard in preparation for the introduction of the new planning portal and asked when it was expected this would go live. The Head of Planning & Capital Development advised that no specific date had been confirmed. Work was ongoing in respect of internal communications; when the portal could be released would be guided by the Project Team. The Head of Planning & Capital Development acknowledged and accepted that there was still work to be done in terms of communication with the public. A meeting was to be held on 14 October that would provide a steer on when the 'go live' date would be. Members would be kept updated on this matter.

5.2 Planning Appeals Portal Chairman, Alderman J Tinsley

The Chairman, Alderman J Tinsley, referred to the Planning Appeals Portal and communications having been down for a time. The Principal Planning Officer advised that there was now some functionality – the portal had been updated with appeals issued from July onwards but no information was given in relation to pending appeals. The Head of Planning & Capital Development agreed to write to the Planning Appeals Commission seeking an update on when the Planning Appeals Portal would be fully functional.

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5.2 Planning Appeals Portal (Contd)
Chairman, Alderman J Tinsley

Councillor M Gregg enquired if the letter to the Planning Appeals Commission could also seek an update on the planning appeal in respect of an application in Dundonald on a protected route. The Head of Planning & Capital Development confirmed that questions could be put forward in respect of individual appeals on which decisions were pending; however, he did not anticipate that a response would be received indicating a date by which a decision would be made.

5.3 Knockmore Link Road
Councillor A Swan

Councillor A Swan enquired if any update was available from the Department in relation to the Knockmore Link Road. The Head of Planning & Capital Development advised that there was no update other than the application had gone in; the Department had not indicated that it was close to making a decision.

There being no further business, the meeting was terminated at 2.43 pm.

Mayor



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

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 are two major applications, four local applications (all of which were Called in) and two others which were deferred from previous meetings.
2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
 - (a) LA05/2021/0067/F - Residential development comprising of 90 no dwellings (apartments, detached, semi-detached, bungalows and townhouses) with associated car parking and landscaping on lands at 49-51 Hillsborough Old Road Lisburn
Recommendation - Approval
 - (b) LA05/2022/0290/F - Proposed replacement of the existing all weather astro turf pitch with an new 3G Pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works at Lough Moss Leisure Centre, Hillsborough Road, Carryduff
Recommendation – Approval
 - (c) LA05/2021/0206/O – Demolition of existing building. Construction of 4 detached two storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn
Recommendation – Approval
 - (d) LA05/2022/0133/F – Car port with decking over the top 900mm balustrading on decking (Retrospective) at 8 Robbs Road, Dundonald
Recommendation – Refusal
 - (e) LA05/2021/1358/O – Proposed dwelling and garage on lands Between 21 and 25 Mill Road West, Belfast
Recommendation - Refusal
 - (f) LA05/2021/0836/F - Proposed infill dwelling on site adjacent to 113 Belfast Road Saintfield
Recommendation - Refusal
 - (g) LA05/2020/0998/F - Planning application for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility (to include provision for 1 no Digestate Storage Tank, 1 no covered Digestate Tank, 2 no Agricultural Feedstock Storage Clamps, Biogas Feeder System, Associated CHP, pump room and office building, Emergency Backup Generator Container, Containerised Pressure Relief Container, Underground Pre-Reception Tank, 5 no Erected Lighting Columns, Associated retaining walls and existing hard standing area and access laneway), together with the proposed erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping on Lands approximately 175 meters west of 30 Lisleen Road East, Ballyhanwood, Comber
Recommendation: Approval

- (h) LA05/2022/0598/F - Change of use of a loading bay to a new parklet adjacent to the Cardan Bar & Grill, 41 Railway Street, Lisburn
Recommendation: Approval

Recommendation:

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.

Finance and Resource Implications:

Decisions may be subject to:

- (a) Planning Appeal (where the recommendation is to refuse)
- (b) Judicial Review

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

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.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward on each of the appended reports.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 1(a) - LA05/2021/0067/F
APPENDIX 1(b) - LA05/2022/0290/F
APPENDIX 1(c)(i) - LA05/2021/0206/O – Addendum
APPENDIX 1(c)(ii) - LA05/2021/0206/O – Site Visit Report
APPENDIX 1(c)(iii) – LA05/2021/0206/O – Initial Report 3/10/22
APPENDIX 1(d)(i) - LA05/2022/0133/F - Addendum
APPENDIX 1(d)(ii) - LA05/2022/0133/F – Initial Report 5/9/22
APPENDIX 1(e) - LA05/2021/1358/O
APPENDIX 1(f) - LA05/2021/0836/F
APPENDIX 1(g) – LA05/2020/0998/F
APPENDIX 1(h) – LA05/2022/0598/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 November 2022
Committee Interest	Major Application
Application Reference	LA05/2021/0067/F
Date of Application	13/01/2021
District Electoral Area	Downshire West
Proposal Description	Residential development comprising 90 dwellings in a mix of apartments, detached and semi-detached dwellings, bungalows and townhouses with associated car parking and landscaping.
Location	Lands at 49-51 Hillsborough Old Road, Lisburn BT27 5EW
Representations	Eight
Case Officer	Mark Burns
Recommendation	APPROVAL

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development comprises more than residential units.
2. The proposal complies with SPPS and Planning Control Principles 1, 2 and 3 PPS 12 and policy QD1 of PPS7 in that the detail submitted demonstrates that a variety of house types, sizes and tenures to meet different needs is to be provided thereby contributing to the creation of a more balanced community.
3. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.

4. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.
5. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.
6. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment, in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.
7. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, 3 and 4 of PPS 15 in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.

Description of Site and Surroundings

Site

8. The site is a triangular parcel of land which measures approximately 2.9 hectares in size and that was previously occupied by the buildings and curtilage of two large detached residential properties which have since been demolished.
9. A two-metre high rendered wall defines the western and southern boundaries of the site and the northern and eastern boundaries are defined by mixture of fencing, ornamental planting and hedgerow. The land within the site is relatively flat throughout.

Surroundings

10. The site is located on lands to the eastern edge of Old Hillsborough Road, north of Altona Road, and west of Ballynahinch Road and in an area of mixed residential and employment uses.

Proposed Development

- 15 The application is for a residential development comprising 90 dwellings in a mix of apartments, detached and semi-detached dwellings, bungalows and townhouses with associated car parking and landscaping.
- 16 The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that it involves the development of more than 50 dwellings.
- 17 On this basis the applicant was required to engage in pre-application community consultation (PACC).
- 18 A Pre-Application Community Consultation report [dated January 2021] submitted in support of the application provides a record of the consultation that had taken place to inform interested parties of the details of the proposed development.
- 19 The format of the report is in accordance with the Practice Note and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design of the proposed scheme.
- 20 The following issues were raised through the PACC process:
 - Traffic
 - Type of Housing
 - Green Space and Environmental concerns
 - Local Service Provision
- 15 The application was also supported with the following technical assessments and other reports:
 - Comprehensive Concept Design and Access Statement
 - Landscape Management and Maintenance Report
 - Tree constraints plan
 - Tree survey and report
 - Flood Risk Assessment
 - Ecological Appraisal and Assessment
 - Bat Roost potential survey
 - Noise impact Assessment
 - Odour impact Assessment
 - Transport Assessment Report
 - Construction Method Statement
 - Drainage Assessment

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/1990/0169/F	Extension to House	51 Hillsborough Old Road.	Granted
S/1994/1090/F	Erection of Boundary wall	51 Hillsborough Old Road.	Granted

Consultations

22 The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection
NI Water	No objection
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division (NED)	No Objection
DfI Roads	No Objection

Representations

23. Eight Letters of objection have been submitted in respect of the proposal. These representation is available to view on the Planning Portal via the following link

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=QN6SFFSV30000>

24. The representations have been received from the occupiers of the following properties

Date of Comment	Neighbour Address
25/02/2021	None Given

Date of Comment	Neighbour Address
01/03/2021	None Given
05/03/2021	102 Hillsborough Old Road,Lisburn,Down,BT27 5QE
05/03/2021	72 Hillsborough Old Road, Lisburn, Antrim BT27 5EP
10/03/2021	80, Hillsborough Old Road, Lisburn, Antrim, Northern Ireland, BT27 5EP
10/03/2021	74, Hillsborough Old Road, Lisburn, Antrim, Northern Ireland, BT27 5EP
10/03/2021	86, Hillsborough Old Road, Lisburn, Antrim, Northern Ireland, BT27 5EP
30/03/2021	2b Edgewater, Lisburn, Bt27 5PZ
06/04/2021	88, Hillsborough Old Road, Lisburn, Antrim, Northern Ireland, BT27 5EP
11/01/2022	None Given
25/06/2022	102 Hillsborough Old Road,Lisburn,Down,BT27 5QE

23 In summary, the following issues are raised:

- Overdevelopment of the site/built pattern/density/layout
- Planning History
- Emerging local development plan / SPPS
- Traffic Issues
- Need for a more mixed tenure of housing
- Removal of trees
- Size of dwellings
- Location of the access
- Sewage

24 The issues raised in these representations have been considered as part of the normal assessment of this application and how they are dealt with is described in more detail below.

Planning Policy Context

Relevant Policy and Guidance Documents

25 The relevant policy documents are:

- The Lisburn Area Plan
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS), published in September 2015
- Planning Policy Statement 2 (PPS 2) – Natural Heritage
- Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

- Planning Policy Statement 3 (Clarification): Access, Movement and Parking
- Planning Policy Statement 7 (PPS 7) – Quality Residential Environments
- Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk

26 The relevant guidance is:

- Creating Places – Achieving Quality in Residential Developments
- Development Control Advice Note 15 - Vehicular Access Standards

Environmental Impact Assessment (EIA)

27. 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.
28. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application

Local Development Plan Context

29. 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.
30. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
31. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
32. In a recent publication the Chief Planner for Northern Ireland advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report **remains as material considerations** to be weighed by the decision-maker.

33. In both the statutory development plan and the draft BMAP, the application site is identified as within the defined Settlement Development Limit of Lisburn on white land.

34. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

35. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

36. In the case of proposals for residential development within settlements no conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy. Consequently, the retained planning policy provides the relevant policy context in this instance.

37. 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.

38. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

39. Paragraph 4.11 of the SPPS states that

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

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

41. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

42. Paragraph 4.12 of the SPPS states

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

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

44. Paragraph 6.81 of the SPPS states that

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

Quality Residential Environments

45. 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.

46. 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.

47. 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

48. 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.

Open Space, Sport and Outdoor Recreation

49. 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.
50. 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.
51. 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.
52. 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) *(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.*
53. 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.
54. 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.
55. 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.*
56. 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.
57. 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.*
58. In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Natural Heritage

59. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

60. 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.*

61. 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.*

62. Policy NH 2 – 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:-

- *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.*

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.

63. 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.

64. 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

65. 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.

66. 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

67. 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.

PPS 15 – Planning and Flood Risk

68. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

69. 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 hard surfacing 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

70. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed redevelopment of this site for ninety dwellings.

Quality Residential Environments

Impact on the Character of Area

71. The area is predominantly made up of a mix of high/medium density housing comprised of semi-detached and terraced dwellings set in small to medium sized plots. Car Parking is also a mix of on-street and in-curtilage parking.
72. The scheme comprises a range of detached and semi-detached dwellings along with two apartment blocks containing six units in total. The form and general arrangement of the buildings is characteristic of those built in adjacent developments at Edgewater to the west and Green Mount Park and Kensington Park to the east.
73. The density equates to 31 dwellings per hectare which is considered to be at the lower end of medium density as described in Annex 1 of PPS 12 - Housing in Settlements.
74. 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 development and it is considered that the established residential character of the area would not be harmed.

Layout/Design/Material and Impact on Residential Amenity

75. There are number of different house types proposed with sizes varying from 75 square metres to 150 square metres in size. The six apartments located over three blocks range in size from 65 square metres to 70 square metres. All of the buildings are two-storey. A sample description of the some of the dwellings is outlined below.
76. House type A is a semi-detached 3 person 2 bedroom dwelling measuring approximately 75 square metres in floor area. This dwelling will have a ridge height of 8.2 metres.
77. The materials proposed for the dwelling include a mix of buff colour facing brick, and light grey render with grey interlocking roof tiles, black timber doors, dark grey UPVC windows and black rainwater goods.

78. House type F is a detached 6 person 4 bedroom dwelling measuring approximately 150 square metres in floor area. This dwelling will have a ridge height of approximately 9.5 metres.
79. The materials proposed for the dwelling include a mix of buff colour facing brick, and light grey render with grey interlocking roof tiles, black timber doors, dark grey UPVC windows and black rainwater goods.
80. The two blocks of apartments containing 6 units are located at the entrance with of the site with Old Hillsborough Road. The size of the apartments range from approximately 65 square metres to 70 square metres in floor area.
81. Block number one contains two units and will have a ridge height of 7.9 metres and block number two will contain four units and will also have a ridge height of approximately 7.9 metres.
82. The materials proposed for the apartments include a mix of buff colour facing brick, and light grey render with grey interlocking roof tiles, dark grey UPVC doors, dark grey UPVC windows and black rainwater goods.
83. The finishes proposed to the dwellings and apartments are considered to be acceptable and in keeping with the established character of this area.
84. No garages are proposed for any of the dwellings.
85. The proposed layout is designed to ensure that there is appropriate separation distances between the proposed dwellings. The design and access statement confirms that the development has been designed to ensure that there is no adverse impact caused to the amenity of future resident as a consequence of overlooking between the proposed dwellings.
86. The relationship between the buildings in each plot has been checked and it is considered that the guidance contained in the Creating Places is met.
87. 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.
88. The buildings are not dominant or overbearing and no loss of light would be caused.

Residential Amenity

78. The separation distances between the rear of the new houses and the common boundary ranges from 9.6 metres at the narrowest point at site 6 to 14 metres at site 3.

79. The smallest back to back separation distance between the proposed and existing dwellings on neighbouring lands is measured at approximately 19 metres between site 16 and 7 Green Mount Gardens.
80. The separation distances are in accordance with the requirements of the Creating Places document.
81. It is considered that the proposal will not create conflict or result in unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance to residents in existing dwellings.

Provision of Open Space / Landscaping

82. The provision of private amenity space varies from plot to plot ranging from a minimum of 48 square metres up to a maximum of 311 square metres per unit. As an average 83 square metres is provided across all the dwellings in the site which is consistent with the guidance in the Creating Places document for detached/semi-detached suburban style housing developments made up of two, three and four bedroom units.
83. One of the six apartments will have a private balcony and all the apartments will have access to the communal open space areas located adjacent to the apartment blocks and throughout the development.
84. 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. The detail associated with the site layout demonstrates that public areas of open space are to be provided as part of the proposal.
85. Two areas of open space are located at the front portion of the site and a further smaller area is located towards the rear of the site. These areas combined equated to 10.7% of the overall site which is in line with policy requirements.
86. A landscape management plan dated 27 October 2022 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.
87. It also details 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.
88. The management plan explains that the aim of the landscape proposal is to create a comprehensive planting scheme that will enhance the environment of the proposed development ensuring its integration into the wider landscape/townscape setting,

89. It explains that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.
90. The landscape plan demonstrates that the boundaries of the site would consist of native hedge planting, formal hedge planting and shrub planting. supplement where necessary. A 1.8/ 2metre close boarded fence is also proposed at various locations around the boundary. Some vegetation is to be retained along the boundaries as appropriate and that the proposed open spaces would be grassed with trees planted within.
91. 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 prior to the occupation of that phase of the development.

Access, Movement and Parking

92. Detail submitted with the application indicates that the proposal will involve the alteration existing accesses to the public road for both vehicular and pedestrian use.
93. A Transport Assessment (TA) form prepared by MRA Partnership was submitted with the application.
94. The TA confirmed that the proposal for 90 units will generate 502 two way trips a day, the threshold where a right hand turning lane is required is 500 trips. However given that the proposal will utilise two existing accesses this brings the number of trips down below the 500 vehicles per day threshold and therefore a right hand turning lane is not required.
95. Detail submitted with the application demonstrated how the internal layout of the proposed development is designed to DfI Roads requirements and that there will be no impact to traffic on the existing public road network (Hillsborough Old Road) adjacent to the site.
96. The detail also demonstrates that sufficient parking provided either in curtilage or communally for each of the eighty-four dwellings and six apartments.
97. The new development will provide a continuous footway link through the proposed development to the existing public network on the Hillsborough Old Road providing a safe and separate route for pedestrians.
98. DfI Roads has confirmed that it has no objection to the general layout and arrangement of the roads within the proposed development on the grounds of roads safety or traffic impact.
99. The proposed parking provision has been assessed against the guidance set out in the Creating Places document and is assessed to be in general accordance with this. The majority of parking is provided in curtilage for the

dwelling at a rate of two spaces per dwelling and communally in a parking court at a rate of 1.5 spaces per unit for the apartment blocks.

100. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings are being prepared.
101. Based on advice from DfI Roads it is considered that the proposed development will not prejudice the safety and convenience of road users and that it complies with the relevant policy tests set out in policies AMP2 and AMP 7 of PPS 3.

Public Open Space

102. One hundred dwellings were proposed as part of the original scheme and therefore an equipped children's play park was required in line with Policy OS2 of PPS8.
103. Whilst the number of units has been reduced to ninety, and there is no requirement for a playpark, the applicant retains an equipped playpark towards the rear of the site which is easily accessible to the residents of all the dwellings in the scheme.
104. It is recommended that a condition is attached to any decision to ensure that the detail of the proposed equipment, any means of enclosure and changes in ground level is submitted and agreed in writing with the Council prior to the commencement of any works. The park shall be erected before the occupation of the final dwelling in the scheme.

Natural Heritage

105. An extended phase 1 Ecological Appraisal and Assessment dated October 2021 carried out by Ayre Environmental Consulting is submitted in support of the application.
106. Paragraph 3.5 indicates that the method adopted for the field survey work followed the standard Phase 1 Habitats Survey methodology developed by the Joint Nature Conservation Committee (JNCC).
107. The document advises at paragraph 3.7 that the entire application site and immediate environs were surveyed for floral species.
108. An assessment of the following species and habitat features was conducted:
 - Badger Surveys
 - Birds
 - Bat Roost Potential
 - Habitats

109. Natural Environment Division (NED), whilst having no objection in principle, made a number of comments in relation to the proposal and the reports that were submitted in support of the application.
110. Further conditions may be required to address the comments of NED and members are requested to delegate this to the officers.
111. Shared Environmental Services (SES) have also been consulted on the proposal. They advise that

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned in any approval.

112. Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 26/01/2022.
113. On the basis of the information submitted and taking on board the advice of NIEA and SES, it is considered that the proposal meets the policy tests associated with policies NH 1, NH2 and NH 5 of PPS 2 and that no unacceptable impact on natural heritage features will arise.

Flooding and Drainage

114. A Drainage Assessments dated April 2022 by Sheehy consulting was submitted in support of the application.
115. With regard to Policy FLD 1 – Development in Flood Plains DfI Rivers have advised that a letter from Ronan Sheehy dated 12th September 2021, concludes the undesignated watercourse that historically traversed the site is redundant. DfI Rivers did in part agree with this assessment as large sections of the river were culverted no floodplain exists and policy FLD 1 does not apply.
116. With regard to Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure considerations, DfI Rivers have advised

that a watercourse which is designated under the Drainage (NI) Order 1973 traverses the centre of the site and is known to DfI Rivers as the 'Altona Stream'.

Historical Ordinance Survey maps indicate that an undesignated watercourse historically traversed the site. The site may be affected by undesignated

watercourses of which we have no record. Dfl Rivers conducted a site visit on 12th March 2021 and noted an existing culverted undesignated watercourse with an open section traversing the site

117. In order to satisfy Policy FLD 2 the applicant has proposed to divert the culverted designated watercourse traversing the site, and Dfl Rivers have requested that a condition is included as part of its planning permission if granted that states

Prior to the commencement of any of the approved development on site, Schedule 6 consent is required from Dfl Rivers Area Office in relation to the culvert diversion.

118. There is no reason to disagree with the advice of Dfl Rivers but the recommended planning condition is reworded so the detailed drainage design is agreed in writing with the Council before the construction of the first dwelling is commenced on the site.

119. In relation to Policy FLD 3 – Development and Surface Water, the drainage assessment advises that the applicant has submitted adequate drainage drawings and calculations to support their proposals.

120. *FLD3 - Development and Surface Water* – Dfl Rivers in a response date May 2022 stated that they had reviewed the Drainage Assessment Addendum Rev B by Sheehy Consulting dated March 2022, and comments as follows;

Dfl Rivers considers the Drainage Assessment to be incomplete as it is not supported by current correspondence from NI Water indicating how runoff from the site will be disposed of safely.

121. NI Water in their consultation response dated June 2022 confirmed that foul and storm sewer available to serve the site. It is therefore considered that the proposal complies with policy FLD3.

122. This was followed up by an email in October 2022 from NI Water which stated:

NIW confirmed on their consultation response that they were content to accept the storm into our network at the designated rate (29 L/S).

123. In terms of Policy FLD 4 – Artificial Modification of Water Courses, Dfl Rivers Agency have advised that the applicant has indicated, that culverting and diversion works are proposed to the existing culverted designated watercourse that traverses the site and infilling works to the redundant undesignated watercourse that historically traversed the site.

124. Dfl Rivers have therefore requested that should the application be approved a condition should be included that states

Prior to the commencement of any of the approved development on site, the applicant must demonstrate that consent to undertake any culverting or infilling

works at the site has been approved by DfI Rivers under Schedule 6 of the Drainage (NI)

125. There is no reason to disagree with the advice of DfI Rivers but the recommended planning condition is incorporated into the previous condition so the detailed drainage design is agreed in writing with the Council before the construction of the first dwelling is commenced on the site.
126. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 1 advised that they were content with the proposal as long as NI Water had capacity to take the extra load and subject to conditions and relevant statutory permissions being obtained.
127. Based on a review of the information provided and the advice received from both DfI Rivers and Water Management Unit, it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 1, 2, 3 and 4 of PPS 15.

Consideration of Representations

128. Ten letters of objection have been received in relation to the proposal The issues raised by way of third party representations are considered below:

Natural Heritage / Ecology / Removal Trees

129. An objection has been raised in relation to Natural Heritage including the removal of trees. A Preliminary Ecological Assessment has been submitted with the application along with a Bat Roost Potential tree survey. NED have been consulted regarding the application and have no objection in principle subject to condition.
130. With regards to the removal of trees, none of the trees on site are protected and could therefore be removed without permission. That said a tree constraint plan was submitted with the application which indicated that a number of mature trees are to be retained throughout the site and protected by use of an appropriate condition.

Access / road safety

131. An objection has been raised in relation to the access arrangements and road safety. The proposed site currently has two access points. As part of this application the two access points are being retained but improved and repositioned. The access widths are being increased and suitable visibility splays are being provided for.
132. New footpaths will run throughout the site and will link in with the Hillsborough Old Road. The Transport Assessment indicates how the existing road network can deal with the additional traffic as a result of the development

133. DfI Roads have been consulted with the proposal and have no objections subject to conditions.

Drainage / Sewage

134. An objection has been raised in relation to drainage and sewage. A Drainage Assessment was submitted as part of this application and DfI Rivers have no objection in principle to the proposed development. In terms of sewage NI Water have confirmed that they have capacity to deal with both foul and storm that may come from the site.

Need for more of a mix of house types

135. An objection has been raised regarding the house types proposed on the site and in particular that there should be a wider mix of house types. The proposal includes 2, 3 and 4 bed houses as well as well as 1 and 2 bed apartment units. The size of the houses all meet the standards as described above.

Conclusions

136. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development comprises 50 or more residential units.
137. This application is presented to the Planning Committee with a recommendation to approve as it is considered the proposal complies with SPPS and Planning Control Principles 1, 2 and 3 PPS 12 and policy QD1 of PPS7 in that the detail submitted demonstrates that a variety of house types, sizes and tenures to meet different needs is to be provided thereby contributing to the creation of a more balanced community.
138. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
139. It is also considered that the buildings when constructed will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or being dominant or over-bearing.
140. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.

141. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment, in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.
142. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, 3 and 4 of PPS 15 in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.

Recommendations

143. It is recommended that planning permission is approved.

Conditions

144. 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. All hard and soft landscape works shall be carried out in accordance with Drawing No. 20-111-03.3 bearing the date stamped 20 October 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.

4. 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.

5. Prior to the occupation of the last dwelling, details of the equipped children's play park including the finished ground levels shall be submitted to and agreed in writing with the Council. The scheme will be carried out as approved.

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

6. 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.

7. 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.

8. No retained tree as identified on drawing No. 20-111-03.2 bearing the date stamped 200 October 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

9. Prior to occupation of the proposed dwelling, glazing capable of providing a sound reduction index, when the windows are closed, of at least Rw 31dB shall be installed to all habitable rooms.

Reason: To achieve internal noise level in line with BS8233

10. Prior to occupation of the proposed dwelling, alternative ventilation capable of providing a sound reduction index of at least Rw 31dB shall be installed to all habitable rooms.

Reason: To achieve internal noise level in line with BS8233

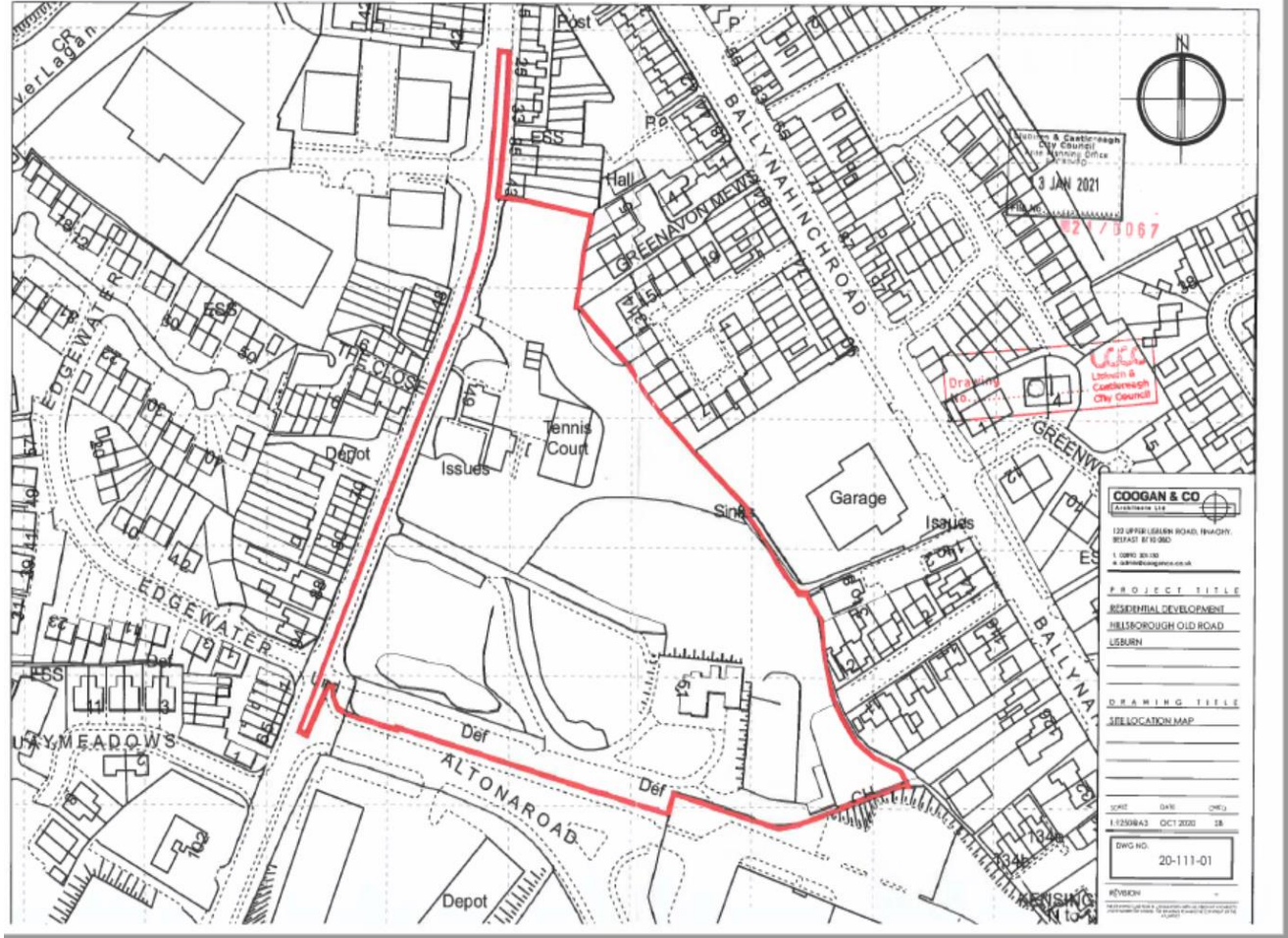
11. Prior to occupancy of the site acoustic barriers shall be erected as detailed in drawing number 20-111-03.1 received by the Council 21 January 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 6 kg/m² and so retained thereafter.

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

12. Prior to the occupation of the first dwelling, the detailed drainage design shall be submitted to and agreed in writing with the Council.

Reason: To ensure the provision of an acceptable means of drainage for the site is provided

Site Location Plan – LA05/2021/0067/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	07 November 2022
Committee Interest	Major Application
Application Reference	LA05/2022/0290/F
Date of Application	15 March 2022
District Electoral Area	Castlereagh South
Proposal Description	Proposed replacement of an existing all weather astro turf pitch and existing grass pitch with a new 3G Pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works
Location	Lough Moss Leisure Centre Hillsborough Road Carryduff BT8 8HR
Representations	One
Case Officer	Rachel Taylor
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation (PPS8) in that the proposal will not result in the loss of existing open space or land zoned for the provision of open space.
3. The proposal is also satisfies the policy tests of Policy OS4 of PPS8 in that the site is located within the settlement limits and it has been demonstrated that there will be no unacceptable impact on the amenities of people living nearby

by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated.

4. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Also the buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
5. The proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.
6. The proposal is also considered satisfies the policy tests of Policy OS 5 of PPS 8 as it has been demonstrated that there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; there is no unacceptable level of disturbance to farm livestock and wildlife; and there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.
7. The proposal complies with the SPPS and satisfies the policy tests of Policy OS 7 of PPS8 in that it has been demonstrated that no unacceptable impact on the amenities of people living nearby will arise. It has also been demonstrated that there will be no adverse impact on the visual amenity or character of the locality and that public safety will not be prejudiced.
8. The proposal complies with the SPPS and satisfies the policy tests of policy AMP2 and AMP 7 of PPS 3 - Access Movement and Parking (PPS3) in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.
9. The application is considered to comply with the SPPS and relevant policy tests of policies FLD2, 3 and 4 PPS 15 - Planning and Flood Risk in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Description of Site and Surroundings

Site

10. The site is located at Lough Moss Leisure Centre at the Hillsborough Road Carryduff. The larger site comprises an indoor leisure centre, playground, car park, perimeter walkway/running track and 5 sports pitches, one of which is a floodlit astro turf pitch, 3 of which are full sized football pitches and one small Gaelic training pitch.
11. The site which is the subject of this application is 2.26ha in size and comprises the existing astro turf pitch one further open grass pitch and a portion of the car park.

Surroundings

12. To the north and east the land is urban in character and comprised of housing and other urban landscape features. To the south and west the land is rural in character and comprised of woodland and open agricultural fields.

Proposed Development

13. This is a full application for the proposed replacement of the existing all weather astro turf pitch and a grass pitch with an new 3G pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works.
14. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application as the threshold for a Pre-application Notice and community consultation was reached.
15. The application was also supported by a number of documents including a:
 - Design and Access Statement;
 - Supporting Planning Statement;
 - Bat Activity Report;
 - ML541 LED Proposal Report;
 - Technical Note Ecological Statement and Biodiversity Checklist
 - Transport Assessment Form;
 - Flood Risk and Drainage Assessment;
 - Outline Construction Environmental Management Plan; and
 - Archaeology Report

Relevant Planning History

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

Application Reference	Description of Proposal	Address	Decision
LA05/2021/1275/PAN	Proposed replacement of the existing all-weather astro-turf pitch with a new 3G pitch, additional car parking spaces, floodlighting, fencing, ball catch netting, pedestrian and vehicle access gates, retaining wall, an access path and all associated site works	Lough Moss Leisure Centre Hillsborough Road Carryduff BT8 8HR	Accepted 5/1/22
LA05/2020/0953/F	Proposed single storey steel storage container for use by existing members of Carryduff GAC	Vacant grass embankment adjacent to Lough Moss Leisure Centre Hillsborough Road Carryduff	Approved 1/2/21
Y/2010/0251/F	Erection of extension to rear of leisure centre, accommodating new changing room facilities, plant rooms, storage area, and associated car parking.	Lough Moss Leisure Centre, Hillsborough Road, Carryduff BT8 8HR	Approved 22/7/10
Y/2009/0021/F	Re-configuration of existing grass pitch to provide 8 no. 3G 5-a-side football pitches/courts with 24no. 8m high floodlights and 7.2m high pitch/court fencing.	Lough Moss Leisure Centre, Hillsborough Road, Carryduff, BT8 8HR	Approved 30/3/09
Y/2008/0158/F	Installation of electric generating wind turbine (40 metres to hub with 7 metre blades) to rear of existing sports centre	Lough Moss Leisure Centre, Hillsborough Road, Carryduff,	Withdrawn

Application Reference	Description of Proposal	Address	Decision
		Co. Down, BT8 8HR	
Y/2006/0116/F	Installation of 30m electric generating WES 18 wind turbine to rear of existing sports centre.	Loughmoss Leisure Centre, Hillsborough Road, Carryduff, Co Down.	Approved 27/2/07
Y/1996/0107	New artificial pitch with new fences, paths and floodlighting columns.	Land to the rear of lough moss sports centre, Hillsborough Road, Carryduff.	Approved 27/6/96
Y/1990/0437	Construction of recreation centre	Lough Moss playing fields, Hillsborough Road, Carryduff	Approved 8/1/91
Y/1990/0222	Erection of recreation centre and changing rooms	Lough Moss playing fields, Hillsborough Road, Carryduff	Approved 26/9/90
Y/1986/0231	Provision of temporary vehicular access and car parking and temporary change of use of stables to changing accommodation	Lough Moss playing fields, Hillsborough Road, Carryduff	Approved 6/4/87
Y/1976/0171	Recreation facilities and children's play area and indoor community.	Adjacent to Lough Moss Park, Carryduff	Approved 4/10/76
Y/1974/0189	Erection of 2 bungalows	Hillsborough Road Carryduff	Refused

Consultations

17. The following consultations were carried out:

Consultee	Response
Historic Environment Division	No Objection
Environmental Health	No Objection
Natural Heritage	No Objection
Water Management Unit	No Objection
DfI Roads	No Objection
NIE	No Objection
Rivers Agency	No Objection
NI Water	No Objection
Shared Environmental Services	No Objection

Representations

18. One representation has been received from the occupier of 54 Lough Moss Park and is available to view on the Planning Portal via the following link:

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?guid=f4b41c12-65cb-465d-9b34-d3c5a2ebd49a>

19. Issues raised include the following and are considered within the report:

- Current floodlights create light pollution along the Duck Walk. New floodlights may add to the light position as there is no hedge.
- People parking at entrance to the Duck Walk and along Lough Moss Park. This will exacerbate the problem.
- Consider acoustic fencing and mature planting to help with the lighting and noise issue.

Planning Policy Context

Relevant Policy and Guidance Documents

20. The relevant policy documents are:
- Belfast Urban Area Plan
 - Carryduff Local Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 3 – Access, Movement and Parking
 - Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 15 – Planning and Flood Risk

Environmental Impact Assessment (EIA)

21. 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.
22. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

23. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
24. In this case the PACC process was held virtually with a dedicated website used to provide opportunity for consultation with the local community. This website replicated, as closely as possible, the level of information and engagement normally available at a public exhibition event. The consultation material was available online from 23 November 2021 to the 01 February 2022, in an accessible format. The method used enabled broad participation across both mobile and desktop devices.
25. The content of the website included illustrative plans and designs of the proposed development, key dates for the consultation, indicative visualisations and an online feedback facility and questionnaire.

26. An online consultation event was carried out via Microsoft Teams on 13 January 2022 at 18.00. This included the project team presenting the proposed development followed by a Q&A session. This format allowed the public to engage with the project team and ask questions, similar to an in-person consultation event.
27. A dedicated email address was available for those wishing to make comment or seek more information on the proposed development.
28. A public advert notice providing details of the consultation website, online consultation session and how to access hard copies of the questionnaire was published in the Ulster Star on 03 December 2021.
29. An information leaflet was distributed to properties in a 1 kilometre radius surrounding the site.
30. In conclusion the vast majority of respondents support the proposed development and the concerns raised during the PACC process and which were within the scope of the application description were addressed as part of the final design process before the application was submitted.

Local Development Plan Context

31. 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.
32. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
33. As a consequence, the Belfast Urban Area Plan (BUAP) is the statutory development plan however the draft Belfast Metropolitan Plan (BMAP) 2015 remains a material consideration.
34. The BUAP indicates that the proposed site is within the greenbelt outside of the settlement for Carryduff however page 7 of the BUAP states that:

Planning policies as described in individual area or Local Plans will continue to apply to settlements within the greenbelt.
35. Within the Carryduff Local Plan 1991 the site is located within the settlement limit zoned as an area of proposed open space.
36. Within draft BMAP the shale pitch is designated as an area of existing open space. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern

Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

37. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

38. 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.

39. 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.

40. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to the policies contained in the plan documents.

41. Paragraph 4.11 of the SPPS states that

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning

authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

42. Paragraph 4.12 of the SPPS states that

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

43. Paragraph 6.3 of the SPPS states that

the planning system has a key role in the stewardship of our archaeological and built heritage.

44. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

45. It is outlined in paragraph 6.174 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.

46. Paragraph 6.200 of the SPPS states that

open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

Open Space, Sport and Outdoor Recreation

47. 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.

48. Policy OS 1 - Protection of Open Space states that

development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against

the loss of existing open space will apply irrespective of its physical condition or appearance.

49. The policy also states that

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

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where the following circumstances occur:

- (i) in the case of an area of open space of two hectares or less, alternative provision is made which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.*
- (ii) In the case of playing fields and sports pitches within settlement limits, an exception will be permitted if it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the overall area-and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.*

50. Policy OS4 - Intensive Sports Facilities states that

The Department will only permit the development of intensive sports facilities where these are located within settlements.

An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

- (i) there is no alternative site within the settlement which can accommodate the development;*
- (ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement; (iii) there is no adverse impact on the setting of the settlement; and*
- (iv) the scale of the development is in keeping with the size of the settlement.*

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;*
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*

- *buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
- *the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and*
- *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.*

51. Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities states that

The Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;*
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and*
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude*

52. Policy OS 7 - The Floodlighting of Sports and Outdoor Recreational Facilities states that

The Department will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;*
- (ii) there is no adverse impact on the visual amenity or character of the locality; and*
- (iii) public safety is not prejudiced.*

Access, Movement and Parking

53. 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.
54. 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.
55. 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.*

56. 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.*

57. 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

58. 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 and Flood Risk

59. 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.

60. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

61. 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.

62. 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.

Planning Archaeology and the Built Environment

63. PPS 6 – Planning, Archaeology and the Built Environment sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage.

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

planning authorities will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings.

65. It advises that these compromise 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.

66. Policy BH3 - Archaeological Assessment and Evaluation states that

where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, a planning authority will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

Assessment

67. Within the context of the planning policy tests and other material considerations outlined above, the following assessment is made.

Loss of Open Space

68. Policy OS1 protects against the loss of open space. The area would currently be classed as existing open space as it contains an existing astro turf pitch and an adjacent grassed football pitch.
69. The proposed site is located within the Lough Moss Leisure Centre complex. Currently on site there is extensive outdoor playing field provision which includes three full size AssociationFootball pitches, one small Gaelic training pitch and a full size floodlit astro turf pitch used for hockey.
70. The supporting planning statement confirms that a pitches strategy was produced for the Council in March 2016 and that this strategy identified Lough Moss as one location for developing 3G pitches across the Council area to better facilitate training and sports development programmes in association football and Gaelic sports.
71. The site identified for the 3G pitch is the position of a current synthetic astro turf pitch. It also takes in the land associated with an adjacent grassed pitch.
72. In terms of policy OS1 it is considered that there will be no loss of existing open space as this proposal continues to provide open space.
73. The proposal is therefore considered to be consistent with and to meet the policy criteria of OS1.

Intensive Sports Facilities

74. For the purposes of this policy intensive sports facilities include stadia, leisure centres, sports halls, swimming pools and other indoor and *outdoor sports facilities* that provide for a wide range of activities. Apart from facilitating sport such facilities often serve as a focus for the community and are therefore best located in settlements.
75. It is considered that the existing astro turf and grassed football pitch are already existing intensive sports facilities as they provide space for a wide range of outdoor sports activities to be carried out.
76. The distinguishable difference is that the new pitch will be the equivalent to a full size Gaelic pitch or two cross soccer pitches. This allows the large pitch to be versatile and used more intensively. It also includes associated spectator and ball stop fencing and dugouts.
77. The site is already within the settlement as required by policy, and whilst the nature and scale of the development is different as a modern all weather playing surface is used it is still in accordance with the requirements of the policy as Lough Moss is known as a place for intensive sports and the outdoor use of the land for playing fields is established.
78. The new and enhanced facilities will improve the quality of the outdoor sports area, providing an up to date facility for its users, additional parking

arrangements and replacement floodlights, creating a safe and accessible space to this Council owned facility.

79. In terms of amenity, the facility is already existing and the astro turf pitch is currently floodlit. Naturally the redevelopment of this and the grass pitch adjacent will change the intensity of the usage of the site and also change the impact in terms of noise, nuisance and floodlighting. There are no adjoining residential properties to the site however and there are grassed pitches to the north and east and the leisure centre to the south with open countryside to the west. There is also a walkway around the perimeter of the facility. The closest dwelling would be in Lough Moss Park approximately 80 metres distant from the closest point of the new pitch. There is limited potential for an adverse amenity impact due to the separation distances from the closest residential properties.
80. To limit any potential disturbance, it is proposed that the facilities will be made available for public use through a booking system. The operating hours will be subject to agreement with Environmental Health.
81. Consultation has been undertaken with Environmental Health who have confirmed that they have no objections. Lighting is considered in more detail under Policy OS7 below.
82. Spaces within the existing car park have been rearranged to maximise parking provision and include five electrical vehicle charging points along with additional coach parking.
83. The existing car parking provision has been reviewed and the need for additional parking assessed against the current parking standards. It is proposed to provide an additional 17 car parking spaces access directly off the access road and this is considered adequate to meet the need of the new pitch as a replacement for two others.
84. Eighteen metre high floodlighting will be provided around the pitch to replace the floodlighting which already exists for the AstroTurf pitch which is estimated to be fifteen metres. It is acknowledged however that the new pitch has different dimensions and the lighting in new locations will have a different impact. This is dealt with later in the report.
85. In terms of adverse impact on features of importance to nature conservation, archaeology or built heritage, there are no listed buildings and no natural heritage features within the application site which consists of an existing astro turf pitch, fencing and floodlighting and grassed pitch, embankment and car park.
86. There are however existing and proposed floodlights and mature trees which are outside of the development site but could be effected by the light spill including a woodland to the west of the site.

Nature Conservation

87. A Technical Note, Ecological Statement and Biodiversity Checklist along with a Bat Activity Report and Outline Construction Environmental Management Plan (OCEMP) were submitted with the application. Consultation with NIEA, Natural Environment Division (NED) indicated that they have no concerns subject to conditions.
88. NED noted that the application site is in close proximity to Lough Moss Site of Local Nature Conservation Importance (SLNCI). It stated that this site (SLNCI) is used by bats, a European protected species under the Habitat Regulations. NED acknowledged Ecological Statement and Biodiversity Checklist, the Bat Report and the Outline Construction Environment Management Plan (OCEMP), date stamped 03 March 2022.
89. NED noted in their response the mitigation measures proposed in the OCEMP are implemented and advise that the proposal is unlikely to have a significant impact on designated sites due to its distance from the sites and the scale and nature of the development.
90. With regards to bats, NED noted from the Ecological Statement that all trees had negligible bat roost potential and as such, are content that no further surveys are required.
91. NED noted that a bat activity survey was carried out to assess the potential impacts of the proposed floodlighting on local bat populations. Six species of bat were found using the site, mostly Common pipistrelle, Soprano pipistrelle and Leisler's bat with singular recordings of Nathusius' pipistrelle, Brown Long-Eared bat, and a Whiskered bat and it is likely that a Soprano pipistrelle roost is nearby. NED commented that Bats are a European Protected Species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and are subject to a strict level of protection.
92. NED confirmed that the majority of bat recordings were located in the woodland strip that runs along the western border of the site, the woodland at the Lough Moss SLNCI border and the grass pitches in the surrounding leisure centre grounds. NED noted that the woodland strip at the west of the site currently has light spill from the existing floodlights, whereas the surrounding leisure centre grounds and SLNCI are relatively dark. NED noted that the occurrence of bat species that are considered as more light-sensitive were recorded after the floodlights were switched off.
93. Furthermore NED noted from the LED proposal report, date stamped 03 March 2022, the figure titled ML1541 Lough Moss GAA – HMs Description and Isolines shows an extension of external lighting that will cause a light spill of over 5 lux on the woodland at the western perimeter and 2-5 lux on the woodland at the Lough Moss SLNCI. NED considers this a significant illumination disturbance on the habitat corridors present at the site and surrounding area.

94. NED confirmed that they would normally recommend a light spill of less than 1 lux on boundary hedgerows and woodland to minimise disturbance to commuting bats, in accordance with BCT guidelines¹.
95. Given the duration and seasonality of the floodlighting disturbance, and the current activity levels of the bats with the existing light spill, NED is in agreement with the Bat Activity Report that, provided the floodlighting activity remains of a similar duration and seasonality as the current lighting, any significant impacts of floodlighting can be mitigated. NED recommend that, throughout the development use, floodlighting should only be used in the Autumn/Winter months where necessary.
96. Due to the presence of light-sensitive species during the bat activity survey, NED also requests that all floodlights are switched off when the 3G pitches are not in use.
97. Additionally, NED recommends that the additional mitigation proposed in the Bat Activity Report such as the addition of baffles, hoods, louvres is implemented to further reduce the light spill on the SLNCl and woodland strip to the west of the site. NED has recommended an appropriate condition of a lighting plan to include the final details of LED floodlighting proposals and additional mitigation measures.
98. With regards to birds NED noted that the trees and hedgerow at the site are suitable habitat for breeding birds. All wild birds are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED welcomed plans within the OCEMP that any vegetation clearance will be done outside the breeding bird season, which runs from 01 March to 31 August inclusive.
99. With regards to habitats NED noted that a small area of the woodland to the west will be removed to facilitate the proposed development but note that this will be kept to an absolute minimum. NED therefore recommends planting with native tree species to compensate for the loss of woodland at the site.
100. NED also noted the mitigation outlined in the OCEMP including pollution prevention measures and suitable buffers between all construction and the watercourse, which is culverted at the site and emerges through the Lough Moss SLNCl and is generally content that this will minimise any significant impacts to the watercourse habitat.
101. Finally with regards to other natural heritage interests NED noted from the Ecological Survey that no other protected and priority species was found during the site visit. NED welcomes precautionary measures listed in the OCEMP should any ecological features be found during construction. Therefore, based on the information provided to date, NED is content with the proposal, subject to the recommended conditions.

Built Heritage

102. Whilst there are no listed buildings within proximity of the site, Historic Environment Division [HED] were consulted as the applicant had submitted a desk based assessment of all archaeological features within 1km of the site.
103. Advice received confirmed that on the basis of the information provided they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
104. Policy OS 4 requires buildings or structures to be designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
105. The pitch will be 100m x 145m at the extremities to accommodate a full size Gaelic pitch or two sideways football pitches. It also includes 30m x 16m ball stop netting suitable for hurling at either end (west and east), a 6m high welded mesh paladin ball stop fence coloured green around the complete pitch for complete enclosure, 6m x 18m floodlights around the perimeter, a retaining wall up to 1.5m high at the south western corner. In the interior of the site there is a 1.2m mesh spectator fence which rises to 2m in height behind the goals at either side of the two soccer pitches demarcated side by side,
106. There is already fencing around the existing astro turf pitch of a similar design although this will be higher and extend over an area equivalent to two pitches. It is designed to have a minimal visual impact by the use of dark paint colour (green). This assists in blending the new fencing in the wider landscape setting. No requirement for additional landscaping is identified.
107. Given that this is the upgrading of an existing facility within a Leisure Centre complex, surrounded by other pitches, it is considered that the design is acceptable and to the highest standard available to meet the relevant association's needs.
108. In relation to the final criterion the proposed facility is on level ground with full gated access. It is designed to current DDA standards for accessible use. It is demonstrated that the proposed facility has been designed to take into account the needs of people with disabilities. It also is located in a place that is accessible to a large population offering choice to all.
109. In respect of accessibility, the site is located off the Hillsborough Road and this is suitable for all types of road vehicles including cycles.
110. The site is completely connected by footpaths and walkways which provide an additional means of pedestrian access to the Lough Moss Leisure Centre and promotes active travel.
111. The site also benefits from bus stops in close proximity to Lough Moss Leisure Centre. Accordingly, the site is well serviced by public transport.

