



October 4th, 2023

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

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

**Notice of Meeting**

A meeting of the Planning Committee will be held on **Monday, 9th October 2023 at 3:00 pm**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

**David Burns**  
**Chief Executive**

# Agenda

## 1.0 Apologies

## 2.0 Declaration of Interests

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

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

## 3.0 Report from the Head of Planning and Capital Development

### 3.1 Schedule of Applications to be Determined:

- (i) **LA05/2020/0545/F - Demolition of 25 Carrowreagh Road and erection of 62 dwellings and 4 apartments, garages, open space with equipped children's play, landscaping, access arrangements and other associated site works at lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 (evens) Millreagh Grove, Dundonald**  
📄 *Appendix 1.1 - DM Officer Report - Millreagh - FINAL.pdf* *Page 1*
- (ii) **LA05/2022/0861/F - Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works at lands 300 metres to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald**  
📄 *Appendix 1.2 - DM Officer Report - Comber Road - Residential - FINAL.pdf* *Page 43*
- (iii) **LA05/2021/0738/O - Replacement dwelling opposite and 80m south west of 149 Hillsborough Road, Dromara**  
📄 *Appendix 1.3 - DM Officer Report - LA0520210738O - 149 Hillsborough Road...pdf* *Page 82*
- (iv) **LA05/2022/0807/O - Proposed dwelling and garage at lands 20 metres east of 123a Saintfield Road, Lisburn**  
📄 *Appendix 1.4 - DM Officer report - LA0520220807O - FINAL.pdf* *Page 102*
- (v) **LA05/2021/0913/O - Dwelling and garage between 10 and 14 Drennan Road, Lisburn**  
📄 *Appendix 1.5 - DM Officer Report - LA0520210913O - Drennan Road - FINAL....pdf* *Page 127*

## 4.0 Any Other Business

## Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	09 October 2023
Committee Interest	Major
Application Reference	LA05/2020/0545/F
Date of Application	17 July 2020
District Electoral Area	Castlereagh East
Proposal Description	Demolition of 25 Carrowreagh Road and erection of sixty-two dwellings and four apartments, garages, open space with equipped children's play, landscaping, access arrangements and other associated site works
Location	Lands immediately adjacent to and north of 104-120 Millreagh Avenue and to the rear of 2-18 (evens) Millreagh Grove, Dundonald
Representations	Thirteen
Case Officer	Rachel Taylor
Recommendation	<b>Approval</b>

### Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

***Planning (Local Development Plan) Regulations (NI) 2015.***

The schedule to the 2015 regulations provides as follows:

**Departmental development plan and plan strategy as local development plan**

[3] *Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) *a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*
- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

***Discontinuance of departmental development plan on adoption of local development plan***

*[4] Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

***Strategic Planning Policy***

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

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

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

**Summary of Recommendation**

5. This application is presented to the Planning Committee with a recommendation to approve as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
6. The proposal is also considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development and that arrangements will be put in place for the future

- management and maintenance of this space. Children's play is provided as an integral part of the proposed development.
7. It is considered that the proposal is also in accordance with the requirements of policy HOU6 of the Plan Strategy in that provision is to be made for 20% of the total number of units to be affordable housing. Flexibility is allowed for this provision to be delivered locally at an alternative site. This is subject to a Section 76 planning agreement.
  8. The proposal complies with policies TRA7 and TRA8 of the Plan Strategy that it is demonstrated how a safe means of access can be achieved to the existing road network and that an acceptable level of car parking is provided. It is also demonstrated through the submission of a design and access statement how provision has been made for walking and cycling that links to wider pedestrian/cycleway network adjacent to the site.
  9. The proposal complies with policy NH 2 and NH 5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will not give rise to significant adverse effects on habitats or species of ecological or nature conservation value and that the proposed development is unlikely to result in any cumulative impact upon these features when considered along with other development nearby.
  10. The proposal also complies with policy NH5 of the Plan Strategy as adopted in that the ecology report submitted in support of the application demonstrates that the proposed development in that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species.
  11. It is accepted that the proposed development complies with policies HE1 and HE2 of the Plan Strategy in that the detail reports demonstrate that the development will not adversely affect an identified archaeological site of regional or local importance and that the protective measures to be put in place will serve to ensure its physical preservation.
  12. It is accepted that the proposal complies with policies FLD 1, FLD 2 and 3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain, a working strip of appropriate width is provided to an undesignated watercourse and the mitigation measures proposed will ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

## Description of Site and Surroundings

### Site Context

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

### Surrounding Context

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

## Proposed Development

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

- Noise Impact Assessment Report
- Design and Access Statement

### Relevant Planning History

22. The relevant planning history is as follows:

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

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

### Consultations

24. The following consultations were carried out:

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

Consultee	Response
HED Historic Monuments	No objection
DfI River Agency	No objection
NIE	No objection

## Representations

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

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

## Environmental Impact Assessment (EIA)

26. The requirements of 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.
27. An EIA determination was carried out and it was concluded that the scale and nature of the proposal when considered in the context of earlier phases of residential development to the south means there was not likely to be any



unacceptable adverse environmental impacts.. As such, an Environmental Statement was not required to inform the assessment of the application.

28. It is noted in particular that a preliminary ecological assessment provided in support of the application addressed a link between the drainage from the site and the River Enler is hydrologically linked to designated sites at Strangford Lough. No significant impact was identified to the various designations in the discrete report and this was weighed as a significant reason for not requesting a statement.

### **Pre-Application Community Consultation**

29. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
30. A Pre-Application Community Consultation report [dated Feb 2020] was submitted in support of the application and provides a record of the consultation that had taken place to inform interested parties of the scope and nature of the proposed development.
31. The PACC event was held in the show home at 8 Millreagh Grove, Dundonald on 14<sup>th</sup> February 2019 from 3pm to 7pm to provide opportunity for consultation with the local community. This included a public exhibition of information boards including illustrative plans and designs of the proposed development, key dates for the consultation, indicative visualisations and in person feedback facility and questionnaire.
32. One consultation session was carried out in the location and on the dates stated above. This included panel boards and leaflets. Representatives from Antrim Construction Company Ltd were in attendance along with an architect from Alan Patterson Design Ltd.
33. A public advert notice providing details of the consultation event, and how to access hard copies of the materials and feedback opportunity was published in the Belfast Telegraph on 18 January 2019 and the Newtownards Chronicle on 25 January 2019. Emails were also sent to Councillors in the DEA and MLA's on 21 January 2019.
34. The format of the report is in accordance with the Practice Note published by DfI Planning Group and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design of the proposed scheme.
35. The following issues were raised through the PACC process:
  - An additional cycle/pedestrian access to be provided to the northern boundary in line with the original concept masterplan.

36. It is reported that only one person, a member of a local residents group, provided any feedback regarding the proposal and no local residents attended the event.
37. The scheme was amended post submission of the PACC but the scale and form of development was not significantly changed to justify revisiting the community consultation process. Neighbours and objectors were advised of the changes through the normal notification process.

### Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

40. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
41. The BUAP indicates that the proposed site is outside of the development limit and within the inner edge