112. Further consideration of the access arrangements and parking provision is provided for later in the report in the section dealing with PPS 3 - Access, Movement and Parking.
113. Further detail regarding drainage considerations are set out later in the report in the section dealing with PPS 15 - Planning and Flood Risk.
114. For the reasons outlined above, the proposal is considered to fully comply with policy OS4 and that the buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

Noise Generating Sports and Outdoor Recreational Activities

115. As this is the redevelopment will of an existing sports pitch the principle of a recreational facility at this location is already been established.
116. The planning statement explains that the proposed facilities will be used by Gaelic and other Football Association clubs, local schools and community groups.
117. It is stated to be available for the public under a booking system with the hours of operation subject to a planning condition limiting the hours of operation during the night time if required.
118. The statement also notes that floodlighting should only be used in the Autumn/Winter months where necessary and that due to the presence of light-sensitive species during the bat activity survey, NED have requested that all floodlights are switched off when the 3G pitches are not in use.
119. This is similar to other facilities owned by the Council in urban locations and is necessary as the booking of pitches for football can give rise to some noise from players, the use of whistles and spectators.
120. As the site is within an urban area there will be no unacceptable disturbance to farm livestock and wildlife and Natural Environment Division have offered no objection.
121. In relation to the third criteria, as this is an already a functioning sports pitch, there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude provided floodlight conditions are complied with.
122. For the reasons outlined above the proposed development is considered to be comply with the requirements of Policy OS5 as it is demonstrated that no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses will arise.

The Floodlighting of Sports and Outdoor Recreational Facilities

123. As explained within the context of policy OS 4 considerations, there is no unacceptable impact to the amenity of people living nearby and this conclusion is supported by the advice received from the Council's Environmental Health Unit.
124. The planning statement confirms that the proposed lighting columns have been designed and positioned through the use of Lighting Reality specialist software. This is to ensure that there is no unacceptable impact on amenities on the people living nearby.
125. There are 6 x 18 metre poles proposed around the pitch perimeter at all 4 corners and two at the mid-way point. The light spill and luminaires have been calculated on a Lighting Plan which has been considered by Environmental Health, DfI Roads and NED.
126. DfI Roads have not identified any road safety issues however the site is a substantial distance from the public road located to the rear of the Leisure Centre.
127. No objection is raised and Environmental Health but they have requested the inclusion of a condition to protect the amenity of neighbouring dwellings with respect to obtrusive light. This requires the installed lighting to be in accordance with the specified LUX levels provided in support of the application.
128. In relation to natural heritage considerations, Natural Environment Division [NED] were consulted regarding the lighting plan. In their response and as expressed above NED state that the majority of bat recordings were located in the woodland strip that runs along the western border of the site.
129. NED noted that the woodland strip at the west of the site currently has light spill from the existing floodlights, whereas the surrounding leisure centre grounds and SLNCI are relatively dark. NED noted that the occurrence of bat species that are considered as more light-sensitive were recorded after the floodlights were switched off.
130. Furthermore NED noted from the LED proposal report shows an extension of external lighting that will cause a light spill of over 5 lux on the woodland at the western perimeter and 2-5 lux on the woodland at the Lough Moss SLNCI. NED considers this a significant illumination disturbance on the habitat corridors present at the site and surrounding area.
131. NED confirmed that they would normally recommend a light spill of less than 1 lux on boundary hedgerows and woodland to minimise disturbance to commuting bats, in accordance with published guideline. Given the duration and seasonality of the floodlighting disturbance, and the current activity levels of the bats with the existing light spill, NED is in agreement with the Bat Activity Report that, provided the floodlighting activity is similar to the current lighting in terms of its use, any significant impacts of floodlighting can be mitigated.

132. As explained above, NED recommend that, throughout the development use, floodlighting should only be used in the Autumn/Winter months where necessary. Due to the presence of light-sensitive species during the bat activity survey, NED also requests all floodlights are switched off when the 3G pitches are not in use.
133. Additionally, NED recommends that the additional mitigation proposed in the Bat Activity Report such as the addition of baffles, hoods, louvres is implemented to further reduce the light spill on the SLNCI and woodland strip to the west of the site. NED has recommended an appropriate condition of a lighting plan to include the final details of LED floodlighting proposals and additional mitigation measures.
134. Additionally no impact on public safety is envisaged. The scale of the proposed floodlights is considered acceptable given the location just outside the built-up edge of the settlement.
135. It is not considered that there will be any detrimental impact on the visual amenity or character of the locality as there is an existing sports ground already operating and it is adjacent to other sports grounds in an area of open space.

Access, Movement and Parking

136. The P1 form indicates that the proposed development will use of an existing unaltered access to the public road for both vehicular and pedestrian movements.
137. The site currently accesses onto the Hillsborough Road and this has been checked against current standards to ensure it is in accordance with DCAN 15. DfI Roads do not object to the proposal on the grounds of road safety and are satisfied that the dimensions of the access and the visibility splays are adequate. The requirements of policy AMP2 are met in full.
138. Pedestrian access is currently available by footpaths to the edge of the internal road and more widely on the public road network. Whilst there is no dedicated cycleway the public road can be used and parking provision is made for cyclists with five stands to accommodate ten bikes proposed in front of the Leisure Centre.
139. The site is within 400 metres of the closest local bus stop and within 800 metres of bus stops that are accessible to a larger number and range of bus services.
140. A Transport Assessment Form (TAF) was submitted with the application. It explains that there are currently 144 parking spaces with 7 disabled spaces.
141. It is proposed to reconfigure the existing north western corner of the car park layout to maximise provision and provide 17 new spaces long the access road into the site. The total provision will then be 168 spaces including coach parking, cycle parking, 7 disabled spaces and 4 family spaces.

142. Adequate provision for car parking and appropriate servicing arrangements are provided in the site for the reasons outlined above and the requirements of policy AMP 7 are met in full.

Planning and Flood Risk

143. A Drainage Assessment has been submitted with the application and consultation with DfI Rivers initially raised the following issues.
144. Rivers Agency confirmed in their initial consultation response to FLD1 - Development in Fluvial and Coastal Flood Plains – DfI Rivers Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
145. With regards Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure, advice received notes that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
146. An undesignated culverted watercourse flows through the proposed 3G pitch to the east, this is indicated on drawing 60646990-ACM-XX-DR-C-1004. Historical maps indicate this watercourse on a different alignment to the one shown and also a tributary to this watercourse flows into it from the east. Advice recommended that the applicant needed to confirm the presence of the tributary.
147. In accordance with paragraph 6.32 of the revised Policy FLD 2 of PPS 15, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.
148. In Section 2.2 of an addendum to the Drainage Assessment and on drawing 60646990-ACM-XX-DR-C-5002 the tributary is shown and a 10 metre working strip adjacent to the culverted undesignated watercourse provided.
149. Whilst it is stated at policy FLD 2 that there is a presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary works the drawings received indicate no buildings or structures (including foundations) within the maintenance strip for the culvert. Any fencing erected over the line of the maintenance strip is demountable.
150. For these reasons the requirements of policy FLD 2 are met in full and Rivers Agency comments that landowners whose property is traversed by this culverted watercourse should be made aware of their riparian obligations to maintain the culverted watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973 will be added as an informative.

151. With regards FLD3 - Development and Surface Water – DfI Rivers initial comments were that:

Revised Policy PPS 15 Annex D17 bullet point 6 states – An assessment of hydraulic capacity and structural integrity of all drains and sewers within or bounding the site, which may result in out of sewer flooding. The methodologies for assessment must be clearly identified.

The applicant has included CCTV reports for existing storm drainage infrastructure within the site. The report indicates that there are numerous areas of existing infrastructure of varying diameter that are either fully or partially obstructed; joints displaced; surveys incomplete due to silt or deformed culverts; etc. The CCTV also does not include the existing 900mm Ø undesignated watercourse that runs through the site. The applicant should clearly identify what sections of existing infrastructure are to be retained and provide a complete CCTV report, including a DVD copy, for these and the 900mm Ø undesignated watercourse.

Revised Policy PPS 15 Annex D18 bullet point 2 states – Details of how runoff from the site will be controlled and safely disposed of supported by relevant correspondence from Rivers Agency and/or Northern Ireland Water.

DfI Rivers PAMU acknowledge that Schedule 6 consent has been granted by the local area office on 3 February 2022 to discharge to a max of 109.53 l/s (equivalent to existing discharge). The submitted Drainage Assessment Appendix B – outlines the Storm Design and details the design parameters used in Micro Drainage.

Approval has been granted “to discharge a max of 109.53 l/s (equivalent to existing discharge)”. The DA indicates that the runoff from car park & layby, which cannot be attenuated is 18.35 l/s. Therefore, the discharge from the attenuated system has been calculated to be $109.53 - 18.35 = 91.18$ l/s. However the discharge from the hydrobrake manhole S34 is as follows:

- *1 in 30 Return Period Summary – 92.2 l/s*
- *1 in 100 return Period summary – 99.7 l/s*

These totals exceed the maximum discharge rate granted. The applicant is required to submit a DA to include a Storm Design which complies with the discharge consent.

The applicant has shown that exceedance at manhole S33, Figure 10 of the DA indicates the exceedance flow path to adjacent land. The applicant is required to demonstrate how exceedance flows are accommodated within the applicant’s site boundary.

152. In an addendum to the drainage assessment it has been demonstrated that the design and construction of a suitable drainage network is feasible.
153. The document indicates that the 1 in 100 year event could be contained within an underground attenuation system, when discharging at an existing runoff rate

of 109.53 l/s, and therefore there will be no exceedance flows during this event. DfI Rivers have no objection in principle to this rate of discharge and request that the planning authority includes a planning condition that requires the final design to be agreed before the development becomes operational. The requirements of FLD 3 are now met in full..

154. With regards to FLD 4 - Artificial Modification of watercourses Rivers Agency noted that the historical maps indicate that the undesignated watercourse on a different alignment to the one shown on the drawing number 60646990-ACM-XX-DR-C-1004. DfI Rivers hold no record of this watercourse being culverted, and express a view that it was likely culverted when the leisure centre was originally developed. Advice received notes that there are no proposals to make any alterations to this watercourse and for this reason, an objection under this sub-policy FLD 4 cannot be sustained.
155. In terms of Policy FLD 4 - Artificial Modification of watercourses – Any remedial works carried out to the culverted undesignated watercourse will be subject to approval from DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973.
156. For the reasons outlined above and taking into account advice received from DfI Rivers, it is considered that the proposal meets the relevant policy tests associated with PPS15 are met in full.

Consideration of Representations

157. The following comments are made by way of consideration of the representation that has been received.

Current floodlights create light pollution along the Duck Walk. New floodlights may add to the light position as there is no hedge.

158. As detailed within the report NED have been consulted as have Environmental Health and whilst they are content with the replacement of the eight existing floodlights with six 18 metre high floodlights, a condition is recommended to ensure that the specification and lux levels are to an acceptable level for both amenity and natural heritage reasons.

People parking at entrance to the Duck Walk and along Lough Moss Park. This will exacerbate the problem.

159. Access to all the facilities at Lough Moss Leisure is out with the scope of this planning application. Additional parking facilities hare being made available within the curtilage of the site so there is no need for people to part along Lough Moss Park. If people choose to park outside of the site and walk into the facility that is out with the control of planning.

Consider acoustic fencing and mature planting to help with the lighting and noise issue.

160. Full consultation has been undertaken with the Environmental Health Unit of the Council and Natural Environment Division regarding the potential for noise and lighting nuisance to be caused by the development.
161. There is no reason to disagree with the technical and professional advice offered and both consultees are satisfied that planning permission can be granted subject to condition as no adverse impact to amenity or wildlife is demonstrated.
162. As the pitch is bounded on both sides by other pitches, there would be no benefit of acoustic fencing or additional hedging. The nearest receptor is some 80m away and there are closer pitches to the property which are not subject to this application.

Conclusions

163. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation in that the proposal will not result in the loss of existing open space or land zoned for the provision of open space.
164. The proposal is also satisfies the policy tests of Policy OS4 of PPS8 in that the site is located within the settlement limits and it has been demonstrated that there will be no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated.
165. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Also the buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
166. The proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.
167. The proposal is also considered satisfies the policy tests of Policy OS 5 of PPS8 as it has been demonstrated that there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; there is no unacceptable level of disturbance to farm livestock and wildlife; and

there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

168. The proposal complies with the SPPS and satisfies the policy tests of Policy OS 7 of PPS8 – Open Space, Sport and Outdoor Recreation in that it has been demonstrated that no unacceptable impact on the amenities of people living nearby will arise. It has also been demonstrated that there will be no adverse impact on the visual amenity or character of the locality and that public safety will not be prejudiced.
169. The proposal complies with the SPPS and satisfies the policy tests of policy AMP2 and AMP 7, of PPS 3 - Access Movement and Parking in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.
170. The application is considered to comply with the SPPS and satisfies the policy tests of policies FLD 2, 3 and 4 of PPS 15 - Planning and Flood Risk in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Recommendations

171. It is recommended that proposed development is approved subject to condition.

Condition

172. The following conditions are recommended:

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

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

2. The proposal shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing no. 08, bearing date stamp 03 March 2022 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. Once a contractor has been appointed, a Construction Environmental Management Plan (CEMP) / Method of Works Statement (MOS) should be submitted to NIEA Water Management Unit, 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.

4. There shall be no external lighting erected on the site until a final Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:
 - a. Specifications of lighting to be used across the site, including model of luminaires, location and height;
 - b. All measures recommended in the Bat Activity Report, date stamped 03/03/22, to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. seasonality and timing of lighting, use of low level lighting, screens, hoods, cowls etc.
 - c. A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site.

The works shall be carried out as approved and retained thereafter unless otherwise agreed in writing with the Council.

Reason: To minimise the impact of the proposal on bats and other wildlife

5. A final Construction and Environmental Management Plan shall be submitted to and approved in writing by the Council. The development shall be undertaken in strict accordance with the approved plan.

Reason: To protect the amenity of neighbouring dwellings with respect to noise, vibration, dust and obtrusive light

6. Prior to the commencement of any development on site, the applicant shall submit a detailed drainage design, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in a 1 in 100 year event. Unless otherwise agreed the applicant shall also provide a CCTV survey to confirm the condition and hydraulic capacity of the 900mm Ø of the undesignated watercourse and any other existing drainage infrastructure to be utilised. Evidence of the completion of all identified remedial works to the culvert must be completed prior to commencement of the development hereby permitted.

DfI Rivers require the CCTV survey to be completed to the MSCC 5th Edition Standard. The applicant must provide a DVD with video in mp4 format and a marked up manhole layout drawing of the CCTV survey, showing the extent, direction of survey with Manhole & Culvert naming convention. This is to allow DfI Rivers to verify the structural integrity of

the culvert. The DVD video, marked up layout and survey report in pdf format, must be accompanied by a data file or .xml file containing defect coding from the survey.

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

7. The development hereby approved shall not be operated between 22:00 and 09:00 hours Monday to Sunday unless otherwise agreed in writing with the Council.

Reasons: In the interests of amenity

Site Location Plan – LA05/2022/0290/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/0206/O
Date of Application	23/02/2021
District Electoral Area	Killultagh
Proposal Description	Demolition of existing building and construction of 4 detached two-storey dwellings with garages.
Location	14a Feumore Road, Ballinderry Upper, Lisburn.
Representations	Thirteen
Case Officer	Catherine Gray
Recommendation	APPROVAL

Background

1. This application was presented to the Planning Committee in October 2022 with a recommendation to approve as it considered to comply with the requirements of the SPPS and policy QD 1 of PPS 7 are met in that the four dwellings on the site would create a quality residential environment that would not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site.
2. Following the presentation and consideration of representations, it was agreed to defer consideration of the application to allow for a site visit to take place and to enable the Members to view the site and in its context.
3. A site visit was facilitated on 13 October 2022. A separate note of the meeting is available and appended to the application file and should be read alongside this report.

Further Consideration

4. At the site visit, members were reminded that the two issues which informed the request for the site visit were:
 - a) Is the proposal was in keeping with the established pattern of development in Feumore? And
 - b) Would the proposed development would cause harm to the amenity of the residents adjacent in terms of overlooking and the buildings being dominant and overbearing?
5. There was also a request at the site visit for clarification to be provided in relation to the size and depth of the site and the previous planning history on the land.
6. Dealing with the request from the members for the additional clarification on the depth and size of the plot and any associated planning history site first advice is provided as follows.

Depth and Size

7. The site is 0.4 hectares in size and the density of development proposed based on the submitted concept plan is 10 dwellings to the hectare.
8. The site is not rectangular in shape and the boundaries are measured at 40.9 metres along the northern boundary, 71.3 metres along the western boundary, 63.5 metres along the southern boundary and 89 metres along the eastern boundary.
9. Taking account of the irregular shape of the land a back to front measurements were taken from the north western and north eastern corners of the site to the closest point along the road to understand the depth of the site. The spatial NI image provided at Annex A indicates the site at 83.5 metres is much deeper towards the eastern boundary.

Planning History

10. Information in relation to the planning history associated with the application site is set out in main DM Officer Report. Planning Permission (LA05/2021/0197/F) has recently been renewed for 2 two-storey dwellings with garages, previously approved under LA05/2017/0361/O.

Assessment and Further Consideration

11. To further assist consideration of the proposed scheme the members attention is drawn to Development Control Advice Note 8 – Housing in Existing Urban Areas (DCAN8) which is intended to supplement, elucidate and exemplify policy documents to help ensure that urban and environmental quality is

maintained, amenity preserved, and privacy respected when proposals are being considered for new housing developments within existing urban areas.

12. Section 5 provides guidance in relation to the types of proposals for new residential development in existing urban areas.

13. Paragraph 5.1 acknowledges that

new housing proposals in existing urban areas can take various forms including the demolition and redevelopment of existing houses, development on backland plots, conversion and extension of existing houses and utilising opportunities for living over shops.

14. Paragraph 5.2 notes that

Proposals for redevelopment will need to be carefully justified in terms of their relationship to surrounding buildings, landscape and streetscape. All new housing proposals will require careful appraisal in terms of their effect on the character of the area and on the privacy and amenity of residents.

15. Guidance is provided in the advice note in relation to Demolition and Redevelopment and Backland Development.

16. Within this context, advice is provided that the current proposal is not back land development as it is not proposed to develop the land behind the existing residential properties on the site and it is not a proposal that involves the demolition of the existing residential properties and the redevelopment of the site as a whole with more housing units.

17. This site is distinguished and distinguishable from others in Feumore because of its former use and history of planning approval. Many of the other sites in the same settlement are not developed or have larger detached houses built with no accompanying development to the rear.

18. That said there are general principles that apply at paragraph 5.7 of DCAN 8 which are considered and assessment that follows should be read in conjunction with the assessment of policy in the main report insofar as it relates to consideration of policy QD1.

19. The site is a much deeper plot than others found elsewhere within the settlement of Feumore. Taking this into account, it is advised that there is limited opportunity for any precedent to be set elsewhere in Feumore given that other plots as defined by the settlement limit are much shallower.

20. Whilst an outline application, the assessment provided within the initial DM Officer Report demonstrates that regard is had to the character of the immediate area which is comprised of a mixture of house types, the majority of which are two storey. The assessment also notes that the dwellings in the immediate area are set on medium sized plots with in curtilage parking.

21. A concept layout plan has been provided with the application. Based on a review of this concept, advice has been provided that the site could be designed to provide for four dwellings of an appropriate scale and massing so as not appear to be out of character with the established residential area.
22. The site is of sufficient plot depth and configuration to accommodate four dwellings and whilst it is less than 80 metres in depth in part large dwellings are shown in the concept plan that have front and rear gardens and in curtilage parking.
23. A quality residential environment can be achieved in a coherent and legible form. The building line is respected and the two along the frontage are designed to be characteristic of the form found elsewhere in the settlement.
24. As explained at the site visit, any view of the two dwellings erected at the back of the site, when driving along the road, would likely be obscured by the other houses fronting the road and for this reason, the impact of such a development on the character of the settlement is likely to be minimal.
25. The building which is closest to the neighbouring property has most impact as there is little or no boundary vegetation and great care will need at the next application stage to ensure that the residential amenity of the adjacent property is protected. The form and layout of any new building should be controlled so the scale and massing of the block is not dominant and overbearing.

Conclusions

26. The planning advice previously offered that planning permission should be granted subject to condition is not changed.
27. The information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 October 2022 and site visit report all of which are provided as part of the papers for this meeting.

Conditions

28. The following conditions are recommended:
 1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or

- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

4. The dwellings shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays 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.

6. The width of the shared vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

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

7. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife Licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

8. A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours shall be undertaken before any further development work continues.

Reason: To ensure protection of bats and their roosts.

9. Works on the identified buildings due for demolition shall be restricted to the periods of 15th August – 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

10. Compensatory bat roosting opportunities shall be incorporate into the proposal to provide alternative roosting habitat for bats. It is recommended that a minimum of 3 bat bricks/cavities are utilised.

Reason: To ensure compensatory roosting opportunities for bats are provided.

11. There shall be no external lighting directed towards any proposed new hedgerow vegetation and new trees.

Reason: To minimise the impact of the proposal on bats.

12. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

13. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

14. No development shall take place on-site until the method of sewerage disposal has been agreed in writing with Norther Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water

(Northern Ireland) Order 1999.

Reason: To ensure a practical solution to sewerage disposal at this site that will protect features of Lough Neagh and Lough Beg SPA/Ramsar from adverse effects.

15. The appointed contractor shall submit a Final Construction Environmental Management Plan (CEMP) for approval by Lisburn and Castlereagh City Council Planning before commencement of any works on site. This plan shall contain all the appropriate environmental mitigation as advised in the ATEC Biodiversity checklist and Ecological Statement dated August 2021 and the advice of NIEA WMU/NED in responses dated 25/03/2021 and 08/12/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phases that will protect connected features of the Loughs.

16. A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage providing for species, siting, planting distances, presentation and programme of planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of the development.

Reason: To ensure the continuity of amenity afforded by existing trees, and the provision, establishment and maintenance of a high standard of landscape.

17. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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

Site Location Plan – LA05/2021/0206/O



Indicative Plan – LA05/2021/0206/O

The drawing set includes four elevations and two sections of a building. The elevations are labeled as follows:

- PROPOSED FRONT ELEVATION - 1/100 (PLOT 2)
- PROPOSED NORTH ELEVATION - 1/100 (PLOT 2)
- PROPOSED SOUTH ELEVATION - 1/100 (PLOT 2)
- PROPOSED SECTION 1A - 1/100 (PLOT 2)
- PROPOSED SECTION 1B - 1/100 (PLOT 2)

The materials legend is as follows:

- Walls:** External - masonry; Internal - brick
- Roof:** Natural stone
- Windows:** PVC Aluminium, timber or uPVC
- Rooflights:** PVC Aluminium
- Doors:** Aluminium, timber or uPVC
- Rainwater goods:** Galvalume steel, aluminium or uPVC

Project information includes:

- Client:** LJW Properties
- Plot:** 14A Fevre Road, Bellindery Upper, Lisburn, BT28 2LH
- Drawn by:** Proposed Elevations
- Scale:** 1:100 @ A1, February 2021
- Drawn by:** RC
- Job Number:** 2009, Status: Outline Planning
- Drawing No.:** 2009_00_300, Revision: OPL01

CAITHNESS ARCHITECTS logo and contact information are also present.

Annex A – Spatial NI Image



LISBURN & CASTLEREAGH CITY COUNCIL**Report on a site visit by the Planning Committee held at 12.00 noon on Tuesday 13th October 2022 at 14a Feumore Road, Ballinderry Upper, Lisburn, BT28 2LH**

PRESENT: Alderman J Tinsley (Chairman)
Alderman O Gawith
Councillors John Palmer and A Swan

IN ATTENDANCE: Head of Planning and Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (BS)

Apologies for non-attendance at the meeting were recorded on behalf of Aldermen D Drysdale and A Grehan and Councillors D J Craig and U Mackin.

The site visit was held in order to consider the following application:

- LA05/2021/0206/O – – Demolition of Existing Building, Construction of 4 detached two-storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn, BT28 2LH

The application had been presented for determination at the meeting of the Planning Committee held on 3 October 2022. Following questions to the registered speakers and the Senior Planning Officer at the meeting the Committee had agreed to defer the application to allow for a site visit to take place, particularly to enable Members to consider the relationship between the proposed buildings and neighbouring dwellings and to examine the pattern of development in the settlement in its wider context.

Members and Officers met at the site and, in accordance with the Protocol for the Operation of the Planning Committee, the Principal Planning Officer provided an overview of the application site and surrounding context.

Members and Officers walked down the private lane serving NI Water Infrastructure adjacent to the site in question in order to view the rear of the site and to better understand the site boundaries and also the relationship between the proposed buildings in relation to the neighbouring dwellings.

Members raised a number of issues including:

- the position of the settlement limit in relation to this site and others adjacent and opposite the site
- the depth of the site compared to other along the edge of Feumore Road
- objectors having pointed out that existing development along the road had been developed on a piece meal basis

- the objectors having pointed out that the proposed development of four houses on the site was not in keeping in character of the area; and having described the development as not respecting the pattern of development
- the likelihood/extent of the proposed dwellings at the back of this site harming the amenity of the dwellings next door.
- a query relating to an earlier planning permission for two dwellings on this site

Members then viewed the application site from the back garden of the neighbouring property.

The Head of Planning and Capital Development referred Members to PPS 7 and DCAN 8 – which sets out advice on new housing developments in existing urban areas. Advice was provided in relation to the plot depth as described at the planning committee meeting.

The Head of Planning and Capital Development emphasised that the two key issues to be considered in regard to this application were:

- a) the pattern of development irrespective of the site dimensions and
- b) the harm that the proposed development would cause to the amenity of the residents adjacent in terms of overlooking and the buildings being dominant and overbearing.

The Head of Planning and Capital Development explained how the harm to amenity can be defined and what mitigation measures could be used to offset any potential impact.

A number of further queries were raised, including:

- the change in level between the foot and back of the site and how this impact was considered
- the size and dimensions of other sites and dwellings along the Feumore Road and whether back land development was a risk if precedence was established here.
- The Head of Planning and Capital Development clarified that the current proposal was not back land development as it was not proposed to develop the land behind the existing building on the site.
- He reminded Members that policy allowed plots to be redeveloped in depth. He suggested that any view of the two dwellings erected at the back of the site, when driving along the road, would likely be obscured by the other houses fronting the road. If it was clear in the initial planning report further clarification would be offered in the addendum.
- possible mitigation against harm to amenity. The Principal Planning Officer advised that the developer had proposed hedge planting along the boundaries
- the members requested additional clarification on the depth of the site for proper comparison running measurements front to back along the mid-point of the site were considered to be more representative of the plot depth in the view of the members than measuring the boundaries.
- the need for septic tanks or a package treatment plant to serve the proposed development. The Principal Planning Officer advised that the information contained in the application indicated that the site was served by a main sewer and that there was capacity to serve the proposed development.

At this point the Principal Planning Officer took a number of photographs of the site. She also undertook to follow up on the query in connection with any previous approval for two dwellings on the site.

There being no further business, the site visit was terminated at 12.44 pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	03 October 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0206/O
Date of Application	23/02/2021
District Electoral Area	Killultagh
Proposal Description	Demolition of existing building. Construction of 4 detached two storey dwellings with garages.
Location	14a Feumore Road, Ballinderry Upper, Lisburn.
Representations	Thirteen
Case Officer	Catherine Gray
Recommendation	APPROVAL

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to approve as it considered to comply with the requirements of the SPPS and policy QD 1 of PPS 7 are met in that the 4 dwellings on the site would create a quality residential environment that would not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site.
2. It is also considered that the proposal will comply with the SPPS and the addendum to PPS 7 in that the proposal would not have a negative impact on the character of established residential areas.
3. The proposal is considered to comply with the SPPS and policies NH1, NH 2 and NH 5 of PPS 2 in that the proposal would not have a negative impact on any special designations or natural heritage features.
4. The proposal is considered to comply with the SPPS and Policy AMP 2 of PPS 3 in that the detail submitted demonstrates that an access to the public road can be accommodated that will not prejudice road safety or significantly

inconvenience the flow of traffic.

Description of Site and Surroundings

Site

5. The site is located to northern side of the Feumore Road and is comprises the buildings and curtilage of a former primary school.
6. The derelict school building is single storey with the windows and doors blocked up. It is of brick construction timber facia, metal rainwater goods and dark colour roof tiles. The small outbuilding is positioned to the rear of the main building and is to the western side, close to the boundary.
7. The southern boundary abuts the Feumore Road and is currently defined by a mature hedgerow with a ranch style wooden fence to its inside to one portion of it and there is a layby to pull in, with a wall just north of it finished in brown brick set back from the road.
8. The western boundary is currently defined by a post and wire fence with the neighbouring fence of a wooden ranch style fence abutting it all along the boundary except to the side of where the dwelling house sits where there is a two- metre high closed boarded wooden fence.
9. The northern boundary is defined by a concrete post and wire fence. The eastern boundary is also defined by a concrete post and wire fence and abuts an adjacent laneway that serves a pumping station.

Surroundings

10. The site is located within the small settlement of Feumore which is mainly comprised of detached dwellings extending along one side of the Feumore Road.
11. The land beyond the settlement is mainly rural in character and primarily in agricultural use.

Proposed Development

12. This is an outline application for demolition of existing buildings and construction of 4 detached two storey dwellings with garages.
13. In support of the application the following have been submitted for consideration:

- Landscape Development Concept and Analysis dated received 14th July 2021
- Biodiversity checklist and Ecological Statement dated received 31st August 2021
- Bat Survey Report dated received 26th October 2021.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2021/0197/O	Renewal of outline approval for 2 no. two storey dwellings with garages, previously approved ref no. LA05/2017/0361/O	14A Feumore Road, Ballinderry Upper, Lisburn	Permission Granted 19/05/2022
LA05/2017/0361/O	2 no two storey dwellings and garages	14A Feumore Road Ballinderry Upper Lisburn	Permission Granted 13/02/2018
LA05/2019/0556/F	Proposed development of 5 houses including altered access to No. 7 Feumore Road	Lands opposite 14A Feumore Road, Feumore Upper Ballinderry BT28 2LJ	Permission Granted 28/04/2020
LA05/2018/1263/NMC	2 two storey dwellings and garages (LA05/2017/0352/F).	Adj to No 14A Feumore Road, Ballinderry Upper Lisburn.	Consent Granted 31/05/2019
LA05/2017/0352/F	2 no two storey dwelling and detached garages (amended site plan and landscaping plan)	Adjacent to 14A Feumore Road Ballinderry Upper Lisburn	Permission Granted 22/01/2018
LA05/2017/1213/O	Site for 2 no two storey dwellings and detached garages	Lands 100M SE of 14B Feumore Road, Ballinderry Upper, Lisburn, BT28 2LH	Permission Granted 12/11/2019
LA05/2017/0417/O	Four number two storey dwelling house and garages	Land opposite 14 Feumore Road Ballinderry Upper Lisburn	Permission Granted 16/06/2017
S/2013/0730/F	Proposed dwelling and garage	Approx 80m West of 14 Feumore Road, Upper Ballinderry, Lisburn.	Permission Granted 22/05/2014

Consultations

15. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection
NI Water	No objection
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division	No Objection
Shared Environmental Services	No Objection
DfI Roads	No Objection

Representations

16. Letters of objection have been submitted in respect of the proposal. In summary, the following issues are raised:

- Overdevelopment of the site/built pattern/density/layout
- Planning History
- Emerging local development plan / SPPS
- Rural Character
- Area of High Scenic Value
- Noise levels
- Natural Heritage / Ecology
- Impact on privacy / residential amenity
- Access / road safety
- Positioning of proposed dwellings / building line
- Drainage
- Neighbour notification

17. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

18. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 3 (Clarification): Access, Movement and Parking
 - Planning Policy Statement 7 (PPS 7) – Quality Residential Environments
 - Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas
 - Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
19. The relevant guidance is:
 - Creating Places – Achieving Quality in Residential Developments
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

20. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
21. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
22. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
23. In both the statutory development plan and the draft BMAP, the application site is identified as within the defined Settlement Development Limit of Feumore.
24. The application site is also within an Area of High Scenic Value, within an Area of Constraint on Mineral Developments and within a buffer zone surrounding a Ramsar Site, which in this case is Lough Neagh and Lough Beg. Other

constraints are Lough Neagh Area of Special Scientific Interest (ASSI) and Lough Neagh and Lough Beg Special Protection Area (SPA).

25. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

26. The SPPS states that,

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

27. In the case of proposals for residential development within settlements no conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy. Consequently, the retained planning policy provides the relevant policy context in this instance.

28. 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.

29. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
30. Paragraph 4.11 of the SPSS states that
- there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.*
31. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
32. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
33. Paragraph 4.12 of the SPSS states
- that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.*
34. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
35. Paragraph 6.81 of the SPSS states that
- The planning system has a key role in achieving a vibrant economy. In this regard, the aim of the SPSS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.*

Quality Residential Environments

36. 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.

37. 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.

38. 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.

Safeguarding the Character of Established Residential Areas

39. The Addendum to PPS 7 relates to safeguarding the character of established residential areas and Policy LC1 (Protecting Local Character, Environmental Quality and Residential Amenity) states that

in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;*
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.*

Creating Places

40. Creating Places – Achieving Quality in Residential Developments’ (May 2000) is the principal guide for use by intending 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.

Natural Heritage

41. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
42. 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.*

43. 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.*

44. Policy NH 2 – 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:-

- *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.*

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.

45. 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.

46. 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

47. 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.

48. 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

49. 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.

PPS 15 – Planning and Flood Risk

50. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

51. 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 hard surfacing 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

52. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed redevelopment of this site for four dwellings.

Quality Residential Environments

53. The proposal relates to an outline application for the demolition of the existing building on the site and the construction of 4 two storey dwellings.
54. As explained above, the site is within the Settlement Development Limit of Feumore where there is a presumption in favour of development. The land is not zoned for any particular use and the existing school building has been derelict for many years.
55. All proposals for residential development will be expected to confirm to the criteria (a) to (i) contained within Policy QD1.
56. It is noted that this application seeks outline planning permission in terms of the principle of development only. No details of the proposed housing have been submitted for consideration. That said, an indicative layout of the four dwellings and their proposed design has been provided.

Impact on Character of the Area

57. The immediate area is comprised of dwellings with a mixture of house types. The majority of the dwellings are two storey.
58. The dwellings in the immediate area are largely detached dwellings set on medium sized plots with in curtilage parking.
59. The proposal is for a total of 4 dwellings within a site of 0.422 hectares in size. Development of this site would provide for detached dwellings on medium sized plots in keeping with the existing built form with the indicative general arrangement capable of being carefully designed to be in keeping with the character of this small settlement.
60. It is acknowledged that many of the dwellings within the area front the road and do not have in depth residential development behind them, however the plot sizes and general arrangements of the proposed housing is considered to be consistent with the general character of the settlement.
61. Consideration has been given to the indicative plans and it is considered that the scale and massing of the proposed dwellings would not appear to be out of character with the established residential area.

Layout/Design/Materials

62. As indicated above the application is for outline permission. Details of the design and external finishes are matters to be reserved for the subsequent application stage.
63. That said and for the reasons outlined above, it is considered that 4 dwellings could be appropriately designed to comply with policy and guidance set out in Creating Places without having a negative impact on any neighbouring properties.
64. The dwellings are sensitively positioned within the site with front and rear gardens and in curtilage parking provided consistent with the parking standards set out in the Creating Places document.
65. The design draws upon the characteristics of the existing buildings in the surrounding area and would be similar in character to the existing built form in terms of height, scale and massing.
66. The proposed dwellings are two storey with a single storey element. They have a maximum ridge height of 8.0 metres above the finished floor level.
67. For the reasons outlined above, it is accepted that the proposed dwellings can be designed to be in keeping with the existing dwellings in the area and the use of appropriate materials would integrate the buildings into the site.

Residential Amenity

68. The proposed residential use adjacent to existing dwellings is considered to be acceptable and for the reasons outlined below, the development can be accommodated without having a negative impact on any neighbouring properties.
69. The proposed indicative layout and design demonstrates that adequate separation distances between existing and proposed can be achieved and that these distances are in keeping with the guidance in Creating Places.
70. The indicative plan indicates that the closest neighbouring dwelling to the western side (14G) is positioned to be approximately 11.2 metres away from the side elevation of the dwelling at plot A, with the existing neighbour's garage and the boundary treatment in between.
71. The proposed side elevation of the dwelling on plot A is measured to be approximately 4.8 metres at its closest point from the common boundary with the adjacent property at 14G. The proposed dwelling at plot D is approximately 23 metres away from the same neighbouring dwelling.
72. The existing adjacent dwelling to the eastern side (14E) is located approximately 34.2 metres away from the dwelling at plot B at the nearest

point, and approximately 60.6 metres away from the proposed dwelling in plot C at the nearest point.

73. There is also existing boundary treatments in between the proposal and the neighbour to the eastern side as well as the laneway that runs in between the proposed site and the neighbour's site.
74. Within the proposed development the dwellings to plot A and plot B are separated by 22.2 metres with the vehicular access separating all of the dwellings.
75. The separation distance between the dwellings at plot A and plot D is approx. 20.4 metres, the separation distance between the dwellings at plot B and C is approx. 25.4 metres and the separation distance between the dwellings at plot C and plot D is approximately 9.4 metres at the narrowest point.
76. The separation distances along with the proposed design and flat topography of the site will ensure that there would not have a negative impact on any neighbours' private amenity.
77. No unacceptable overlooking would be caused and it is considered that there would not be an unacceptable loss of light in relation to the neighbouring properties.
78. Given the relationship, orientation, design and separation distances between the proposed dwellings it is considered that there would not be a detrimental impact on residential amenity of either proposed or existing dwellings.

Provision of Open Space / Landscaping

79. The level of private amenity space and illustrated in the indicative layout is considered to be acceptable. It demonstrates that the site could easily accommodate more than the 70 square metres indicated in the Creating Places document for each of the dwellings.
80. Landscaping has been provided in the form of an indicative landscaping on the layout plan and also within the landscape development concept and synthesis. The final landscaping details would be a reserved matter.
81. It is considered that the site could make provision of private open space, and adequate landscaping proposals.

Safeguarding the Character of Established Residential Areas

82. Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings or the infilling of vacant sites (including extended garden areas) to accommodate new housing

where all of the criteria in policy QD1 of PPS 7 and all the additional criteria set out in points (a) to (c) set out below are met.

(a) the proposed density is not significantly higher than that found in the established residential area;

83. As detailed above, the proposed plot size is similar to that found within the local area which demonstrates that the proposed development is in keeping with the local character/pattern of established residential area.
84. The proposed density as discussed above is no greater than that found in the surrounding residential area and it is considered to be acceptable for the site and its location.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

85. As demonstrated in the context of policy QD1 considerations, the proposed development is in keeping with the overall character and environmental quality of the established residential area.
86. Two storey dwellings also with a single storey element are proposed and the established character comprises mainly of two storey detached dwellings. The design and layout is in keeping with the existing development pattern and is considered to be acceptable within this context.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

87. The associated Annex A sets out space standards against which new dwellings units should comply to ensure that adequate living conditions are provided. Space standards comprise a calculation of internal floor space area.
88. Whilst the application is outline the detail submitted with the application indicates that the site could accommodate 4 dwellings that would be above the minimum size/space standards and is therefore considered to be acceptable in relation to this criterion of the policy.

Access, Movement and Parking

89. Detail submitted with the application indicates that the proposal will involve the alteration of an existing access to the public road for both vehicular and pedestrian use.
90. The submitted site layout plan, drawing 02 indicates one proposed access will serve the proposed 4 dwellings within the application site. The site layout also shows that each plot could accommodate sufficient in-curtilage parking.

91. DfI Roads have been consulted on the proposal and offer no objections and provided standard conditions. They stipulate that an access with visibility splays of 2.4 metres by 97 metres in both directions with an access position to be located to achieve the above requirements.
92. Based on the detail provided and the advice from DfI Roads, it is considered that the proposal complies with policy AMP 2 of PPS 3 and that a safe means of access can be provided without inconvenience caused to road users.

Natural Heritage

93. PPS 2 Natural Heritage sets out the planning policies for the conservation, protection and enhancement of our natural heritage.
94. The application site is located within Lough Neagh and Lough Beg Ramsar site and is within 100m of Lough Neagh Area of Special Scientific Interest (ASSI) and Lough Neagh and Lough Beg Special Protection Area.
95. Through the processing of the application a biodiversity checklist and ecological statement and bat survey has been submitted for consideration.
96. The survey indicated that bats had been observed entering and leaving the vacant building on site and the report suggested mitigating measures to deal with this including removing the bats without injuring or killing them and alternative bat roost replacements in the immediate area.
97. Natural Environment Division (NED) have been consulted on the application proposal and they stated that:

The Bat Entry and Re-entry survey notes that four/five bats were observed emerging from the old school building in the initial dusk survey, one bat re-entering during the dawn survey and a final single bat was observed emerging during the final dusk survey, confirming the existence of a roost within the onsite structure. The proposed works will ultimately lead to disturbance and destruction of the identified roosts within this feature.

In order for the works to proceed, a licence application will need to be submitted to NIEA Wildlife Team for the exclusion of bats from their roost and subsequent destruction of the roost. In order to apply for this licence, a method statement must be produced outlining all works to be undertaken on site and mitigation measures to be included into the development. Given the presence of roosting bats within the building proposed for demolition, mitigation is required.

NED stated that they would require the following.

- *A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours before any further development work continues.*

- *Works on the identified buildings due for conversion to be restricted to the periods of 15th August -1st November and 1st March – 15th May to minimise impacts to bats.*
 - *Compensatory bat roosting opportunities must be incorporated into the proposal to provide alternative roosting habitat for bats. It is recommended that a minimum of 3 bat bricks/cavities are utilised.*
98. NED concluded that subject to the recommendations above and conditions they were content with the proposal
99. Shared Environmental Services (SES) have also been consulted on the proposal.
100. Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitat, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 29/06/2022. This found that the project would not be likely to have an adverse effect on the integrity of any European site.
101. SES advised that
- Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the mitigation measures being conditions in any approval.*
102. On the basis of the information submitted and taking on board the advice of NIEA and SES, it is considered that the proposal meets the policy tests associated with policies NH 1, NH2 and NH 5 of PPS 2 and that no unacceptable impact on natural heritage features will arise.

Flooding and Drainage

103. 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.
104. There are no watercourses within or adjacent to the application site and the Rivers Agency flood maps detail that the site is not located within a flood plain.

105. A drainage assessment is not required for this proposal and it is considered that the proposal would not cause or exacerbate flooding.
106. NIEA Water Management Unit have been consulted and offer no objection.
107. For the reasons outlined, it is considered that the proposal complies with PPS 15 and that no flood risk will occur.

Consideration of Representations

108. The issues raised by way of third party representations are considered below

Overdevelopment of the site/built pattern/density/layout

109. Concern is raised that the proposal is overdevelopment of the site and that the application is more akin to a sub-urban environment and has little appreciation of the local rural character and that the linear built pattern should be preserved. It is considered that the proposed density is out of character for the area, that the proposal would constitute back land development and is out of character for the area.
110. The proposal is within the Settlement Development Limit of Feumore and is a designated urban environment. The proposal is considered to meet the relevant planning policy context and guidance. It is considered that four dwellings on the site is appropriate for the site and its locality. The density of development on a site of 0.422 hectares is considered to be acceptable. It is considered that the proposal would not detract from the local character of the area.

Planning History

111. An objector refers to application S/2008/0144/F and states that this application was successfully challenged and refused, being reduced to 2 dwellings which preserved the linear build pattern. In their view this has set a precedent and that tandem developments should not be tolerated.
112. Application S/2008/0144/F was an application at 1 Shore Road (Off Feumore Road), Upper Ballinderry, Lisburn, BT28 2LQ which was granted planning permission for the demolition of existing dwelling house and erection of 2 dwelling houses with detached garages.
113. This is a different site with its own characteristics. It was the site of a former primary school and it has depth which allow for the type of response propose. Each application is assessed on its own merits and the planning history of the site and surrounding area and it is considered that in depth development of this site will not harm the overall character of the settlement of Feumore..

Emerging local development plan / SPPS

114. The view is expressed that the application conflicts with the preferred options paper and detail of the emerging local development plan which aims to restrict inappropriate expansion into the surrounding countryside and that the proposal is also contrary to the SPPS.
115. The application site is within the Settlement Development Limit and does not expand into the surrounding Countryside. The emerging local development plan has only recently went through an independent examination and is therefore not a material consideration to be weighed against of this proposal. The appropriate regional policies are considered.

Rural Character

116. The view is also expressed that under PPS 21 it is clear that the local rural character of Feumore is clearly under significant pressure and threat of significant change and therefore necessitates a countryside type assessment.
117. PPS 21 is not the relevant policy context for the proposal, the application site is located within the Settlement Development Limit and is therefore assessed against the relevant planning policy PPS 7.

Area of High Scenic Value

118. Concern is raised that the proposal would undermine the Area of High Scenic Value.
119. The impact of the proposal upon the area has been assessed in detail and it is considered that the proposal would not have a negative impact on the Area of High Scenic Value.

Noise levels

120. The view is expressed that given the speed and amount of traffic using the Feumore Road, it is unlikely that plot A and B's gardens will be able to achieve World Health Organisation standards of 55dB in private gardens, which is required for peaceful enjoyment of amenity areas.
121. Residential use beside residential use is considered to be compatible. Environmental Health have been consulted with regards to the proposal and have raised no objections or concerns with regards to noise levels.

Natural Heritage / Ecology

122. Concerns have been raised about the proposals impact on Natural Heritage and ecology. Concern has been expressed about the proposals proximity to Lough Neagh and Lough Beg and that any proposed development must have due regard to PPS 2. The view is expressed that the lack of surveys with the

application is a serious omission and must be remedied before any decision can be taken.

123. Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitat, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 29/06/2022. This found that the project would not be likely to have an adverse effect on the integrity of any European site.
124. Through the processing of the application and biodiversity checklist and ecological statement and bat survey has been submitted for consideration. Natural Environment Division have also been consulted on the proposal and have raised no objections.
125. A full assessment has been made and it is considered that the proposal complies with Planning Policy Statement 2 Natural Heritage.

Impact on privacy / residential amenity

126. Concerns have been expressed about the impact on privacy. Concerns have been raised about the impact on the closest neighbouring dwellings and their private amenity. Property number 14E have specifically highlighted their concern over the reasonable enjoyment of their garden and property 14G specifically highlight their bathroom and bedroom window to their rear elevation along with their amenity space.
127. This application is for outline permission and therefore detailed drawings have not been submitted with the proposal. That said indicative plans have been provided by the agent that indicates that a scheme could be designed that would not impact on the residential amenity of the existing adjacent residents by way of overlooking. Detail design of all elements of the proposal would be considered at reserved matters stage.

Access / road safety

128. Concerns have been expressed about the access. The view is expressed that the shared access to multiple dwellings is not in keeping with the rural character of the area and that four dwellings using the same access provides for road safety concerns.
129. The proposal is within a designated Settlement Development Limit and a shared access to the site is considered to be acceptable in this context. DfI Roads have raised no objections to the proposal and it is considered to comply with PPS 3 Access, Movement and Parking.

Positioning of proposed dwellings / building line

130. Concern has been expressed about the positioning of the dwellings and the building line.
131. The existing building line along the Feumore Road will be maintained. The indicative site layout provided shows that the existing building line can be maintained and the final detail of the positioning of the dwellings would be dealt with at Reserved Matters stage if this application is approved.

Drainage

132. Concern has been raised that the application proposes a soak-away for its surface water drainage scheme given its adjacent to a Ramsar site.
133. Water Management Unit have been consulted and have no objection in principle to the proposal and refer the applicant agent to standing advice. Shared Environmental Services have been consulted with the proposal and have no objections subject to conditions.

Neighbour notification

134. Concern has been expressed about neighbour notification.
135. The Council is content that it has fulfilled its statutory obligations with regards to neighbour notification.

Conclusions

136. This application is presented to the Planning Committee with a recommendation to approve as it considered to comply with the requirements of the SPPS and policy QD 1 of PPS 7 are met in that the 4 dwellings on the site would create a quality residential environment that would not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site.
137. It is also considered that the proposal will comply with the SPPS and the addendum to PPS 7 in that the proposal would not have a negative impact on the character of established residential areas.
138. The proposal is considered to comply with the SPPS and policies NH1, NH 2 and NH 5 of PPS 2 in that the proposal would not have a negative impact on any special designations or natural heritage features.
139. The proposal is considered to comply with the SPPS and Policy AMP 2 of PPS 3 in that the detail submitted demonstrates that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic.

Recommendations

140. It is recommended that planning permission is approved.

Refusal Reasons/Conditions

141. The following conditions are recommended:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

4. The dwellings shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays 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.

6. The width of the shared vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

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

7. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife Licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

8. A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours shall be undertaken before any further development work continues.

Reason: To ensure protection of bats and their roosts.

9. Works on the identified buildings due for demolition shall be restricted to the periods of 15th August – 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

10. Compensatory bat roosting opportunities shall be incorporate into the proposal to provide alternative roosting habitat for bats. It is recommended that a minimum of 3 bat bricks/cavities are utilised.

Reason: To ensure compensatory roosting opportunities for bats are provided.

11. There shall be no external lighting directed towards any proposed new hedgerow vegetation and new trees.

Reason: To minimise the impact of the proposal on bats.

12. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6

weeks of works commencing.

Reason: To protect breeding birds.

13. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

14. No development shall take place on-site until the method of sewerage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999.

Reason: To ensure a practical solution to sewerage disposal at this site that will protect features of Lough Neagh and Lough Beg SPA/Ramsar from adverse effects.

15. The appointed contractor shall submit a Final Construction Environmental Management Plan (CEMP) for approval by Lisburn and Castlereagh City Council Planning before commencement of any works on site. This plan shall contain all the appropriate environmental mitigation as advised in the ATEC Biodiversity checklist and Ecological Statement dated August 2021 and the advice of NIEA WMU/NED in responses dated 25/03/2021 and 08/12/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phases that will protect connected features of the Loughs.

16. A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage providing for species, siting, planting distances, presentation and programme of planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of the development.

Reason: To ensure the continuity of amenity afforded by existing trees, and the provision, establishment and maintenance of a high standard of landscape.

17. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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

Site Location Plan – LA05/2021/0206/O



Indicative Plan – LA05/2021/0206/O

The drawing set includes four architectural views: two elevations and two sections. The top-left elevation shows a side profile of a building with a gabled roof and a chimney. The top-right elevation shows a front facade with a flat roof and multiple windows. The bottom-left section is a vertical cut through the building, showing the internal structure and roof pitch. The bottom-right section is another vertical cut, showing a different part of the building's internal layout. A materials legend is located on the right side, listing materials for walls, roof, windows, floors, doors, and rainwater goods. Project information, including the client name (LJW Properties), address (144 Fevre Road, Lisburn), and drawing title (Proposed Elevations), is also provided on the right.

Materials Legend

- Walls: External: Masonry
- Roof: Natural Slate
- Windows: PVC Aluminium, Timber or uPVC
- Floors: PVC Aluminium
- Doors: Aluminium, Timber or uPVC
- Rainwater goods: Galvanneal Steel, Aluminium or uPVC

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Proposed Elevations

Scale: 1:100 @ A1 Date: February 2021

Drawn by: RC Checked by: RC

Year: 2020 Status: Outline Planning

Drawing No: 2009_00_300 Rev: 01

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	7 November 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2022/0133/F
Date of Application	2 February 2022
District Electoral Area	Castlereagh East
Proposal Description	Car port with decking over and a 900mm balustrade (retrospective)
Location	8 Robbs Road, Dundonald, BT16 2NA
Representations	One in opposition and One in support
Case Officer	Jonathan Marley
Recommendation	Refusal

Background

1. A recommendation to refuse planning permission was presented to the planning committee in September 2022.
2. Following the presentation by officers and in consideration of the representations received from the applicant and third party objectors, the members agreed to defer consideration of the application to allow for further negotiations to take place.
3. A meeting was facilitated with the applicants on 20 September 2022 at which further clarification was sought in relation to the proposed use of the structure.
4. On the basis the comments offered it is considered that the structure is primarily to be used a raised area of decking with parking underneath
5. No justification was offered as to why such a large area of decking was needed and the impact that the development has on the character of the street and amenity of neighbours was further explained.

6. The applicant was provided with an opportunity to submit amendments to the proposal to demonstrate how the proposed development would overcome the refusal reasons presented to Committee previously.
7. Whilst a drawing was submitted informally showing a reduction in the seating area by moving the balustrade back by 3.6 metres the overall size of the structure used to construct the deck was not altered.
8. No formal submission followed and the scheme that is presented to the committee is not changed.

Further Consideration

9. The applicant offered up as part of their speaking rights at the previous committee meeting, examples of car ports and suggested that the elevated deck will not harm the visual character of this established residential area as this type of extension is part of established character of the street.
10. This is not a car port which is normally an open sided structure with a roof over and of the two examples offered one is similar in construction and the other is enclosed and better described as a garage.
11. This structure is open sided but distinguishable and different in that it is designed to be accessed from the first floor and has a BBQ, lighting and other garden furniture placed within it. It is also enclosed on three sides by a balustrade fence.
12. It is not typical of the street or character of the area to have a first floor deck over a drive way on the side elevation of a dwelling. It is, visually intrusive and would set and undesirable precedent.
13. Raised decks are more typically found on land to the back of houses on steeply sloping sites and are usually accessible from habitable ground floor rooms such as kitchens or living rooms. They are normally an extension of the main indoor living spaces to the outside.
14. It is stated at paragraph A28 of Annex A of the Addendum that:

The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment. It is a particularly important consideration where an extension or alteration is proposed adjacent to existing properties. Balconies, roof terraces, decking, dormer windows, windows in side elevations and conservatories all have the potential to cause overlooking problems, due to their position and orientation, particularly from upper windows.
15. It is further stated at paragraph A38 of Annex A of the Addendum that:

Residential areas can be sensitive to noise and general disturbance, particularly in the late evening when there is an expectation that surrounding background noise will remain low. An extension or alteration such as a balcony, roof-terrace or high level decking can all increase the level of noise and general disturbance experienced by residents of adjacent properties and will be subject to particular scrutiny.

16. Policy EXT 1 requires the guidance in Annex A to be taken into account as part of the assessment of all proposals for alterations and extensions to dwellings and it is recognised at both A28 and A38 that raised areas of decking require careful consideration as they can give rise to adverse impacts in terms of overlooking and general disturbance.
17. These concerns were highlighted to the applicant and whilst a reduction to the balustrade was indicated to address issues of overlooking this would still not address the impact of general disturbance to the residents of the neighbouring property given the elevation of the deck and its proximity to the most private part of the neighbours garden (the space within 3 to 4 metres of the rear elevation of their property).
18. The applicant suggests that the neighbouring property is already overlooked by the houses behind but this is distinguishable and different as only two bedroom windows look into the rear of the property. These are not habitable rooms where people congregate and or have social interaction.
19. A deck is a space for people to gather and when used frequently it can result in significant adverse overlooking general disturbance and loss of amenity from noise.
20. The ability for a planning officer to seek compromise to the design of this retrospective proposal was limited by all of these factors and the applicant did not put an alternative proposal formally to the Council for assessment.
21. A letter of support received prior to the application going to the September Committee does not raise any new policy issues that require further consideration.

Conclusions

22. For the reasons outlined in the initial report and in light of the clarification provided above, the recommendation of officers is not changed.
23. The proposal is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic to the built form and appearance of the existing

property and would detract from the appearance and character of the surrounding area.

24. In addition it is considered that the development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking, general disturbance and noise.

Recommendations

25. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

26. The following refusal reasons/conditions are recommended:
- The development is contrary to the SPPS and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
 - The development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Site Location Plan – LA05/2022/0133/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	5 September 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0133/F
Date of Application	2 February 2022
District Electoral Area	Castlereagh East
Proposal Description	Car port with decking over and a 900mm balustrade (retrospective)
Location	8 Robbs Road, Dundonald, BT16 2NA
Representations	One
Case Officer	Jonathan Marley
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
3. In addition it is considered that the development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Description of Site and Surroundings

Site

4. The site is comprised of the buildings and curtilage of a two storey semi-detached dwelling. The dwelling is red brick on the ground floor with a cream render finish to the first floor.
5. The front of the dwelling faces south east onto a small lawn/shrub area and the existing driveway (which runs to the side of the north east facing gable of the dwelling).
6. There is an attached, flat roofed, wooden car port to the side of the dwelling (north east facing gable), which covers part of the existing driveway.
7. There is a wooden balustrade approximately one metre in height, at the first floor level forming an enclosure.
8. On the day of the site visit there were a number of pieces of garden furniture sitting on the roof of the carport indicating that it was being used as an outdoor deck. The only means of access to the area was via an existing bedroom window.
9. The remainder of the curtilage is mainly comprised of hardstanding with small timber sheds. The boundaries are made up of either close boarded timber fencing or a brick wall.

Surroundings

10. The surrounding areas is primarily residential in character and mainly comprised of semi-detached dwellings of different residential styles.
11. On the opposite side of the road (east of the site) is a residential development (Baileys Mews) which is a mix of large red brick three storey apartment blocks and red brick dwellings (detached, terrace and semi).

Proposed Development

12. This is a retrospective application for a car port with decking over and a 900mm balustrade.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2015/0426/F	2 storey extension to rear of dwelling.	8 Robbs Road, Dundonald	Permission granted.

Consultations

14. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection
Historic Environment Division	No objection
NI Electricity	No objection

Representations

15. One representation has been received from the occupier of 10 Robbs Road and is available to view on the Planning Portal via the following link:

<https://epicdocs.planningni.gov.uk/ShowCaseFile.aspx?guid=ef881d3c-6436-4d69-8b60-75ef4c04e557>

16. In summary, the following issues are raised have been considered as part of the assessment of this application:
- Overlooking
 - Loss of privacy
 - Loss of marketability/impact on value of property

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
 - The Belfast Urban Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS)
 - Planning Policy Statement 3 - PPS 3 - Access Movement and Parking and PPS 3 - (Clarification) Access Movement and Parking.
 - PPS 6 Planning Archaeology and the Built Environment.
 - Addendum to Planning Policy Statement 7 (PPS) – Residential Extensions and Alterations
18. The relevant guidance is:
 - Creating Places – parking page - 149
 - Living Places - appropriate scale - page 28

Local Development Plan Context

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified within a well-established residential area. The site is not within any other specifically zoned areas.

Regional Policy Context

23. The Strategic Planning Policy Statement (SPPS) states that,
until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

24. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
25. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS. There is no conflict between the retained policy and the SPPS.
26. 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.
27. 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.
28. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
29. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.
30. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
31. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
32. Paragraph 4.12 of the SPPS states
that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.
33. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and

water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Access, Movement and Parking

34. 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.
35. 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.*

Planning Archaeology and the Built Environment.

36. PPS 6 – Planning Archaeology and the Built Heritage sets out the requirements for development which may impact upon Archaeological site and Monuments (BH 1 to BH 4), World Heritage Sites (Policy BH 5), Historic Parks, Gardens and Demense (Policy BH 6), Listed Buildings (Policy BH 7 to BH 11), Conservation Areas (Policy BH 12 to BH14), Industrial Heritage and Non Listed Vernacular Buildings (BH 15).
37. Relevant policy BH2 states that for the Protection of Archaeological Remains of Local Importance and their Settings Development states that:

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.

Residential Extensions and Alterations

38. Policy EXT 1 of Residential Extensions and Alterations states

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

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

Context and Design

39. Paragraph A4 states

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

40. Paragraph A6 states that

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

External Finishes

41. Paragraph A23 states that

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

Walls and Fences

42. Paragraph A23 illustrates that

Walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. When erected beside driveways or on corner sites they can have an impact on sightlines and traffic

safety. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood. Expenses of close-board fencing bordering public areas are visually unacceptable.

Privacy

43. Paragraph A28 states relating to privacy:

Except in the most isolated rural location, few households can claim not to be overlooked to some degree. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment. It is a particularly important consideration where an extension or alteration is proposed adjacent to existing properties. Balconies, roof terraces, decking, dormer windows, windows in side elevations and conservatories all have the potential to cause overlooking problems, due to their position and orientation, particularly from upper windows.

44. Paragraph A30 states that

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

Creating Places

45. The standards required for in curtilage parking spaces are set out at page 149 of the Creating Places document.

Living Places

46. Living Places is a general Design Guide for the urban area. At pages 26-28 guidance addressing contextual design and the "right fit" appropriate scale and reinforcing a sense of place is set out.

Planning and Flood Risk

47. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the

policy.

48. 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.

49. 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 hard surfacing 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.

50. Policy FLD 4 Artificial Modification of Watercourses states that:

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

51. Policy FLD 5 - Development in Proximity to Reservoirs states:

New development New development will only be permitted within the potential flood inundation area of a “controlled reservoir”¹⁴ as shown on the Strategic Flood Map, if:

the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

- *assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

52. An assessment of the planning policy tests outlined above are set out below. .

Residential Extensions and Alterations

53. The application is retrospective and works have already been carried out. The application is for a flat roofed car port which is attached to the ground by timber posts. The flat roof is made up of wooden decking lengths.
54. On top of the flat roofed decking on each of the three sides not attached to the gable of the dwelling is a horizontal wooden 900 mm high balustrade which enclose the flat roof decking at first floor level.
55. It is considered that the proposal fails to meet the requirements of criteria (a) of the policy in that the scale, massing, design and materials of the deck and car port are not sympathetic to the main building or indeed appropriate to the context.
56. The timber structure dominates the building. It is longer than the original dwelling and with the balustrades on top of the roof, it is over half the height of the existing dwelling.
57. The inappropriate scale and massing and use of a single material (timber) in the construction means the structure appears incongruous in the streetscape.
58. It is also noted that two dwellings within the local area at number 26 and 44 have mono pitched roofs on their side car port and garage. Their roofs cannot be utilised as usable space. They are of a more appropriate scale and are visually less intrusive on the host building.
59. The flat roof design of the application structure allows the roof to be accessed from the bedroom window on the gable wall. This in turn results in the creation of an elevated outdoor space which presents an unacceptable level of overlooking into the private rear amenity space of the dwelling at 10 Robbs Road.
60. For the reasons outlined, the works, as built, are also unacceptable in terms of criteria (b) of the PPS 7 Addendum – Residential Extensions and Alterations.
61. The works as carried out are deemed acceptable in terms of criteria (c) and (d) of the policy. There has been no loss of any important local landscape features and sufficient space remains within the site for recreational and domestic purposes, including parking cars.

62. In terms of the guidance within Living Places, the works, as constructed, are unacceptable in terms them being of an inappropriate scale, massing, design and materials, when viewed against the context of the site itself and the wider area.
63. The applicant did offer to add additional raised screening along the side of the structure, (the section which overlooks number 10), in an effort to limit the impact on his neighbours.
64. The applicant also indicated he was willing to paint the timber to match the colour of the upper floor of the dwelling in an effort to make it blend in better.
65. The applicant indicated that he did not want to alter the flat roof or remove the balustrades from the structure as it had always been his intention to utilise the flat roof as an amenity space.
66. Whilst this may provide some mitigation the car port and decking would still appear incongruous in the street and not appropriate to the character of the area. It would also create an undesirable precedent in the area and is not acceptable.

Planning Archaeology and the Built Environment.

67. The site was noted on records, as being within the zone of influence of an archaeological site/monument and an area of archaeological potential.
68. Consultation with Historic Environment Division [HED] confirmed that the proposed scale of the works, and the lack of disruption to the existing ground means that the proposal does not give rise to concern regarding archaeological features.

Planning and Flood Risk

69. In terms of Planning and Flood risk, it was also noted that the site is within a surface flood zone.
70. However, given the scale of the works and the lack of disruption to the existing site, it was not considered necessary to consult with DfI Rivers. The works would not require a drainage assessment.

Access Movement and Parking

71. The proposal does not involve the intensification of the existing access. The existing access does not lead onto a Protected Route.
72. The works do not impact on the existing access or in curtilage parking provisions and adequate space for the parking of two cars is maintained.

73. For these reasons the proposed development is not considered to be contrary to PPS 3 or indeed parking guidance contained within Creating Places.

Consideration of Representations

74. Consideration of the issues raised by way of representation are set out below.

Overlooking

75. The rear garden can now be fully overlooked from the balcony/roof of the car port. This is contrary to policy and reflected in the assessment above. Trying to mitigate the impact of overlooking with additional screening will still give rise to an impact on general character. .

Lack of Privacy

76. The privacy of the neighbouring property will be impacted due to direct views from the balcony/roof of the car port, onto the rear elevation of the neighbouring dwelling. This objection is sustained for the reasons detailed in the assessment above. .

Loss of marketability/impact on value of property

77. Whilst the impact on property value is not a material consideration afforded much weight the amenity of the neighbouring dwelling is adversely impacted by the perception of overlooking and the design of the deck, allows for the applicant to access the roof of the structure, which in turn results in significant overlooking and loss of privacy to the neighbouring dwelling.

Conclusions

78. For the reasons outlined in the report above, the proposal is considered to be contrary to the Strategic Planning Policy Statement (SPPS) and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
79. In addition it is considered that the development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Recommendations

80. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

81. The following refusal reasons/conditions are recommended:

- The development is contrary to the SPPS and Policy EXT 1 criteria (a) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
- The development is contrary to the SPPS and Policy EXT 1 criterion (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal would unduly impact on the privacy and residential amenity of neighbouring residents through overlooking.

Site Location Plan – LA05/2022/0133/F



Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/1358/O
Date of Application	15th December 2021
District Electoral Area	Castlereagh South
Proposal Description	Proposed dwelling and garage
Location	Between 21 and 25 Mill Road West, Belfast
Representations	None
Case Officer	Grainne Rice
Recommendation	Refusal

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to refuse as it considered that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets all the criteria and it is therefore considered the proposed site is not within an existing cluster.
3. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.

4. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
6. The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

Description of Site and Surroundings

Site

7. The site is located on land between 21 and 25 Mill Road West, Belfast and is a rectangular plot cut out of a larger agricultural field.
8. The boundaries of the site consist of a post and wire fence, mixed hedgerow and mature trees along the northern, eastern and southern boundaries. The boundary to the west is undefined.
9. Located to the east and adjoining the site is a detached dwelling at 25 Mill Road West. To the west and adjoining the proposed site is a further dwelling at 21 Mill Road West, Belfast.
10. Located on the opposite side of the Mill Road West is Ravine Nature Reserve & Walkway, to the north is the Burn Equestrian Centre and the Knockbracken Health Care Park which is located some 300m to the north east.
11. The topography of the site slopes upwards in a southerly direction from the edge of the Mill Road towards the southern boundary.

Surroundings

12. The site is located in the open countryside and with the exception of the uses detailed above the surrounding area is primarily rural in character and the land predominantly agricultural in use.

Proposed Development

13. The proposal is for a single dwelling and garage. .

Relevant Planning History

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

Reference Number	Description	Location	Decision
Y/2011/0213/F	Erection of replacement dwelling	Adjacent to existing dwelling at 17 Mill Road West Belfast BT8 8HH	Approval 21.11.2011
Y/1988/0340	Erection of Bungalow	Adjacent To 21 Mill Road West, Carryduff	Refusal 10.01.1989
Y/1976/0201	Erection of Bungalow	Adjacent To 21 Mill Road West, Carryduff	Refusal 26.11.1976

Consultations

15. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA	No objection

Representations

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

Planning Policy Context

17. The relevant policy documents are:
- The Belfast Urban Area Plan 2001
 - The draft Belfast Metropolitan Plan 2015
 - Lagan Valley Regional Park Local Plan
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 2 – Natural Heritage
 - Planning Policy Statement 3 – Access, Movement and Parking
 - Planning Policy Statement 21 – Sustainable Development in the Countryside
18. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
23. The Belfast Urban Area Plan 2001 states

The plan contains a statement of the rural planning policy for the Belfast Urban Area Green Belt which covers parts of nine District Council Areas. Following

the adoption of the Belfast Urban Area Plan 2001, Area Plans will be prepared for Castlereagh and Newtownabbey Boroughs.

24. In respect of draft BMAP, page 16 states that;

'Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.'

25. The application site lies with an Area of High Scenic value. Policy COU7 of draft BMAP states that:

Planning permission will not be granted do development proposals that would adversely affect the quality, character and features of interest in Areas of High Scenic Value. Proposals for mineral working and waste disposal will; not be acceptable.

A landscape analysis must accompany development proposals in these areas to indicate the likely effects of the proposal on the landscape.

Regional Policy Context

26. The SPPS states that,

Until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

27. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
28. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
29. Paragraph 1.2 of the SPPS states that,

Where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded by the retained policy.

30. In respect of new dwellings in existing clusters, paragraph 6.73 of the SPPS states that,

Provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

31. Having considered the content of both the SPPS and the retained policies and other prevailing policy tests, no distinguishable differences are found that should be reconciled in favour of the SPPS. The provisions of Policy CTY 2A of PPS 21 therefore still apply

32. 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.

33. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

34. Paragraph 6.78 of the SPPS also 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.

Sustainable Development in the Countryside

35. 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.

36. 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.*

37. The applicant indicates this to be proposal for a dwelling within an existing cluster and is to be assessed against the requirements of policy CTY 2A. No other justification is offered in support of the application. That said, the detail is considered against Policy CTY 8 later in the report.
38. In addition to CTY 2A, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
39. Policy CTY2A – New dwellings in existing cluster states:

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

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*

- *the cluster appears as a visual entity in the local landscape;*
- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*
- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*
- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and-*
- *development would not adversely impact on residential amenity*

Building on Tradition:

40. Whilst not policy, as a guidance document, the SPPS states that,

Regard must be had to the guidance in assessing the proposal. This notes:

*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.*

41. Paragraph 4.3.0 of Building on Traditions states that,

Policy CTY 2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

42. Paragraph 4.2 of Building on Traditional makes reference to visual integration. The guidance at 4.2.1 recommends that applicants should,

Work with the landscape to avoid prominent and elevated locations and retaining as many hedgerows trees and natural features as possible.

43. 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.

44. 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.

45. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.

46. Regard is also had to the Justification and Amplification text 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.

Building on Tradition

47. The SPSS states;

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

48. With regards to Policy CTY 8, Building on Tradition states;

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.

49. The guidance also suggests:

- 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.

50. 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.

51. 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

52. 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.

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.*

53. 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.

54. 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.*

55. With regards to Policy CTY14, Building on Tradition [page 131] states that,

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

56. 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.

57. 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.

58. 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

59. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

60. Policy NH 1 – European and Ramsar Sites states,

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

- *a 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.*

61. 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.*

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:

- *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.*

63. 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.

64. Policy NH 6 - Areas of Outstanding Natural Beauty states that

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) *the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and*
- b) *it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
- c) *the proposal respects:*
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Access, Movement and Parking

47. 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.

Assessment

67. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

New dwellings in Existing Clusters

68. Policy CTY 2a requires all of the criteria outlined to be met. Whilst a cluster of development is not defined in policy the first 3 criteria give an indication of the intended meaning.
69. With regard to the first criteria, a supporting statement was provided with the application. This identified the buildings that the applicant considered to contribute to the existing cluster of development.
70. The view is expressed by the applicant with regard to Criteria 1 is that,
- The proposal site's cluster of development lies outside of a farm and consists of 4 dwellings number 17, 21, 35, replacement dwelling and workshop. The planning unit of the workshop is used to store and service/repair gardening tools and machinery associated with the applicants gardening business since 2010 and therefore is not considered an ancillary outbuilding to number 17 or caravan at this location. The applicant is not an active farmer thus the site lies outside of a farm.*
71. Whilst it is acknowledged that there are presently two roadside dwellings - those associated with 21 and 25 Mill Road West located to either side of the proposed site, it is not accepted that there is an existing group of buildings incorporating more than four buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) as required by the first criteria.
72. The roadside dwellings have no visual linkage due to the curvature of Mill Road west, the presence of a strong roadside boundary and the group of trees to the north eastern corner of the site. They are not read together in any sense from either critical view approaching from east or west.
73. In respect of the dwelling located at 17 Mill Road West and associated outbuilding to the east these buildings are set back approximately 120 metres from the public road. Given the topography of the land which slopes steadily upwards in a southern direction and the existing mature boundary vegetation the dwelling at 17 Mill Road West, the replacement dwelling and workshop have no visual linkage to the proposed site.
74. Furthermore the outbuilding on the site is considered to be an ancillary building to 17 Mill Road, Belfast. It appears as an integral part of the curtilage of the larger site and there is no planning permission or lawful development certificate

establishing any other use to suggest a separate planning unit exists at this location. .

75. The replacement dwelling referred to in the supporting statement as forming part of the cluster is presently under construction and not substantially complete and as such does not constitute a building for the purposes of policy CTY 2a. It is also noted that the dwelling located at 17 Mill Road West is conditioned [condition 2] to be demolished and the site restored upon occupation of the replacement dwelling approved under planning application Y/2011/0213/F.
76. For the reasons outlined above, it is considered that there is not an existing grouping of buildings incorporating more than 4 buildings (excluding ancillary buildings such as outbuildings) and as such, the first criterion is not met.
77. In response to the view expressed that the first criteria is not met, the agent submitted a supplementary statement citing a precedent case LA05/2016/1087/F where a dwelling was approved in a cluster with a building at 100 Dromara Road some 110 metres distant from the site being counted as one of the four buildings
78. Whilst every application is considered on its own merits, the distance between the dwellings in the 'cluster' is not a determining factor. The key consideration is the intervisibility between the buildings and, whether the cluster can be read as part of a visual entity in the landscape.
79. The visual context for the other example is different and does not sit on all fours with this application. The grant of planning permission on the other site does not establish a precedence for the development of a dwelling in a cluster at this location.
80. The agent has also produced a letter from the applicant's accountant to state that they have operated a business from their home for the past 10 years. The agent asserts that the business was immune after 5 years.
81. In consideration of this information, the letter from the account only states that the applicant 'runs his gardening business from 17 Mill Road West'. It neither quantifies the time period that this business has been operating from buildings constructed outside the curtilage of the dwelling and in a separate planning unit.
82. The information submitted in this regard does not change the opinion expressed above that the business is linked to and shares the same curtilage as the dwelling at 17 Mill Road West.
83. In further communication, the agent also suggests that an application could be made to vary the planning condition to retain the dwelling that is required to be demolished for the replacement opportunity and as a consequence must be counted as part of the assessment.

84. It cannot be presumed that this application would be approved and only circumstances that prevail now can be considered. There is no building and the works carried out to secure the permission are not substantially completed for this to be accepted as a material consideration of any significant weight. Criteria one of the policy is not met.
85. Turning to the detail of criteria 2, an aerial view of the proposed site and surrounding context including the buildings Ravine Nature Reserve and Walk Way, Burn Equestrian Centre and Northern Ireland Ambulance Service (which form part of the Knockbracken Health Care Park).
86. The purpose of the aerial photograph is to assist with an explanation of the extent of the visual entity which is explained in the supporting statement as follows:

“a visual test appeal 2019/A0024 held that “Policy CTY 2a does not define what contributes to a “visual entity from where is must be viewed or how it is quantified. Policy makes no reference to the need to see the entirety of each building to make a contribution, nor does it require assessment of only static views. Consideration must also be given to transitional views from within and outside the cluster as well as static ones” There is no mature planting, strong vegetation or significant physical separation distance to prevent all buildings being read together as a cluster statically or transitionally. (Figure 4) shows an aerial image of the entirety of cluster and (Image 9&10) taken from Workshop window and Ravine Nature Reserve clearly shows all cluster buildings and proposal site being read as a cluster within the immediate locality. Policy does not state that each building that makes up the cluster must adjoin the proposal site (as confirmed by part 4 of this Policy) but be ‘visually distinctive’ together in the local landscape. When considered from all view-points there is no boundary treatment that prevents all buildings from being viewed collectively together as a cluster. Each part of the cluster including Ravine Nature Reserve is within a short distance of 100m or less from the proposal site, whilst you might not be able to read a car’s numberplate at this distance a by passer would be able to identify an object as a car and colour as shown in (Images 8-10) clearly supporting the visual test in this case.”

87. In consideration of this supporting information, the aerial photograph submitted references the Burn Equestrian Centre, Ravine Nature Reserve, the three dwellings at 17, 21 and 25 Mill Road West and a workshop.
88. Whilst acknowledging there are two dwellings to the east and west and adjoining the proposed site for the reasons outlined above, they are not considered to cluster with one another or the buildings in the backdrop to appear a group a visual entity in the landscape.
89. It is considered that the mature planting, strong vegetation and significant physical separation distance prevents all the buildings being read together as a cluster in static view along the extent of the site frontage on Mill Road West and

the Nature Reserve and in transition for approximately 200 to 300 metres distance.

90. The aerial image (Figure 4) submitted is a bird's eye view and not representative of the critical public viewpoints of the proposed site. Images 9 and 10 are taken from the outbuilding and Ravine Nature Reserve. The viewpoints shown are elevated long distant views and the buildings referenced by an arrow point show a build of development along the road in the backdrop but this could not be described as a visual entity in the landscape consistent with the examples shown on page 69 of the Building on Tradition document.
91. The critical viewpoint of the proposed site is to the west along the Mill Road West for a distance of 200 metres and a 100 metres to the east. From these viewpoints the only buildings visible (and not together) are the 2 dwellings located at 25 Mill Road West and 21 Mill Road West. There is little spatial awareness of the Burn Equestrian Centre and Knockbracken Healthcare Park and Northern Ireland Ambulance Service from the critical viewpoints. When travelling along the public road in both directions there is no appreciation of any clustering that could be described as a visual entity in the landscape and the second criteria of the policy is not met.
92. By way of rebuttal, the agent submitted additional information in the form of a photograph taken from 17 Mill Road West looking towards the Nature Reserve.
93. The agent again uses application LA05/2016/1087/O and two others S/2012/0040/O and LA05/2017/0144/O as precedent but the image does not link all the necessary buildings to form a group that could be described as a visual entity. The three examples have a different spatial context and setting are not directly comparable.
94. The rebuttal statement also references appeal decision 2021/A0079 to suggest that the Planning Appeal Commission had previously accepted historic features like Purdysburn House, Historic Park, Gardens and Demesne can be considered as a visual entity.
95. The agent seems to suggest that the visual link between the historic park and the other buildings on Mill Road West supports the case that the site cluster with an existing visual entity. There is no evidence on the ground that links one group of buildings to another and as discussed under criteria 1, the proposed cluster appears as a loose sporadic collection of single houses with little or no visual linkage amongst any of them.
96. There is no sense of arriving at a 'cluster' on either approach reinforcing the view expressed earlier in this assessment that it is not a visual entity in the landscape.
97. With regard to the third criteria the supporting statement submitted states

Appeal 2019/A0024 held that “Pages 68-9 of Building on a Tradition provides diagrams showing more than one focal point within a cluster with suitable sites physically distant from the community facilities/buildings but still considered acceptable”⁵. The cluster is associated with the Ravine Nature Reserve and walk way and Burn Equestrian Centre. ‘Ravine’ The Advantage Foundation is part of NIVCA and Community NI (Connecting the Voluntary and Community Sector) offering free work experience and training over a 16-week course in a unique nature-based Social Enterprise for young people facing mental health challenges funded by the Big Lottery. (Image 11) taken from YouTube promoting use of Community Facility. When travelling along Mill Road West, walking on the shared lane to dwelling 17, or visiting Ravine there is a transient awareness of views of the cluster being visually linked at this location with this focal point that abuts the Burn Equestrian Centre that can also be seen. (Images 12) shows polytunnels and building that can be seen from proposal site and also shown in (Image 9). Image 11 7 You tube video promoting the Community Facility

98. In consideration of the third criteria there is no crossroads in the vicinity of the proposed site and as such the proposal does not fulfil this requirement.
99. Alternatively the policy requires assessment of an existing grouping of buildings which are associated with a focal point and the applicant’s concept plan references the Ravine Nature Reserve and walk way and Burn Equestrian Centre as a justification for meeting the policy test. The following is stated:

Appeal 2019/A0024 held that “Pages 68-9 of Building on a Tradition provides diagrams showing more than one focal point within a cluster with suitable sites physically distant from the community facilities/buildings but still considered acceptable”⁵. The cluster is associated with the Ravine Nature Reserve and walk way and Burn Equestrian Centre. ‘Ravine’ The Advantage Foundation is part of NIVCA and Community NI (Connecting the Voluntary and Community Sector) offering free work experience and training over a 16-week course in a unique nature-based Social Enterprise for young people facing mental health challenges funded by the Big Lottery. (Image 11) taken from YouTube promoting use of Community Facility. When travelling along Mill Road West, walking on the shared lane to dwelling 17, or visiting Ravine there is a transient awareness of views of the cluster being visually linked at this location with this focal point that abuts the Burn Equestrian Centre that can also be seen. (Images 12) shows polytunnels and building that can be seen from proposal site and also shown in (Image 9).

100. In consideration of this point, the Ravine Nature Reserve and Burn Equestrian Centre are part of the Knockbracken Healthcare Park and are accessed from and have a spatial and functional relationship to the Park. They are separate to and distinct from the buildings on the Mill Road West. There is no focal point consistent with the policy and the requirements of criteria 3 are not met.
101. The fourth criteria requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

102. It is suggested in the supporting statement that the “*Site Location Map shows the site bounded on 3 sides by development consisting of dwelling numbers 21, 25 and 17 (Figure 2)*”.
103. The proposed application site forms part of a larger agricultural field that wraps around 21 Mill Road West. It occupies a roadside location with a large frontage of 85 metres. A dwelling with a curtilage consistent with the established pattern of development would not be enclosed on two sides with other development. Linking the three neighbouring properties with a red line boundary is not sufficient justification to say that the fourth criteria is met.
104. Criteria five requires any new buildings on the site to be absorbed into the existing cluster through rounding off and consolidation and without significantly altering the existing character or visually intrude into the open countryside. The supporting statement states

The proposal seeks to lie within the cluster between dwellings 21 and 25 and 17 therefore it will round off the cluster and not significantly alter the existing character nor visually intrude into the open countryside as set out in Building on a tradition Guidance Notes 8.

105. In relation to this criteria it is considered given the road side location and substantial size of the plot that it would not be possible to absorb a dwelling into the landscape by means of clustering it with another dwelling or consolidating it with an existing group of buildings. There is also a lack of enclosure for the reasons explained previously and any new building would be a prominent feature in the landscape.
106. There is no cluster that the proposed site can be absorbed into and development of the proposed site would visually intrude into the open countryside and set a dangerous precedent for future development. Criteria 5 is not met.
107. In terms of the sixth criteria it is considered the development would not adversely impact on residential amenity. This is an outline application and the site is large. A building could be located far enough away from the neighbouring properties to prevent any significant loss of amenity.
108. As policy CTY2a requires that all six criteria be met and five are not it is therefore considered the exception test is not met and that this is not a site for a dwelling in a cluster,

Ribbon Development

109. Whilst the application is presented as an opportunity for dwelling within a cluster, regard is had in the assessment to Policy CTY8 - a prohibitive policy which is evoked when there is ribbon development. This policy allows for an exception to 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.

110. The first policy tests is whether there is a **substantial and continuously built up frontage** - a line of 3 or more buildings along a road frontage without accompanying development to the rear. There is one dwelling at number 21 and one dwelling at number 25 Mill Road West that occupy roadside plots. It is therefore contended that a line of three or more buildings along a road frontage without accompanying development to the rear does not exist.
111. For completeness the second test associated with Policy CTY 8 as to whether there is a **small gap site sufficient only to accommodate up to a maximum of two houses exists** is considered.
112. There is a gap of 100 metres between 25 and 1 Mill Road West. The frontage of 21 measures 23.8 metres and the frontage of 25 measures 75 metres. The frontage of the proposed site measures 90m which is not exactly proportionate to either the frontage of 21 or 25, nor their average (50m). However it could be argued that the gap is sufficient only to accommodate up to a maximum of two houses.
113. The third step of the policy test is to demonstrate that the proposed development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. The curtilage of 21 Mill Road West measures 0.1ha and the curtilage of 25 Mill Road West measures 0.2ha. The proposed curtilage for the application site for a single dwelling measures 1ha. It is considered that the proposed development fails this policy test in that it does not respect the existing development pattern in terms of size, scale, siting and plot size.
114. With the mature hedgerow and copse of trees to the north eastern boundary of the site, it is considered that this is also an important visual break in the AONB.

Integration and Design of Buildings in the Countryside

115. Turning then to policy CTY13 the supporting statement submitted with the application states that

Integration is not a test of invisibility rather an assessment of the extent to which the development will blend in unobtrusively with its immediate surroundings¹⁰, the proposal's siting takes advantage of the existing backdrop and natural boundaries, slopes and features¹¹. As you transcend along all vantage points the proposed dwelling would be well hidden. At the proposal site all existing buildings would appear to cluster with the new dwelling and it would always be viewed against an existing backdrop from all vantage points.

Although an outline application wouldn't assess the scale and design at this stage a dwelling in keeping with that of existing dwellings within the cluster would not be prominent in the landscape as it will cluster with the cluster buildings, its position could be in line with 21 and 25 or where considered acceptable at reserve matters stage and mature existing features and mature vegetation should be retained to ensure that the proposal will not be seen from any critical view-points and a new dwelling would integrate well and further assessment should approval be granted as to type of dwelling, design and positioning would be made at the reserved matters stage. 4.15 All Ancillary works proposed are minimal regarding integration. 4.16 Careful consideration at the reserved matters stage would be given to ensure the dwelling would blend in well with the existing land form making use of all natural features, long established boundaries, buildings and slopes. 4.17 All additional landscaping would be minimal for integration but if required at the reserved matters stage would improve the biodiversity value of the site. 4.18 (Images 13-16) shows images of suitable features to aid integration of the proposal dwelling at this location.

116. As explained above, this is not a site within a cluster and it occupies a prominent roadside location.
117. Any new plot would be artificially cut out of a roadside field and the proposed new access arrangement would result in a building which is poorly integrated and prominent due to loss of hedgerow and planting.
118. Critical views of the proposed site as previously explained are along the Mill Road West to the west for a distance of 200 metres and 100 metres to the east. From the identified views it is considered the proposed development would be unduly prominent and could not be visually integrated into the surrounding landscape.
119. It is also considered that the proposal would not blend sympathetically with the landscape and have a detrimental impact on the visual amenity of the area. The requirements of criteria (a), (b) and (c) of Policy CTY 13 are not met for the reasons outlined above.

Rural Character

120. In terms of policy CTY 14 the supporting statement states

A dwelling in keeping with that of other dwellings within the cluster will not be prominent in the landscape as it would appear to cluster with the cluster buildings and benefit from surrounding mature long-established boundaries. It will not create or add to a ribbon development or create a suburban style, should approval be granted there would be no other suitable PPS21 development opportunities in accordance with CTY1. Ancillary works will not damage the rural character and further landscaping if required would improve the bio-diversity value of the site. Should approval be granted the design and

siting will support the traditional pattern of settlement and rural character at this location and would be considered at the reserved matters stage.

121. It is considered that the proposal does not meet criteria (a), (c) and (d) of Policy CTY 14 for reasons outlined earlier in this assessment.
122. In summary, the proposed building would be unduly prominent in the landscape. The wider area is characterised by individual roadside dwellings and houses and outbuildings up laneways.
123. Given the scattering of buildings the area remains predominantly rural in character. It is also considered that the erection of a dwelling, new access and associated site works would be out of keeping with the overall settlement pattern in the immediate area and would cause a detrimental change to its rural character.
124. To be consistent with the established pattern of settlement a dwelling on this site would occupy a road side location (no delineated preferred location has been annotated). It is considered this proposal would result in the creation of a ribbon of development and would damage the rural character of the area.

Development Relying on Non-Mains Sewerage

125. As per Q18 of the P1 Form, the disposal of foul sewage is proposed via a septic tank.
126. The Council's Environmental Health Unit were consulted as part of the processing of the application. Advice received on 25 June 2021 confirms that they have no objection in principle but that a 'detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent should be provided at subsequent application stage. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.
127. Therefore, there are no concerns with regards to the proposal insofar as it pertains to Policy CTY 16 of PPS 21.

Access, Movement and Parking

128. The access arrangement for this development would involve construction of a new access to a public road (in this case the Mill Road West, Belfast).
129. DfI Roads in a response dated 08 February 2022 offered no objection to the proposal, subject to the inclusion of conditions.
130. Taking the above into account, there no road safety concerns or adverse traffic impacts are identified and that the requirements of policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking.

Natural Heritage

131. There are no works on site that required a bio-diversity check list to be submitted in support of the application.
132. It is considered that the proposal would not have a negative impact on any natural heritage features and the proposal is not tested against the requirements of policy NH 5 of PPS 2.
133. With regard to Policy NH 6 and as demonstrated above within the context of the assessment against policy CTY 2a, CTY 13 and CTY14 it is not considered that the proposal meets relevant policy criteria regarding the principle of development, clustering, enclosure and intrusion into the open countryside.
134. Concern are also expressed in relation to prominence and the ability of the proposal to integrate into the landscape at this location. Furthermore, it is considered that the proposal would not respect the traditional pattern of development and that it would result in ribbon of development causing a detrimental change to the rural character of the area.
135. For the reasons outlined, it could not therefore be considered to respect or preserve features of importance to the Area of Outstanding Natural Beauty in general and of the particular locality. The development of a cluster at this location would preserve or respect the landscape features such as the Minnowburn SLINCI opposite the site containing Ravine Nature Reserve.
136. It is considered that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and the proposal as presented does not respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

Conclusions

137. In conclusion, the Councils view on this proposal is to refuse planning permission as it is considered that the proposal is contrary to the SPPS and Policy CTY 1, CTY 2a, CTY 13 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside.
138. It is considered the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
139. The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets all 6 criteria and it is therefore considered the proposed site does not represent a suitable site within an existing cluster.

140. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.
141. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
142. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
143. The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

Recommendations

144. It is recommended that planning permission is refused.

Conditions

145. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings (excluding ancillary buildings such as outbuildings), there is no cluster which appears as a visual entity in the local landscape, is not

associated with a focal point or is not located at a cross-roads, does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

- The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.
- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

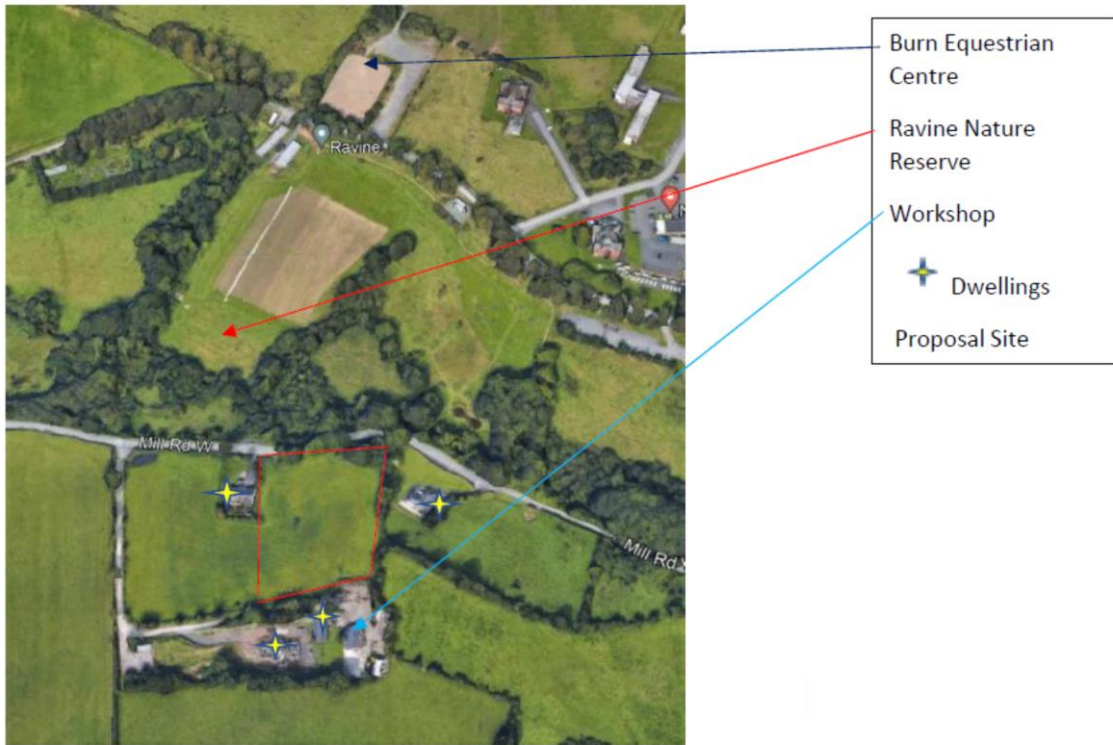
Site Location Plan – LA05/2021/1358/O



Location Map Scale 1 : 2500 OS Map No. 147 14 SW

Site Concept Plan – LA05/2021/1358/O

Figure 4 Aerial view of cluster and proposal site.



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0836/F
Date of Application	26 July 2021
District Electoral Area	Castlereagh South
Proposal Description	Proposed infill dwelling on site adjacent to 113 Belfast Road
Location	Site adjacent to 113 Belfast Road, Saintfield
Representations	None
Case Officer	Cara Breen
Recommendation	REFUSAL

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to refuse as it considered that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. Furthermore it is considered that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Belfast Road.
3. It is also considered that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Belfast Road.

4. Whilst no road safety or traffic impact concerns are identified by DfI Roads, the development does not meet the exceptions criteria for development in the countryside and as such, it is contrary to the SPPS and Policy AMP 3 of PPS 3 – Access, Movement and Parking (consequential amendment) in so far as it relates to access to Protected Routes.

Description of Site and Surroundings

Site

5. The application site is located adjacent to 113 Belfast Road, Saintfield and is comprised of 0.36 hectares of land that may have had an agricultural use in the past but has a nil use.
6. The site is located to the north east of the A7 Belfast Road, a designated Protected Route. It is shown on plan that the land accessed via an existing private driveway.
7. The south western (roadside/footpath) boundary is defined by mature native species hedgerow and a line of tall largely mature trees to the inside. The south eastern boundary is demarcated by mature mixed species hedgerow and trees, as is the north western boundary, which bounds the vehicular access. The north eastern boundary was undefined at the time of site inspection in October 2021.
8. In relation to topography, the application site is moderately undulating throughout. However, it generally elevated above the Belfast Road.

Surroundings

9. In terms of the surrounding context, the application site is neighboured by 109 Belfast Road (single storey residential dwelling set within its own curtilage) and 107 Belfast Road (1.5 storey residential dwelling set within its own curtilage) immediately to the south east of the application site.
10. A building associated with 113 Belfast Road lies to the north of the application site. It is a large detached two storey property with entrance portico, which has never been completed and remains under construction.
11. Whilst the area is rural in character and predominantly agricultural in use, characterised by drumlin topography, there is a evidence of a local build up of development with a number of dwellings located along the edge of the road in the general vicinity of the site.

Proposed Development

12. Full planning permission is sought for a proposed infill dwelling.
13. Supporting documentation for the application includes a:
 - site analysis and concept plan
 - NI Biodiversity Checklist/Preliminary Ecological Appraisal
 - Supporting Planning Statement

Relevant Planning History

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

Reference Number	Description	Location	Decision
Y/2004/0315/F	Erection of replacement dwelling and double garage	113 Belfast Road, Lisdoonan, Saintfield, BT24 7HE	Permission Granted
Y/1980/0351	Erection of Bungalow	Adjacent to 113 Belfast Road, Saintfield	Permission Refused

Consultations

15. The following consultations were carried out:

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

Representations

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

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
- Regional Development Strategy (2035)
 - Belfast Urban Area Plan (2001)
 - Belfast Metropolitan Area Plan (Draft) 2004
 - Strategic Planning Policy Statement (SPPS) for Northern Ireland; Planning for Sustainable Development (2015)
 - Planning Policy Statement 2: Natural Heritage
 - Planning Policy Statement 3: Access, Movement and Parking
 - Planning Policy Statement 3 (Clarification): Access, Movement and Parking
 - Planning Policy Statement 21: Sustainable Development in the Countryside
18. The relevant guidance is:
- Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15: Vehicular Access Standards

Local Development Plan Context

19. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
20. On 18th May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan (2001) is the statutory development plan for the area. However, the draft Belfast Metropolitan Area Plan 2004 remains a material consideration in the assessment of individual planning applications.

22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside, outwith any designated settlement limit. No other designations are applicable to the application site.
23. It is acknowledged that the A7 Belfast Road is a designated Protected Route.
24. The Belfast Urban Area Plan provides a statement of the rural planning policy for the Belfast Urban Area Greenbelt.
25. Page 60 states;

The objectives of the plan with regard to the Green Belt is to;

- *Control expansion of urban development into the surrounding open countryside*
 - *To maintain the rural character of the countryside within the Green Belt and prevent its spoliation by ribbon development or scattered development;*
 - *To prevent the towns and settlement around Belfast from merging with the Belfast Urban Area or with each other.*
26. The policy in BUAP was to restrict the number of dwellings based on and similar to prevailing regional policy for Green Belts contained in a Planning Strategy for Rural Northern Ireland. Ribbon development was one of the exceptions to the strict policy controls that applied in Green Belts.
 27. In respect of draft BMAP, page 16 states;

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

28. The SPPS states;

Until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

29. The local development plan is at Stage 1, and there is no Stage 2 draft. Thus, no weight can be given to the emerging plan. The transitional period remains operational.

30. The SPPS states;

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

31. It is stated that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

32. Paragraph 3.8 of the SPPS states;

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

33. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

34. Paragraph 4.11 of the SPPS states;

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

35. Paragraph 4.12 of the SPPS states;

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

36. It also advises that adverse environmental impacts associated with development can also include; sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
37. In relation to development in the countryside and infill development (to which this application seeks approval for, as per the P1 Form and associated plans/information) specifically, Paragraph 6.73 of the SPPS states;

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

38. Paragraph 6.78 of the SPPS states;

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

Sustainable Development in the Countryside

39. 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. The preamble acknowledges that the policy provisions of PPS 21 will take precedence over the policy provisions for greenbelts contained in statutory and published draft development plans.
40. 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.

41. 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.*

42. As per the submitted P1 Form and associated documents/plans, this application pertains to a proposal for the development of a gap site for a single dwelling. As such, it is to be assessed against the policy requirements of Policy CTY 8.

43. In addition to Policy CTY 8, it is noted that there are other CTY policies that are engaged as part of the assessment including; Policy CTY 13, Policy CTY 14 and Policy CTY 16.

44. 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.

45. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.

46. Regard is also had to the Justification and Amplification text 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.

Building on Tradition

47. The SPSS states;

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

48. With regards to Policy CTY 8, Building on Tradition states;

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.

49. The guidance also suggests:

- 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.

50. 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.

51. 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

52. 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.

53. 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.*

54. 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.

55. 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.*

56. 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.

57. 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.

58. With regards to Policy CTY16, 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

59. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
60. Policy NH 2 – Species Protected by Law states;

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.*

61. The policy also 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.

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.

62. 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.*

63. 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

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;

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.*

66. Policy AMP 3 – Access to Protected Routes states;

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 involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

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:

- (a) where access cannot reasonably be taken from an adjacent minor road; or*
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route 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. The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.*

Access, Movement and Parking Clarification of Policy AMP 3: Access to Protected Routes

67. This document provides clarification to Policy AMP 3: Access to Protected Routes of PPS 3 'Access, Movement and Parking', published in February 2005, and must be read in conjunction with the policies contained within this PPS.
68. The policy as clarified states:

The Department 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 ByPasses – 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 involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

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:

- (a) where access cannot reasonably be taken from an adjacent minor road;*
- or*

- (b) *in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route 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.*

The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

69. The policy provisions set out in Annex 1 of PPS 21 [Consequential Revision) will take precedence over the policy provisions of Policy AMP 3 – Access to Protected Routes of PPS 3 insofar as they relate to proposals seeking access to the category of roads highlighted as 'Other Protected Routes – Outside of Settlement Limits.
70. Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 – Access Movement and Parking states

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

- (a) *A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.*
- (b) *A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained 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.*
- (c) *A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained 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.*
- (d) *Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained 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. Access arrangements must be in accordance with the Department's published guidance.*
71. It advises that the remainder of Policy AMP 3 as set out in the October 2006 Clarification, including the justification and amplification, remains unaltered.

Development Control Advice Note 15 – Vehicular Access Standards

72. 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

73. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

74. As the Courts have noted in the Glasdrumman Road, Ballynahinch case, officers bear in mind that the policy in Policy CTY 8 is restrictive, and there is a prohibition against ribbon development. There is a need to consider whether a proposal adds to ribbon development and if it does, does the proposal fall into the permissible exceptions to that policy. In this case, the proposal does engage ribbon development.
75. The first step of the policy test is to demonstrate whether an otherwise substantial and continuously built up frontage exists.
76. In terms of a substantial and continuously built up frontage, it is acknowledged from the site inspection that the building associated with 109 Belfast Road is located immediately to the south east of the application site. The building at 109 is a single storey red brick/rendered residential dwelling set within its own curtilage. A large metal clad shed also occupies the site to the rear. A maintained lawn stretches from the dwelling to the roadside boundary which abuts the road/footpath. It is accepted that the dwelling at 109 presents a frontage to Belfast Road.
77. The building at 107 Belfast Road is located immediately to the south east of 109. It is a large detached 1.5 storey residential dwelling. It is set back from the road and is set behind a maintained front garden which abuts the road. It is considered that the building at 107 Belfast Road also presents a frontage to the road for the purposes of policy.
78. However, whilst the Council do not dispute that there is a frontage present to the south east of the application site, it is considered that there is no third building to 'bookend' to the north west of the site.
79. A Concept Statement submitted in support of the application indicates that the site is located between numbers 109 and 113 Belfast Road, Saintfield.

80. There is a building at 113 Belfast Road but the curtilage has not yet been completed and as such, it is not considered to present a frontage to the Belfast Road. The detail of the planning permission relied on (Y/2004/0315/F, an existing meadow is shown to be located to the front of the dwelling (No. 113).
81. This meadow was also observed at the site inspection and as is evidenced in the aerial views of the site captured on the Site Analysis and Concept drawing. Only the driveway at 113 Belfast Road presents a frontage to the road.
82. It has been widely recognised by the PAC, in decisions such as 2018/A0206, that a building only has a frontage on to a road if the plot and curtilage abuts or shares a boundary with that road.
83. Akin to 113 Belfast Road, the building at 115 Belfast Road, which is sited immediately to the north west of 113, does not have a curtilage which extends to the road either.
84. It is acknowledged that an agricultural shed is located to the north west of the access which serves 115 Belfast Road. However, it is contended that this is too far removed from the application site to be included as part of the frontage.
85. Essentially, it is contended that there is no 'bookend' which presents a frontage present to the north west of the application site. The policy clearly refers to a gap site **within** (my emphasis) an otherwise substantial and continuously built up frontage. As there is not an existing built up frontage on both sides of the application site the proposal cannot represent a small gap within a substantial and continuously built up frontage.
86. For the reasons outlined above, it is considered that the application site is not located within a substantial and continuously built up frontage for the purposes of Policy CTY 8 and as such, does not meet the exceptions test.
87. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses exists.**
88. Policy CTY 8, relates to the gap between road frontage buildings. The gap is measured between the two closest buildings.
89. As there is no 'bookend' which presents a frontage to the road/footpath in situ to the north west of the application site, it is contended that the application site does not constitute a gap for the purposes of Policy CTY 8.
90. The third step of the policy test is to **demonstrate that the proposed development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
91. Whilst it is considered that there is no gap within a substantial and continuously built up frontage present on the ground for the reasons outlined above, for completeness, the proposal will be assessed against the existing pattern of development at 107 and 109 Belfast Road to the south east.

92. The property at 107 Belfast Road has a frontage width of approximately 35m to Belfast Road and 109 Belfast Road has a frontage width of approximately 40m to Belfast Road. This equates to an average frontage width of approximately 37.5m. The frontage width of the proposed site measures approximately 45m.
93. It is acknowledged that size and scale are both synonyms and both refer to the dimensions of the proposed building(s).
94. The proposed dwelling design is based on a clachan style development. The proposed dwelling would incorporate a single storey front living space and a two storey block to the rear, connected via a single storey glazed link. It would present an external footprint of approximately 329.21m² and would have a maximum ridge height of approximately 8.7m. The property of 107 occupies a footprint of 312.5m² and is 1.5 storey.
95. The property 109 has an external footprint of 148.5m² and is single storey in form. Whilst it is noted that the proposed dwelling is larger (size and scale) than those at 107 and 109 Belfast Road, it is not considered to be substantially larger so as to warrant a refusal on these grounds and on balance it is considered that it would respect the existing development pattern.
96. In terms of siting, it is noted that the buildings associated with 107 and 109 Belfast Road are set back a distance of approximately 46m and approximately 33m respectively from their front boundaries. The proposed dwelling would be set back approximately 31.5m from the front boundary. It is therefore considered that the proposed siting is acceptable.
97. The proposed plot size equates to approximately 0.36 hectares. The plot sizes of 107 and 109 Belfast Road measure approximately 0.41 hectares and 0.38 hectares respectively. This equates to an average plot size of approximately 0.395 hectares. The plot size is broadly consistent with others in the immediate context..
98. For the reasons outlined above and without prejudice to the conclusion that not all the criteria are met it is considered that the proposal would respect the existing pattern of development along the frontage to the south east.
99. Consideration of other planning and environmental requirements is set out in the following paragraphs.
100. As it is considered that the proposal does not fulfil the exceptions test, in that the application site does not constitute a small gap within an otherwise substantial and continuously built up frontage, it is contended that if permitted the proposal would result in a suburban style build up of development when viewed with existing buildings (Policy CTY 14(b)), would not respect the traditional pattern of settlement exhibited in the area (Policy CTY 14(c)) and would add to a ribbon of development along the north eastern side of Belfast Road (Policy CTY 14(d)).

101. Paragraph 5.34 of the Justification and Amplification text of Policy CTY 8 states that 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.
102. For the reasons outlined above and consistent with guidance set out in paragraph 4.5.1 of Building on Tradition, it is not considered that the application site constitutes a small gap within an otherwise substantial and continuously built up frontage and therefore it is not considered that the application site forms a visual break.
103. By virtue of a common frontage with the buildings to the south east, it is considered that any dwelling on the application site would add to a ribbon of development to the north eastern side of Belfast Road. Any proposed dwelling on the application site would visually link 113 and 115 Belfast Road with the buildings to the south east of the site.

Integration and Design of Buildings in the Countryside

104. As explained above, the proposed dwelling design is based on a clachan style layout and general arrangement. The proposed dwelling which has a single storey front living space and a two storey block to the rear, connected via a single storey glazed link.
105. An attached (via carport) domestic garage is also included. The proposed dwelling would present an external footprint of 329.21m² and would have a maximum ridge height of 8.7m. The proposal would predominantly be dual pitch in design and window openings would primarily be vertical in emphasis.
106. The proposed schedule of external finishes includes; self coloured smooth render and varnished hardwood cladding (feature to single storey) for the external walls, profiled zinc (single storey) and blue/black natural slate for the roof, black UPVC rainwater goods, painted hardwood doors and grey aluminium window units.
107. The proposed driveway would derive directly from the existing vehicular access which serves 113 Belfast Road.
108. Taking the orientation and existing mature boundary treatments of neighbouring buildings, the existing mature boundary treatment to the front of the site (to be retained), surrounding vegetation and the existing/proposed (FFL) levels of the application site into account, it is contended that the proposal would not be a prominent feature in the surrounding landscape.
109. It is noted that the existing south western, north western and south eastern boundaries are to be largely retained. Building on Tradition guidance advises that at least two boundaries should be in situ for the purposes of integration. It is contended that this proposal meets that guidance. In addition, neighbouring buildings would also provide a degree of enclosure.

110. Whilst it is acknowledged that some new landscaping would be required to the north eastern boundary and augmentation of existing landscaping would be required in some areas, taking the above into account, it is not perceived that the proposal would rely primarily on new landscaping for the purposes of integration.
111. In terms of ancillary works, the proposed vehicular access arrangement would derive from an existing access in situ. No large sweeping driveway, nor ornate features have been proposed.
112. It is acknowledged that a one metre high garden wall has been proposed to the rear of the dwelling, however this is considered acceptable.
113. It is not considered that the proposal would involve excessive cut and fill (excavation) to the existing landform. It is considered that those features named above which would assist with the integration of the dwelling would also assist with the integration of ancillary works. Ancillary works are considered to be acceptable in the context of Building on Tradition.
114. The design of the dwelling is detailed above. The clachan style (simple blocks) and traditional features such as; vertical emphasis window openings and dual pitched roofs are considered to be sympathetic to the rural locality and largely comply with the guidance provided in Building on Tradition.
115. It is contended that the proposed dwelling would blend with the neighbouring buildings which provide a backdrop.
116. As confirmed by Q20 of the P1 Form, the proposal does not pertain to a dwelling on a farm and therefore in this instance criterion (g) is not applicable.
117. There are no concerns with regards to the proposal insofar as it pertains to Policy CTY 13 of PPS 21.

Rural Character

118. Taking the orientation and existing mature boundary treatments of neighbouring buildings, the existing mature boundary treatment to the front of the site (to be retained), surrounding vegetation and the existing/proposed (FFL) levels of the application site into account, it is contended that the proposal would not be unduly prominent in the surrounding landscape.
119. As per the assessment of Policy CTY 8 above, for the reasons outlined, it is not contended that the proposal complies with the exceptions test of Policy CTY 8 and it would by virtue of common frontage/visual linkage result in the addition of ribbon development along the north eastern side of Belfast Road and would therefore also result in a suburban style build up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in the area.

120. In terms of ancillary works, the proposed vehicular access arrangement would derive from an existing access in situ. No large sweeping driveway, nor ornate features have been proposed. It is acknowledged that a 1m high garden (retaining type) wall has been proposed to the rear of the dwelling, however this is considered acceptable. It is not considered that the proposal would involve excessive cut and fill (excavation) to the existing landform. It is not considered that the proposed ancillary works would damage rural character. They are considered to be acceptable in the context of Building on Tradition.
121. Taking all of the above into account, there are concerns with regards to the proposal in respect of Policy CTY 14 of PPS 21.

Development Relying on Non-Mains Sewerage

122. As per Q18 of the P1 Form and as per the proposed plans, the disposal of foul sewage is proposed to be via a septic tank.
123. The Councils Environmental Health Unit advised in a response dated 4 October 2021, that they had no objection to the proposed development subject to condition.
124. Therefore, there are no concerns with regards to the proposal insofar as it pertains to Policy CTY 16 of Planning Policy Statement 21 - Sustainable Development in the Countryside.

Natural Heritage

125. The application site was not occupied by any buildings at the time of site inspection. Therefore, no demolition would be required to accommodate the proposal.
126. It is considered that the majority of existing boundary vegetation is to be retained and this would be conditioned as part of any approval. Additional planting has also been proposed.
127. A culverted stream is located adjacent to the south western boundary of the site.
128. The application site has been subject to previous disturbance and appears largely disused.
129. A NI Biodiversity Checklist and a Preliminary Ecological Appraisal (PEA) were submitted during the processing of the application.

130. DAERA Natural Environment Division in a response received on 7 June 2022, offered no objection to the proposal, subject to the inclusion of a condition/informatives with any approval.
131. Taking the above into account, there are no concerns with regards to the proposal insofar as it pertains to Planning Policy Statement 2: Natural Heritage.

Access, Movement and Parking

132. The Belfast Road is a designated Protected Route. The P1 Form and the proposed plans, indicates that the proposal would involve the alteration of an existing access to a public road. The proposed driveway would derive from the existing vehicular access arrangement for 113.
133. Visibility splays of 2.4 x 142m have been proposed in each direction.
134. DfI Roads were consulted as part of the processing of the planning application. In their final consultation response, dated 14 January 2022, DfI Roads offer no objection to the proposal, subject to the inclusion of 4 stipulated conditions/ with any approval.
135. Whilst no road safety or traffic impact concerns are identified by DfI Roads, the development does not meet the exceptions criteria for development in the countryside and as such, it is contrary to the SPPS and the consequential amendment in so far as it relates to access to Protected Routes.

Conclusions

136. For the reasons outlined above it is considered that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
137. Furthermore it is considered that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Belfast Road.
138. It is also considered that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Belfast Road.
139. Whilst no road safety or traffic impact concerns are identified by DfI Roads, the development does not meet the exceptions criteria for development in the countryside and as such, it is contrary to the SPPS and Policy AMP 3 of PPS 3 – Access, Movement and Parking (consequential amendment) in so far as it relates to access to Protected Routes.

Recommendations

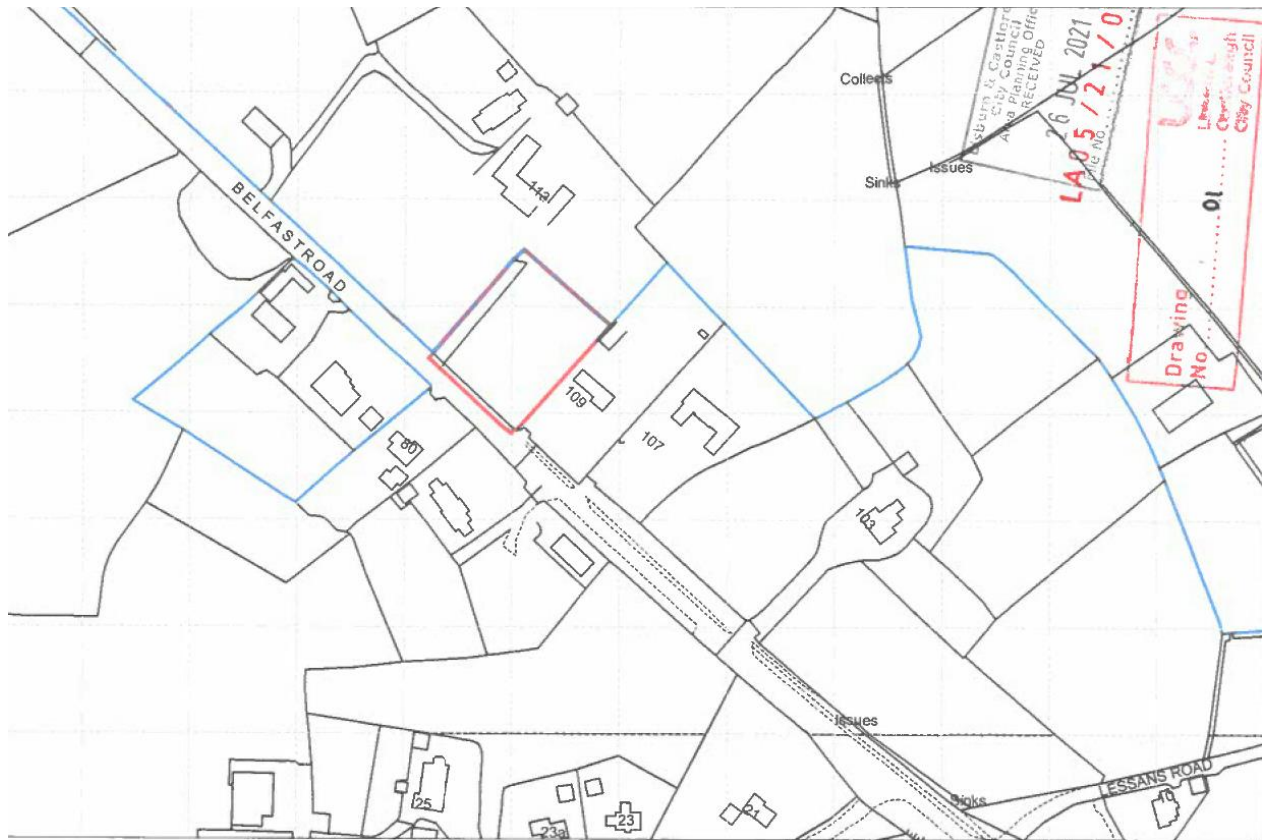
140. It is recommended that Planning permission is refused.

Refusal Reasons

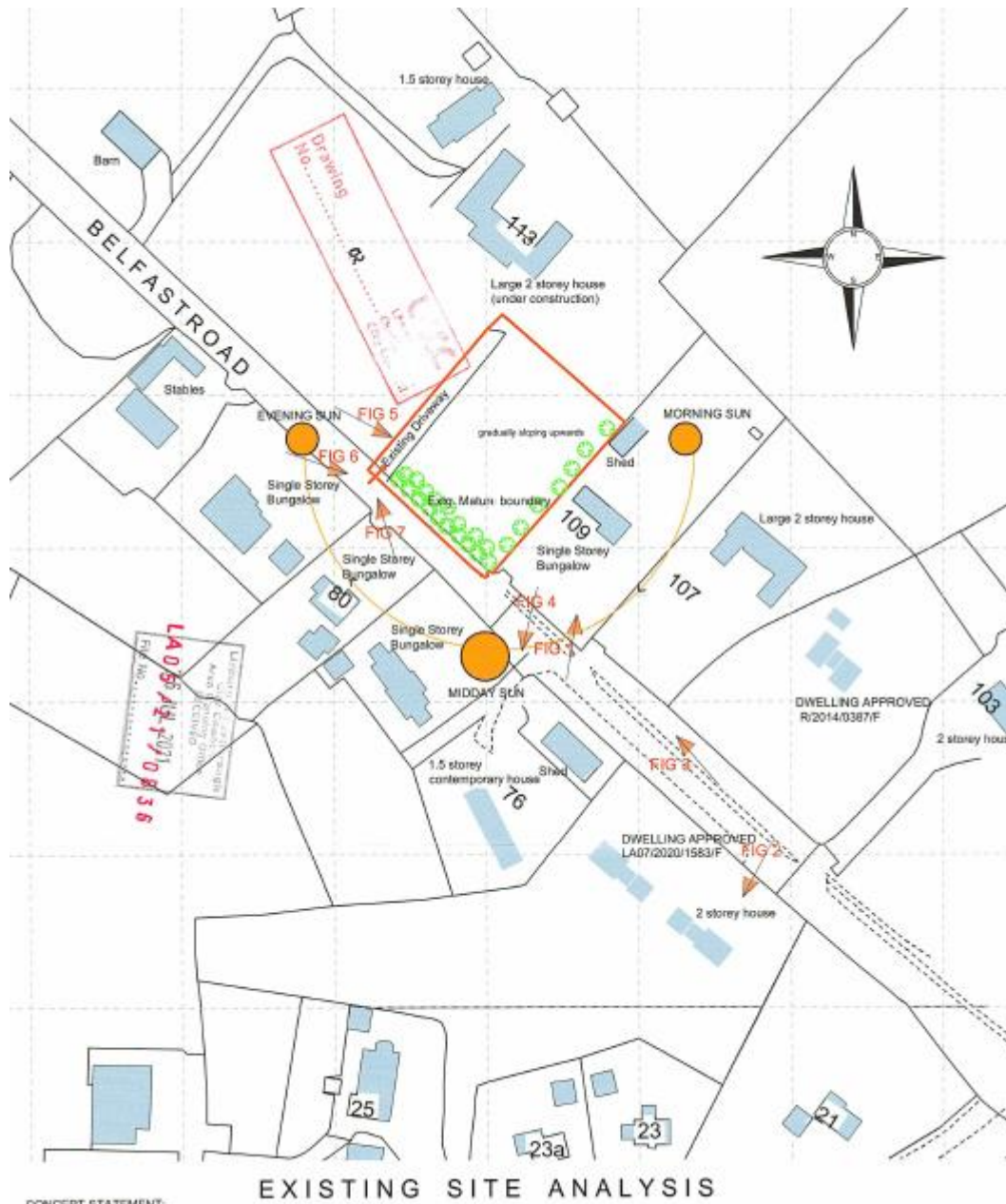
141. The following refusal reasons are recommended;

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Belfast Road.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would if permitted result in a suburban style build up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Belfast Road.
4. The proposal is contrary to the Strategic Planning Policy Statement and the consequential amendment to Policy AMP 3 of Planning Policy Statement 3 – Access Movement and Parking in that the proposed development does not meet the exceptions criteria for development in the countryside.

Site Location Plan – LA05/2021/0836/F



Concept Plan – LA05/2021/0836/F



CONCEPT STATEMENT:

EXISTING SITE ANALYSIS

Lisburn & Castlereagh City Council

Planning Committee Report	
Council/Committee	Planning Committee
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0998/F
Date of Application	09 November 2020
District Electoral Area	Castlereagh East
Proposal Description	Planning application for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility (to include provision for 1 Digestate Storage Tank, 1 covered Digestate Tank, 2 Agricultural Feedstock Storage Clamps, Biogas Feeder System, Associated CHP, pump room and office building, Emergency Backup Generator Container, Containerised Pressure Relief Container, Underground Pre-Reception Tank, 5 erected Lighting Columns, associated retaining walls and existing hard standing area and access laneway), together with the proposed erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping
Location	Lands approximately 175 meters west of 30 Lisleen Road East, Comber BT5 7TG
Representations	24 and petition(s) of objection
Case Officer	Richard McMullan
Recommendation	APPROVAL

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposal complies with both the SPPS and Policy CTY 1 of PPS 21 in that it has been demonstrated that it is an acceptable form of Renewable Energy development in the countryside.
2. The application is considered to comply with all aspects of Policy RE1 in that the buildings and infrastructure will not result in any unacceptable adverse impact. Furthermore, the siting of this renewable energy generating facility as part of established on farm practices contributes to renewable energy targets whilst allowing wider environmental, social and economic benefits of the development to be realised.
3. In addition the proposal meets the policy requirements of the SPPS and policy WM 1 of PPS11 Planning and Waste Management in that it has been demonstrated that the criteria associated with the environmental impact of a Waste Management Facility in so far as they are relevant to the proposal have been met.
4. The proposal complies with the SPPS and policies CTY 13 and 14 of PPS 21 in that the detail provided demonstrates that the site can be visually integrated into the surrounding landscape and that it is of an appropriate design for its rural location and that it will not cause a detrimental change to, or further erode the rural character of the area.
5. The proposal complies with the SPPS and policies NH 1 and NH5 of PPS 2 in that the proposed development is unlikely to harm or cause a negative impact on any natural heritage or conservation features.
6. The proposal is considered to comply with the SPPS and Policy AMP 2 of PPS 3 in that the proposed alterations to the access arrangements would not prejudice road safety or significantly inconvenience the flow of traffic.
7. The proposal is considered to comply with the SPPS and Policy FLD 2 of PPS 15 in that the detail demonstrates that the development and associated drainage solution do not present a flood risk to people, property or the environment.

Description of Site and Surroundings

8. The application site is an irregular shaped plot located on the western side of the Lisleen Road East, Comber within the curtilage of an existing farm complex.
9. Two accesses serve the complex which consists of two farm dwellings at 28 and 30 Lisleen Road East and a number of agricultural outbuildings and other

structures, plant and equipment used in as part of the farming operations. The access to the south appears to be the principal access to the site.

10. When viewed from the Lisleen Road East the complex is elevated above the surrounding farmland being located on the top of a drumlin.
11. As the proposal is retrospective within the site a number of structures and other plant and equipment are in situ and include agricultural feedstock storage clamps, biogas feeder, Anaerobic Digester tank, emergency backup generator container, Anaerobic Digestate storage tank, underground pre-reception tank, containerised pressure relief storage tank, pump room building, flood lights and retaining walls.
12. The western boundary of the site is defined by hedge and trees. The western boundary consists of hedging and trees. The northern boundary is undefined as is the southern boundary which has hedging partially just to the south with the eastern boundary defined only with the working farmyard and buildings.

Surroundings

13. The application site is located in the open countryside and the area is rural in character and the land mainly in agricultural use. There is some evidence of a local build-up of development with single dwellings dispersed along the edge of Lisleen Road East and the wider countryside.

Proposed Development

14. This application seeks in part retrospective permission for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility comprised of 1 digestate storage tank, 1 covered digestate tank, 2 agricultural feedstock storage clamps, biogas feeder system, associated CHP, pump room and office building, emergency backup generator container, containerised pressure relief container, underground pre-reception tank, 5 erected lighting columns, associated retaining walls and existing hard standing area and access laneway.
15. A portal roof covering over the existing feedstock storage clamps, new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping are proposed.
16. The material used in the operation of the plant is obtained from the applicant's farm holding including lands taken and taken in con-acre.
17. The following information is provided in support of this application:
 - Supporting Statement
 - P1C Form
 - Executive Summary
 - Introduction and Background of Proposal

- Design Statement
- Planning Policy Statement
- Technical Process Statement
- Transport Statement
- Access Statement
- Landscape Statement
- Noise and Air Quality Statement
- Ecological Statement
- Archaeological Statement
- Ground Pollution Prevention and Control Statement
- Drainage Assessment Report
- NI Biodiversity Checklist and Preliminary Ecological Assessment
- Air Quality Assessment
- Noise Impact Assessment
- Landscape Statement
- Transport Assessment Form
- Nutrient Management Plan
- Section 6 Consent to Discharge
- NIEA Notification for Nitrates Storage Systems
- NIEA Notification Form
- Outdoor Lighting Report

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2018/0448/F	Proposed retention of unauthorised floodlighting	Approx 160m west of No. 30 Lisleen Road East, Comber, BT5 7TG	Refusal 21.12.18
Y/1998/0283	Proposed 11kv overhead line-system reinforcement.	23 Lisleen Road, East, Castlereagh	Approval

19. The planning history of the site is that the development was built under the remit of Agricultural Permitted Development Rights. This was investigated by the Councils enforcement section, following the receipt of a number of complaints, who were content that the development was permitted development.
20. However, following further investigations it was found that the development was capable of operating beyond what was permissible under Agricultural Permitted

Development Rights. As such the development was deemed to be unauthorised. This current application in turn has been submitted to regularise the development.

21. The current legislation permits applications to be made retrospectively but clearly the previous history of permitted development is a significant material consideration afforded significant weight in the decision making process.

Consultations

22. The following consultations were carried out:

Consultee	Response
DfI Roads	No objections
LCCC EHO	No objections
Rivers Agency	No objections
SES	No objections
Water Management Unit	No objections
Regulation Unit	No objections
Natural Environment Division	No objections
N.I. Water	No objections
HSENI	No objections
DAERA	No objections
DAERA Vet. Service (Animal By-products)	No objections

Representations

23. Twenty four objections and five petitions of objection have been received in respect of this application. These representation is available to view on the Planning Portal via the following link

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=QKNPCDSV30000>

24. The representations have been received from the occupiers of the following properties

Date Neighbour Comment Received	Neighbour Address
27/12/2020	23, Lisleen Road East, Comber, Down, Northern Ireland, BT5 7TG
29/12/2020	24, Lisleen Road East, Comber, Down, Northern Ireland, BT23 5QB
29/12/2020	2 Lisleen Road East, Comber, Down, BT23 5QB
04/01/2021	23, Lisleen Road East, Comber, Down, Northern Ireland, BT5 7TG
04/01/2021	21, Lisleen Road East, Comber, Down, Northern Ireland, BT5 7TG
09/01/2021	20, Lisleen Road East, Comber, Down, Northern Ireland, BT23 5QB
20/01/2021	30, Manns Road, Belfast, Down, Northern Ireland, BT5 7SS
21/01/2021	44 Eden Road, Dundonald, Down, BT16 1XF
21/01/2021	14 Lisleen Road East, Comber, Down, BT23 5QB
22/01/2021	3, Lisleen Road East, Comber, Down, Northern Ireland, BT23 5QB
22/01/2021	24, Lisleen Road East, Comber, Down, Northern Ireland, BT23 5QB
25/01/2021	15 Eden Road, Dundonald, Down, BT5 7TD
30/01/2021	44, Eden Road, Dundonald, Down, Northern Ireland, BT16 1XF
09/02/2021	North Derby Street, Jennymount Industrial Estate Belfast, Antrim, BT15 3HN
10/02/2021	1a, Lisleen Road East, Comber, Down, BT23 5QB
25/03/2021	16 South Street, Newtownards, Down, BT23 4JT
31/03/2021	6A, North Street, Newtownards, Down, Northern Ireland, BT23 4DE
08/04/2021	24 Lisleen Road East
29/04/2021	50, Killeaton Park, Dunmurry, Antrim, Northern Ireland, BT17 9HE
20/05/2021	None given
20/07/2021	30 Manns Road, Belfast, Down, BT5 7SS
18/08/2021	24, Lisleen Road East, Comber, Down, Northern Ireland, BT23 5QB
26/08/2021	None given
16/09/2021	None given
16/09/2021	Lisleen Road, Belfast, Down, BT5 7ST
06/10/2021	6A, North Street, Newtownards, Down, Northern Ireland, BT23 4DE
18/01/2022	44, Eden Road, Dundonald, Down, Northern Ireland, BT16 1XF

Date Neighbour Comment Received	Neighbour Address
18/01/2022	44, Eden Road, Dundonald, Down, Northern Ireland, BT16 1XF
03/05/2022	None given

25. A summary of the issues raised by way of objection are as follows:

- AD plant has already been in operation for a number of years now.
- Road Safety and Traffic concerns (increase in number of vehicles (commercial & agricultural) using the local road network, which are difficult to pass, with inadequate 'pull in' points along the road.
- Environmental issues (leakage of gas or other effluent from the plant may impact local flora/fauna and has to date impacted upon local residents enjoyment of the local area/countryside).
- Concern that proposed installation of a weighbridge as indicated within this application is an illustration that additional materials shall be delivered to the plant from outside of the applicant's farm (leading to increase in traffic).
- Request that a full Environmental Impact Assessment also takes place before any decision is made.
- The farm (site) is gradually being turned into a waste management facility operating on a near industrial scale, involving the importation of feedstock from sources external to the farm.
- Damage caused to road as a result of heavy traffic to and from the site (farm).
- Do not accept figures provided within application in relation to traffic movement to and from the site & the conclusion the plant will actually marginally reduce traffic is at odds with personal experience.
- Traffic movements generates noise and dust (due in part to the poor state of the road) which has a negative impact upon neighbouring residential amenity levels.
- Floodlights potentially result in undue harm to bats and result in a loss of amenity due to intrusive light at night.
- AD Plant is a blight on the landscape with no attempts made to integrate it into the landscape via hedge/tree planting.
- Drone from plant when operational heard inside house

- Floodlights are an eyesore
- Concern that vehicles servicing the development are damaging the public road surface.
- Environmental impact (gas leakage and effluent leakage) of the development has a negative impact upon resident's enjoyment of the local countryside.
- Extreme lighting having adverse impact upon residential amenity levels as it is like living next to a football stadium.
- The inclusion of a weighbridge within the application implies that third party catering waste and crop residues from food producers will also be transported on a frequent basis to the AD facility.
- A retrospective planning application for retention of flood lighting similar to the proposed floodlighting scheme was previously refused by LCCC (LA05/2018/0448/F).
- Negative impact upon human health from air quality pollutants/odour. Pungent odours are experienced on a frequent and daily basis.
- Environmental and landscape impact resulting from the development size and location and the removal of hedgerows from adjacent fields outside of the 1st March-31 August season is contrary to The Wildlife and Natural Environment (NI) Act 2011.
- No detailed landscape or planting scheme to improve or integrate the visual impact on the sensitive drumlin landscape has been provided.
- The development is in the countryside and does not integrate into its setting, respect rural character, and is not appropriately designed.
- Will/does the facility produce toxic emissions? What safety procedures are in place currently and will be for this planning application?
- The amount of lighting columns in use has gradually increased. It is absolutely clear that the applicant is not conforming to the previous nor proposed condition that the amenity of neighbouring dwellings is protected with respect to obtrusive light.
- I believe contrary to PD rights for anaerobic digestion plants that this is being used as a commercial waste site and it is not limited to the use only of materials generated on the agricultural unit on which the plant is located.

- The applicant has not addressed potentially explosive dangers inherent on this site and may have to include a revised Health and Safety report to include a “blast zone” action report.
 - Issues of concern in respect of the development operating without planning approval and implications regarding the developer’s public liability insurance in the event of an accident/claim.
 - Description of the development is ambiguous as it does not define the scale of the AD Plant –in particular the energy generation ‘KW’ is omitted.
 - Application lacks important information in relation to the CHP.
 - Grass silage/beet is not a waste and it follows that it does not have a requirement for a EWC Code.
 - Absence of consideration of construction works particular in the context of a part retention scheme.
 - Trust that a HRA will be undertaken.
 - Would expect that consultation with HSENI and Public Health is required for this type of development.
 - Negatively impact house prices in the area.
 - Flood risk - it has been noted that the corner of the road near this site has flooded many times with water being left to run onto the it causing hazardous driving conditions, subsidence and potential water pollution.
26. The issues raised in this representations has been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

27. The relevant policy documents are:
- The Belfast Urban Area Plan 2001
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 2 – Natural Heritage
 - Planning Policy Statement 3 – Access
 - Planning Policy Statement 11 – Planning and Waste Management
 - Planning Policy Statement 15 – Planning and Flood Risk

- Planning Policy Statement 18 – Renewable Energy
- Planning Policy Statement 21 – Sustainable Development in the Countryside

28. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Development Control Advice Note 15 - Vehicular Access Standards
- Best Practice Guidance to PPS 18 'Renewable Energy'
- Draft Supplementary Planning Guidance to PPS 18 'Renewable Energy' – Anaerobic Digestion.

Environmental Impact Assessment (EIA)

29. Given the nature of the proposed development it is considered prudent to do an assessment against Category's 3(a) and 11(b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 in accordance with regulation 12(1) of these Regulations.

30. A determination was made 18 January 2022. The following likely environmental effects were identified as part of this assessment:

- Noise associated with operation of equipment and traffic generation
- Odour associated with storage of feedstock
- Light pollution
- Dust associated with construction works
- Traffic Generation and impact on road network
- Impact on flora and fauna
- Potential impact on watercourses and aquatic environments
- Potential for insects and vermin
- Visual impact due to nature and scale

31. The assessment, having regard to the characteristics of the development, its location and the characteristics of the potential impact, the proposed development and its direct association with existing farm activities would not give rise to significant environmental effects. It was considered that any additional assessments in relation to noise and odour could be provided as discrete reports and considered as part of the normal planning application process.

32. For the reasons outlined in the assessment, it was concluded that the development as proposed did not require to be accompanied by an Environmental Statement.

Local Development Plan Context

33. 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.

34. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
35. As a consequence, the Belfast Urban Area Plan 2001 is the statutory development plan however draft Belfast Metropolitan Plan 2015 remains a material consideration.
36. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as such there is no difference in the local plan context. Within the BUAP 2001 the site is seen to be located within a Green Belt. Within Draft BMAP the site is located outside of any defined Settlement Limits within the countryside.
37. Page 60 of the BUAP states that the objectives of the plan with regard to the Green Belt is to
 - *Control expansion of urban development into the surrounding open countryside*
 - *To maintain the rural character of the countryside within the Green Belt and prevent its spoliation by ribbon development or scattered development;*
 - *To prevent the towns and settlement around Belfast from merging with the Belfast Urban Area or with each other.*
38. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

39. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

40. 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.

41. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

42. Paragraph 4.11 of the SPPS states that

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

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

44. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

45. Paragraph 4.12 of the SPPS states

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

46. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and

water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

47. Paragraph 6.74 of the SPPS states that

Other types of development in the countryside apart from those set out (within point 6.73 which provides categories of residential and non-residential development deemed to be acceptable in principle) should be considered as part of the development plan process in line with the other policies set out within the SPPS.

48. Paragraph 6.214 of the SPPS states that

Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.

49. Paragraph 6.215 of the SPPS states that

Making appropriate use of renewable energy sources is supported by wider government policy, including the Regional Development Strategy 2035 (RDS) which emphasises the need to increase the contribution that renewable energy can make to overall energy mix. This commitment is affirmed by the Department of Enterprise, Trade and Investment's (DETI) strategic aim for a more secure and sustainable energy system, as contained within the Strategic Energy Framework for Northern Ireland 2010.

50. Paragraph 6.217 of the SPPS states that

The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).

51. Paragraph 6.218 of the SPPS states that

The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

52. Paragraph 6.222 of the SPPS states that

Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be

able to accommodate wind farms⁵¹ or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.

53. Paragraph 6.244 of the SPPS states that

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- *public safety, human health, or residential amenity;*
- *visual amenity and landscape character;*
- *biodiversity, nature conservation or built heritage interests;*
- *local natural resources, such as air quality, water quality or quantity; and,*
- *public access to the countryside.*

54. Paragraph 6.225 of the SPPS states that

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

55. Paragraph 6.228 of the SPPS states that

In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.

56. Paragraph 6.229 of the SPPS states that

The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.

57. Paragraph 6.231 of the SPPS states that

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the

creation of a new habitat. These matters will be agreed before planning permission is granted.

58. Paragraph 6.234 of the SPPS states that

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' and other relevant practice notes should be taken into account in assessing all wind turbine proposals

59. Paragraph 6.306 of the SPPS states that

Sustainable waste management is essential for the health and well-being of society, and our quality of life. The waste management industry is an important provider of jobs and investment across the region, with the potential to support future business development, investment and employment.

60. Paragraph 6.309 of the SPPS states that

The provision of waste facilities and infrastructure can make a valuable contribution towards sustainable development. The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency.

61. Paragraph 6.313 of the SPPS states that

Sites and proposals for waste collection and treatment facilities must meet one or more of the following locational criteria:

- *it is located within an industrial or port area of a character appropriate to the development;*
- *it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facilities including a land fill site;*
- *it brings previously developed, derelict or contaminated land back into productive use or where existing or redundant buildings can be utilised;*
- *in the case of civic amenity facilities, the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or*
- *it is suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups.*

Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.

62. Paragraph 6.316 of the SPPS states that

A presumption in favour of waste collection and treatment facilities, and waste disposal (land filling and land raising) will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan. In the case of Waste Water Treatment Works (WWTW's) need must be demonstrated to the satisfaction of the Department or relevant authority.

63. Paragraph 6.317 of the SPPS states that

In all circumstances particular attention should be given to the potential impacts of existing and approved waste management facilities on neighbouring areas and the need to separate incompatible land uses.

64. Paragraph 6.321 of the SPPS states that

When decision-taking important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution); roads/transport considerations (particularly where facilities depend on large transfer of materials, often generating a substantial volume of traffic); whether alternative transport modes, in particular, rail and water, have been considered; visual impacts on the landscape or townscape; impacts on nature conservation or archaeological / built heritage interests; impacts of the proposal on flooding at the site and whether it will cause or exacerbate flooding elsewhere; the permanent loss of the best and most versatile agricultural land; practical restoration and aftercare arrangements.

65. Paragraph 6.323 of the SPPS states that

Following publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

66. Paragraph 6.322 of the SPPS states that

Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. In assessing all proposals for waste management facilities the planning authority will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

Sustainable Development in the Countryside

67. 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 are considered to be acceptable and contribute to the aims of sustainable development.

68. 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.

69. The policy also states that

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

70. This is a proposal for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility, together with the proposed erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping.
71. The material used in the operation of the plant is obtained from the applicant's farm holding including lands taken and farmed in con-acre.

Building on Tradition

72. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes

its primary aim is to support the essential needs of our vibrant rural communities, to conserve our rural landscape and natural resources, facilitate a sustainable rural economy and promote high standards in the design, siting and landscaping of development in the countryside.

A core requirement of much of the development covered by PPS 21 is that it is integrated within (and in particular instances 'Visually Linked' to) the countryside and/or other established buildings.

The policies are structured to direct development to locate within existing small communities, at the edge of small settlements, within existing built clusters, adjacent to established farm groups or if a case can be made to depart from these, to fully integrate with the surrounding landscape.

To reduce the impact of a new building in the countryside, new buildings are required to be "visually linked", or sited to cluster with an established group of buildings on a farm.

These should be positioned sensitively so as form an integral part of that building group, or when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

73. 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.

74. 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.

75. 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.*

76. 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.

77. 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.*

78. 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.

79. 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.

80. 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

81. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

82. 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.*

83. 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.*

84. Policy NH 2 - Species Protected by Law states that

European Protected Species

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

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

- *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.*

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.

85. 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.*

86. 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

87. 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.
88. 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

89. 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 Departments standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Renewable Energy

90. Planning Policy Statement 18 - Renewable Energy sets out planning policy for development that generates energy from renewable resources and that requires the submission of a planning application. In addition the PPS encourages the integration of renewable energy technology and greater application of the principles of Passive Solar Design in the design, siting and layout of new development.
91. Renewable energy comes from energy sources that are continuously replenished by nature. The main sources of renewable energy are the wind, the sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops). Further information on current renewable energy technologies is set out in the "Best Practice Guidance to Planning Policy Statement 18 - Renewable Energy.
92. The aim of this policy statement is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy.
93. Policy RE 1 Renewable Energy Development states that

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

- (a) *public safety, human health, or residential amenity;*

- (b) *visual amenity and landscape character;*
- (c) *biodiversity, nature conservation or built heritage interests;*
- (d) *local natural resources, such as air quality or water quality; and*
- (e) *public access to the countryside.*

Proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified.

Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, the application will need to indicate how this will be minimised and mitigated, including details of any proposed compensatory measures, such as a habitat management plan or the creation of a new habitat. This matter will need to be agreed before planning permission is granted.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. The publication Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' will be taken into account in assessing proposals.

Best Practice Guidance to PPS 18 – Renewable Energy

94. Paragraph 3.1.2 of this practice guidance document states that

Anaerobic digestion (AD) is a process in which bacteria break down organic material in the absence of oxygen to produce a methane rich biogas. This can be combusted to generate electricity, as the primary output and heat which is generally utilised locally in the most efficient schemes. AD technology was initially developed to treat wastewater and sewage but has since expanded to deal with a wider range of feedstocks such as concentrated industrial wastewater, livestock manures and slurries, kitchen waste and industrial food processing residues such as fruit and vegetable peelings and distillation residues from distilleries. There is some potential to treat garden waste by AD and increasingly, grass and maize silage are also being utilised as feedstock.

95. Paragraph 3.1.3 states

The process has the benefit of using waste substances that are otherwise difficult to dispose of in an environmentally acceptable manner. Energy from AD is also effectively carbon neutral in that the carbon it releases is approximately equal to the carbon absorbed from the atmosphere by the plants which constitute the origin of the organic waste. It can therefore reduce overall quantities of carbon dioxide released in the atmosphere when it is used to replace energy from fossil fuels. When used for heating, the process is simple, with the minimum pre-treatment of the gas required, and the use of simple, well-proven technology.

96. At paragraph 3.1.5, the guidance document states that

The AD process is becoming more widely used within the UK agricultural sector in the form of farm-scale digesters producing biogas to produce electricity and heat to meet the needs of the farm business. A successful AD on-farm project will form part of the necessary farm waste management system in which the feedstock and product are managed and utilised to achieve the maximum advantage to the farm business. However there is potential for larger scale centralised anaerobic digesters (CADs) using feedstocks imported from a number of sources.

97. Paragraph 3.2.3 states

A typical AD plant will comprise waste pre-treatment equipment, a digester tank, buildings to house ancillary equipment such as a generator, a biogas storage tank, a flare stack and associated pipework. If anaerobic digestion is to be carried out on municipal solid waste, pre-treatment facilities will be required to separate organic from inorganic waste. Plants that use sewage sludge or farm slurry will require post-digestion equipment to treat the resulting liquors.

98. Paragraph 3.3.1 advises that

Many AD plants will be located close to the waste source. Small digesters on farms can sometimes be accommodated quite satisfactorily within the existing complex of farm buildings. Sewage sludge digesters are likely to be built in conjunction with new or existing wastewater treatment works, and will be less noticeable amongst the array of tanks and ponds performing other treatment functions than as a plant in isolation.

99. Paragraph 3.3.3 states that

Transport movements at on-farm digesters are not likely to add significantly to the impact of normal farm activities. By comparison, CAD plants will draw traffic to their central location as feedstock is delivered and products are distributed. The impact of these transport movements can be minimised by carefully considering fuel supply logistics, thereby reducing the distances travelled between the feedstocks, storage tanks, digester and local markets.

100. With regard to odour and emissions to ground and watercourses and, paragraph 3.3.6, 3.3.8 and 3.3.9 state that

3.3.6 *Predicted odour effects and proposed mitigating measures such as odour control systems should be examined. If a location is considered to be sensitive to odour nuisance, the Department will seek information from the developer to ensure that all possible sources of odour are accounted for in the proposals for odour control.*

3.3.8 *Serious farm pollution incidents can occur through the leakage or runoff of raw agricultural wastes. The AD of farm waste should reduce the likelihood and capacity of the material to pollute controlled waters. By*

following the Department of Agriculture and Rural Development Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil, emissions to ground and watercourses should be minimised.

- 3.3.9 *The production and use of biogas through AD results in a number of emissions to air, including those from gas vents, engine exhausts and flare stacks. These emissions are generally minor and are unlikely to present any significant environmental problem, provided the equipment meets relevant design specifications and is properly serviced. The Department's Northern Ireland Environment Agency (NIEA) will apply Integrated Pollution Control regulations to larger plant which will control emissions; this will apply to larger on-farm schemes as well as CAD plants.*

Planning and Waste Management

101. Planning Policy Statement 11 - Planning and Waste Management sets out planning policies for the development of waste management facilities. It seeks to promote the highest environmental standards in development proposals for waste management facilities and includes guidance on the issues likely to be considered in the determination of planning applications. In addition, it explains the relationship between the planning system and authorities responsible for the regulation and management of waste.
102. Policy WM 1 - Environmental Impact of a Waste Management Facility states that

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- *the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;*
- *the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;*
- *the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;*
- *the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;*
- *the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;*
- *adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;*
- *wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;*

- *the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.*
- *the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;*
- *the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;*
- *the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;*
- *In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.*

103. Policy WM 2 - Waste Collection and Treatment Facilities states that

Proposals for the development of a waste collection or treatment facility will be permitted where:

- (a) *there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and*
- (b) *the proposed facility is the BPEO; and*
- (c) *the proposed facility complies with one or more of the following locational criteria:*
 - *it is located within an industrial or port area of a character appropriate to the development; or*
 - *it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or*
 - *it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or*
 - *in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or*
 - *where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and*

(d) *the following criteria are also met:*

- *in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;*
- *proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;*
- *the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;*
- *proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and*
- *it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).*

Planning and Flood Risk

104. PPS 15 –Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people, property and the environment. It embodies the government’s commitment to sustainable development and the conservation of biodiversity.
105. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk through the implementation of the EU Floods Directive in N. Ireland and the implementation of sustainable drainage systems.
106. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that
- Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.*
107. 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.

108. 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 hard surfacing exceeding 1000 square metres in area.*

109. It also states that

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 flood plain, then Policy FLD 1 will take precedence.

110. Policy FLD 4 Artificial Modification of Watercourses states that

the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

111. Policy FLD 5 - Development in Proximity to Reservoirs states:

New development New development will only be permitted within the potential flood inundation area of a controlled reservoir as shown on the Strategic Flood Map, if:

- *the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*
 1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
 2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

112. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Renewable Energy

113. The nature of the facility and its function is explained in an associated supporting statement. The statement explains that the applicant seeks to retain an existing on-farm facility to utilise AD technology to generate renewable energy from agricultural grass silage and cattle slurries already being produced within the existing farm enterprise.
114. It is also explained that the electrical power produced from the facility is currently exported into the national grid network. An electrical connection point is located within the site and this export infrastructure has the capacity to accommodate the exportation of electricity into the national network.
115. The existing Combined Heat and Power (CHP) unit has been rated to 240KW, but is capable of operating at 500KW (if sufficient gas is available).
116. The feedstock being used to power the plant is identified as follows all of which are collected from the existing farm holding and lands taken in con-acre as part of the farm business.
 - Cattle Slurries 7,889 tonnes,
 - Grass Silages 8,400 tonnes and
 - Sugar Beet 1,600 tonnes.
117. The proposed feedstock namely silages (EWC code 02 01 03) and slurries (EWC code 02 01 06) remain unchanged and will be sourced from the applicant's landholding within Northern Ireland.
118. The applicant has advised that they control and have access to a sufficient land bank to facilitate all feedstock and plant operations for this scale of on-farm AD plant.
119. The supporting statement explains that the digestate from the AD process will be land spread by umbilical pipe on the surrounding farmland as per normal farming practices, all within the requirements of the Nitrates Directive and the remainder will be spread via tractor and tanker on the outlining farm lands taken in conacre. There is six months storage available at the site given the seasonal nature of spreading.
120. The statement explains that there will not be any intensification of traffic volumes to this proposal; in fact, a reduction has been demonstrated. Consequently, there will not be any traffic impact on the surrounding road network if this application is granted.
121. HSENI offer no objections to the development as constructed or the other elements proposed. In their response dated 20 May 2021 and based on a review of the information provided in this application, HSENI make the assumption that the requirements of the Health and Safety at Work (NI) Order

- 1978, and all relevant statutory provisions, will be met should planning permission be granted.
122. Given the advice received, it is considered there are no issues with respect to public safety. The requirements of the Health and Safety at Work (NI) order 1978 would sit outside of the remit of planning control.
123. In terms of potential adverse impacts on human health or residential amenity advice received from the Councils Environmental Health Unit on 29 July 2022, confirms that they are content with the proposed development in principle, subject to conditions in relation to the following matters:
- Waste Material to be restricted to plant tissue waste, animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site).
 - Reception, handling and storage of feedstock materials shall be restricted to the silage clamps and the slurry storage tanks as shown on the submitted (approved) plans.
 - Storage of digestate shall be restricted to the digestate storage tank as shown on the submitted (approved) plans.
 - Development shall be carried out in accordance with the Air Quality Assessment received by the Council on 3 December 2020.
 - The lighting design shall be in strict accordance with the outdoor lighting report dated 3 August 2021.
 - The noise levels from the operations shall not exceed the predicted levels set out in Table 5 of the Noise Impact Assessment dated 3 December 2020.
 - Within three months of the date of approval, details of the operating sound power levels of the CHP unit shall be submitted to the Council for approval. If the operating sound power level of the selected CHP is greater than the candidate CHP unit then a further noise impact assessment may be required.
 - The use of vehicles associated with the development including delivery of feedstock and collection of digestate shall be restricted to 0800 and 2100 hours.
124. The reason for the conditions are to safeguard amenity with respect to odour, obtrusive light and noise.
125. Advice has also been sought from DAERA - Veterinary Service Animal By-Products and no objection is offered.
126. For the reasons outlined above, it is considered that the development will not result in an unacceptable adverse impact upon human health or neighbouring residential amenity levels.
127. With regard to visual amenity, the development is set back from the Lisleen Road East and it is sited beside a group of established farm buildings within the applicant's farm holding.

128. The structures and buildings associated with the development are no higher than the existing farm buildings. When viewed from the east of the site the development is not visible as a result of rising topography and existing farm dwellings.
129. When viewed from the south east of the site (at the entrance to the laneway serving the site, opposite 21 and 23 Lisleen Road East) the existing buildings, landscaping and the degree of set back from the road ensure that there will be no adverse visual impact caused by the development.
130. When viewed from the south west the existing AD storage tank is considered to be visually connected to the existing agricultural buildings to its east which are at a higher level. Intervening existing hedgerows between the Lisleen Road East and the application site aid with the visual integration of the development.
131. Additional landscaping has been proposed as requested along the southern boundary of the site all of which will further aid the visual integration of the development into the site and local area.
132. With regard to biodiversity and nature conservation considerations, advice was sought from Shared Environmental Services unit, DAERA NED, Regulation and Water Management Units with no objections offered subject to condition.
133. SES confirmed in a response dated 20 June 2022 that this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Lisburn and Castlereagh City Council.
134. Advice is provided that an appropriate assessment in accordance with the Regulations has been carried out on behalf of the Council and that having regard to the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
135. To ensure that the development does not have an adverse effect on the integrity of any European site, SES has however recommended that the following two conditions are associated with any decision:
 - A clearly defined buffer of 10 metres shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the open watercourse present along the western boundary of the proposed site.
 - The applicant shall not deviate from the utilisation method for digestate generated by this proposal, as stated in the four NMP's uploaded to the Northern Ireland Planning Portal on 21 September 2021, without prior written consent from the Council.

136. DAERA NED have been consulted a number of times no objection is offered. The advice provided is based on a review of the information submitted in support of the application.
137. The advice received confirms that they are content that the proposal is unlikely to have an unacceptable adverse impact on non-designated sites within the consultation area.
138. The advice acknowledges that the Air Quality Modelling Report submitted in support of the application indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites.
139. It also confirms that they are content that the majority of the light spill (from the existing floodlights) is less than 1 lux along the boundaries and as such, the proposed lighting is unlikely to significantly impact the local bat population.
140. It is considered that comments received from NED and the SES demonstrate subject to condition that the development will not have an unacceptable adverse impact on biodiversity or nature conservation features within the site or local area.
141. In terms of local natural resources such as air quality or water quality, advice received from DAERA Water Management Unit offers no objection. The advice confirms that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided are content with the proposal subject to condition.
142. DAERA Regulation Unit have also confirmed that they have no objection. The advice received explains that in assessing this application consideration is given to the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.
143. The advice notes that with regards to the proposed development, there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area and as such, the proposed development is considered to present a low risk to the water environment.
144. The Councils Environmental Health Unit offer no objections to the development and as such, it is accepted that no unacceptable adverse impacts with respect to air quality shall arise.
145. The development is located within the applicant's farm on land owned and controlled by them. The supporting information explains that the materials (cattle slurries, grass silages and sugar beet) to be used to supply the anaerobic digestion plant will come from the applicant's farm holding which is in accordance with policy RE 1 where it is expected that proposals be located at, or as close as possible, to the source of the resource needed to supply the material needed to run that particular technology.

146. It is acknowledged that some hedgerow has been removed along the southern boundary of the site. That said, the proposal includes additional landscaping so to mitigate this loss and a condition is recommended to ensure that landscaping is implemented during the first available planting season should planning permission be granted.
147. This application seeks the retention of an existing on farm facility to utilise AD technology to generate renewable energy from agricultural grass silages and cattle slurries already being utilised within the existing farm enterprise. The electrical power produced from the facility is currently exported into the National Grid network. Digestate from the AD plant will be spread on the land not slurry at the appropriate times.
148. The applicant expresses the view that this project enables them to use their own land and current farming systems to help sustain and grow their current agricultural business into the future. The plant will be operated using their own materials. There is no requirement to source any additional inputs from third parties.
149. The applicants land holding consists of approximately 621.37 acres, and as such they will have a sufficient on farm AD facility with an electrical energy yield of approximately 500KW with 100% of the feedstock required for this plant being provided by their own farm holding.
150. Given that the facility will include its own gas fuelled electricity generator, one of the by-products will be the production of thermal heat. It is proposed to harness this heat energy, by utilising the heat within the farm buildings existing hot water drying system. This heat saving will also enable a further fossil fuel saving over current heating practices.
151. The benefits associated with the spreading of digestate instead of slurry, electricity being generated and exported to the National Grid and the use of energy generated by the development so as to reduce dependence upon traditional heating method are illustrative of the wider environmental, social and economic benefits of the development.
152. For the reasons outlined above, the application is considered to comply with all aspects of policy RE1 in that the buildings and infrastructure will not result in any unacceptable adverse impact. Furthermore, the siting of this renewable energy generating facility as part of established on farm practices contributes to renewable energy targets whilst allowing wider environmental, social and economic benefits of the development to be realised.

Planning and Waste Management

153. Whilst principally a renewable energy project on a farm, the raw material used to generate the gas are wastes namely slurry and grass silage. For the purpose of completeness the policy requirements of PPS 11 are also assessed.

Environmental Impact of the Facility

154. Within this context, the environmental impact of the facility is assessed against Policy WM1 of PPS 11.
155. In terms of impact to human health and/or the environment, the assessment above demonstrates that the Council's Environmental Health Unit, SES, Units within DAERA have offered no objection subject to conditions.
156. For the reason outlined above within the context of the consideration of the proposal against the principal policy test in policy RE 1 above, it is considered that the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment.
157. In terms of design, the development (both the retrospective element and the proposed elements) would be visually compatible with the character of the overall farm complex, the surrounding rural area and adjacent land uses. The design is considered to be complementary to the existing agricultural buildings to the east of the site in terms of scale, massing, design and materials/finishes.
158. The site is not located within an AONB or AHSV and for the reasons outlined within the context of Policy RE 1 considerations, the development will not have an unacceptable visual impact upon any area designated for its landscape quality.
159. In terms of vehicle movements and access arrangements, it was initially indicated that an existing unaltered access would be used. As the process evolved and following consultation with DfI Roads the P1 form and drawings were amended to indicate that the access would be altered.
160. DfI Roads in a response dated 22 July 2022 confirmed that they had reviewed the detail of third party representations, the amended access arrangements and the nature and frequency of associated traffic movements. The advice provided confirmed that the development would not prejudice the safety and/or convenience of road users. No issue is raised in relation to the impact of development on the public road network or intensification of the use of an existing laneway.
161. Advice from the Council's Environmental Health Unit offers no objection and as such, it is considered that the development will not constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust.
162. Given the nature and space within the existing farmyard site it is considered that adequate arrangements exist for the parking, servicing and circulation of vehicles consistent with policy.
163. Given the location of the site within the open countryside and the on farm nature of the proposal it is accepted that there is no opportunity for the use of rail and/or water as alternative modes of transport which could service the development.

164. The application site is not within proximity of any built heritage features and as such, it is accepted that it will not have any impacts on any features of built heritage importance and advice from key consultees confirms that the proposed development will not have an unacceptable adverse impact on nature conservation features.
165. With regard to the types of waste used in the process of generating gas these are stored separately on the farm and mixed in a closed system before being fed into, an on farm anaerobic digester. The plant if operated and managed in accordance with best practice will not pose a serious risk to air, water or soil resources.
166. The digestate is a by-product and not classified as a waste for the purpose of being will be deposited on the applicant's farm lands and third party lands taken in con-acre as per detail provided within the NMP. The material will not pose a serious environmental risk to air, water or soil resources as confirmed through advice received from relevant statutory bodies who offer no objection to the proposal.
167. In terms of flood risk, Rivers Agency advise that they have no objections to the development. Planning and Flood risk is considered later in the report within the context of PPS 15.
168. Detail submitted with the development indicates that the development will results in the loss of a section of agricultural lands within the applicant's farm holding of approximately 1.14h. It is considered that the scale of loss would be acceptable.
169. Existing and proposed site sections illustrate that no landfilling is proposed in respect of the development.

Waste Collection and Treatment Facilities

170. The need for the facility is outlined in the statement submitted in support of the application and an assessment of the Waste Management Strategy (WMS) for Northern Ireland provides support for AD plants.
171. The scale and nature of the operation and the fact that this is an on farm plant does not bring it within the meaning of a waste collection and treatment facility and the criteria of policy WM 2 are not considered,
172. Turning to the balance of the policy tests associated with PPS 21, regard is had to Policy CTY 13 and 14.

Integration and Design of Buildings in the Countryside

173. With regard to Policy CTY 13, the site is located adjacent to the applicant's established farm complex.

174. The proposed new agricultural storage and solid separator clamp building located to the east of the existing anaerobic digester tank. It measures approximately 13 x 32 metres with a height of approximately 7 metres. The lower half of the building is shown to be grey blockwork with the upper section kingspan exterior sheeting olive green.
175. The existing feedstock storage clamp structure is to be covered. Detail associated with this alteration indicates that kingspan exterior sheeting will be fitted to the existing clamp retaining wall structure. The roof cover will see the ridge height of this structure from FFL measured to be approximately 8 metres.
176. The development when viewed from surrounding viewpoints the development is visually linked with the existing buildings and is not considered to be a prominent feature in the local landscape.
177. The site is able to provide a suitable degree of enclosure for the development as it is sited to cluster with the existing farm buildings to the east of the site. The existing western boundary will aid the integration of the development and the additional landscaping proposed along the southern boundary of the site will also ensure that the development is visually integrated into the application site and surrounding rural landscape without reliance on new landscaping.
178. Ancillary works relate to low level groundworks associated with internal access arrangements and retaining structures. These works is considered to be visually acceptable.
179. The design of the development is consistent with standard AD plants and the design in terms of its scale, massing, detailing and materials is considered to be visually acceptable to this rural location.
180. It is considered that the development blends into the site to an acceptable degree. It shall utilise the existing farm complex to its east, within the applicants farm holding and in situ boundaries coupled with additional landscaping (along the southern boundary) so as to be a visually acceptable feature within the local area and the site.
181. For the reasons outlined above, it is considered that the proposal complies with Policy CTY 13 as it is of an appropriate design and it can be visually integrated into the surrounding landscape.

Rural Character

182. In relation to Policy CTY 14 and as explained above, the development is not considered to be an unduly prominent feature within the local landscape when viewed from Lisleen Road East as it is no higher than the existing farm complex.
183. As the principle of development is considered to be acceptable when assessed against prevailing policy it is considered that the development would not result

in a suburban style build-up of development when viewed with existing and approved buildings.

184. The development will not alter the pattern of development found within the local area as it is sited adjacent to the applicant's farm yard/complex and it is set back from the public road.
185. There are no issues with regard to ribbon development as the site does not present its frontage to any public road or laneway. Furthermore, the ancillary works are minor in nature and acceptable.
186. For the reasons outlined, it is considered that the proposal complies with Policy CTY 14 and that the development will not cause a detrimental change to, or further erode the rural character of the area.

Development Relying on Non-Mains Sewerage

187. Detail submitted with the application indicates that the development will not generate any sewerage that will require to be disposed of hence it will not create or add to a pollution problem consistent with Policy CTY 16.

Access, Movement and Parking

188. Lisleen Road East is not a Protected Route. As explained above, detail submitted with the application initially indicated that the development would make use of an existing unaltered access to a public road.
189. As the application process evolved and following consultation with DFI Roads detail was amended to indicate that the proposal involved the alteration of an existing access to the public road.
190. The Transport Assessment Form estimates that 4.7 journeys using tractors of different sizes (20t, 26t and 30t) will be made to the site each day. The form confirms that the facility is entirely an agricultural and that there will be no increase in staff or the requirement for additional staff as the plant will be managed by existing staff who currently work at the on-site farm business.
191. The form confirms that traffic associated with the proposed facility will not intensify the use of the existing access [via the Lisleen Road East] and that there will not be any impact on the surrounding infrastructure.
192. The statement submitted in support of the application outlines that the introduction of the AD plant has resulted in an overall decrease in traffic movements using the local highway network.
193. Calculations are appended to the Transport Statement. These demonstrates that there will be a decrease of approximately 3 loads per week (0.5 loads per day) on the surrounding public road network from current farming operations with the introduction of the proposed AD facility.

194. DFI Roads having reviewed the detail of the alterations no objection. The advice received also confirms that they have considered the content of objections, a rebuttal letter submitted by the applicant/agent, and the Transport Assessment and the TAF submitted for consideration.
195. There is no reason to disagree with the advice of the statutory consultee and for the reasons outlined above as no road safety or adverse traffic impacts are identified it is considered that the proposal complies with policy AMP 2 of PPS 3 and that the proposal will not prejudice or inconvenience the safety of road users.

Natural Heritage

196. As explained above within the context of Policy RE 1 considerations, advice received from SES and Units within DAERA (Water Management Unit, Regulation Unit and Natural Environment Division) offer no objection.
197. NED confirm that the proposal is unlikely to have an unacceptable adverse impact on non-designated sites within the consultation area. The Air Quality Modelling Report indicates that the process contribution at this site is <50%, in line with the current policy for habitats outside designated sites. Advice also confirms that they are content that the majority of the light spill (from in situ floodlights) is less than 1 lux at along the boundaries and therefore in this case proposed lighting is unlikely to significantly impact the local bat population.
198. As explained above, SES has considered the application on behalf of the Council in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and advice is received to confirm that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
199. DAERA WMU confirm that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided are content with the proposal.
200. DAERA Regulation Unit acknowledge that the proposal could impact on environmentally sensitive receptors including groundwater and surface water but advise that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area and that the proposed development is considered to be a low risk to the water environment.
201. Taking the above into consideration it is considered that the development as proposed will not have any adverse impacts upon any features of natural heritage importance within the site or within the local or regional area and that the requirements of policies NH 1 and NH 5 are met in full.

Planning and Flood Risk

202. Rivers Agency offer no objections to the proposed development.
203. With regard to Policy FLD 1 advice confirms that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
204. In relation to Policy FLD 2 advice is provided that an undesignated watercourse is located adjacent to the western boundary of the site.
205. In accordance with paragraph 6.32 of the justification and amplification to the policy, it is advised that an adjacent working strip along a watercourse is required to facilitate future maintenance by DFI Rivers, other statutory undertakers or the riparian landowners.
206. A Conceptual Drainage Layout Drawing contained within the Drainage Assessment illustrating an appropriate working strip is noted in the advice and for this reason, an objection on policy FLD 2 grounds is not offered.
207. In relation to Policy FLD 3, following a review of the Drainage Assessment and submission of Schedule 6 Consent (dated 5th July 2021) Rivers Agency confirm that they accept the logic of the Drainage Assessment and have no reasons to disagree with its conclusions. The advice notes that the drainage proposals are preliminary and a condition requiring the submission of the final drainage proposal is recommended.
208. For the reasons outlined above, it is considered that the development complies with the relevant tests associated with policy FLD 2 PPS 15 and that no issues of concern in respect of flooding will arise.

Power/Grid Connection

209. It is noted that this application seeks permission in the main for the retention of an operational AD Plant. It has been outlined within supporting information provided that the connection to the Grid is located within the site and that no new or additional infrastructure is required to operate a larger CHP.
210. The site history is noted in that the AD plant was built without planning permission and was considered to be Permitted Development (enforcement case LA05/2018/0067CA was closed 27 April 2018) until it was found that it was operating beyond the PD threshold of 200KW when a new enforcement file was opened on 20 November 2019.
211. The previous history of a plant built as permitted development is a material consideration to be afforded significant material weight in the decision making process as the same plant and equipment is used to generate gas and the impact of what is proposed now is not significantly different and can be controlled by planning condition and through a licensing process.

212. If other feedstocks were proposed other than grass silage and slurry then an application to operate this as a waste facility would be required and would be subject to assessment against policy WM 2 of PPS11.

Consideration of Representations

213. A number of objections have been received in respect of this application. 24 objections and a 5 petitions of objection with 125 signatures.
214. Following an assessment of the objections as submitted the following issues of concern are noted;

AD plant has already been in operation for a number of years now.

215. The planning history of the site is noted and it is acknowledged that the AD plant has been in operation for a number of years. Initially, it was found to be operating within the remit of Part 7, Class D of the GPD Order 2015 'Agricultural Buildings and Operations'. In turn following further investigations it was found that the development was not operating within the parameters of Part 7, Class D of the GPD Order 2015. In turn, this application has been submitted in an attempt to regularise the development with additional elements as submitted.

Road Safety and Traffic concerns (increase in number of vehicles (commercial & agricultural) using the local road network, which are difficult to pass, with inadequate 'pull in' points along the road.

216. DFI Roads have been consulted within the processing of this application and they are aware of concerns raised as above. However, it is seen that they offer no objections to the development on the basis of the information provided within the detail of this application, including objections as lodged. As such to refuse this application on the basis of adverse impacts upon road safety/traffic concerns would not be sustainable.

Environmental issues (leakage of gas or other effluent from the plant may impact local flora/fauna and has to date impacted upon local residents enjoyment of the local area/countryside).

217. Relevant bodies have been consulted with during the processing of this application. These include DAERA, the SES, LCCC EHO and the HSENI. They all offer no objections to the development. The application is considered on the basis of the information provided and no concerns have been raised from relevant consultees in respect of the above issues. LCCC EHO have outlined they have no objections, illustrating that no concerns worthy of a refusal recommendation in respect of 3rd party amenity levels (noise, odours and/or vermin) shall arise.

Concern that proposed installation of a weighbridge as indicated within this application is an illustration that additional materials shall be delivered to the plant from outside of the applicant's farm (leading to increase in traffic).

218. All information provided within this application outlines that the feedstock (silages, slurries and sugar beet) will be/are sourced from the applicant's landholding within Northern Ireland and be delivered to the site. This is considered to be acceptable. It is outlined that the weighbridge proposed is to assist in providing information (to the applicant) regarding weighing product in and out of the existing agricultural premises, from recording crop yields of individual fields to getting the accurate weight of a trailer load of silages or other materials being sold to 3rd parties etc. Another reason for the weighbridge is to ensure that a vehicle leaving the farm is road safe, with the appropriate load per axle. Another benefit is that the farm business can monitor and check the quantity of fuels, fertiliser or seed being delivered to the holding and also the quantity of grain, hay or other commodities leaving the farm. It can also be used for weighing livestock. It is considered that the outlined justification for the weighbridge is acceptable and it would not be seen to be an indication that materials out with the applicant's farm holding shall be delivered to the plant in respect of the development hereby application for (AD Plant).

Request that a full survey is carried out by Roads Service and a full Environmental Impact Assessment also takes place before any decision is made.

219. Within the processing of this application DFI Roads have been consulted on the basis of all information provided for consideration, including 3rd party representations. They are noted within their last consultation response to offer no objections to the development. A determination as to whether the application was/is for EIA development was undertaken by the Council, under Regulation 12(1), of the Planning (EIA) Regulations (NI) 2017. It is seen that the development falls within Category 11(B) and Category 3(A) of Schedule 2 of the Planning (EIA) Regulations (NI) 2017. In this instance it was determined that the application does not need to be accompanied by an Environmental Statement (ES) and that the impact of the development is considered through the submission of discrete reports. .

The farm (site) is gradually being turned into a waste management unit operating on a near industrial scale, involving the importation of feedstock from sources external to the farm.

220. Assessment of this development has been undertaken on the basis of the information presented to Council. It is seen that it has been outlined within the supporting information provided that the feedstock that the applicant is using is derived from his own landholding.
221. It is also noted that the applicant is in control of an extensive land bank covering circa 621 acres. The farm maps submitted illustrates that the applicant's farm holding is spread out over a large area, with a number of

sections/fields being seen to be remote from the applicants address/farm complex. This is seen to be a normal make up of a large farm holding. The importation of feedstuff from lands under the applicants control to the development (AD Plant) would be seen to be acceptable. No contrary evidence has been provided to the Council to substantiate the claim that feedstock not produced within the applicants farm holding is being brought to the site.

Damage caused to road as a result of heavy traffic to and from the site (farm).

222. Any on-going maintenance to the public road would be a matter for DfI Roads to keep under review as part of their statutory duty and outside of the control of the planning process.

Do not accept figures provided within application in relation to traffic movement to and from the site & the conclusion the plant will actually marginally reduce traffic is at odds with personal experience.

223. All planning applications are assessed on the basis of the information provided for consideration. DfI Roads have been consulted a number of times and are seen to offer no objections. They outlined within their response that they took account of all information provided for consideration, including third party objections as lodged. No evidence to refute the information submitted for consideration has been provided.

Traffic movements generates noise and dust (due in part to the poor state of the road) which has a negative impact upon neighbouring residential amenity.

224. It would not be sustainable to refuse this application on the basis of noise and dust on the public road. The poor state of the road network may be linked to other farming operations not solely this development. A heel wash is not recommended and the cleanliness of the public road is an issue for DfI Roads and potentially the PSNI (if unsafe).

Floodlights potentially result in undue harm to bats and result in a loss of amenity due to intrusive light at night.

225. Following consultation with DAERA Natural Environment Division (NED) no objections is offered to the development. They outline that using the information submitted (Outdoor Lighting Report) that they are content that the majority of the light spill is less than 1 lux at along the site boundaries and outline that the proposed lighting is unlikely to significantly impact the local bat population. Likewise, LCCC EHO have outlined that they have no objection in principle to the development and in relation to the floodlights outline that the submitted Outdoor Lighting Report demonstrates that the light levels at all adjacent receptors will be less than 1 lux. This is deemed to be acceptable.

AD Plant is a blight on the landscape with no attempts made to integrate it into the landscape via hedge/tree planting.

226. The visual impact of the development has been assessed as part of this application and it is considered to be acceptable. The development is set back from the public road and is sited adjacent to existing farm outbuildings within the applicant's farm holding. The buildings and structures are typical of those found on farm holdings. Additional landscaping shall be provided along the southern boundary of the site, to further aid with the integration of the scheme into the local landscape.

Drone from plant when operational heard inside house

227. LCCC EHO have been consulted and are seen to offer no objections on the basis on noise. There is no reason to disagree with this advice and no contrary noise impact assessment is submitted for consideration. .

Floodlights are an eyesore

228. Visually it is considered that the development in its entirety is acceptable within the local landscape. The floodlights are noted and are considered to be acceptable.

Concern that vehicles servicing the development are damaging the public road surface.

229. The above issue would fall outside of the remit of planning control and would be a matter for DFI Roads.

Environmental impact (gas leakage and effluent leakage) of the development has a negative impact upon resident's enjoyment of the local countryside.

230. The application as submitted is considered to be acceptable. LCCC EHO have outlined that they have no objections to the development, indicating that no adverse impacts shall arise in respect of odours, noise and/or vermin. In the event that leakages arise from the plant this would be a matter for relevant authorities depending upon the nature of the leak.

Extreme lighting having adverse impact upon residential amenity levels as it is like living next to a football stadium.

231. LCCC EHO unit have been consulted on this issue and they have outlined that they have no objections to the development. They are content with the impacts of the floodlights as proposed, outlining that the submitted Outdoor Lighting Report demonstrates that the light levels at all adjacent receptors will be less than 1 lux. This is deemed to be acceptable.

The inclusion of a weighbridge within the application implies that 3rd party catering waste and crop residues from food producers will also be transported on a frequent basis to the AD facility.

232. All applications are assessed on the basis of the information provided for consideration. It is outlined that the AD plant is to be fed with slurry, silage and sugar beet. It has also been outlined within the supporting information as to why the applicant is proposing to provide a weighbridge within the site. Based upon the information provided this is deemed to be acceptable. If other feedstock(s) outside of that approved for use within the development are brought onto the site and used, this would be a matter for the planning enforcement section to investigate.

A retrospective planning application for retention of flood lighting similar to the proposed floodlighting scheme was previously refused by LCCC (LA05/2018/0448/F).

233. The above site history is noted. The floodlighting within this application has been assessed by DAERA NED and LCCC EHO unit and it is seen that no objections have been provided. Therefore, the floodlighting is deemed to now be acceptable.

Negative impact upon human health from air quality pollutants/odour. Pungent odours are experienced on a frequent and daily basis.

234. LCCC EHO unit are seen to have been consulted in respect of this application on the basis of the information provided for consideration. In turn they are seen to offer no objections. It is therefore contended that no adverse impact from odours that would warrant the refusal of this application shall arise.

Environmental and landscape impact resulting from the development size and location and the removal of hedgerows from adjacent fields outside of the 1st March-31 August season is contrary to The Wildlife and Natural Environment (NI) Act 2011.

235. A full assessment of the development has been undertaken taking into account all information provided, including third party objections and consultation responses. The development is deemed to be acceptable when assessed against prevailing planning policy. An assessment of aerial images would indicate some hedge removal has taken place. However, the Council has no evidence before it that this took place during the bird breeding season.

No detailed landscape or planting scheme to improve or integrate the visual impact on the sensitive drumlin landscape has been provided.

236. Additional landscaping shall be provided along the southern boundary of the site which shall aid with the further integration of the development into the local landscape.

The development is in the countryside and does not integrate into its setting, respect rural character, and is not appropriately designed'.

237. Following a full assessment against all prevailing planning policy it is contended that the development is in keeping with the provisions of the SPPS and relevant Planning Policy Statements.

Will/does the facility produce toxic emissions? What safety procedures are in place currently and will be for this planning application?

238. Within the processing of the application relevant bodies have been consulted with and they are seen to offer no objections to the same. As such it is seen that there will be no toxic emissions produced. The HSENI have been consulted and no issues of concern with regard to Health and Safety are identified.

The amount of lighting columns in use has gradually increased. It is absolutely clear that the applicant is not conforming to the previous nor proposed condition that the amenity of neighbouring dwellings is protected with respect to obtrusive light.

239. This application has been assessed upon the basis of the information provided within it. In respect of lighting, it seeks permission for 5 no. erected lighting columns. The information provided in support of the application has been provided on this basis and has been considered to be acceptable. Some of the lights illustrated upon the image provided appear to be outside of the application site.

I believe contrary to PD rights for anaerobic digestion plants that this is being used as a commercial waste site and it is not limited to the use only of materials generated on the agricultural unit on which the plant is located.

240. This application has been assessed on the basis of the information provided for consideration. No application is made to operate this as a waste facility and food waste is not a European Waste Code included as part of the application. Supporting information provided within this application indicates that development is to only utilise slurry, silages and sugar beet.

241. The enforcement section of the planning unit are seen to have investigated the 'Alleged use of unauthorised feedstock material for Anaerobic Digestion Facility'. The case was closed, 27 September 2021, as no evidence was found of unauthorised feedstocks being used to service the AD Plant.

The applicant has not addressed potentially explosive dangers inherent on this site and may have to include a revised Health and Safety report to include a "blast zone" action report.

242. This is not a form of development that falls to be assessed against the COMAH regulations. The HSENI have also been consulted and are seen to be content indicating no issues of concern with regard to Health and Safety.

Issues of concern in respect of the development operating without planning approval and implications regarding the developer's public liability insurance in the event of an accident/claim.

243. The above issue would be a matter between the developer and his insurance company.

Description of the development is ambiguous as it does not define the scale of the AD Plant –in particular the energy generation 'KW' is omitted.

244. An amended P1 application form was submitted with the energy generation of the development stated. Re-advertisement and re-neighbour notification of this was undertaken as required.

Application lacks important information in relation to the CHP.

245. LCCC EHO are aware of the above issue and in turn have requested that a condition of approval is that 'Within three months of the date of approval, details of the operating sound power levels of the Combined Heat and Power Plant (CHP) unit shall be submitted to the Council for approval. If the operating sound power level of the selected CHP unit is greater than the candidate CHP unit then a further noise impact assessment may be required'. This is requested so that amenity with respect to noise can be protected. The submitted noise report outlines that 'the final selection of CHP unit has yet to be determined and hence modelling has been based on a candidate CHP unit', potentially indicating that the developer intends to change the CHP unit in the future. The condition requested by LCCC EHO is considered to be acceptable.

Grass silage/beet is not a waste and it follows that it does not have a requirement for a EWC Code.

246. Grass silage is a plant and EWC code 02 01 03 refers to plant tissue waste which is seen to be appropriate.

Absence of consideration of construction works particular in the context of a part retention scheme.

247. Only the planning merits of the development can be assessed within a planning application. Other regulations in relation to the construction of the development would not fall within the remit of planning control. It is the developer's responsibility to ensure that they comply with all regulations applicable to such a development, both those in respect of planning control and those outside of planning control.

Trust that a HRA will be undertaken.

248. A HRA assessment has been undertaken within the processing of this application. LCCC in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report,

and conclusions therein, prepared by Shared Environmental Service, dated 20 June 2022. This found that the project would not have an adverse effect on the integrity of any European site.

Would expect that consultation with HSENI and Public Health is required for this type of development.

249. Both the HSENI and LCCC Environmental Health unit have been consulted within the processing of this application and are seen to have no objections for the reasons outlined above.

Negatively impact house prices in the area.

250. Devaluation is not a matter given significant material weight in the application process as the link between the operation of an AD plant on a working farm cannot be linked to the value of neighbouring properties were no impact in terms of noise, nuisance or adverse visual impact can be demonstrated or sustained.

Flood risk - it has been noted that the corner of the road near this site has flooded many times with water being left to run onto the it causing hazardous driving conditions, subsidence and potential water pollution.

251. Rivers Agency have been consulted and are seen to offer no objections to the development. It is considered that no issues of concern shall arise in respect of flooding etc.

Conclusions

252. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposal complies with both the SPPS and Policy CTY 1 of PPS 21 in that it has been demonstrated that it is an acceptable form of Renewable Energy development in the countryside.
253. The application is considered to comply with all aspects of Policy RE1 in that the buildings and infrastructure will not result in any unacceptable adverse impact. Furthermore, the siting of this renewable energy generating facility as part of established on farm practices contributes to renewable energy targets whilst allowing wider environmental, social and economic benefits of the development to be realised.
254. In addition the proposal meets the policy requirements of the SPPS and policy WM 1 of PPS11 Planning and Waste Management in that it has been demonstrated that the criteria associated with the environmental impact of a Waste Management Facility in so far as they are relevant to the proposal have been met.

255. The proposal complies with the SPPS and policies CTY 13 and 14 of PPS 21 in that the detail provided demonstrates that the site can be visually integrated into the surrounding landscape and that it is of an appropriate design for its rural location and that it will not cause a detrimental change to, or further erode the rural character of the area.
256. The proposal complies with the SPPS and policies NH 1 and NH5 of PPS 2 in that the proposed development is unlikely to harm or cause a negative impact on any natural heritage or conservation features.
257. The proposal is considered to comply with the SPPS and Policy AMP 2 of PPS 3 in that the proposed alterations to the access arrangements would not prejudice road safety or significantly inconvenience the flow of traffic.
258. The proposal is considered to comply with the SPPS and Policy FLD 2 of PPS 15 in that the detail demonstrates that the development and associated drainage solution do not present a flood risk to people, property or the environment.

Recommendations

259. It is recommended that planning permission is approved.

Conditions

260. The following conditions are recommended:

1. The development as described to be retained within this application is retrospective. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: Part of the development as described is retrospective in nature.
2. Within 3 months of the date of this permission and prior to the approved plant operating at 500kw capacity the proposed works included in this application namely the erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping shall be completed.

Reason: To ensure the plant is operated, managed and maintained properly
3. Any waste material brought on site shall be restricted to the following EWC codes; 02 01 03 (plant tissue waste), and 02 01 06 (animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site.

Reason: To safeguard amenity with respect to odour.

4. Reception, handling and storage of feedstock materials listed in condition [insert number] shall be restricted to the silage clamps and the slurry storage tanks as shown on the approved plans.

Reason: To safeguard amenity with respect to odour.

5. Storage of digestate shall be restricted to the digestate storage tank as shown on the approved plans.

Reason: To safeguard amenity with respect to odour.

6. Development shall be carried out in accordance with the Air Quality Assessment received by the Council 3 December 2020.

Reason: To safeguard amenity with respect to odour.

7. The lighting design shall be retained and operated in strict accordance with the outdoor lighting report dated 3 August 2021.

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

8. The noise levels from the operations shall not exceed the predicted levels set out in the Table below.

Reason: To safeguard amenity with respect to noise.

9. Within three months of the date of approval, details of the operating sound power levels of the Combined Heat and Power Plant (CHP) unit shall be submitted to the Council for approval. The CHP shall be operated in accordance with the approved levels. If the operating sound power level of the selected CHP unit is greater than permitted then all operations should cease until a scheme of noise mitigation is submitted to and agreed in writing by the Council.

Reason: To safeguard amenity with respect to noise.

10. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 12, bearing the date stamp 22 June 2021, prior to any of the proposed development hereby permitted becoming operational. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

11. The access gradient to the proposal 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 or verge, 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.

12. Within 3 months of the date of this approval, 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.

13. A clearly defined buffer of 10 metres shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc... and the open watercourse present along the western boundary of the proposed site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

14. The plant shall be operated in accordance with the utilisation method statement for digestate, as stated in the four NMP's dated 21 September 2021. Any changes to this should be agreed in writing with the Council.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

15. Within 3 months of the date of this approval, a final drainage assessment, containing a detailed drainage network design must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

16. 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. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance.

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

17. After completing the remediation works under Condition x and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

18. All hard and soft landscape works shall be carried out in accordance with Drawing No. 05 bearing the Lisburn and Castlereagh City Council date stamp 1st December 2020 and the approved details. The works shall be carried out no later than six months from the date of this permission.

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

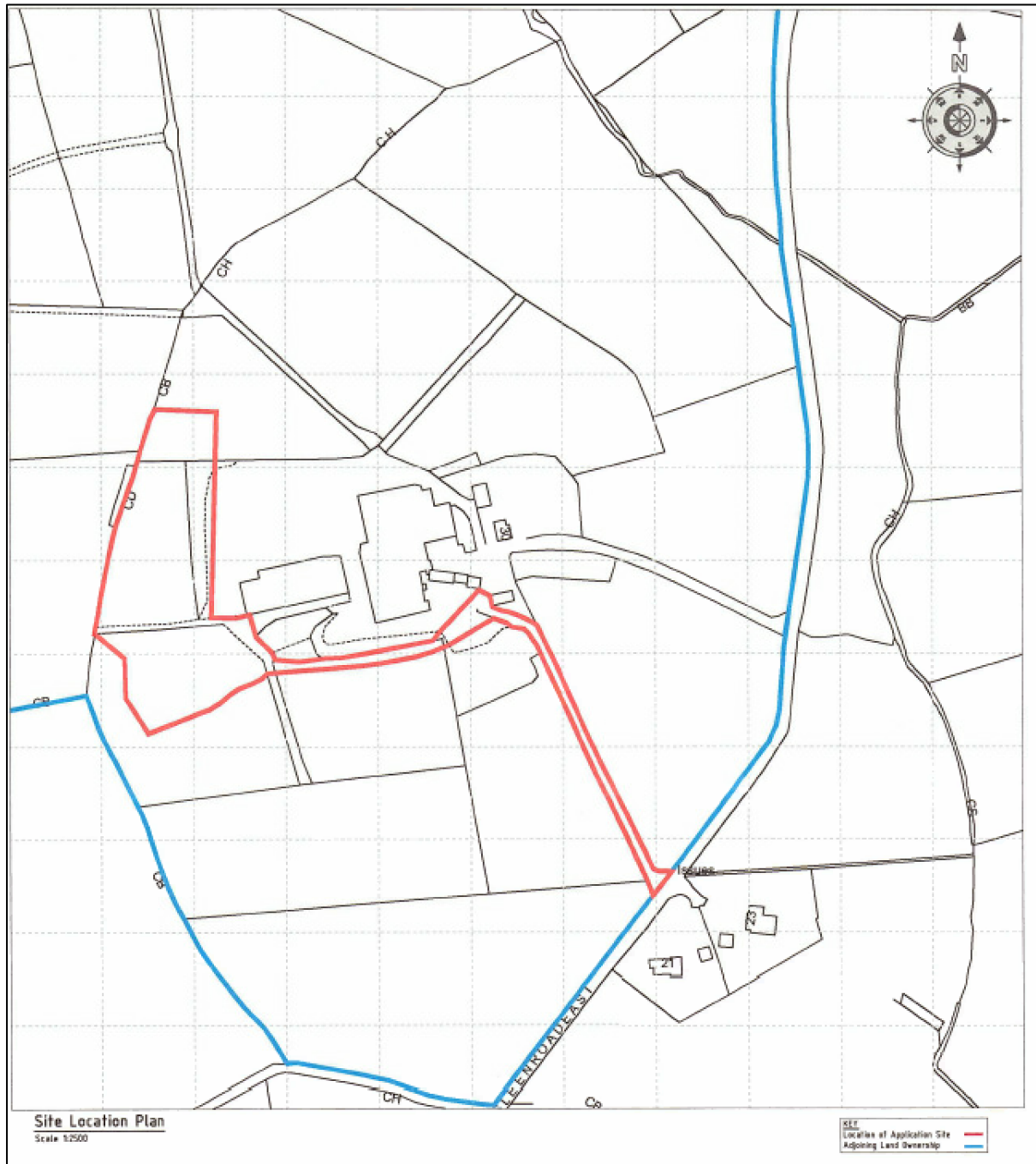
19. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that 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.

20. No retained tree as identified on Drawing No. x bearing the Lisburn and Castlereagh City Council date stamp xx and the approved details 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 – LA05/20200998/F



Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0598/F
Date of Application	16 June 2022
District Electoral Area	Lisburn North
Proposal Description	Change of use of a loading bay to a parklet adjacent to The Cardan, Lisburn.
Location	The Cardan Bar & Grill 41 Railway Street Lisburn
Representations	One
Case Officer	Richard McMullan
Recommendation	Approval

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposal complies with the core principles of the SPPS. There are no in principle policy objections to creating new open spaces in Lisburn City Centre.
2. Parklets are a relatively new innovation in urban environments and are encouraged in terms of a general principle of enhancing the overall quality of our places and making urban spaces more accessible to local communities. This is consistent with the core principles of positive place making outlined at paragraphs 4.23 to 4.36 of the SPPS.
3. In respect of the core principle of safeguarding residential and work environments at paragraph 4.12. The proposed change of use is unlikely given its location to give rise to any significant adverse amenity impacts as a result of general nuisance or noise.

4. The temporary structure is not visually intrusive given its height, scale and massing. How it impacts on the setting of the listed building and conservation area are dealt with later in the report. No adverse environmental impacts are identified.
5. The proposal complies with the SPPS and Policies AMP 2 and AMP 7 in that the detail demonstrates that the proposal will not prejudice the safety and convenience of road users as alternative arrangements are available for the servicing of the adjacent business.
6. The proposal complies with paragraph 6.5 of the SPPS and Policy BH 12 of PPS 6 in that the nature and scale of the proposed parklet will not impact on the setting of the conservation area. Furthermore, the detailing and design of the parklet is visually acceptable and serves to enhance the character and appearance of this part of the conservation area in that it provides a pleasant seating area which brings benefits to the community and contributes to the economic regeneration of the area.
7. The proposal complies with paragraph 4.11 of the SPPS and Policy BH 12 of PPS 6 in that the nature and scale of the proposal will not result in environmental problems such a noise, nuisance or disturbance that would be detrimental to the particular character of the Conservation area.
8. The proposal complies with paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 in that the detail submitted demonstrates that the nature and scale of the proposal will not adversely affect the setting of a listed building.

Description of Site and Surroundings

Site

9. This site is located upon the southern side of Bachelors Walk, Lisburn, adjacent to its junction with Railway Street and the Magheralave Road in front of the Cardan Bar and Grill and comprises part of the public road demarcated as a loading bay.

Surroundings

10. The on a street with a mix of commercial, civic and residential uses. Lisburn Train Station is located to the site is located north of the site.

Proposed Development

11. This is a full application for Change of use of a loading bay to a parklet.
12. Parklets are defined as a small seating area or green space created as a public amenity on or alongside a pavement, especially in a former roadside parking space.
13. This use is linked to but not exclusively for the patrons of the business premises and the temporary structure is not designed to be a pop up outdoor café.

Relevant Planning History

14. Planning history associated with the application site is a below;

Reference	Location	Proposal	Decision
S/2012/0430/F	Lisburn City Centre principally including Market Square Bow Street Pipers Hill	Environmental improvements including the formation of a new civic events space, high quality surface materials, water features, seating, feature lighting and tree/shrub planting	Approval

Consultations

15. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objections
DfI Roads	No objections
HED Monuments	No objections
HED Buildings	No objections
LCCC Conservation Unit	No objections

Representations

16. One representation has been received on this proposal. This representation is available to view on the Planning Portal via the following link

<https://epicpublic.planningni.gov.uk/publicaccess/applicationDetails.do?activeTab=externalDocuments&keyVal=RDKHP7SV30000>

17. The issues raised in this representations has been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

18. The relevant policy documents are:

- The Lisburn Urban Area Plan 2001
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS), published in September 2015
- Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
- Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage.

19. The relevant guidance is:
- Development Control Advice Note 15 - Vehicular Access Standards.
 - Lisburn Conservation Area Booklet

Local Development Plan Context

20. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
21. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
22. As a consequence, the Lisburn Urban Area Plan 2001 is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
23. In both the statutory development plan and the draft BMAP, the application site is identified in within the defined settlement limits of Lisburn.
24. The site also falls within the following designations;
- a. Lisburn Conservation Area
 - b. Lisburn City Centre
 - c. Area of parking restraint
25. Page 81 of the Lisburn Urban Area Plan 2001 states that

All prevailing regional development control policies will apply in Lisburn Town Centre. These are currently set out in the various Planning Policy Statements published to date and in "A Planning Strategy for Rural N. Ireland".

26. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPS's, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may

also be issued to illustrate how concepts contained in PPSs can best be implemented.

27. Policy LC 60 (Draft BMAP) , Lisburn Conservation Area Additional Design Criteria states that

- New or replacement buildings shall replicate existing forms, layout, materials and detailing of the buildings within the area.
- The same standards of detailing and design will be applied to all development whether on the street frontage or to the rear of buildings and whether exposed or hidden from public view.
- Facing bricks shall not be used in finishes except in chimney stacks and shop window opening shall be retained.
- Existing historic structures located behind the principle premises that form the street frontage shall be retained.
- New works shall not disrupt the existing silhouette of a roof.
- Existing structures located behind the principle premises that form the street frontage shall be retained.
- The retention of existing historic ancillary structures shall take precedence over the requirements of additional vehicle access.
- The enlargement of existing ground floor windows and door openings in street facades shall be carried out in a traditional manner.

Regional Policy Context

28. The SPPS states that,

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

29. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

30. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

31. 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.

32. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

33. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

34. Paragraph 4.12 of the SPPS states

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

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

36. Paragraph 4.23 of the SPPS states

Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel.

37. Paragraph 4.36 of the SPPS states

Planning authorities must also ensure that, where relevant, the planning process takes account of the 10 qualities of urban stewardship and design set out in the 'Living Places Urban Stewardship and Design Guide' for Northern Ireland, and planning guidance contained within 'Building on Tradition: a Sustainable Design Guide for the Northern Ireland Countryside'.

38. Paragraph 6.3 of the SPPS states

The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

39. Paragraph 6.12 of the SPPS states

Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

40. Paragraph 6.18 of the SPPS states

In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.

41. Paragraph 6.19 of the SPPS states

In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:

- *be sympathetic to the characteristic built form of the area;*
- *respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;*
- *not result in environmental problems such as noise, nuisance or disturbance;*
- *protect important views within, into and out of the area;*
- *protect trees and other landscape features contributing to the character or appearance of the area;*
- *conform with the guidance set out in any published Conservation Area design guides; and*
- *only consider the demolition of an unlisted building where the planning authority deems that the building makes no material contribution to the*

character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site

Open Space, Outdoor Sport and Recreation

42. A parklet is considered to be an area of public amenity as described earlier in the report.
43. At Annex A of this document open space is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity
44. A parklet is taken to be a civic space as described at typology (ix) which includes civic and market squares and other hard surface areas designed for pedestrians.
45. It has multiple functions including providing:
 - (ii) urban quality - helping to support regeneration and improving quality of life for communities by providing visually attractive green spaces close to where people live; and
 - can be used (v) as a community resource – a place for congregating and for holding community events.
46. No open space is lost as the land is currently used as a parking space and loading bay. There are no specific policies in PPS8 that deal with the creation of new open spaces in urban environments that are not in proposed residential areas.

Access, Movement and Parking

47. This document 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.
48. 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.

49. 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.

Development Control Advice Note 15 – Vehicular Access Standards

50. 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

51. Paragraph 6.5 of PPS 6 – Planning, Archaeology and the Built Heritage sets out general criteria relevant to the consideration of all listed building consent applications and planning applications affecting a listed building. The issues relevant to the consideration are as follows:

- (a) the importance of the building, its intrinsic architectural and historic interest and rarity, in the context of Northern Ireland and in local terms;
- (b) the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
- (c) the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and
- (d) the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

52. Policy BH 11 of PPS 6 Development affecting the Setting of a Listed Building states;

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

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

53. Policy BH 12 New Development in a Conservation Area states

The Council will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) *the development preserves or enhances the character and appearance of the area;*
- (b) *the development is in sympathy with the characteristic built form of the area;*
- (c) *the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;*
- (d) *the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;*
- (e) *important views within, into and out of the area are protected;*

- (f) *trees and other landscape features contributing to the character or appearance of the area are protected; and*
- (g) *the development conforms with the guidance set out in conservation area documents.*

Assessment

- 54. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.
- 55. The structure is temporary in nature and is approximately 10 metres in length and is approximately 1.7 metres in height. The materials to be used in its construction will include structural steel beams and timber boards. No foundation is required and the structure sits on the pavement.
- 56. There are no in principle policy objections to creating new open spaces in Lisburn City Centre.
- 57. Parklets are a relatively new innovation in urban environments and are encouraged in terms of a general principle of enhancing the overall quality of our places and making urban spaces more accessible to local communities. This is consistent with the core principles of positive place making outlined at paragraphs 4.23 to 4.36 of the SPPS.
- 58. In respect of the core principle of safeguarding residential and work environments at paragraph 4.12 the site is not immediately adjacent to any existing residential properties and in front of an existing bar/restaurant. It is also close to the local train station. The proposed change of use is unlikely given its location to give rise to any significant adverse amenity impacts as a result of general nuisance or noise.
- 59. The temporary structure is not visually intrusive given its height, scale and massing. How it impacts on the setting of the listed building and conservation area are dealt with later in the report. No adverse environmental impacts are identified.

Access, Movement and Parking

- 60. The P1 Form indicates that the access arrangements for this development involve the use of an existing unaltered access to a public road.
- 61. The development as proposed will result in the loss of a loading bay within Lisburn City Centre. This loading bay is currently used intermittently for deliveries by The Cardan. That said detail indicates that all deliveries will now take place within the loading zone in front of the Wineflair (accessed off of Railway Street). This location is in close proximity to the Cardan and it has been advised this will be acceptable to all involved.

62. DfI Roads have considered the detail and offer no objection. Based on the advice provided, it is considered that the proposal will not adversely impact the flow of traffic within the local area as arrangements have been made for the use of an adjacent loading zone.
63. It is considered that the proposal complies with policy AMP 2 of PPS 3 and would not prejudice the safety and convenience of road users.
64. It is further considered that whilst a loading bay is lost as a consequence of the proposed change of use it would not impact adversely on the servicing of existing businesses as adequate and alternative arrangements remain available. The requirements of policy AMP 7 of PPS 3 are still met.

Built Heritage

65. Given that the proposed site is within close proximity the Carden Bar building which is a listed structure, advice is sought from Historic Environment Division.
66. It is further outlined that HED (Historic Buildings) are content with the proposal as it is located in front of the modern extension to the bar/restaurant and uses sympathetic and quality materials that respect those found on the listed building.
67. A response from Historic Buildings confirms that they have considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal without conditions under Paragraph 6.12 (setting) & 6.15 of the SPPS and Policy BH11 of PPS 6.
68. A response from Historic Monuments outline that on the basis of the information provided they are content that the proposal is satisfactory to the SPPS and PPS 6 archaeology policy requirements.
69. HED note that the application site is located within Lisburn Conservation Area and defers to the conservation officer to comment on the impact of the proposal on the character and appearance of the Conservation Area.
70. The Councils Conservation officers has confirmed that the proposed development is in keeping with the additional design criteria associated with Policy LC 60 in that the detailing and design of the parklet is visually acceptable within the designed Conservation Area.
71. Advice is also provided that the development is in keeping with the requirements of points A-D of paragraph 6.5 of PPS 6.
72. As explained, the parklet is proposed to be development on land associated with the loading bay to the front of a modern extension. Its nature and scale

will result in a detrimental impact as the extension has already suffered from unsympathetic alterations to doors and windows etc.

73. It is acknowledged that the building at 41 Railway Street (The Carden) forms an important focal point when travelling from the Railway Station. The proposal will not detract from the principle listed building and its contribution to the entire local scene nor will it cause harm to views into and out of the Conservation area.
74. It is also considered that the proposal will provide for a public seating area which will bring benefits to the community and contribute to economic regeneration of the area.
75. Based on advice received and taking into account the nature of the proposed development, it is considered that the development will enhance the character and appearance of the area and that the materials respect the characteristics of adjoining buildings in the area and its operation will not result in environmental problems such as noise, nuisance or disturbance.

Amenity

76. In terms of the potential impact that the proposal may have on the amenity of any adjacent properties, Environmental Health in a response dated 30 June 2022 offer no objection in principle.
77. Based on the advice received and the nature of the proposed development, it is considered that there will be no undue issues in respect of noise, nuisance or disturbance consistent with paragraph 4.11 of the SPPS and Policy BH 12 of PPS 6.

Consideration of Representations

78. Concern is raised that the parklet is proposed on land associated with a loading area and that this is the equivalent to two parking spaces. This loading area currently supports the bar and many adjacent shop units.
79. Detail submitted with the application explains that the loading bay is currently used intermittently for deliveries by The Cardan. It is explained that all deliveries will now take place within the loading zone in front of the Wineflair (accessed off of Railway Street). As explained above adequate alternative arrangements are available.
80. DfI Roads have also been consulted in relation to the road safety and traffic impacts of losing a loading bay they do not offer any objection. The Council has no reasons to disagree with the advice of the statutory roads authority.

Conclusions

81. The proposal complies with the core principles of the SPPS. There are no in principle policy objections to creating new open spaces in Lisburn City Centre.
82. Parklets are a relatively new innovation in urban environments and are encouraged in terms of a general principle of enhancing the overall quality of our places and making urban spaces more accessible to local communities. This is consistent with the core principles of positive place making outlined at paragraphs 4.23 to 4.36 of the SPPS.
83. In respect of the core principle of safeguarding residential and work environments at paragraph 4.12. The proposed change of use is unlikely given its location to give rise to any significant adverse amenity impacts as a result of general nuisance or noise.
84. The temporary structure is not visually intrusive given its height, scale and massing. How it impacts on the setting of the listed building and conservation area are dealt with later in the report. No adverse environmental impacts are identified.
85. Polices AMP 2 and AMP 7 in that the detail demonstrates that the proposal will not prejudice the safety and convenience of road users as alternative arrangements are available for the servicing of the adjacent business.
86. The proposal complies with paragraph 6.5 of the SPPS and Policy BH 12 of PPS 6 in that the nature and scale of the proposed parklet will not impact on the setting of the conservation area. Furthermore, the detailing and design of the parklet is visually acceptable and serves to enhance the character and appearance of this part of the conservation area in that it provides a pleasant seating area which brings benefits to the community and contributes to the economic regeneration of the area.
87. The proposal complies with paragraph 4.11 of the SPPS and Policy BH 12 of PPS 6 in that the nature and scale of the proposal will not result in environmental problems such a noise, nuisance or disturbance that would be detrimental to the particular character of the Conservation area.
88. The proposal complies with paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 in that the detail submitted demonstrates that the nature and scale of the proposal will not adversely affect the setting of a listed building.

Recommendations

89. It is recommended that planning permission is approved.

Conditions

90. The following condition is recommended:

1. The temporary structure hereby permitted shall be removed and the land restored to its former condition within five years from the date of this approval.

Reason: To enable the Council to consider the development in the light of circumstances then prevailing.

Site Location Plan – LA05/2022/0598/F



Single
 Customer Ref:
 Drawing: 326680, 364524
 SNAGARVY, LISBURN, BT28 1XJ, 187408869

Drawing No. 31
 LCC
 Lisburn & Castlereagh City Council

Lisburn & Castlereagh City Council
 Area Planning Office
 RECEIVED
 30 MAY 2022
 File No. 22/0598

Scale: 1:1,250
 Order no. ORD02950
 Plan No. 16506SE2



Every care has been taken to ensure accuracy in the compilation of this map at the time of publication. Land & Property Services cannot, however, accept responsibility for errors or omissions and when such are brought to our attention, the amendment of any future publication as appropriate shall be entirely at our discretion. Ordnance Survey of Northern Ireland and ACEmap® are registered Trademarks of Department of Finance and Personnel.



PROJECT PROPOSED PARKLET ADJACENT TO THE CARDAN LISBURN	PROJECT No. 22004	DRAWING No. A01	REVISION -	DATE FEB'21
CLIENT	DRAWING TITLE LOCATION MAP			SCALE 1:1250
				DRAWN BY CHECKED BY



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – September 2022

Background and Key Issues:

Background

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

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet summarising the monthly position for each indicator for the month of September 2022.

2. This data is invalidated 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 September 2022 was 35.4 weeks with performance year to date noted to be 30.6 weeks.
4. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is still reflected in the performance for local applications this month.
5. The Planning Unit remains focused on improving performance in relation to local applications.
6. A return to normal processing times aligned to the statutory target for local applications is anticipated in January 2023. This is contingent on the successful implementation of a new planning portal which is anticipated to Go Live later in the autumn.
7. Performance in relation to major applications year to date is 83.4 weeks. As explained previously, there has been no opportunity to perform against the statutory target for major applications albeit three applications have come forward to this committee in the previous three months that provide assurance in terms of the priority these types of applications are being given.
8. The risk of the introduction of the new computer systems is being kept under review and a separate report will come forward after Go Live to explain any risk linked to the implementation of a new IT system and performance in respect of the statutory targets for processing planning applications.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

Option 1
Screen out
without mitigation

N/A

Option 2
Screen out with
mitigation

N/A

Option 3
Screen in for
a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been
given to Rural Needs?

No

Has a Rural Needs Impact
Assessment (RNIA) template been
completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 2 – Statutory Performance Indicators – September 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Statutory targets monthly update - September 2022 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	83.4	0.0%	73	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	73	69	23.8	34.8%	26	25	32.2	72.0%
June	1	-	0.0	0.0%	75	74	29.4	36.5%	15	30	36.5	73.3%
July	0	-	0.0	0.0%	51	63	33.2	25.4%	27	23	21.2	91.3%
August	3	-	0.0	0.0%	68	67	39.6	13.4%	31	14	19.5	78.6%
September	0	-	0.0	0.0%	69	70	35.4	24.3%	24	27	27.7	85.2%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	4	1	83.4	0.0%	409	421	30.6	30.9%	146	146	26.0	81.5%

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.



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 3 - Planning Statistics for Quarter 1 (April – June 2022)

Background and Key Issues:

Background

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

Key Issues

1. The DfI published the Northern Ireland Planning Statistics covering the first quarter of 2022/23 on Thursday 29 September 2022.
2. The Bulletin provides an overview of planning activity across Northern Ireland and a summary of statistical information on Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as

laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

3. A copy of the bulletin and the documents used to collate the report can be accessed via the link:

[Northern Ireland planning statistics April - June 2022 | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/northern-ireland-planning-statistics-april-june-2022)

4. As standard, the Bulletin provides information on the overall planning activity, Departmental activity, activity in respect of major and local developments, compliance and enforcement and renewable energy.
5. Two hundred and twenty three local applications were received by LCCC in Q1 with two hundred and six decisions issued during the same period.
6. The average processing times for local applications across Northern Ireland was 16.6 weeks for Q1. Average processing times for local applications in LCCC during Q1 was 24.2.
7. Members should note that processing times was impacted as a consequence of issues specific to a batch of judicial review challenges received in September 2021 and clearing applications that were subject to review and delayed to manage the risk of potential future challenge.
8. One Major Application was received by LCCC in Q1 with one major decision issuing during the same period. Average processing times for major applications across the network during Q1 was 51.3 weeks. The processing time for the major applications in this Council Area was 83.4 weeks.
9. As explained previously, there has been little opportunity to perform against the statutory target for major applications. This application was delayed as a consequence of a delayed as a consequence of a protracted consultation process with DfI Roads.
10. There are currently 18 live major applications and there remains a focus within the team on processing these applications to a decision.

Recommendation:

It is recommended that the Committee notes the planning statistic information for Quarter 1 – 2022/23.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	<input type="text" value="N/A"/>	Option 2 Screen out with mitigation	<input type="text" value="N/A"/>	Option 3 Screen in for a full EQIA	<input type="text" value="N/A"/>
---	----------------------------------	--	----------------------------------	---	----------------------------------

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in

accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration”.

APPENDICES: **APPENDIX 3 – Planning Statistics for Quarter 1 (April to June 2022)**

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure
An Roinn
Bonneagair

278

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NORTHERN IRELAND PLANNING STATISTICS

First Quarter 2022/23 Statistical Bulletin

April to June 2022: Provisional Figures



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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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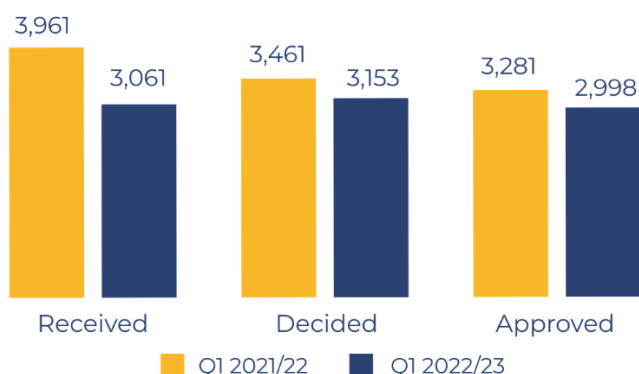
Key points

- **Planning activity and processing performance during 2020/21 and 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. Also, during January and February of 2022 the Northern Ireland Planning Portal was inaccessible for a period of time. These factors should be borne in mind and caution taken when interpreting figures and when making comparisons with other time periods.**
- There were 3,061 planning applications received in Northern Ireland (NI) during the first quarter of 2022/23; a decrease of over three percent on the previous quarter and down by nearly twenty-three percent on the same period a year earlier. This comprised of 3,027 local and 34 major applications.
- In the first quarter of 2022/23, 3,153 planning applications were decided upon; up by almost seven percent from the previous quarter but down by nearly nine percent from the same period a year earlier. Decisions were issued on 3,121 local and 32 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first three months of 2022/23 was 16.6 weeks across all councils. This exceeds the 15 week target and represents an increase of 0.8 weeks from the same period a year earlier. Four of the 11 councils were within the 15 week target after the first three months of 2022/23.
- The average processing time for major applications brought to a decision or withdrawal during the first three months of 2022/23 was 51.3 weeks across all councils. This represents a decrease of 2.3 weeks compared with the same period a year earlier but is still considerably higher than the 30 week target.
- Across councils 70.3% of enforcement cases were concluded within 39 weeks during the first three months of 2022/23. This meets the statutory target of 70% but represents a decrease from the rate reported for the same period in 2021/22 (71.7%). Eight of the 11 councils were within target after the first three months of 2022/23.

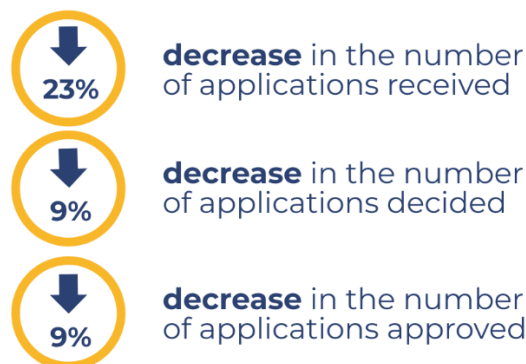
Impact of the coronavirus (COVID-19) pandemic: Planning activity and processing performance during 2020/21 and 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. This should be borne in mind when interpreting these figures.

Overall planning applications

Applications received, decided & approved



Comparing Q1 2022/23 with Q1 2021/22:

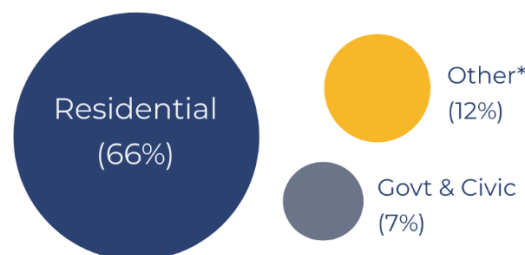


Applications received Q1 2022/23

A total of 3,061 planning applications were received during Q1 2022/23:



3 largest development types



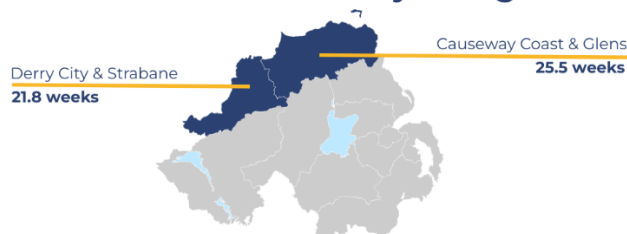
*Other includes work to facilitate disabled persons, signs/advertisements & listed buildings

Planning statutory targets Q1 2022/23

Average processing times (weeks) - major



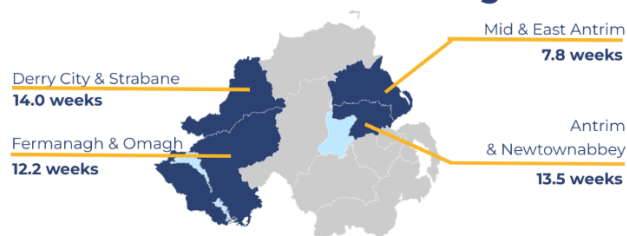
Councils within major target



Average processing times (weeks) - local



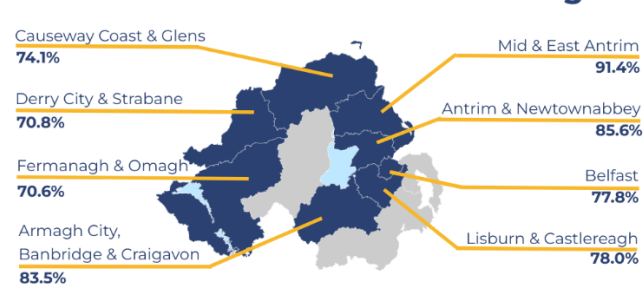
Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: First Quarter 2022/23 Statistical Bulletin

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure during the first quarter of 2022/23. Note that from 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 the first quarter of 2022/23, the detailed tables also include comparable data from previous periods. Commentary will be mainly focussed on changes over the last quarter and comparing the current quarter with the same period a year earlier. Please note that these quarterly figures for 2022/23 are provisional and will be subject to scheduled revisions ahead of finalised annual figures, to be published in July 2023.

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 the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the [Local Government \(Performance Indicators and Standards\) Order \(Northern Ireland\) 2015](#). 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 [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.

Future releases

The next quarterly release containing provisional planning data up to 30 September 2022 may be delayed due to the planned introduction of the new Regional Planning system. Currently the plan is to publish as normal in December 2022, however this will be kept under review. The next annual report covering 2022/23 is planned for release in July 2023. 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) has 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 Department and 10 councils have been working collaboratively on the configuration of a new [Regional Planning IT System](#) with an external provider. Configuration was completed in August 2022 and it is anticipated that the new system will be implemented in autumn 2022. Relevant updates on the development of this new system and any potential impacts on statistical reporting will be included within future NI Planning Statistics publications. However, at this stage of the project it is still too early to include any further information on potential impacts to NI Planning Statistics. Updates about the project can be found in the [Planning Portal Newsletters](#).

Alongside this, Mid Ulster council chose to move forward independently and develop an [independent planning system](#) which went live on 22 June 2022. Information reported for Mid Ulster within this bulletin has been extracted from the new Mid Ulster planning portal.

Planning Monitoring Framework

The [Northern Ireland Planning Monitoring Framework 2020/21](#) was published at the beginning of December 2021. The next edition of this report, with data for 2021/22, is planned for publication in winter 2022.

Impact of the coronavirus (COVID-19) pandemic

This bulletin and the accompanying [data tables](#) present data for the period 1 April 2022 to 30 June 2022.

Restrictions due to the coronavirus pandemic commenced on 12 March 2020 with the start of the delay phase, before lockdown was applied on 23 March 2020. Although lockdown was gradually eased from May 2020, varying levels of restrictions continued to be in place up to 15 February 2022.

Planning activity and processing performance was impacted by these restrictions, with the number of planning applications received in 2021/22 exceeding the levels recorded for any year since the transfer of planning powers. Therefore, caution should be taken when interpreting planning figures from 2020/21 and 2021/22, and when making comparisons with other time periods.

Restrictions in place for the pandemic have now ceased. Future Northern Ireland Planning Statistics reports will consider the impact of the coronavirus pandemic on planning activity where relevant.



Chapter 1: Overall Northern Ireland planning activity

Chapter 1: Overall NI planning activity

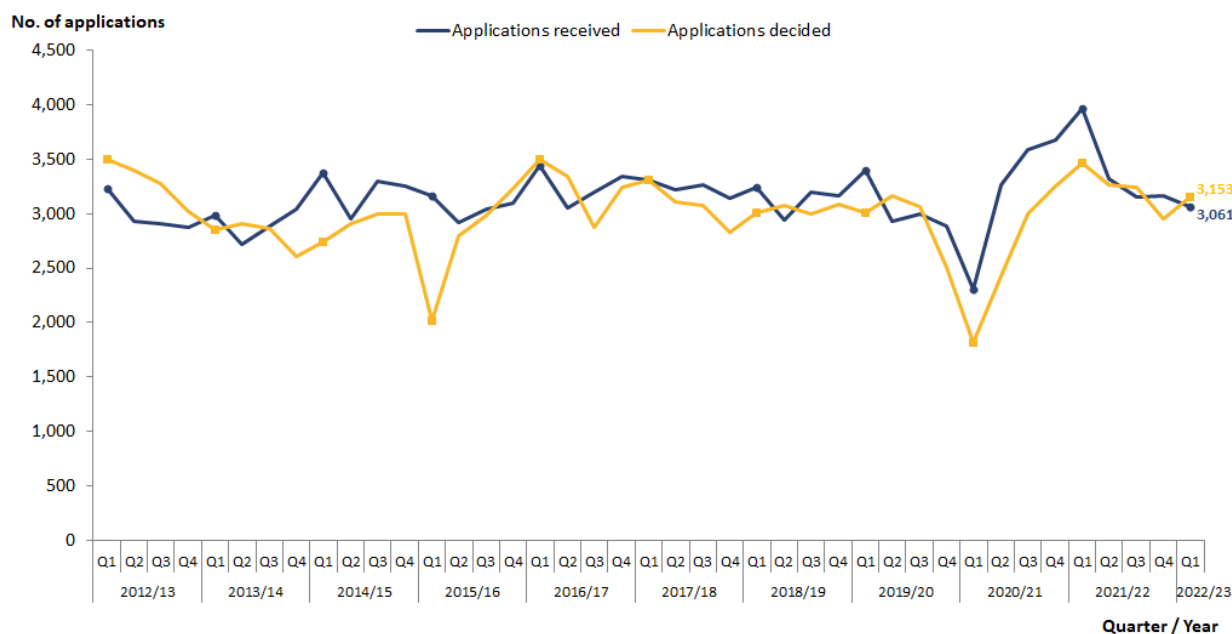
The volume of planning applications received in the first quarter of 2022/23 has decreased from the previous quarter and from the same period last year. For applications processed (i.e. decided or withdrawn) the volume processed has increased from the previous quarter but was lower than the levels recorded during the same period the previous year.

Planning activity and processing performance during 2020/21 and 2021/22 were impacted by the restrictions put in place due to the coronavirus pandemic. Also, during January and February of 2022 the Northern Ireland Planning Portal was inaccessible for a period of time. These factors should be borne in mind and caution taken when interpreting figures and when making comparisons with other time periods.

Applications received

The number of planning **applications received** in Northern Ireland (NI) by councils and the Department in the period April to June 2022 (Q1) was **3,061**; decreases of 3.3% on the previous quarter (3,167) and 22.7% on the same period a year earlier (3,961). ([Figure 1.1](#)). [Refer to Table 1.1](#).

Fig 1.1 NI planning applications, quarterly, April 2012 to June 2022



During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of applications received was 2,309. This was the lowest number received in any quarter since the series began in April 2002. The following four quarters recorded consecutive increases, peaking in Q1 2021/22. With the exception of a small increase in Q4 2021/22, the number of planning applications received has decreased in each quarter since that peak.

Over three-quarters of the planning applications received in Q1 2022/23 were for full planning permission (76.4%); up over both the quarter (74.7%) and the same period a year earlier (75.9%).

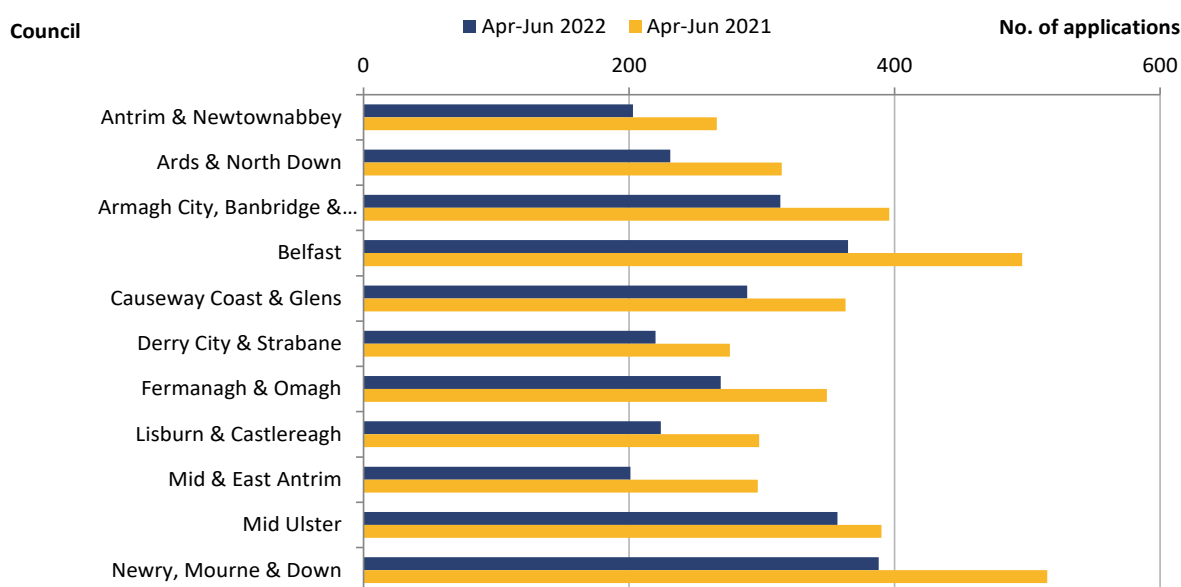
In Q1 2022/23, the number of planning applications received varied across councils, ranging from 388 in Newry, Mourne and Down (accounting for 12.7% of all applications received across NI) to 201 in Mid and East Antrim (6.6% of all applications received).

Seven councils reported a decrease in the number of planning applications received in Q1 2022/23 compared with the previous quarter, with the decrease greatest in Derry City and Strabane (-23.6%). Four councils reported an increase over the quarter with the increase greatest in Mid and East Antrim (16.9%).

Comparing Q1 in 2022/23 with the same period in 2021/22, all eleven councils reported a decrease in the number of applications received, with the greatest percentage decrease reported by Mid and East Antrim (-32.3%). ([Figure 1.2](#)).

[Refer to Tables 1.1, 1.2, 5.6.](#)

Fig 1.2 Applications received by council, April to June 2021 & 2022



Applications decided

The number of **planning decisions issued** during Q1 2022/23 was **3,153**; up by 6.9% on Q4 2021/22 (2,950) but down by 8.9% when compared with the same period a year earlier (3,461) ([Figure 1.1](#)).

Over three quarters of planning decisions in Q1 2022/23 (75.5%) were for full planning permission; this was up over the quarter from 74.4% but down from the same period a year earlier (77.1%).

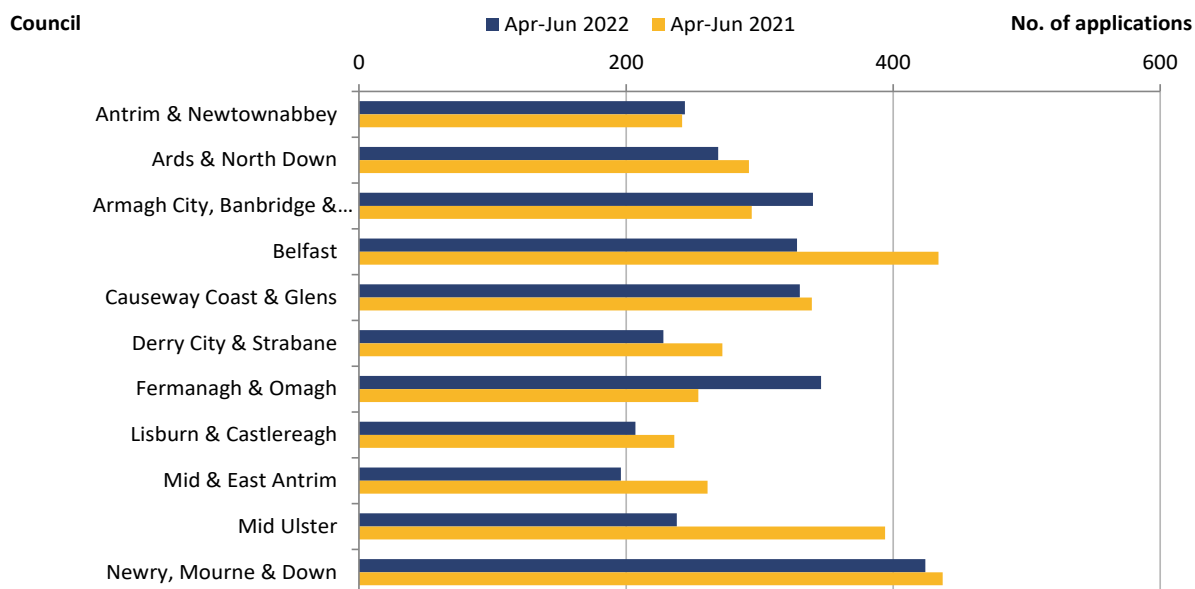
Across councils the number of decisions issued during Q1 2022/23 ranged from 424 in Newry, Mourne and Down (accounting for 13.4% of all decisions across NI) to 196 in Mid and East Antrim (6.2% of all decisions).

During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of applications decided was 1,811. This was the lowest number decided in any quarter since the series began in April 2002. During the following four quarters, however, there were consecutive increases in the number of applications decided, with the 3,461 decided in Q1 2021/22 the highest number reported for any quarter since Q1 2016/17. There were then consecutive decreases in the number of decisions issued during the next three quarters. In the most recent quarter the number of decisions issued increased to 3,153. [Refer to Table 1.1.](#)

Seven of the 11 councils reported an increase in the number of applications decided in Q1 2022/23 compared with the previous quarter, with the increase greatest in Antrim and Newtownabbey (64.9%). The number of decisions issued decreased over the quarter in four councils, with the largest decrease reported in Mid Ulster (-26.3%). In June 2022 the new Mid Ulster planning portal was implemented, this is likely to have had an impact on the number of decisions taken during the first quarter of the year.

Comparing Q1 in 2022/23 with the same period in 2021/22, eight councils reported a decrease in the number of applications decided, with the largest decrease recorded in Mid Ulster (-39.6%). Three councils reported an increase over the same period with Fermanagh and Omagh reporting the greatest increase (36.2%). ([Figure 1.3](#)).

Fig 1.3 Applications decided by council, April to June 2021 & 2022



The number of applications received exceeded the number of decisions issued in four out of the 11 councils during Q1 2022/23.

In Q1 2022/23, **148** applications were **withdrawn**; an increase of 1.4% on the previous quarter (146) but down by 5.1% when compared with the same period a year earlier (156).

Overall, the number of applications processed (i.e. decided or withdrawn) in Q1 2022/23 was 3,301; an increase of 6.6% from the previous quarter (3,096) but down by 8.7% when compared with the same period a year earlier (3,617).

[Refer to Tables 1.1, 1.2, 5.6.](#)

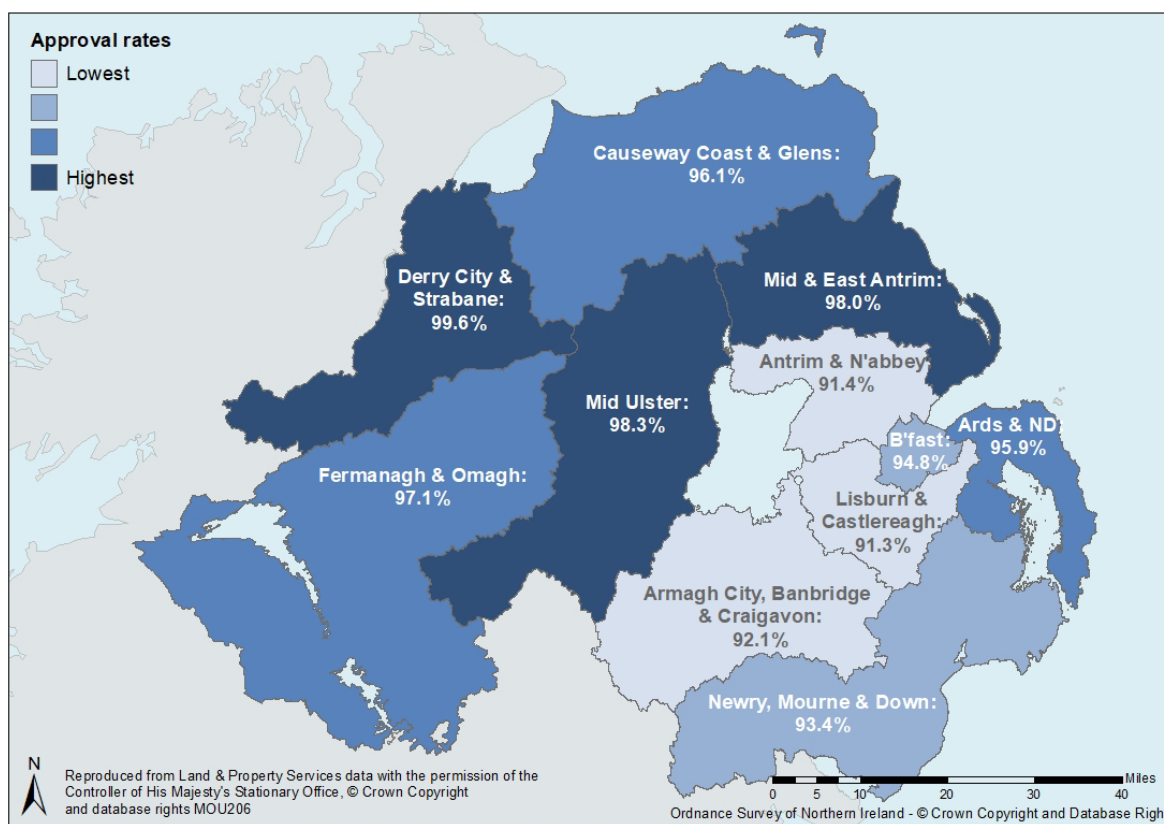
In addition to processing applications, planning authorities deal with a range of other planning related work. For example, during Q1 2022/23 they processed to decision or withdrawal: 265 discharge of conditions; 248 certificates of lawfulness; 106 non-material changes; and 86 tree preservation orders. 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 **95.1%** in Q1 2022/23; similar to the rates reported for the previous quarter (95.2%) and the same period a year earlier (94.8%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q1 2022/23, from 99.6% in Derry City and Strabane to 91.3% in Lisburn and Castlereagh ([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, April to June 2022



In Q1 2022/23 six councils reported an increase in approval rate when compared with the same period a year earlier (Q1 2021/22), with the largest increase occurring in Newry,

Mourne and Down (up from 85.8% to 93.4%). Approval rates decreased over this period in the remaining five councils, with Armagh City, Banbridge and Craigavon (down from 95.9% to 92.1%) reporting the largest decrease. [Refer to Table 1.2.](#)

Live applications

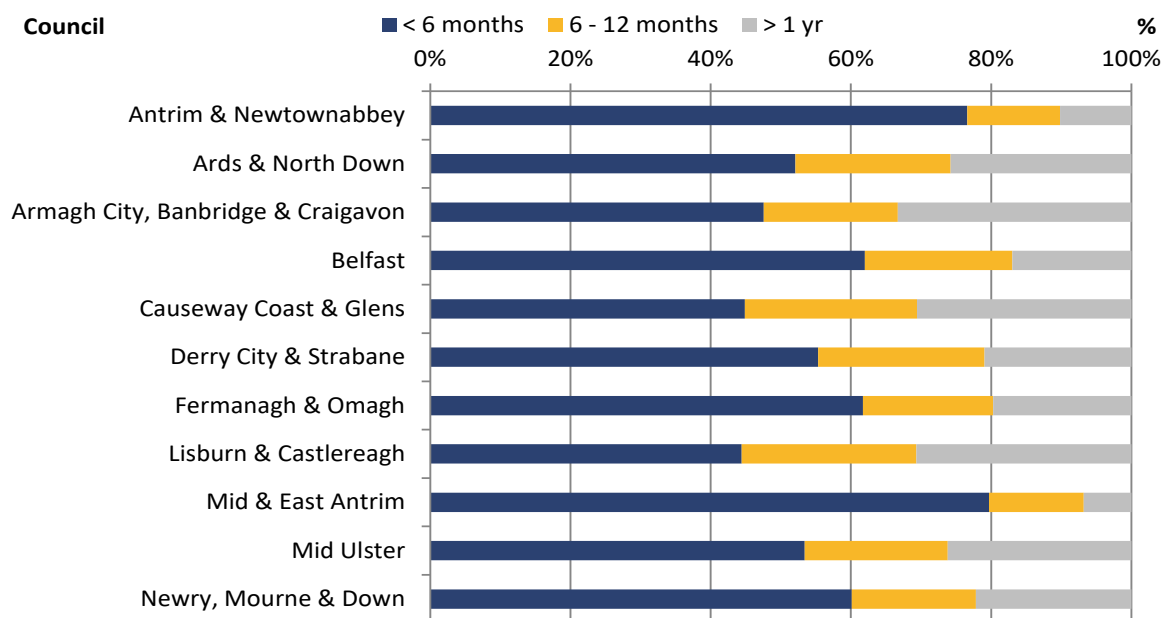
There were **7,973 live applications** in the planning system across NI at the end of June 2022, representing decreases of 3.2% from 8,236 at the end of March 2022, and 6.4% from 8,517 at the end of the June 2021.

A decrease in the live count is due to fewer applications being received, compared with applications processed, i.e. decided or withdrawn over a given period. The decrease in the live count over the year suggests that the impact felt from the coronavirus pandemic in relation to the ability of planning authorities to process applications has subsided.

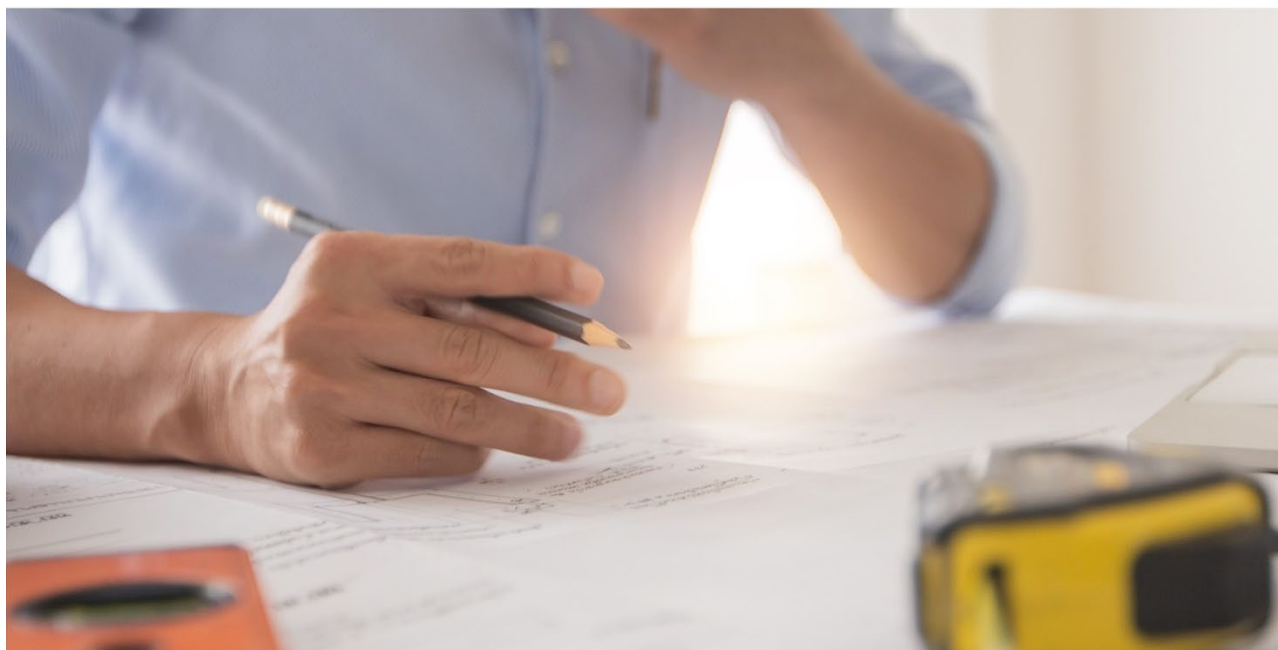
Almost one-quarter of all live applications in the planning system at the end of June 2022 were over one year old (24.7%); an increase from the proportion reported at the end of March 2022 (22.5%). [Refer to Table 1.3.](#)

The proportion of live applications over one year old at the end of June 2022 varied across councils, ranging from 33.3% in Armagh City, Banbridge and Craigavon to 6.8% in Mid and East Antrim ([Figure 1.5](#)).

Fig 1.5 Live applications by council & time in the planning system at end of June 2022



Comparing the end of June 2022 with the same point a year earlier, the proportion of live cases in the system for over a year increased across ten councils, with the increase greatest in Lisburn and Castlereagh (up from 19.2% to 30.7%). The remaining council, Ards and North Down, reported a decrease in the proportion of live cases over the year (down from 26.6% to 25.8%). [Refer to Table 1.4.](#)



Chapter 2: Departmental activity

Chapter 2: Departmental activity

Departmental planning activity

During Q1 2022/23 there were no applications received by the Department. There were five applications received during the previous quarter but none during the same period a year earlier. Three applications were decided during the first quarter of 2022/23, with two of these being approved. This compares to one decision during the previous quarter and six decisions during the same period a year earlier, with all seven of these decisions being approvals. There were two applications withdrawn during Q1 2022/23.

At the end of June 2022 there were **29 live Departmental applications**: four ongoing regionally significant development (RSD) applications; two retained applications; 16 called-in applications; and seven other applications. Nearly two thirds of these applications (19 out of 29) were in the planning system for over a year at the end of June 2022 ([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 June 2022

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 June 2022, two had been progressed to Ministerial recommendation prior to Q1 2022/23. Of the remaining two awaiting Ministerial recommendation, the 30 week period has been exceeded for one.

Progress on these applications, and any new RSD applications received, will continue to be assessed in future reports.



Chapter 3: Major development planning applications

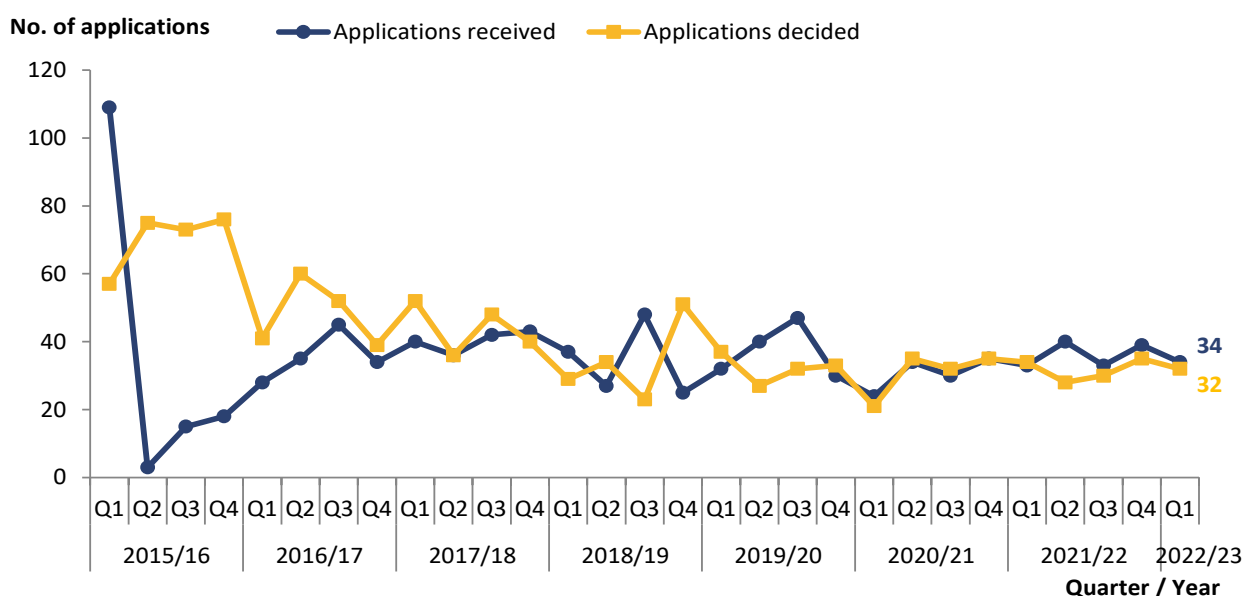
Chapter 3: Major development planning applications

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 **34** major planning applications were **received** in NI during Q1 2022/23; down from the previous quarter (39) and up slightly from Q1 2021/22 (33) ([Figure 3.1](#)).

Fig 3.1 Major development applications, quarterly, April 2015 to June 2022



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.

Q2 2015/16 had the lowest number of major applications received across the whole series but this can be attributed to the introduction of the community consultation requirement. From Q3 2015/16, the number of major applications received steadily increased quarter-on-quarter until Q3 2016/17. Since then, the number of major applications received each quarter suggests something of a levelling out, with some quarterly fluctuations over the last six years.

From 1 May 2020, the requirement to hold a public event as part of the pre-application community consultation was temporarily removed until 31 March 2022¹.

¹ For more information, see the [Departmental website](#).

All eleven councils received major planning applications during the first quarter of 2022/23, with Belfast receiving the most (eight).

Major applications decided

During Q1 2022/23, **32** major planning applications were **decided**; down from 35 decided in the previous quarter and 34 decided during the first quarter of 2021/22 ([Figure 3.1](#)). Two major applications were withdrawn during Q1 2022/23.

All eleven councils issued decisions on major applications during Q1 2022/23, with Causeway Coast and Glens issuing the most (six).

The approval rate for major applications decided upon in NI during Q1 2022/23 was 96.9%. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target

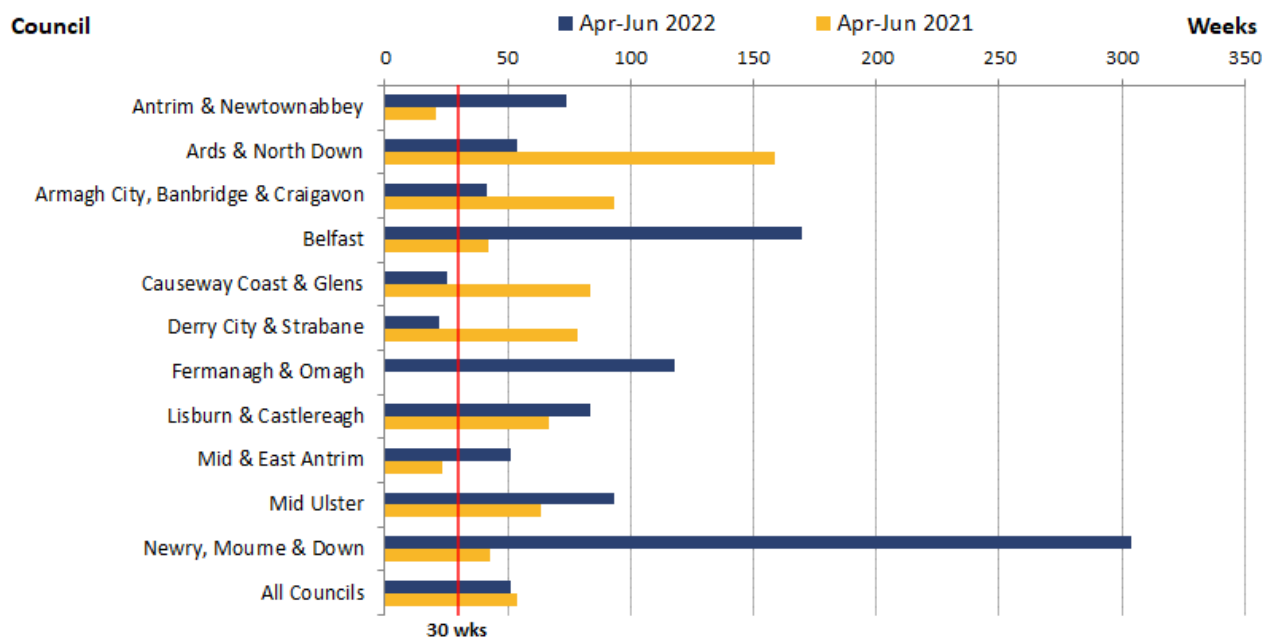


It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

[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 the first three months of 2022/23 was **51.3 weeks** across all councils. This represents a decrease of 2.3 weeks compared with the same period in 2021/22 (53.6 weeks) and is considerably higher than the 30 week target.

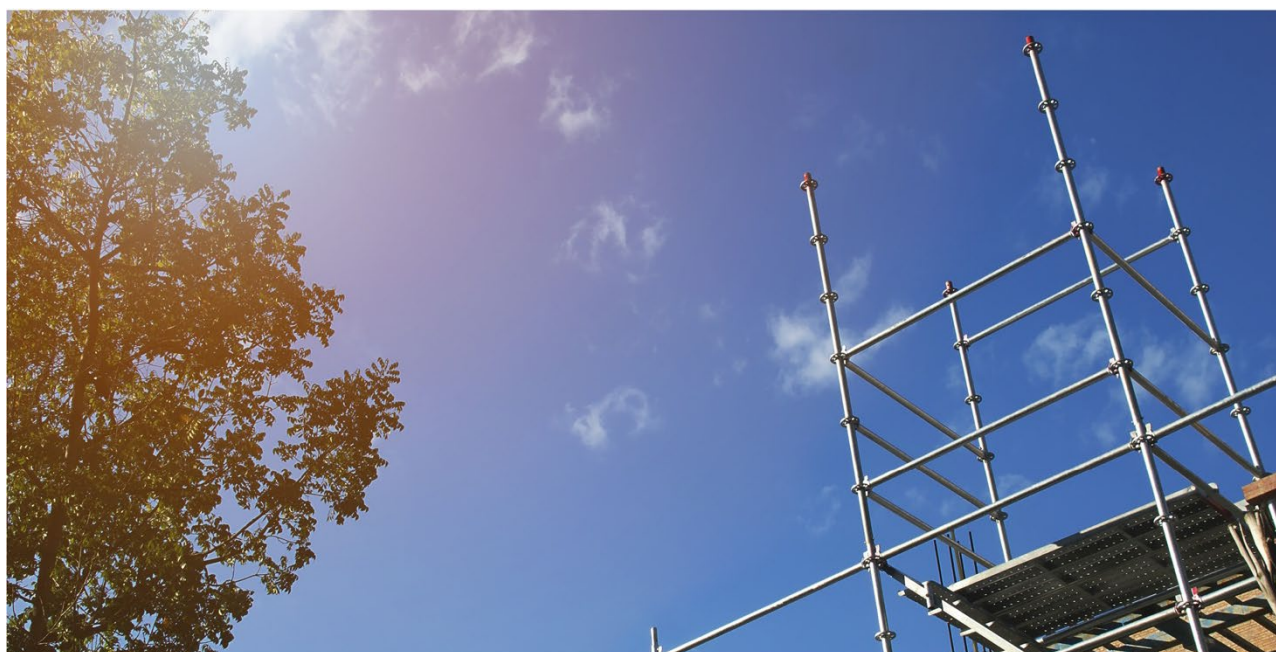
Whilst [Figure 3.2](#) below has been provided for completeness, across councils there was an insufficient number of major applications processed to decision or withdrawal during the first three months of both the current and previous year to allow any meaningful assessment of their individual performance. Comparison against the target and across councils becomes more robust as the year progresses, with more applications being processed. With this in mind, two councils were within the 30 week target time in the first three months of 2022/23, Derry City and Strabane (with an average of 21.8 weeks across 3 applications) and Causeway Coast and Glens (with an average of 25.5 weeks across 6 applications).

Fig 3.2 Major development average processing times by council, April to June 2021 & 2022



[Refer to Table 3.2 for further information.](#)

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. The number of **local** applications **received** in NI during Q1 2022/23 was **3,027**; a decrease of 3.2% on the previous quarter (3,128) and down by 22.9% on the same the same period a year earlier (3,928) ([Figure 4.1](#)).

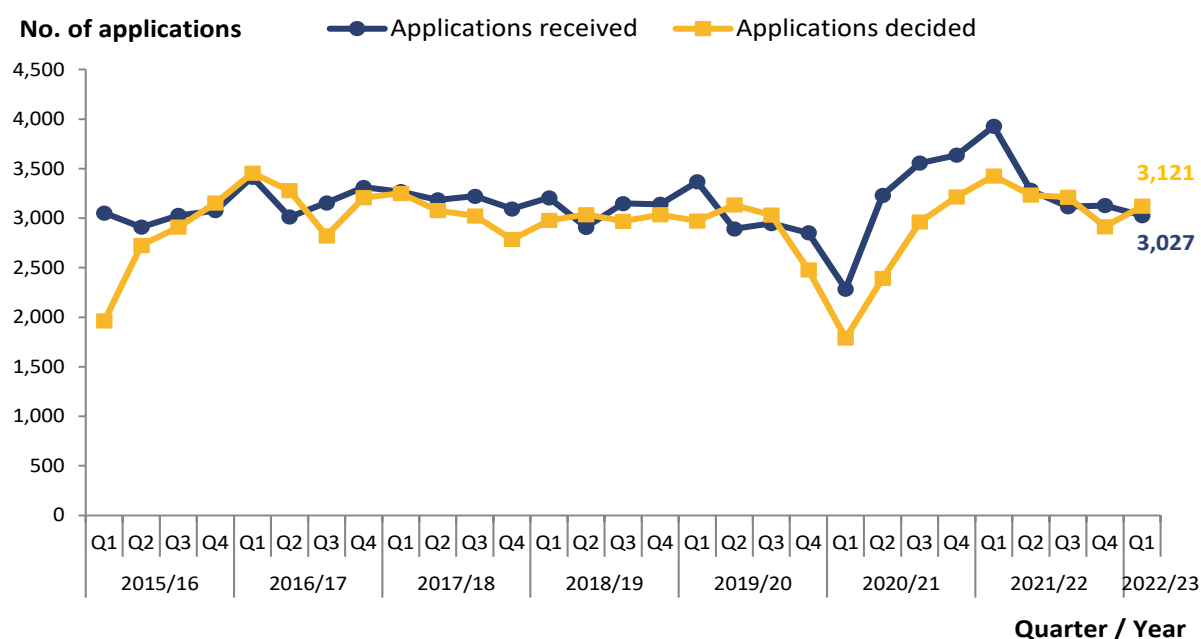
Local applications received

In Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of local applications received was 2,284. This was the lowest number received in any quarter since the transfer of planning powers. During the following four quarters there were consecutive increases in the number of local applications received, with the 3,928 received in Q1 2021/22 the highest quarterly total since transfer. The number of local applications received over the latest four quarters have declined from this peak. [Refer to Table 4.1.](#)

Across councils the number of local applications received during Q1 2022/23 ranged from 386 in Newry, Mourne and Down to 199 in both Antrim and Newtownabbey and Mid and East Antrim.

Seven councils reported a decrease in the number of local applications received in Q1 2022/23 compared with the previous quarter. The decrease was greatest in Derry and Strabane, where the number of local applications received was down by 21.9%. Over the same period four councils reported an increase with the largest increase reported in Mid and East Antrim (16.4%).

Fig 4.1 Local development applications, quarterly, April 2015 to June 2022



Comparing Q1 in 2022/23 with the same period in 2021/22, all eleven councils reported a decrease in the number of local applications received, with the largest percentage decrease reported in Mid and East Antrim, where the number of local applications received was down by nearly one third (-32.1%).

Local applications decided

The number of **local** applications **decided** in Q1 2022/23 was **3,121**; up by 7.1% on Q4 2021/22 (2,915) but down by 8.9% compared with the same period a year earlier (3,427). Refer to [Figure 4.1](#).

In Q1 2015/16, immediately following the transition of planning functions to councils, the number of local applications received was much higher than the number of decisions made. By 2016/17 this gap had narrowed substantially, however the number of local applications received has generally exceeded the number decided. During 2020/21 the gap between the numbers received and decided again widened, suggesting that the pandemic and resulting restrictions had impacted on the ability of planning authorities to issue decisions on local applications. In the most recent quarter, the number of applications decided (3,121) has exceeded the number of applications received (3,027) during the same period. ([Figure 4.1](#)).

During the first quarter of 2022/23 the number of local planning decisions issued across councils ranged from 423 in Newry, Mourne and Down to 191 in Mid and East Antrim.

Seven of the 11 councils reported an increase in the number of local applications decided in Q1 2022/23 compared with the previous quarter, with the increase greatest in Antrim and Newtownabbey (65.1%). In the remaining four councils the number of decisions issued on local applications decreased over the same period, with the greatest decrease in Mid Ulster (-26.2%).

Comparing Q1 in 2022/23 with the same period in 2021/22, eight of the 11 councils reported a decrease in the number of local applications decided, with the decrease greatest in Mid Ulster (-39.1%). Three councils reported an increase over the same period, with the increase greatest in Fermanagh and Omagh (35.8%).

In Q1 2022/23, **146** local applications were **withdrawn**; an increase of 2.1% on the previous quarter (143) and down 6.4% when compared with the same period a year earlier (156).

The **overall Northern Ireland approval rate** for **local** applications was **95.1%** in Q1 2022/23; similar to the rates reported for the previous quarter (95.2%) and the same period a year earlier (94.8%).

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.

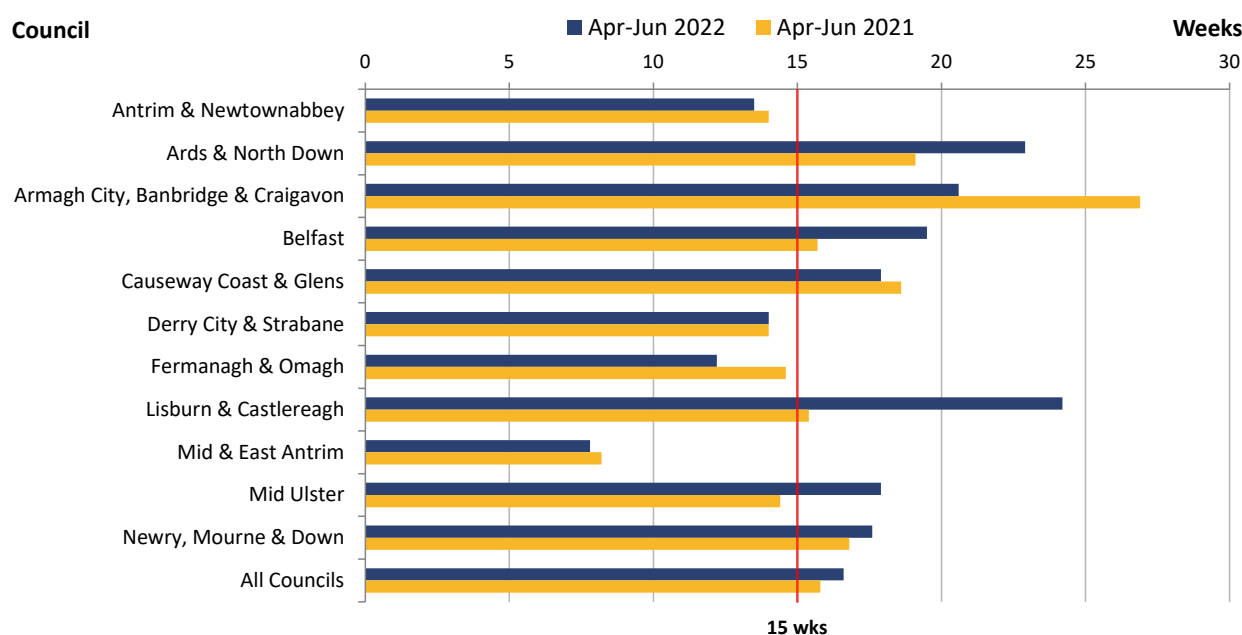
The average processing time for local applications brought to a decision or withdrawal during the most recent quarter (Q1 2022/23) was 16.6 weeks, exceeding the statutory target of 15 weeks. This is down over the quarter from 19.2 weeks, and up when compared to the same period the previous year (15.8 weeks).

When comparing Q1 2022/23 with the same period in 2021/22, in five of the 11 councils processing times during April to June 2022 were lower than they were for the same period a year earlier. In five councils the processing times were higher, and in one council there was no change.

Four of the 11 councils were within the 15 week target after the first three months of 2022/23: Mid and East Antrim (7.8 weeks), Fermanagh and Omagh (12.2 weeks), Antrim and Newtownabbey (13.5 weeks) and Derry City and Strabane (14.0 weeks).

[Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to June 2021 & 2022



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 Q1 2022/23, **residential** applications accounted for nearly **two-thirds (66.2%)** of all planning applications received in NI; an increase on the proportion reported for the previous quarter (63.6%) and a decrease on the same period a year earlier (69.1%).

Residential applications accounted for the majority of applications received in each council during the first quarter of 2022/23; ranging from nearly three-quarters (74.0%) in Newry Mourne and Down, to just under half (49.3%) in Belfast.

The overall number of planning applications received during Q1 2022/23 was 3,061; a decrease of 22.7% on the same period a year earlier (3,961). While the number of applications received decreased across most development types during this period, residential applications accounted for most of the decline (down 26.0% from 2,739 to 2,026).

Over the quarter the number of planning applications received decreased by 3.3%.

[Refer to Tables 5.1, 5.2.](#)

Consistent with previous quarters, a higher proportion of applications received in Belfast (26.0%) and Derry City and Strabane (24.5%) were categorised as 'other'² in Q1 2022/23, compared with the other councils. See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category.

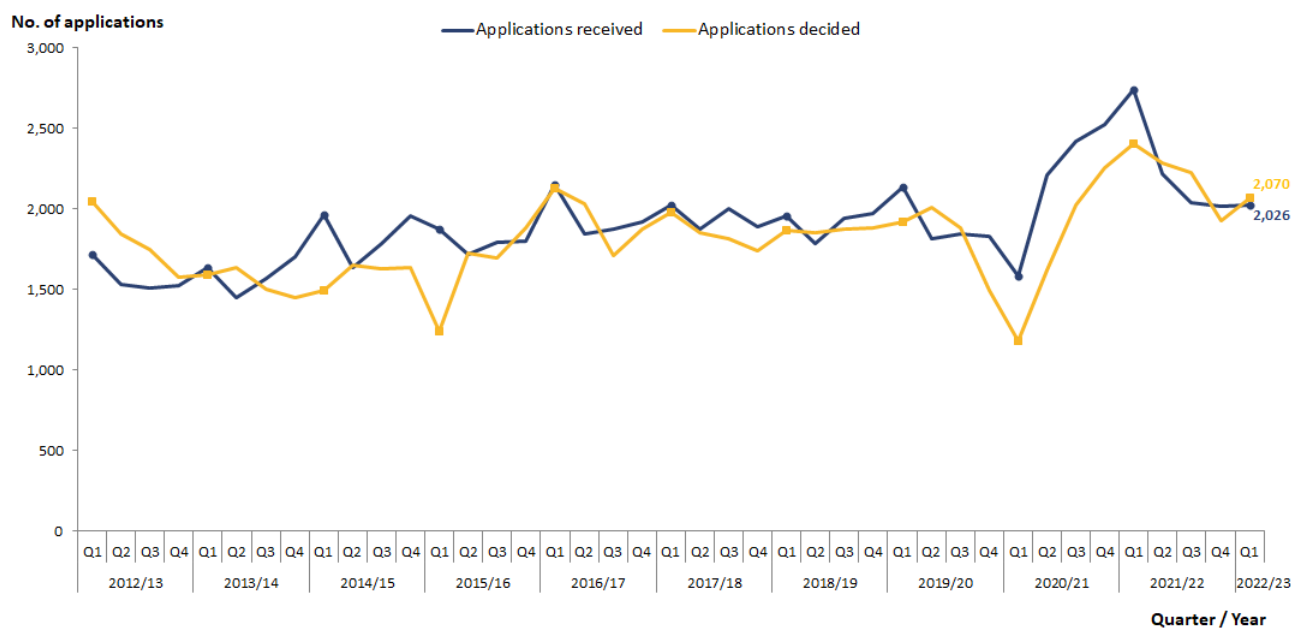
Residential applications received

The overall number of **residential** planning applications **received** in NI during Q1 2022/23 was **2,026**; an increase of 0.6% over the quarter (from 2,014) and a decrease of 26.0% from the same period a year earlier (from 2,739). [See Figure 5.1.](#)

In Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, the number of residential applications received was 1,583; this was the lowest number received in any quarter since Q3 2013/14. During the following four quarters there were consecutive increases in the number of residential applications received, with the 2,739 received in Q1 2021/22 the highest number reported for any quarter since Q2 2010/11. The number of residential applications received have declined since then, with Q1 2022/23 reporting a substantial decrease from the peak a year earlier. [Refer to Table 5.3.](#)

² See [Appendix 1 – Definitions](#) for a description of the types of applications included in this category

Fig 5.1 NI Residential applications, quarterly, April 2012 to June 2022



Residential applications decided

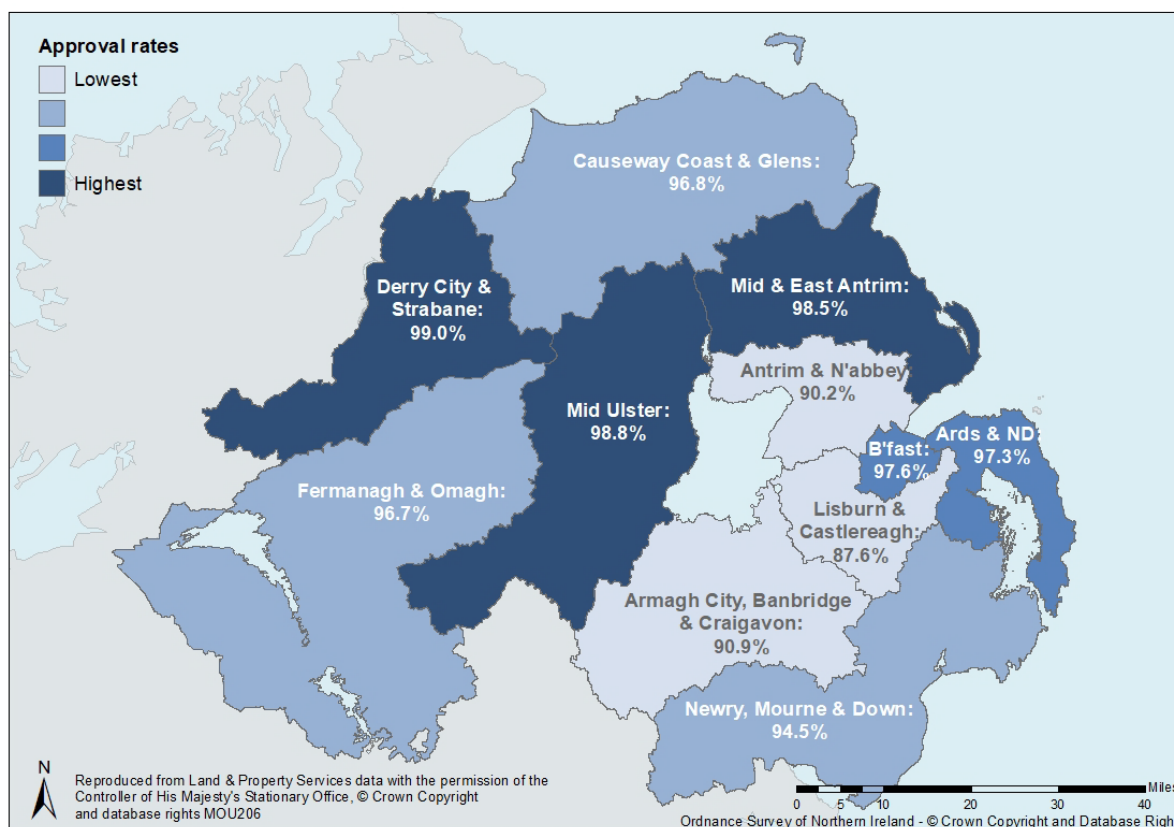
There were **2,070 residential** planning applications **decided** during the first quarter of 2022/23; an increase of 7.3% over the quarter (1,929) but a decrease of 13.9% on the same period the previous year (2,403). [See Figure 5.1.](#)

In Q1 2020/21, decisions were issued on 1,177 residential planning applications; the lowest number of decisions issued in any quarter since the series began in April 2002. Consecutive increases in the number of residential applications decided were recorded during the following four quarters, with the 2,403 decisions issued in Q1 2021/22 the highest number reported for any quarter since Q1 2011/12. The number of decisions issued on residential applications declined from this point, with 2,070 in the most recent quarter. [Refer to Table 5.3.](#)

The **Northern Ireland approval rate** for **residential** planning applications was **95.1%** in Q1 2022/23; the same as the rate for the previous quarter and a small decrease from the rate for the same period a year earlier (95.3%).

Approval rates for residential planning applications varied across councils in the most recent quarter, ranging from 99.0% in Derry City and Strabane to 87.6% in Lisburn and Castlereagh ([Figure 5.2](#)).

Fig 5.2 Residential approval rates by council, April to June 2022



In Q1 2022/23 approval rates for residential planning applications decreased in six councils when compared with the same period in 2021/22, with the largest decrease occurring in Lisburn and Castlereagh (down from 93.2% to 87.6%). Five 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 86.3% to 94.5%).

During Q1 2022/23, 97 residential applications were withdrawn across NI; an increase on the previous quarter (93) and similar to the same period a year earlier (98).

[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 Q1 2022/23 was 653; an increase from the previous quarter (up 3.8%; from 629) and a decrease of almost a third from the same period a year earlier (down 33.1%; from 976).

In rural areas, within settlements of less than 5,000 population, there were decreases in the number of residential applications received in Q1 2022/23 (230) compared with the previous quarter (down 2.1%; from 235) and the same period a year earlier (down 33.1%; from 344).

In the open countryside (outside population settlements), the number of residential applications received in Q1 2022/23 (1,143) also decreased over the quarter (down 0.6%; from 1,150) and the same period a year earlier (down 19.5%; from 1,419).

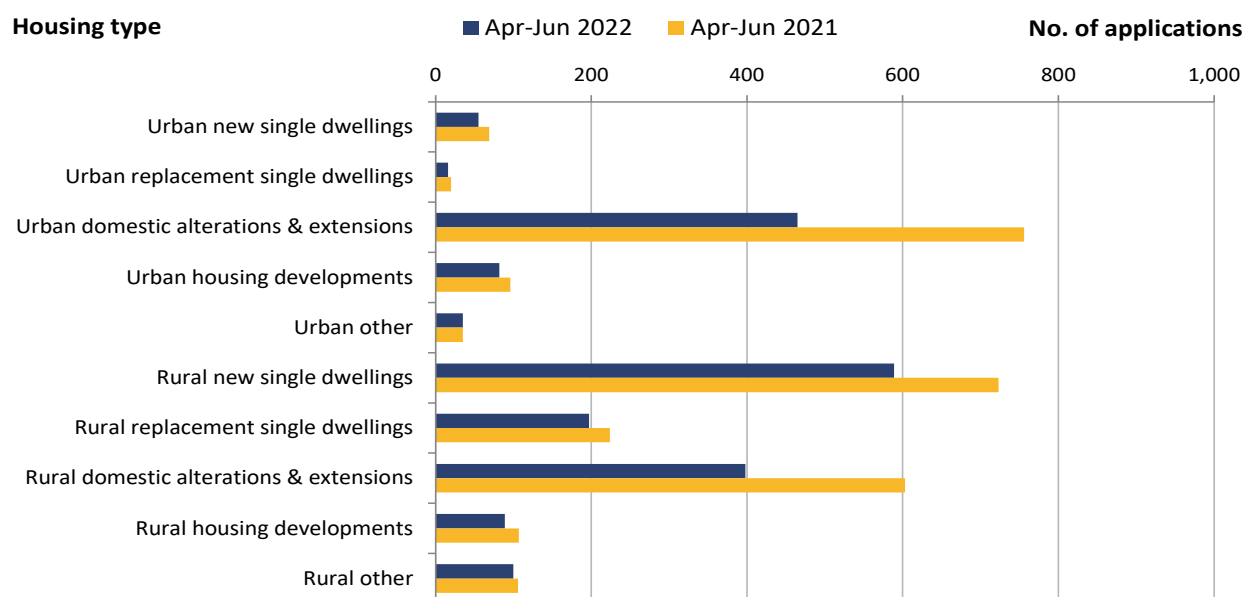
Residential applications – urban and rural

Figure 5.3 shows the number of residential applications received in the first quarter of both 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 (589) and alterations/extensions in urban areas (465) continue to be the most common types of residential application, together accounting for over half (52.0%) of all residential applications received during the first quarter of 2022/23.

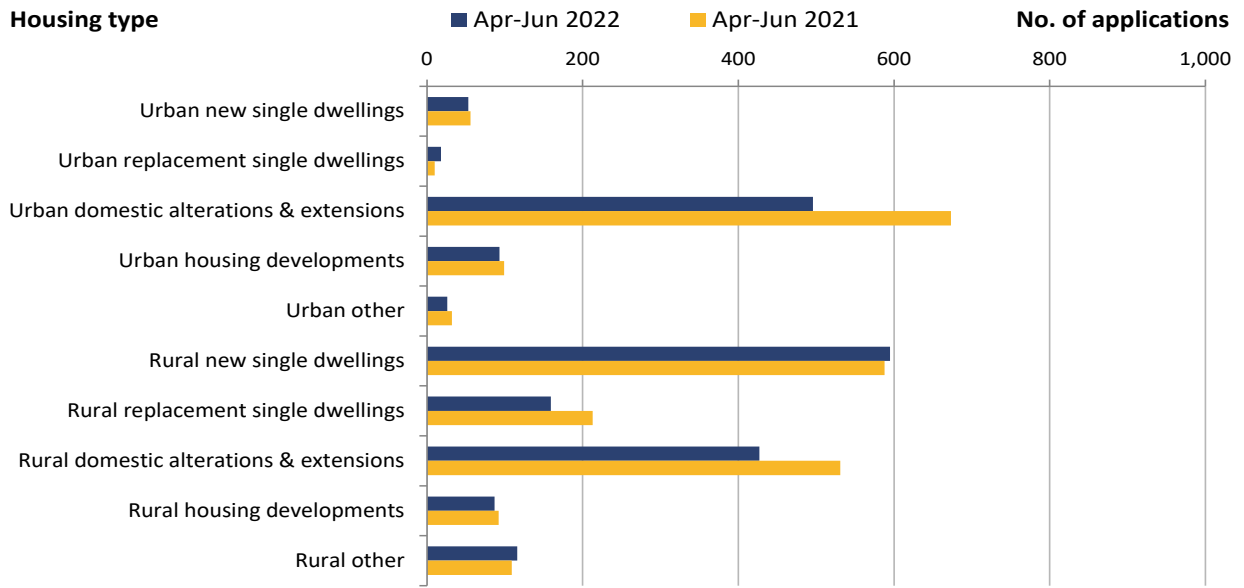
Comparing Q1 in 2022/23 with the same period in 2021/22 the number of residential applications received decreased (-26.0%). Decreases were reported across almost every housing type with the largest decrease in urban domestic alterations and extensions (down 38.5% from 756 to 465), see Figure 5.3.

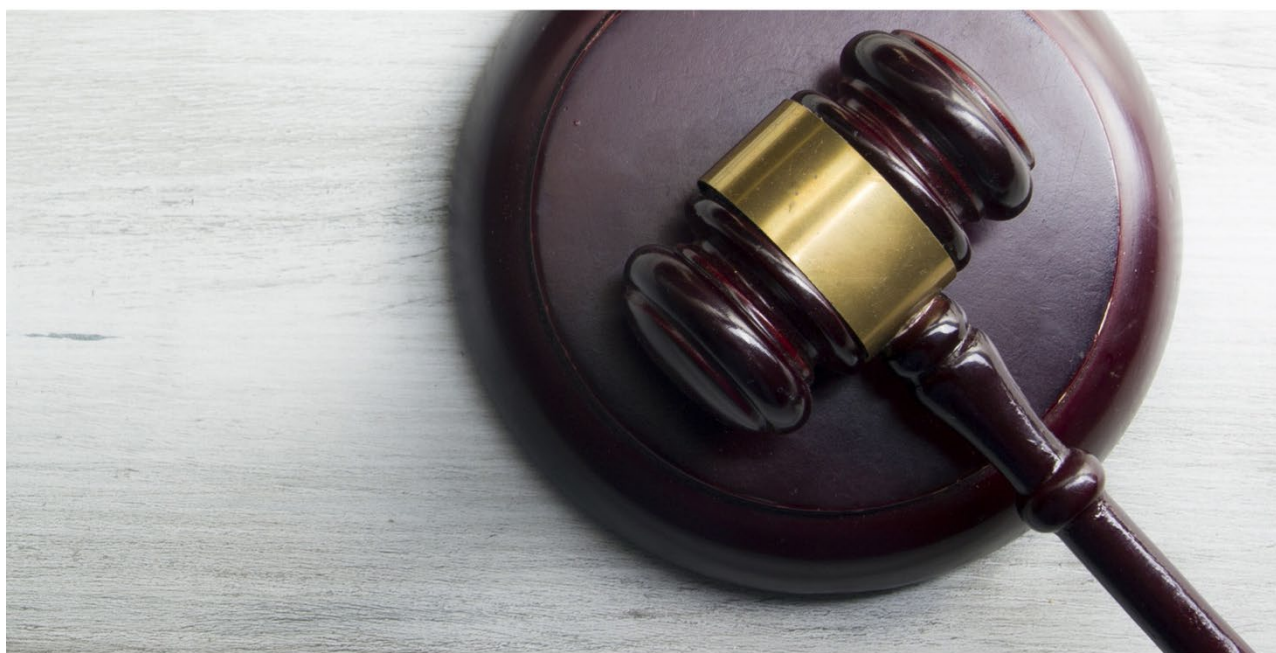
Fig 5.3 NI Residential applications received by urban/rural, April to June 2021 & April to June 2022



Comparing Q1 in 2022/23 with the same period in 2021/22 the number of residential applications decided decreased by 13.9%. This was driven in large part by decreases in the number of decisions issued on domestic alterations and extensions in urban areas (down 26.3%; from 673 to 496) and in rural areas (down 19.6%; from 531 to 427). Refer to Table 5.5 and Figure 5.4.

Fig 5.4 NI Residential applications decided by urban/rural, April to June 2021 & April to June 2022





Chapter 6: Compliance and enforcement activity

Chapter 6: Compliance and enforcement activity

Enforcement cases

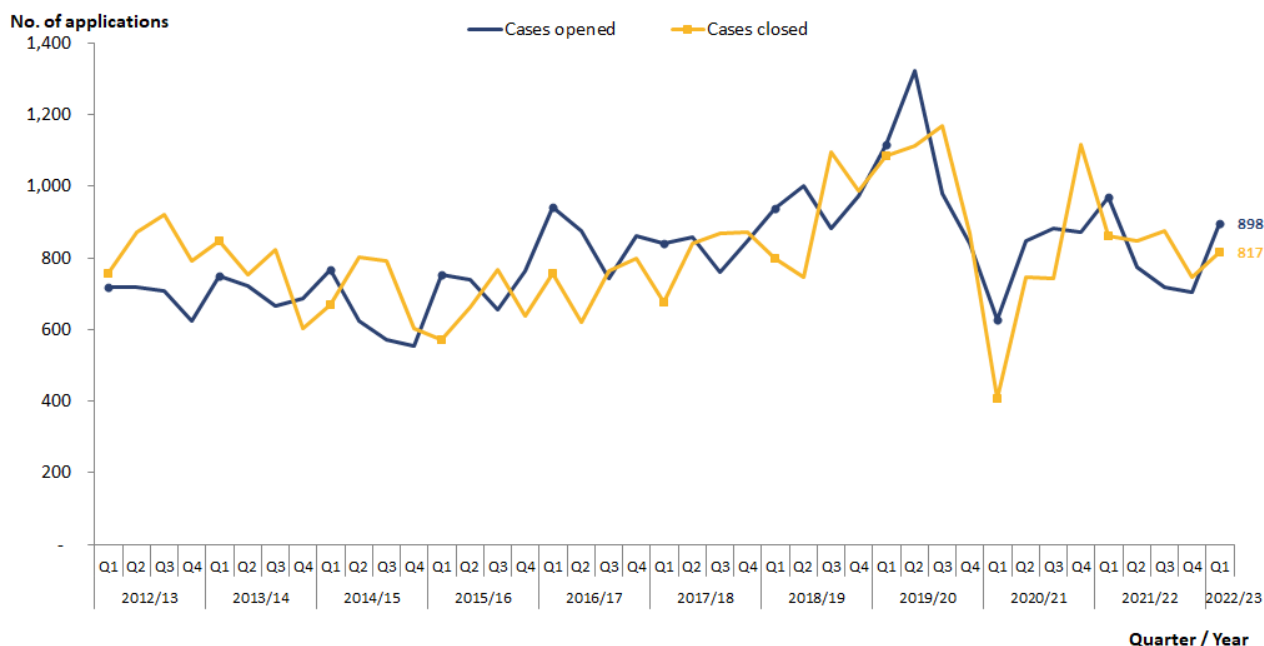
The number of **enforcement cases opened** in NI during the first quarter of 2022/23 was **898**; up by 27.7% over the quarter (703) and down by 7.3% from the same period a year earlier (969) ([Figure 6.1](#)).

During Q1 2020/21, the first full quarter impacted by the restrictions put in place due to the coronavirus pandemic, 628 enforcement cases were opened; the lowest number opened in any quarter since Q4 2014/15. The levels increased to a peak of 969 in Q1 2021/22, then declined over the next three quarters, with an increase in the latest quarter. [Refer to Table 6.1](#).

Across the councils, the number of enforcement cases opened in Q1 2022/23 ranged from 131 in Derry City and Strabane to 27 in Mid Ulster. The number of enforcement cases opened decreased in nine of the 11 councils between Q1 2022/23 and the same period in 2021/22, with the decrease greatest in percentage terms in Mid Ulster (down 53.4%; from 58 to 27). Two councils reported an increase in the number of enforcement cases opened over the same period, with Derry City and Strabane reporting the greatest increase (up 147.2% from 53 to 131).

The number of **enforcement cases closed** during Q1 2022/23 was **817**; up by 9.4% over the quarter (747) and down by 5.2% from the same period a year earlier (862) ([Figure 6.1](#)).

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2012 to June 2022



The number of cases closed in Q1 2022/23 varied across councils, ranging from 111 in both Antrim and Newtownabbey and Newry, Mourne and Down, to 38 in both Derry City and

Strabane and Mid Ulster. Six of the 11 councils reported a decrease in the number of enforcement cases closed in Q1 2022/23 compared with the same period a year earlier. This decrease was greatest in Belfast, where the number of cases closed decreased from 130 to 75. Five councils reported an increase in the number of cases closed with the greatest of these in Fermanagh and Omagh, up 85.0% (from 40 to 74).

The most common reasons for enforcement cases closing in Q1 2022/23 were that no breach had actually occurred (37.0%) or that the case had been remedied or resolved (21.2%). Together these accounted for nearly three-fifths (475; 58.1%) of the 817 cases closed during the quarter.

A total of **829 enforcement cases** were **concluded**³ during the first quarter of 2022/23; an increase of 5.6% from the previous quarter (785) and down by 5.7% from the same period a year earlier (879). Across councils, the number of cases concluded during Q1 2022/23 ranged from 116 in Newry, Mourne and Down to 28 in Mid Ulster.

Six councils recorded decreases in the number of enforcement cases concluded in Q1 2022/23 compared with the same period the previous year, with the greatest decrease occurring in Belfast (down 37.9% from 116 to 72). Five councils reported an increase in the number of enforcement cases concluded over the same period with the largest increase reported in Fermanagh and Omagh (up 63.5%; from 52 to 85).

[Refer to Tables 6.1, 6.2.](#)

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.

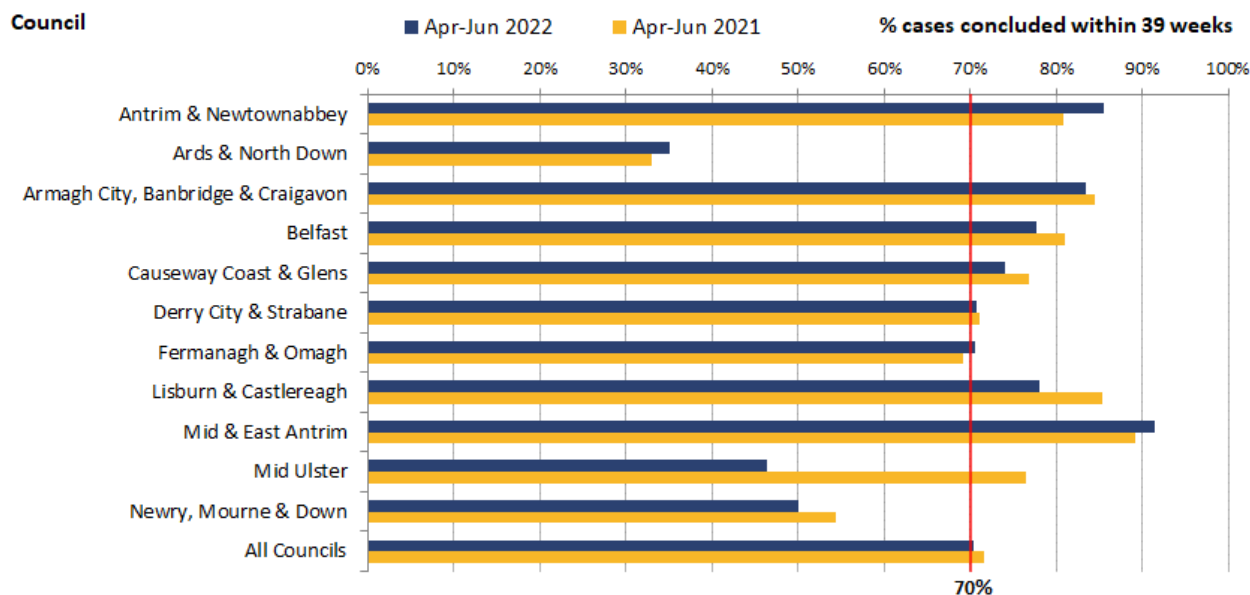
Across all councils, **70.3%** enforcement cases were concluded within 39 weeks during the first three months of 2022/23, meeting the statutory target of 70%. This represents a decrease from the rate reported for the first three months of 2021/22 (71.7%).

During the first three months of 2022/23 eight of the 11 councils were meeting the statutory target ([Figure 6.2](#)).

[Refer to Table 6.2.](#)

³ Refer to [User Guidance – Enforcement activity](#) for definitions of closed and concluded enforcement cases.

Fig 6.2 Percentage of cases concluded within 39 weeks by council, April to June 2021 & April to June 2022



The number of **live enforcement cases** at the end of June 2022 was **3,732**. Examining the last two years in more detail reveals that the number of live enforcement cases increased during the first three quarters of 2020/21, as the number of cases opened exceeded the number closed. The number of live enforcement cases peaked at the end of December 2020 with 4,074 live cases. In the quarters that followed the number of live cases has reduced from this peak but has fluctuated, with 3,732 live at the end of June 2022.

The number of **cases over two years old** stood at **1,173** at the end of June 2022, accounting for 31.4% of all live cases. 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 June 2022 (700), with almost half (45.6%) of these in the system for over two years.

Mid and East Antrim had the smallest number of live cases (77) at the end of June 2022, with 26.0% of these in the system for over two years.

The number of live enforcement cases decreased in seven of the 11 councils between the end of June 2021 and the end of June 2022. The decrease in percentage terms was greatest in Antrim and Newtownabbey, where the number of live cases decreased by 50.0% over the year (from 246 to 123).

The overall decrease in the enforcement live count recorded across the year was offset by increases reported in the remaining four councils, with the greatest of these reported in Derry City and Strabane (up 43.1%; from 232 to 332).

[Refer to Table 6.5.](#)

Compliance activity

There were four prosecutions initiated during Q1 2022/23, across three councils, with Lisburn and Castlereagh initiating two.

During the first quarter of 2022/23, there were two convictions across NI, one in Lisburn and Castlereagh and the other in Mid Ulster.

[Refer to Tables 6.1 and 6.3.](#)



Chapter 7: Renewable energy activity

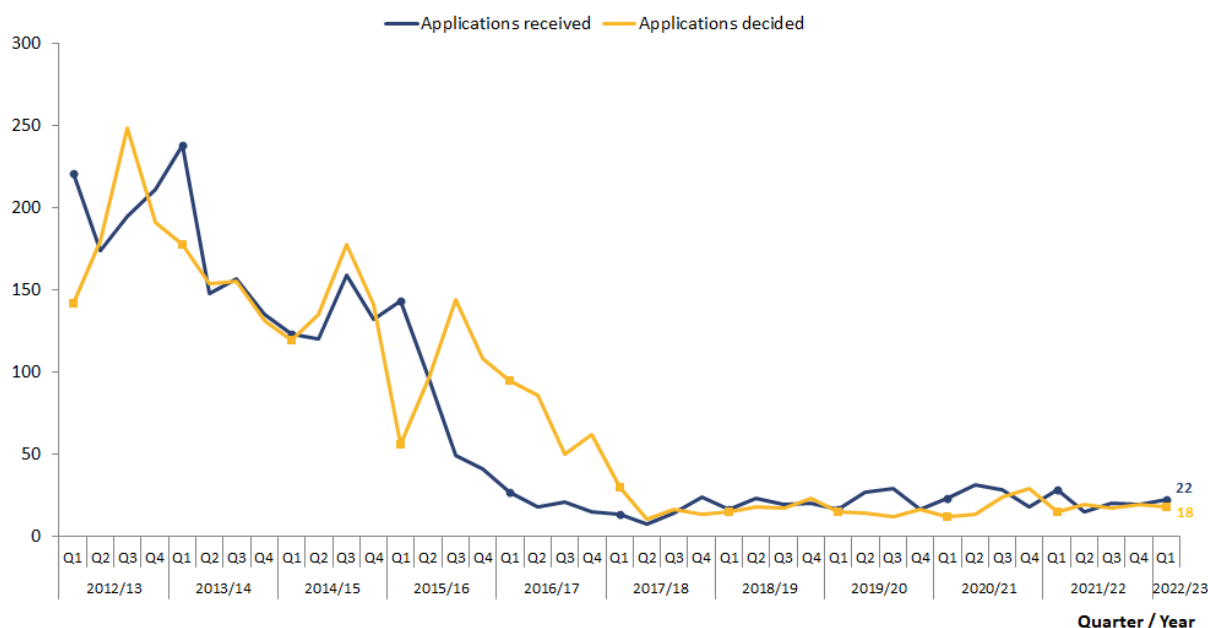
Chapter 7: Renewable energy (RE) activity

Renewable energy applications received

Twenty-two renewable energy applications were **received** in Q1 2022/23; similar to the previous quarter (19) but down when compared to the same period the previous year (28).

The number of applications received during April to June peaked in 2013/14 at 238. It is likely that the high levels at this time were driven by the NI Executive’s 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 **90.8%** decrease from 238 applications in Q1 2013/14 to 22 applications in Q1 2022/23) 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, quarterly from April 2012 to June 2022



Renewable energy applications decided

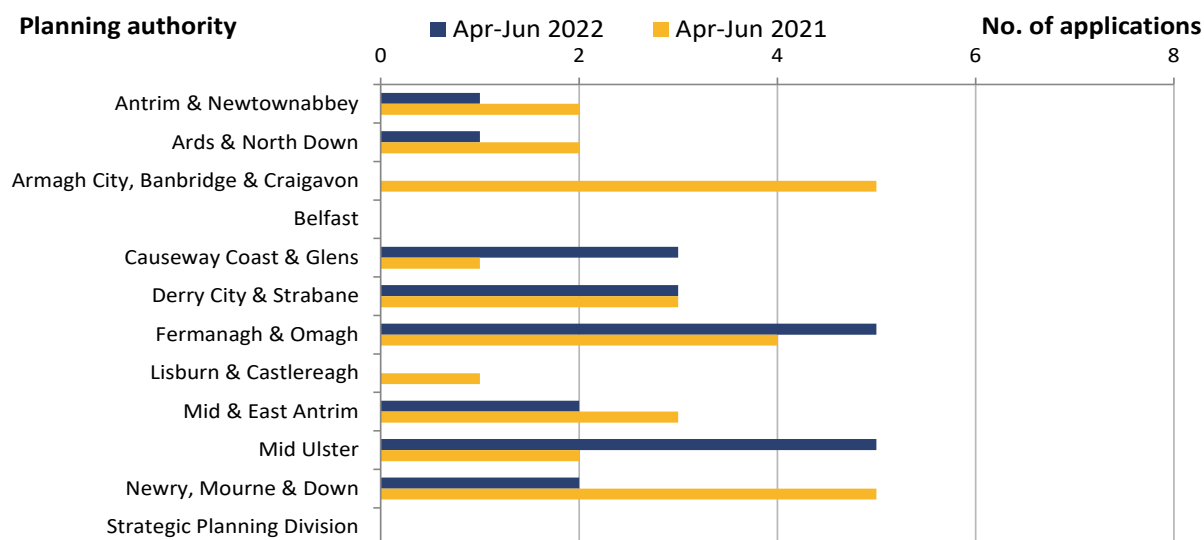
The number of renewable energy applications **decided** during Q1 2022/23 was **18**; compared to 19 in the previous quarter and 15 in the same period last year; representing a **89.9%** decrease from the series’ first quarter peak of 178 applications decided in 2013/14 ([Figure 7.1](#)). **One** renewable energy application was **withdrawn** during Q1 2022/23. [Refer to Table 7.1.](#)

The average processing time for the 18 renewable energy applications brought to a decision or withdrawal during the first quarter of 2022/23 was 50.0 weeks across NI; with processing times increasing over the latest quarter (from 47.4 weeks) and from the same period a year earlier (45.2 weeks).

Single wind turbines continue to be the most common renewable energy application, accounting for 17 out of 22 applications received during Q1 2022/23. In addition, 15 of the 18 renewable energy decisions issued during the most recent quarter were for single wind turbines. [Refer to Table 7.2.](#)

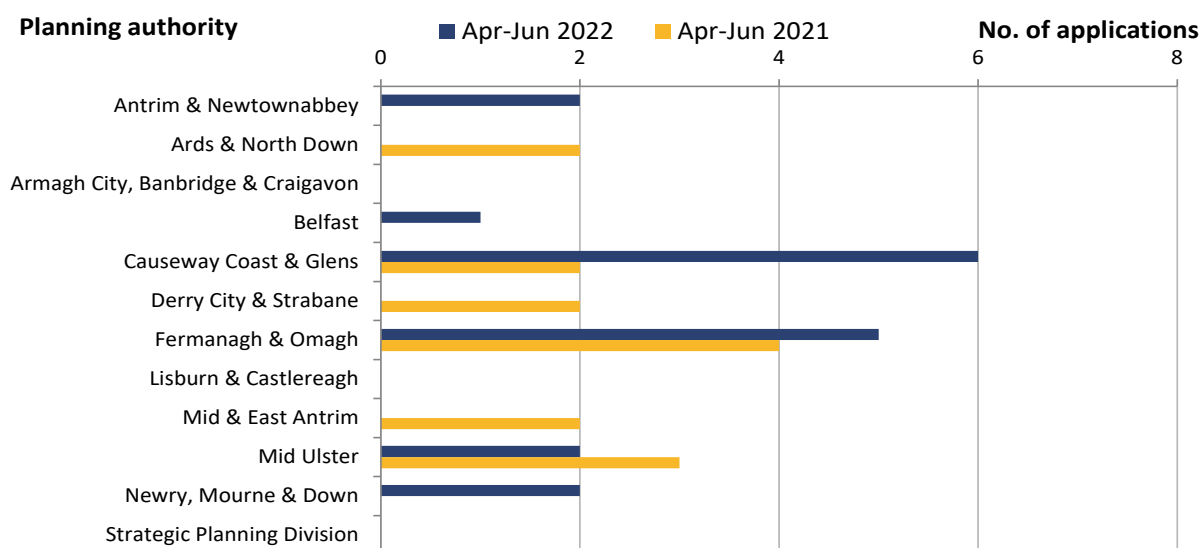
[Figure 7.2](#) shows the distribution of renewable energy applications received across the different planning authorities, with Fermanagh and Omagh and Mid Ulster (both five) receiving the most in Q1 2022/23.

Fig 7.2 Renewable Energy applications received by authority, April to June 2021 & 2022



[Figure 7.3](#) shows the distribution of decisions issued on renewable energy applications across the different planning authorities, with Causeway Coast and Glens (six) issuing the most during the first quarter of 2022/23.

Fig 7.3 Renewable Energy applications decided by authority, April to June 2021 & 2022

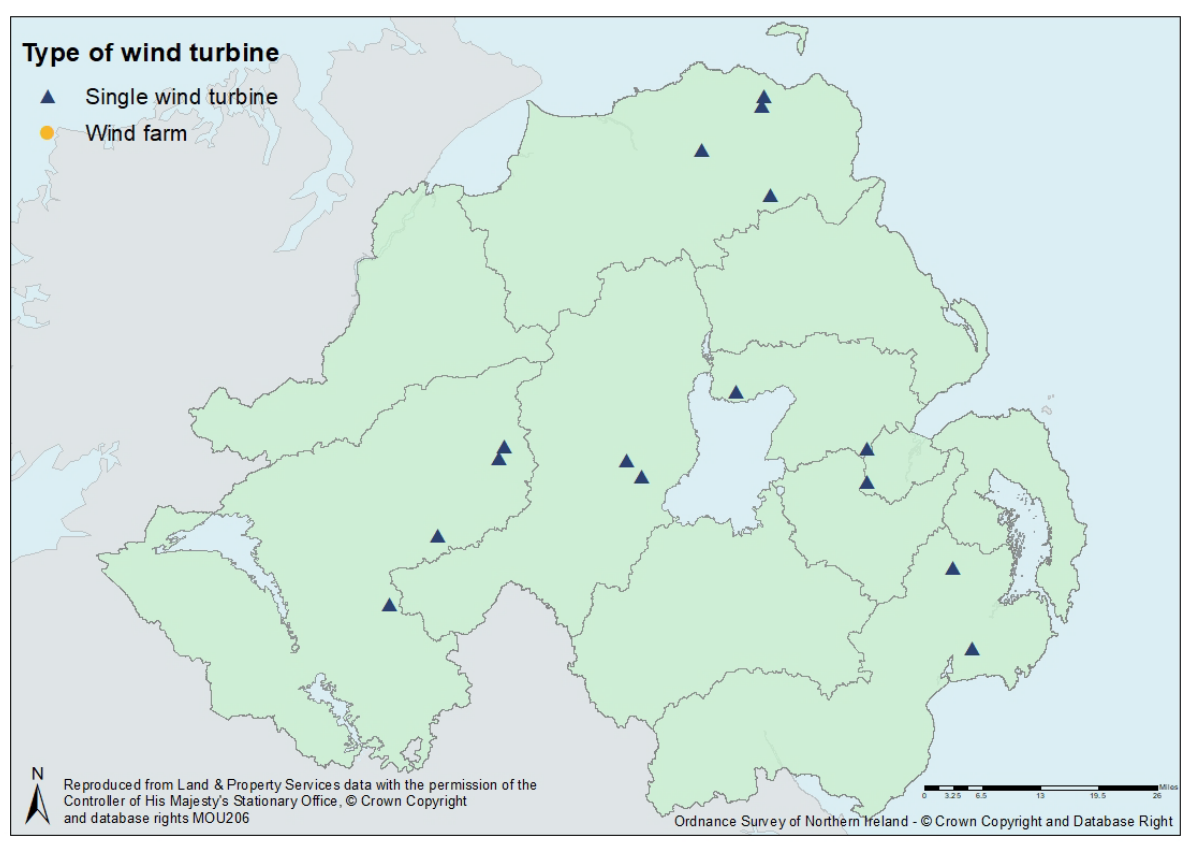


At the end of June 2022, there were **125 live renewable energy applications** in the planning system across NI; approaching three-quarters of these (72.8%, 91 of 125) were for single wind turbines. Of these 125 live applications, 52.0% were in the planning system for over a year; an increase from the proportion reported for the same point in 2021 (37.3%).

The **NI approval rate** for renewable energy applications was **94.4%** in Q1 2022/23, with 17 out of the 18 decisions issued during this period being approvals.

[Figure 7.4](#) displays the locations of wind energy applications approved during the first three months of 2022/23. While there were no wind farms approved during this period, there were 15 single wind turbines approved.

Fig 7.4 Location of approved wind energy applications by council, April to June 2022



[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 30 June 2022 were transferred in July 2022 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 August 2022. Quarterly data for 2022/23 are regarded as provisional and will retain this status until the annual report is published in July 2023.

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 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 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 later in the year.

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](#) a number of 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.

NINIS

Finalised annual data on planning applications and enforcements are also available on the Northern Ireland Neighbourhood Information Service, from 2002/03 (where applicable). These data can be found under the 'People and Places' theme on the [NINIS website](#).

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.



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 4 – Submission of Pre-Application Notice (PAN) for the erection of new post primary school, primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches at Forthill Lisburn.

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice attached (see **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
--	----	---	----

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- Appendix 4(a)** - Report in relation to LA05/2022/0882/PAN
- Appendix 4(b)** – LA05/2022/0882/PAN– PAN Form
- Appendix 4(c)** – LA05/2022/0882/PAN– Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	07 November 2022
Responsible Officer	Conor Hughes
Date of Report	25 October 2022
File Reference	LA05/2022/0882/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the erection of new post primary, primary school, nursery unit with associated works including car park, bus drop off area and playing pitches.
2. The site is located on land at Fort Hill Integrated Primary and Fort Hill Integrated College, Belfast Road, Lisburn BT27 4TL.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 23 September 2022. The earliest possible date for the submission of a planning application is week commencing 19 December 2022.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
7. The description associated with the FORM PAN1 is as described above.

8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at Gravis Planning, 1 Pavillions Officer Park, Kinnegar Drive, Holywood BT18 9JQ.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

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

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

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

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

The PAN form indicates at Question 10 that a public event will take place in Fort Hill Integrated College on Wednesday 30 November 2022 from 4pm to 8pm.

The event will be publicised in the Ulster Star on Friday 18 November 2022. An announcement will be made via social media prior to the consultation going live. No other consultation methods are identified.

Elected members for the DEA identified as having an interest received a copy of the Proposal of Application Notice on the week commencing 22 September 2022. The notice was also served on Hilden Community Association.

Recommendation

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

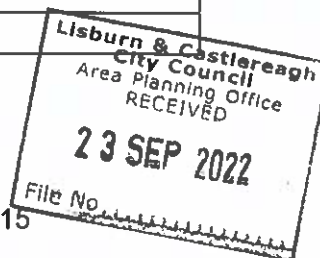
Form PAN1

Official Use Only	
Reference No.:	LA05 / 22 / 08 8 2
Associate Application No.:	
Registration date:	

335

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015



To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (<http://epicpublic.planningni.gov.uk/publicaccess/>). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Education Authority	Name:	Gravis Planning
Address:	40 Academy Street	Address:	1 Pavillions Office Park, Kinnegar Drive
Town:	Belfast	Town:	Hollywood
Postcode:	BT1 2NQ	Postcode:	BT18 9JQ
Tel:	028 9056 4000	Tel:	028 9042 5222
E-mail:		E-mail:	info@gravisplanning.com

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands at Fort Hill Integrated Primary and Fort Hill Integrated College
 Belfast Road
 Lisburn
 BT27 4TL

3. What is the area of the site in hectares?

8.6

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Erection of new post primary school, new primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches.

5. What is the total gross floorspace of the proposed development?

14,612 m²

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to? (Please tick)

Full planning permission

Outline planning permission

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

Yes

(Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes

(Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Public Event	Fort Hill Integrated College	Wednesday 30th November
	Belfast Road	4pm - 8pm
	Lisburn	
	BT27 4TL	
Name of publication(s) used: Ulster Star		
Proposed newspaper advert date(s): Friday 18th November		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc) and method of notification (please include date, time and with whom): N/A		
Details of any other publicity methods (such as leaflets, posters, etc): Announcement to be made via social media prior to the consultation going live.		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

Elected member(s) for District Electoral Area Ald Stephen Martin Cllr Johnny McCarthy Cllr Jonathan Craig Cllr Nicholas Trimble Cllr Stuart Hughes Cllr Scott Carson	Date notice served 22/09/2022
Other Hilden Community Association	Date notice served 22/09/2022

12. Council Employee / Elected Member Interest

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

Yes No


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

Yes No

If you have answered yes, please provide details (name, relationship and role):

N/A

13. Declaration

Signature:	
Print name:	MARK HANVEY (GRAVIS PLANNING)
Date:	22/09/2022

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.

This document has been prepared in accordance with the scope of I&E's appointment with its client and is subject to the terms and conditions of the appointment. It is not to be used for any other purpose than that for which it was prepared and provided. Only written dimensions shall be used.
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Designed with reference to the surveys, information and reports listed.



N 364725381
E 327360275

Lisburn & Castlereagh
City Council
Area Planning Office
RECEIVED
23 SEP 2022
L405 / 22 / 0882
FILE NO.

Drawing No. 01
L&E
Lisburn & Castlereagh City Council

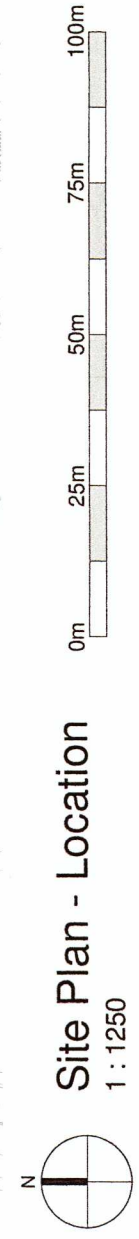
Rev Description Drn Chkd Date
Isherwood + Ellis ARCHITECTS
01 Lower Crescent
Bryn NWR
Tel +44 (0)28 9066 9391

Client
Fort Hill IC Board of Governors

Project
Fort Hill Integrated Campus

Drawing
Site Plan - Location

Project No. 20 1061
Drawing No. FIC-IEA-ZZ-DR-A-1001
Workstage STAGE 2
Status S1
Created • MD Checked • AS
Date • 01/07/2022 Scale @ A2 • 1:1250



Site Plan - Location
1 : 1250



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 5 – Submission of Pre-Application Notice (PAN) for the proposed erection of 8 industrial units, related access improvements, parking and ancillary site works at Comber Road, Dundonald

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice attached (see **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There is a Section 76 planning agreement associated with an earlier planning application approved at this location. Any new application that follows is likely to require legal advice in respect of the implications this amendment to the agreed scheme might have to the agreement. There is likely to be a financial cost associated with this that will be kept under review.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 5(a) - Report in relation to LA05/2022/0905/PAN

Appendix 5(b) – LA05/2022/0905/PAN– PAN Form

Appendix 5(c) – LA05/2022/0905/PAN– Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	07 November 2022
Responsible Officer	Conor Hughes
Date of Report	25 October 2022
File Reference	LA05/2022/0905/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the erection of eight industrial units, related access improvements, parking and ancillary works.
2. The site is located on lands at Comber Road, Dundonald (north of Comber Road and south of Comber Greenway).

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 03 October 2022. The earliest possible date for the submission of a planning application is week commencing 26 December 2022.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
7. The description associated with the FORM PAN1 is as described above.

8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at Turley, Hamilton House, 3 Joy Street, Belfast BT2 8LE.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant's volunteering an Environmental Statement.

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

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

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

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

The PAN form indicates at Question 10 that a Public Information Event will take place in Enler Community Centre on 24 November 2022 between 3pm and 7pm. The event will be publicised in the Belfast Telegraph on Thursday 17 November 2022.

A consultation website with live chat function will go live on 17 November 2022. The relevant link is: [www.comberroadconsultation.co.uk\(TBC\)](http://www.comberroadconsultation.co.uk(TBC))

Leaflets will also be distributed to properties within 200 metres distance of the proposed development on 17 November 2022 and hard copies of materials can be provided to parties unable to access public event or digital materials.

Elected Members for the DEA identified as having an interest will receive a copy of the Proposal of Application Notice on the week commencing 03 October 2022.

Recommendation

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

Form PAN1

Official Use Only	
Reference No.:	LA05/22/090
Associate Application No.:	
Registration date:	

345

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (<http://epicpublic.planningni.gov.uk/publicaccess/>). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Millmount (Comber Road) Ltd	Name:	Turley
Address:	19 Clarendon Road	Address:	Hamilton House 3 Joy Street
Town:	Belfast	Town:	Belfast
Postcode:	BT1 3BC	Postcode:	BT2 8LE
Tel:		Tel:	02890 723900
E-mail:		E-mail:	jack.gibson@turley.co.uk

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands at Comber Road Dundonald (north of Comber Road and south of the Comber Greenway)



3. What is the area of the site in hectares? 2.44 hectares

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Proposed erection of 8 no. industrial units, related access improvements, parking and ancillary site works (alterations to planning permission LA05/2017/1153/F).

5. What is the total gross floorspace of the proposed development? 6100 sqm

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to? (Please tick)

Full planning permission

Outline planning permission

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

Yes

(Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes

(Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Public Information Event	Enler Community Centre (meeting room)	3-7pm, 24 November 2022
Consultation website with live chat function	www.comberroadconsultation.co.uk (TBC)	Website to go live on 17 November 2022
Name of publication(s) used: Belfast Telegraph		
Proposed newspaper advert date(s): Thursday 17 November 2022		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc) and method of notification (please include date, time and with whom): Leaflets distributed to properties within 200m of the proposed development on 17 November 2022 Consultation phone line and project email made available and promoted on project leaflet and consultation website Hard copies of materials can be provided to parties unable to access public event or digital materials		
Details of any other publicity methods (such as leaflets, posters, etc): Leaflets will include free-post feedback form and will provide a postal address, email address and consultation telephone number for interested parties to use to provide feedback or ask questions. Leaflets will also promote the consultation website.		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area (Castlereagh East DEA) Ald David Drysdale Cllr Martin Gregg Cllr John Lavery BEM Cllr Hazel Legge Cllr Sharon Lowry Cllr Sharon Skillen</p>	<p>Date notice served W/C 3 October 2022</p>
<p>Other Gavin Robinson MP Andy Allen MLA David Brooks MLA Joanne Bunting MLA Naomi Long MLA Peter McReynolds MLA</p>	<p>Date notice served W/C 3 October 2022</p>

12. Council Employee / Elected Member Interest

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

Yes No

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

Yes No

If you have answered yes, please provide details (name, relationship and role):

13. Declaration

Signature:	
Print name:	Turley, Sam McKee
Date:	30.09.2022

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.



- KEY**
- APPLICATION BOUNDARY
 - EXTENT OF LAND OWNED BY APPLICANT

CLIENT
Millmount (Comber Road)

PROJECT
Comber Road,
Dundonald

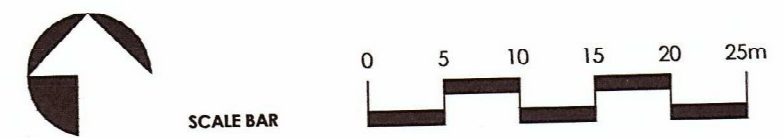
DRAWING TITLE
Location Plan
Commercial Area

SCALE
1:1250 @ A2

DATE
21-09-22

DRAWN BY
AH/JCP

DRAWING NUMBER
3244-050-01-02-001



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Drawing No. 01
Lisburn & Castlereagh City Council

Lisburn & Castlereagh City Council
Area Planning Office
RECEIVED
03 OCT 2022
LA05/22/0905

apc
RIBA
Chartered Practice

SITE LOCATION PLAN



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 6 – Submission of Pre-Application Notice (PAN) for the erection of discount food store, provision of accesses, car parking, landscaping and associated site works at Sprucefield Park Lisburn.

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice attached (see **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
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If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 6(a) - Report in relation to LA05/2022/0906/PAN

Appendix 6(b) – LA05/2022/0906/PAN– PAN Form

Appendix 6(c) – LA05/2022/0906/PAN– Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	07 November 2022
Responsible Officer	Conor Hughes
Date of Report	25 October 2022
File Reference	LA05/2022/0823/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the erection of discount food store, provision of access(es), car parking, landscaping and associated site works.
2. The site is located on lands 140 metres north of Unit 5 (Sainsburys), Sprucefield Park, Lisburn BT27 5UQ.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 04 October 2022. The earliest possible date for the submission of a planning application is week commencing 26 December 2022.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
7. The description is as described above.

8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at MBA Planning, 4 College House, Citylink Business Park, Belfast BT12 4HQ.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant's volunteering an Environmental Statement.

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

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

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

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

The PAN form indicates at Question 10 that notice that a community consultation drop in session will take place at the Premier Inn, 136 – 144 Hillsborough Road, Lisburn on Tuesday 15 November 2022 from 6.30pm to 9pm.

The event will be publicised in the Ulster Star on Friday 4 November 2022. Drawings and information about the proposal will be displayed on the prospective applicant's website from 4 November 2022 to 2 December 2022. This will be explained in the advertisement.

During this 4 week period, interested parties will be able to seek further information about the proposal and provide comments on it by post, email or telephone. A call back system will be operated.

Interested parties also have the option of attending the drop-in sessions at the Premier Inn on 15 November 2022. Preliminary drawings will be displayed and members of the project team will be available to discuss the proposal.

Elected Members for the DEA identified as having an interest will receive a copy of the Proposal of Application Notice on or prior to the 4 November 2022.

Recommendation

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

Form PAN1

Official Use Only	
Reference No.:	LA05/22/0906
Associate Application No.:	
Registration date:	

356

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (www.planningni.gov.uk/public-access-info). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15%;">Name:</td><td>Lidl Northern Ireland</td></tr> <tr><td rowspan="2">Address:</td><td>Nutts Corner</td></tr> <tr><td>Dundrod Road</td></tr> <tr><td>Town:</td><td>Crumlin</td></tr> <tr><td>Postcode:</td><td>BT29 4SR</td></tr> <tr><td>Tel:</td><td></td></tr> <tr><td>E-mail:</td><td></td></tr> </table>	Name:	Lidl Northern Ireland	Address:	Nutts Corner	Dundrod Road	Town:	Crumlin	Postcode:	BT29 4SR	Tel:		E-mail:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15%;">Name:</td><td>MBA Planning</td></tr> <tr><td rowspan="2">Address:</td><td>4 College House</td></tr> <tr><td>Citylink Business Park</td></tr> <tr><td>Town:</td><td>Belfast</td></tr> <tr><td>Postcode:</td><td>BT12 4HQ</td></tr> <tr><td>Tel:</td><td>028 9042 1011</td></tr> <tr><td>E-mail:</td><td>planning@mbaplanning.com</td></tr> </table>	Name:	MBA Planning	Address:	4 College House	Citylink Business Park	Town:	Belfast	Postcode:	BT12 4HQ	Tel:	028 9042 1011	E-mail:	planning@mbaplanning.com
Name:	Lidl Northern Ireland																										
Address:	Nutts Corner																										
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Tel:	028 9042 1011																										
E-mail:	planning@mbaplanning.com																										

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Land 140 metres north of Unit 5 (Sainsbury's), Sprucefield Park, Lisburn, BT27 5UQ



3. What is the area of the site in hectares? 2.5 hectares

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Erection of discount food store, provision of accesses, car parking, landscaping and associated site works.

5. What is the total gross floorspace of the proposed development? Approx. 2,475sqm

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/a

7. Which type of planning permission does this Proposal of Application Notice relate to?
(Please tick)

Full planning permission

Outline planning permission

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

Yes

(Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes

(Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Community consultation drop-in session	Premier Inn, 136-144 Hillsborough Rd, Lisburn BT27 5QY	Tuesday 15th November 2022, 6.30pm - 9.00pm
Name of publication(s) used: Ulster Star		
Proposed newspaper advert date(s): Friday 4th November 2022		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc) and method of notification (please include date, time and with whom): Drawings and information about the proposal will be displayed on the prospective applicant's website from 4th November 2022 to 2nd December 2022. This will be set out in the notice in the Ulster Star to be published on 4th November 2022. During this 4-week period interested parties will be able to seek further information about the proposal and provide comments on it by post, email or telephone (a call back system will be operated). Interested parties also have the option of attending the drop-in session at the Premier Inn on 15th November 2022 to seek further information or provide comments on the proposal. Preliminary drawings will be displayed and members of the project team will be available to discuss the proposal.		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area Downshire West Alderman Jim Dillon MBE JP (UUP) Alderman Allan Ewart MBE (DUP) Alderman Owen Gawith (Alliance) Councillor Caleb McCready (DUP) Councillor John Palmer (UUP)</p>	<p>Date notice served On or prior to 4th November 2022</p>
<p>Other Sir Jeffrey Donaldson MP (DUP) MLAs - Sorcha Eastwood (Alliance), Robbie Butler (UUP), Paul Givan (DUP), Emma Little-Pengelly (DUP) & David Honeyford (Alliance)</p>	<p>Date notice served On or prior to 4th November 2022</p>

12. Council Employee / Elected Member Interest

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

Yes No

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

Yes No

If you have answered yes, please provide details (name, relationship and role):

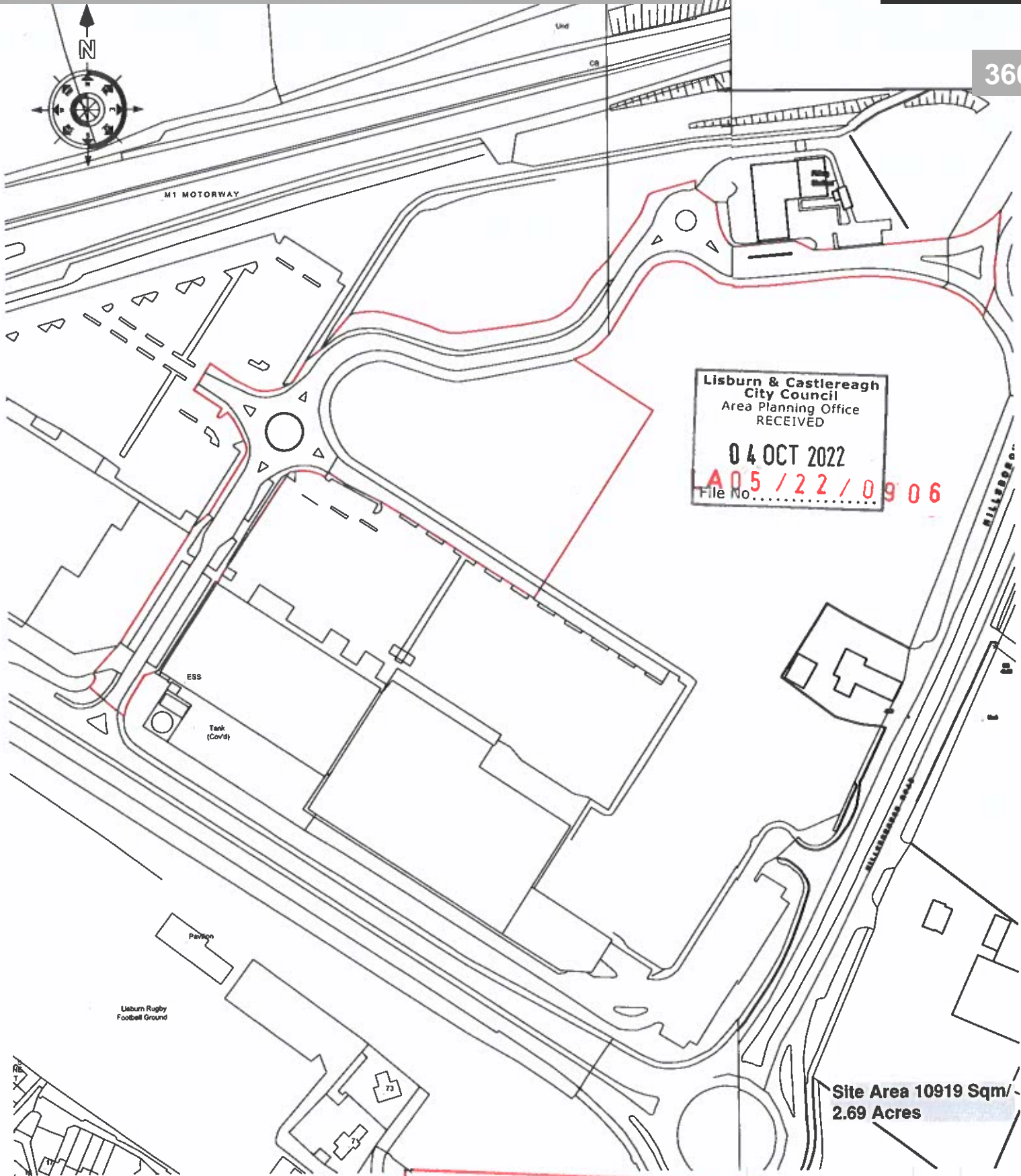
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13. Declaration

Signature:	
Print name:	Dermot Monaghan for MBA Planning on behalf of Lidl Northern Ireland
Date:	29 September 2022

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.



Lisburn & Castlereagh
City Council
Area Planning Office
RECEIVED
04 OCT 2022
File No. **A05/22/0906**

ESS
Tank (Cov'd)

Lisburn Rugby Football Ground

Site Area 10919 Sqm/
2.69 Acres

Location Plan
Scale 1:2500

Drawing No. 01
LCCC
Lisburn & Castlereagh City Council

Project Title Proposed Lidl Store At Lands At Sprucefield Retail Park Lisburn		Drawing Title Location Plan		<p>Unit 1, 33 Dungannon Road Coalisland TEL: 02887 747900 FAX: 02887 747901 e-mail: cm@clarman.com</p>	
Stage 2	Project No. L232	Dwg. No. 01	Revision A		
Client Lidl Ireland GmbH	Scale 1:2500	Date Jan 22	Drawn by LH	Checked By JJM	



Planning Committee

01 August 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 7 – Replacement of the Northern Ireland Planning Portal

Background and Key Issues:

Background

1. As Members will be aware, 10 Councils and Department for Infrastructure (Planning) have been working collaboratively on a joint project to develop and configure a new IT system for delivering the planning function. The appointed consultancy team led by TerraQuest were due to complete the development stage of the project on 22 July 2022.
2. As advised in August 2022, as the project moves to the implementation phase this involves engagement with key stakeholders including staff, consultees, agents and other stakeholders in order to ensure that the IT system is rolled out in accordance with the specification and project plan and that the system when it goes live provides the essential functionality needed to support the wider planning system.

Key Issues

1. The Department for Infrastructure published its second Planning Portal newsletter on 21 September 2022 and is available to view via the following link

[Planning Portal Newsletter - September 2022 \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-portal-newsletter-september-2022)

2. The newsletter provides information on the following:
 - Transition Arrangements
 - Digital Opportunities
 - Training
 - User Acceptance Testing and Preparing for Change
 - Consultations
3. As Members will be aware, it was anticipated that the new system would be implemented early in the autumn but it has now been confirmed that it will Go Live on Monday 5 December 2022.
4. As part of the preparations, the current portal is expected to be available for read access only from 18 November 2022. Staff and consultees will no longer be able to manage application processes or make further updates to applications to the current portal.
5. In preparation for the proposed restriction in access to the current system, consultees have been asked to close out as many planning consultations as possible. Any consultations completed off line during the transition period will be held and recorded, and uploaded to the new system post Go Live.
6. Whilst the current system will continue to be available during the transition period so customers can view applications, the ability to make comments online will no longer be available. Instead customers can submit their comments by email or post.
7. Operationally during the transition period, officers will continue to assess applications in the normal way with recommendations continuing to come forward to a weekly delegated list. This list will still be circulated to Members by email on a Friday and posted to the Council website.
8. Applications presented to the weekly list can still be referred to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee.
9. A list of validated applications will not be issued as new applications received in hard copy during the transition period will not be keyed into the new system, as this data may be lost as part of the data migration process. These files will be held and uploaded when the new system goes live. These applications will still be checked to see if they are valid by officers in preparation for uploading.
10. Advertising of new applications and re-advertising of any amendments received will not take place during the transition period and neighbour notifications will not be issued.

Recommendation

It is recommended that Members note the current position in relation to the implementation of the new planning portal system.

Finance and Resource Implications:

No additional finance or resource implications are identified at this time. The project is allocated a budget from the capital programme and is being delivered in accordance with current Council governance arrangements.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report on the launch of the New Planning Portal System and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report the launch of the New Planning Portal System and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 7 - Second Planning Portal News Letter – September 2022.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



planning portal newsletter

September 2 365

NEW PORTAL

The development of the new Regional Planning IT System for Northern Ireland (aka the Planning Portal) is nearing completion and is due to be launched this autumn.

.....

Transition Arrangements

As part of the switchover to the new portal, a period of read only access to the system is required to facilitate the migration of a large amount of data from the current system. This means that updates to the current portal will stop approx. 3 weeks ahead of system launch and the majority of staff, as well as consultees, will have read only access from that point forward. The only exception will be for regional property certificates which will continue to be processed on the current system until work queues are cleared.

Arrangements will be put in place to try to deal with business as usual but as the Councils, Department and Consultees will have restricted capacity to process cases, some delays may occur for both new and existing cases in the system at that time.

The current Public Access website will remain available throughout the transitional period to allow citizens to continue to view applications but online comments will be disabled. Instead citizens can submit their representations to the Council / Department via e-mail or by post.

Similarly, the Councils and Department will continue to accept new planning applications during the transition period but copies of the submitted forms and plans will not be made available online until the new Planning Portal is launched. These applications will continue to be checked by staff offline in preparation for being uploaded and will be advertised, neighbour notified and consultations issued once the new Planning Portal is up and running.

User Acceptance Testing (UAT)

User Acceptance Testing of the System has commenced and will continue into October. Staff from both the Councils and DfI are undertaking the UAT which is testing the system to identify any bugs or issues that need to be addressed before it is launched.



Preparing for change

Work continues on preparing for change and each Planning Authority is developing their own local change plan to take account of the impact of the switchover to the new Planning Portal on their business processes. This work is critical in ensuring that each is prepared and that there will be sufficient resources in place to deal with new work processes as well as any challenges that may arise following the system launch.

CONSULTATIONS

In preparation for the switchover, all consultees should try to close out as many consultations as possible on the current system by October so that there are fewer open cases to transfer. Consultees can continue to liaise with the relevant Planning Authority should they have queries about particular cases or to request extensions to deadlines during the transition stage.

 *Continued...*





planning portal newsletter

DIGITAL OPPORTUNITIES

It is important for all users and key stakeholders to maximise the potential digital opportunities that the new Planning Portal will provide. Whilst change can often be seen as a daunting prospect, the roll out of the new IT system is a positive change that will help improve the planning process and promote the provision of Planning Services that align closely with the modern digital agenda. It is worth highlighting that some of the key benefits of the new system include:

- An Integrated front and back-office that streamlines administrative processes and improves validation and workflows, thereby enabling better management of caseloads for officers at all levels.
- New online application process that removes the need for paper-based

transactions and processes, and provide a fully digital solution.

- Paperless applications that remove the need for costly printing, particularly for larger or more complex developments, and a reduction in bulky office or off-site storage. This not only helps to reduce costs but also reduces paper waste.
- A modern digital interface that provides an enhanced customer experience aimed at an improved user satisfaction.

The change to the new Planning Portal will undoubtedly be a challenge for us all in adapting to a fully digital solution but it is critical that we harness and promote the benefits of this new way of working which will realise efficiencies and help to reduce costs over the coming years.

TRAINING

A training plan covering the various types of users and all apps and modules within the new Planning Portal has been developed in conjunction with the Authorities and TerraQuest, the company commissioned to deliver and support the new system. Training will be delivered via a 'Train the Trainer' approach and nominees have been identified across the Planning Authorities to take on the Local Trainer roles. They are currently being trained and a number of support materials, such as user guides and demo videos, have been prepared to help aid the delivery of the end user training to their colleagues locally. The roll out of training to staff will run right through to system launch. Invites for this will issue locally from the Local Trainers.

Demonstrations of the system for consultees and customers will also be made available before the system goes live.

Keep Informed

-  [@Departmentforinfrastructure](#)
-  [@deptinfra](#)

Contact Info

Programme Management Office on:

-  028 90 541 058
-  Planning.Portal@infrastructure-ni.gov.uk





Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: **Item 8 – Planning Publication Policy**

Background and Key Issues:

Background

1. As part of the process of managing and determining planning and tree work applications, Councils as Planning Authorities are required by legislation and in the public interest, to publish details of the applications and any supporting documents so that they are available to view. . This includes comments received on planning applications.
2. The way Council process sensitive and personal data and Special Category Information will continue to be considered under the UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018.
3. The attached draft planning publication policy was discussed at a meeting of the Regional Information Governance Group (linked to the development of the new planning portal) on 16 September 2022 and no queries were raised about the suggested approach to processing sensitive and personal data and special category information.

Key Issues

4. The document provides direction on how information received in the new portal will be dealt with and the following matters are considered in more detail:

- Criteria for Redaction
- Sensitive Information/Special Category Information
- Representations
- Copy Document Requests

5. It is intended that all Councils using the new planning portal will follow the same process for publishing information. There is no reason why this Council would adopt or follow a different approach and it has been subject to review by representatives from local government sitting on the Regional Information Governance Group.
6. Prior to the new portal system going live, the Council logo will be inserted into the document and will be made available to all users of the system on the Council website. The document will also be circulated to staff.
7. A report has been presented to the Development Committee on 3 November 2022 for approval.

Recommendation:

It is recommended that the Committee notes the information in relation to the Planning Publication Policy.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?	No
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If no, please provide explanation/rationale

This is a report in relation to a Planning Publication Policy associated with the new Planning Portal and EQIA is not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

[Empty text box]

Insert link to completed Equality and Good Relations report:

[Empty text box]

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the Planning Publication Policy associated with the new Planning Portal and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

[Empty text box]

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 8 – Planning Publication Policy

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

[Empty text box]

Planning Publication Policy

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As part of the process of managing and determining planning and tree work applications, the Northern Ireland Councils (Planning Authorities) are required by law and in the public interest, to publish planning applications and supporting documents so that they are available to view on the Planning System. This includes comments received on planning applications.

The way we process sensitive and personal data and Special Category Information will be considered under the UK General Data Protection Regulation (UK GDPR), tailored by the Data Protection Act 2018.

Criteria for Redaction

The Planning Authorities will take extreme care when publishing sensitive personal data and Special Category Information on the Planning System. The following data will be redacted [blacked out so that it cannot be seen in all instances, using electronic methods] or the document withheld i.e. it will not be published on the Planning System:

- signatures (hand written and electronic);
- personal telephone numbers including mobile phone numbers (this does not include commercial or business phone numbers);
- personal email addresses (this does not include commercial or business email address);
- registration plates on motor vehicles;
- identification of children's/youth's information (photographs);
- children's names and ages;
- DAERA Farm Business Identification number;

Planning Publication Policy

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- where there are security implications on a planning application site;
- information relating to an enforcement issue;
- personal information irrelevant to the planning application; and
- criminal offence data.

This list of data is not conclusive.

Sensitive information/Special Category Information

Some planning applications are likely to contain sensitive personal data and Special Category Information. This will be redacted [blacked out so that it cannot be seen when published] or the complete document withheld, whichever is most appropriate.

Sensitive personal data and Special Category Information could include:

- medical details of any living person;
- bank statements;
- tenancy agreements;
- lifestyle details which reveal a health aspect e.g. needs a carer or has poor health;
- education details where a name identifies the child;
- environmentally sensitive data; and
- details of any criminal convictions.

Sensitive personal data and Special Category Information considered as part of the decision-making process will be retained on file.

Sensitive personal data and Special Category Information not material to the decision-making process will be redacted and not held on file.

Planning Publication Policy

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Representations

To deliver a consistent approach when dealing with comments on Planning applications, the Planning Authorities will deal with representations received in the following manner:

- Personal Data will be redacted as set out above, names and addresses of senders will be published (unless anonymity is requested – see notes below);
- If a representation contains information that may be defamatory, malicious, inaccurate or libellous, the communication may be returned to sender along with the letter at *Annex A*, explaining that it cannot be accepted;
- Anonymous representations will be considered and published;
- Where details of the sender have been provided but anonymity is requested, the representation will be anonymised for publication with personal data removed.
- The planning authority will use its discretion when considering whether to publish photographs accompanying a representation but where photographs are published, they will be subject to redaction criteria as set out above; and

Copy document requests

All personal data will be redacted when providing copies of planning applications and supporting documentation.

Planning Publication Policy

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ANNEX A

Our reference:

Dear

PLANNING APPLICATION REFERENCE:

Please find enclosed your objection letter to the above planning application.

This has been returned to you as it contains issues that could be considered _____ and are not relevant Planning considerations.

Please re submit your objection ensuring it relates to relevant planning matters and does not contravene the guidance within our Planning Publication Policy regarding personal or sensitive information and Special Category Information as per General Data Protection Regulations.

Kind regards

Planning Business Support Team



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 9 – Abandonment at Quay Street, Lisburn

Background and Key Issues:

Background

1. At the meeting in May 2022, a letter was made available from the Department for Infrastructure dated 10 March 2022 notifying the Council of its intention to abandon land at Quay Street, Lisburn.

Key Issues

2. In further correspondence dated 22 August 2022 the Council is advised in accordance with the provision of Schedule 8 to the Roads (Northern Ireland) Order 1993, that a copy of the draft abandonment Order is provided along with a copy of the statutory notice which will be published in the Belfast Gazette and Ulster Star (see attached).

Recommendation:

It is recommended that the Committee notes the correspondence from the Department for Infrastructure and progress on the abandonment of land at Quay Street.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report providing an update on the Departments intentions to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process. No EQIA is required.

If yes, what was the outcome?

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report providing an update on the Departments intentions to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process No RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 9(a) – Letter from Department for Infrastructure regarding abandonment of land at Quay Street, Lisburn dated 22 August 2022.
APPENDIX 9(b) – The Quay Street Car Park, Lisburn (Abandonment) Order 2022 - Draft Order
APPENDIX 9(c) - The Quay Street Car Park, Lisburn (Abandonment) Order 2022 - Map
APPENDIX 9(d) - The Quay Street Car Park, Lisburn (Abandonment) Order 2022 - NOI

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Transport Policy Division

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By e-mail

The Chief Executive
Lisburn & Castlereagh City Council

enquiries@lisburncastlereagh.gov.uk

Room 3-01
Clarence Court
10 -18 Adelaide Street
Belfast
BT2 8GB
Tel: (028) 90 540092
lynsey.wilson@infrastructure-ni.gov.uk

Your reference:
Our reference: IN1-22-10730

22 August 2022

Dear Sir/Madam

**The Quay Street Car Park, Lisburn (Abandonment) Order (Northern Ireland)
2022**

In accordance with the provision of Schedule 8 to the Roads (Northern Ireland) Order 1993, I enclose a copy of the above mentioned draft Order and related map together with a copy of the statutory notice which will be published in the Belfast Gazette and Ulster Star.

Yours faithfully

Lynsey Wilson

Lynsey Wilson
Transport Legislation Branch



 STATUTORY RULES OF NORTHERN IRELAND

2022 No.

ROADS

**The Quay Street Car Park, Lisburn (Abandonment) Order
(Northern Ireland) 2022**

Made - - - - 2022

Coming into operation - 2022

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993^(b) and now vested in it^(c).

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary for road traffic.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any objections received or inquiry held and the outcome thereof).

Citation and commencement

1. This Order may be cited as the Quay Street Car Park, Lisburn (Abandonment) Order (Northern Ireland) 2022 and shall come into operation on 2022.

Application

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 2022

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREAS OF ROAD TO BE ABANDONED

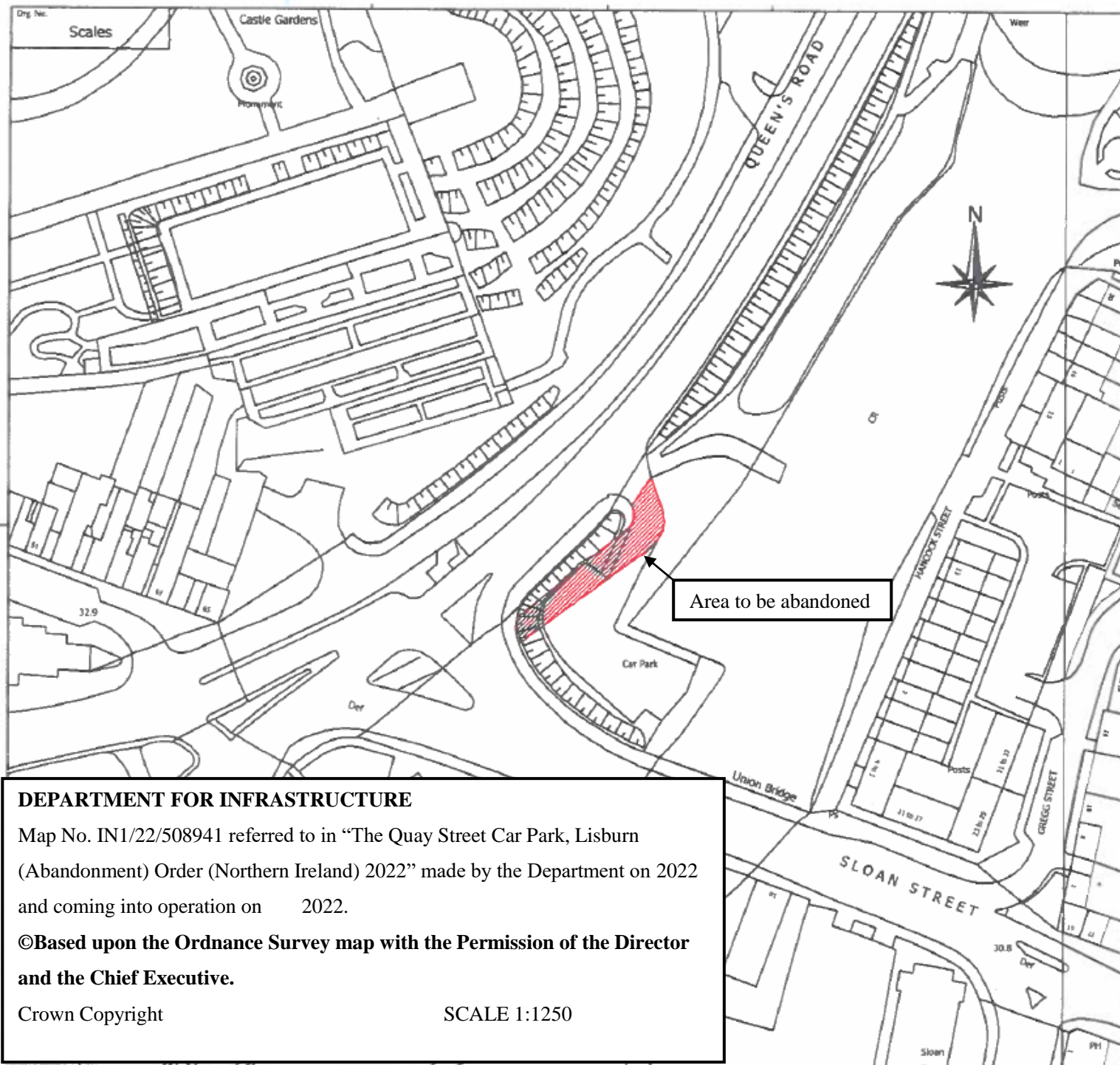
An area of 293.91 square metres of road at the entrance of Quay Street Car Park, Lisburn extending in a south-westerly direction following the line of the old road layout of Quay Street more particularly delineated and shown hatched and coloured red on map number IN1/22/508941.

A copy of the map has been deposited at the Department's Headquarters, Room 301, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.


EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the area of road described in the Schedule.



Based upon the Ordnance Survey map with the Permission of the Director and Chief Executive
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 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Notes:
 Area = 293.910 Sq.m.
 Map Ref :-16506SE4 & 16507SW3

NO.	REVISION	DATE

Project:
Abandonment

Title:
Quay Street Car Park

FILE NO.	DESIGNED	LL	Date
			06/02/19
DRAWN	CHECKED	INIT	Date
			00/00/00
TRACED	APPROVED	INIT	Date
			00/00/00

Dwg No. **0**

Scale: **Scale 1:1250**



Eastern Division

Annex 7
 Castle Buildings
 Upper Newtownards Road
 Belfast BT4 2SQ

Telephone: 028 9025 3000
 Fax: 028 9025 3220



Crown Copyright Reserved

DEPARTMENT FOR INFRASTRUCTURE
 Map No. IN1/22/508941 referred to in “The Quay Street Car Park, Lisburn (Abandonment) Order (Northern Ireland) 2022” made by the Department on 2022 and coming into operation on 2022.
 ©Based upon the Ordnance Survey map with the Permission of the Director and the Chief Executive.
 Crown Copyright SCALE 1:1250

ABANDONMENT – QUAY STREET CAR PARK, LISBURN

The Department for Infrastructure (DfI), gives notice of its intention to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 293.91 square metres of road at the entrance of Quay Street Car Park extending in a south-westerly direction following the line of the old road layout of Quay Street.

The area of road proposed to be abandoned is delineated on a map which, together with a copy of a draft Order, may be inspected free of charge during office hours within the period 9 September 2022 to 20 October 2022 at DfI Roads Eastern Division, Annexe 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast BT4 3SQ or viewed online at www.infrastructure-ni.gov.uk/consultations

Inspection of the draft Order and map is by appointment only which can be arranged either by e-mail using the office e-mail address below or by telephone during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) on 0300 200 7899.

Any person may, within the period above, object to the proposal by writing to the Department at the address above or by emailing lands.eastern@infrastructure-ni.gov.uk stating the grounds of the objection. The information you provide in your response to this consultation, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (EIR). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA/EIR, we cannot guarantee confidentiality.

For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the following link www.infrastructure-ni.gov.uk/dfi-privacy or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and EIR please refer to www.ico.org.uk



Planning Committee

07 November 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: **Item 10 – Cost Award Appeal Decision in respect of planning application LA05/2017/0882/F**

Background and Key Issues:

Background

1. A full planning application submitted on behalf of Bluehouse Developments Ltd for the construction of a three-storey building with 14 apartments and 8 ground floor retail units with on-site parking at 58 Comber Road Dundonald was refused planning permission on 30 November 2021.
2. The Council had prepared and submitted a statement of case and an informal hearing was scheduled to take place on 21 September 2022 at 10.30am. The day before the hearing the Council was then notified by the PAC that the appeal had been withdrawn by the appellant.
3. In accordance with Sections 205 and 206 of the Planning Act (Northern Ireland) 2011, officers on behalf of Lisburn & Castlereagh City Council applied to the Planning Appeals Commission for an award of costs incurred in the preparation of the statement of case and exchange of evidence required for this appeal.

4. The Council was notified by the PAC on 20 October 2022 that a full award of costs had been made and that the appellants were ordered to pay LCCC full costs for preparing for the appeal proceedings.

Key Issues

1. The award of costs was applied for on grounds that:
 - The Council supplied copies of a statement on Wednesday 10 June 2022 with further rebuttal information provided on 01 August 2022 to assist the Commission in narrowing the issues prior to an informal hearing on 21 September 2022.
 - Whilst the appellants' Statement of Case was shared with the Council on 17 June 2022, the statement failed to engage with the refusal reasons associated with the decision. Furthermore, no rebuttal statement was provided by the applicant.
 - Notification was received from the PAC one day before the informal hearing was scheduled to take place with officers of the Council and statutory consultees having carried out preparations for the appeal.
2. In light of the issues outlined above the appellant was considered to have caused an unnecessary appeal. Furthermore, the failure on the appellants' part to provide a rebuttal statement along with the late notification to the Commission in abandoning the appeal of the submission of statement of case is also considered to constitute unreasonable behaviour on the part of the appellant.
3. The nature and reasons for the expenses incurred were as follows:
 - Council engagement with consultees and time spent by officers preparing papers within timescale specified by Planning Appeals Commission.
 - Time incurred by administrative staff of the Council initially to copy the application file and provide the Planning Appeals Commission with planning history records and time incurred by administrative staff in providing copies of the statement.
 - Time incurred by planning officers within the Council to consider the detail of the submission and provide a detailed Statement of Case so as to provide advice to the Commission as to the reasons why the Council considered that this planning application be refused planning permission. Liaison with outstanding consultees was also required.

Recommendation:

It is recommended that the Committee notes the decision of the Commission in respect of this planning appeal and that officers will pursue costs with the appellant.

Finance and Resource Implications:

A full award of cost is made for the reasons outlined above.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report updating the committee on a decision by the PAC and EQIA is not required.

If yes, what was the outcome?

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report updating the committee on a decision by the PAC and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:**Appendix 10** - Appeal Decision – Cost Award - LA05/2017/0882/F**HAS IT BEEN SUBJECT TO CALL IN TO DATE?**

No

If Yes, please insert date:



Costs Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2021/A0250
Appeal against:	Construction of 3 storey building with 14 no. apartments and 8 no. ground floor retail units with on-site parking (renewal of Y/2007/0564)
Location:	58 Comber Road, Church Quarter, Dundonald
Claim by:	Lisburn and Castlereagh City Council
Claim against:	Bluehouse Developments Ltd
Decision by:	Commissioner B Stevenson, dated 19 th October 2022

Decision

1. A full award of costs is made.

Reasons

2. Paragraph 12 of the Commission's Costs Awards Guidance (the Guidance) states that the Commission will normally award costs only where all four of the following conditions are met: -
 - a party has made a timely claim; and
 - the claim relates to a relevant type of appeal; and
 - the party against whom the award is sought has acted unreasonably; and
 - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility & Timeliness

3. The Claimant submitted their costs award claim in relation to an appeal under Section 58 of the Planning Act (Northern Ireland) 2011. Section 205 of the Act enables the Commission to make costs awards in Section 58 appeals. Paragraph 20 of the Guidance states that where an appeal is withdrawn or a hearing was arranged but did not take place, any costs claim must be submitted in writing to reach the Commission no later than 10 working days after the date on which the Commission sent notification to the claiming party that the appeal had been withdrawn or the hearing cancelled.
4. The claim was submitted to the Commission on 30th September 2022 which was 8 working days after the day on which the Commission sent notification to the claiming party that the appeal had been withdrawn. Given that the claim relates to a Section 58 appeal and was made no later than 10 working days after the Commission notified the claiming party that the appeal had been withdrawn, the claim relates to a relevant type of appeal and was made in a timely manner. The first two conditions are met.

5. In response to the Costs Claim, the Respondent stated that they encountered costs through the Claimant's alleged incompetence and their alleged failure to properly engage with the Respondent. However, this allegation relates to the processing of the application rather than the appeal itself. In any event, if the Respondent was making a claim, it was made beyond the 10 working days and not in a timely manner. The first criterion would therefore not be met in this regard.

Unreasonable Behaviour

6. In deciding whether a party has acted unreasonably, the Commission will in accordance with case law apply the ordinary, everyday meaning of the word "unreasonable". Unreasonable behaviour can be substantive (relating to the essence of a party's case) or procedural (relating to how a party pursued its case).
7. Paragraph 14 of the Guidance sets out some examples of behaviours which may be found to be unreasonable. One that may be judged to be unreasonable is the withdrawal of an appeal by the appellant that results in the entire proceedings being abandoned, unless it was prompted by a significant change in circumstances which was outside the control of the party concerned.
8. The Claimant stated that the Respondent acted unreasonably in that they withdrew their appeal one day before the hearing was due to take place. In response to the Costs Claim, the Respondent said that they had no choice but to appeal the refusal and alleged that the Claimant had failed to engage with them during the processing of the application for planning permission. However, this does not explain why the appeal was withdrawn the day before the hearing. The claimant also provided no indication that the withdrawal of the appeal had been prompted by a significant change in circumstances that was outside his control. I therefore conclude that the Respondent acted unreasonably, and the third criterion is met.

Unnecessary or Wasted Expenses

9. Paragraph 18 of the Guidance states that claiming parties will be expected to identify the nature of the expenses they are seeking to recover. The paragraph goes on to say that it will not be necessary when making a claim to state the actual amount of the expenses being sought but the expenses must be capable of being quantified in the event that a costs award is made. Paragraph 17 states that expenses arising in the course of the appeal process typically include: -
 - the cost to the planning authority of assembling background documents to assist the Commission and the other parties in their preparations for the appeal;
 - the cost of employing a member of staff or agent to prepare written evidence and/or appear at a hearing; and
 - the cost of using the services of professional experts (whether from public bodies or the private sector) to provide legal or technical advice, to prepare written submissions or evidence and to attend and/or give evidence at a hearing.
10. The Claimant indicated that the Respondent's unreasonable behaviour resulted in them incurring unnecessary and wasted expense pertaining to the preparation of background documents, their Statement of Case, Rebuttal Statement and engagement with statutory consultees that were undertaken by both its

administrative and professional staff in accordance with the timescales specified by the Commission.

11. As the appeal was abandoned the day before the hearing was to take place, the Claimant incurred an unnecessary expense in preparing for the appeal. Accordingly, the fourth criterion is met.
12. A full award of costs is made in the terms set out below.

Order

It is hereby ordered that Bluehouse Developments Ltd shall pay to Lisburn and Castlereagh City Council the full costs incurred by the Claimant in the preparation of background documents, a Statement of Case, a Rebuttal Statement and engagement with statutory consultees that were undertaken by both its administrative and professional staff.

On receipt of this order Lisburn and Castlereagh City Council may submit details of those costs to Bluehouse Developments Ltd with a view to reaching agreement on the amount. If the parties are unable to agree, Lisburn and Castlereagh City Council may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER B STEVENSON

List of Documents

Planning Authority: -

'CC1' Costs Claim
Lisburn and Castlereagh City Council

Appellant: -

'CC2' Response to Costs Claim
Campbell Malseed on behalf of Bluehouse
Developments Ltd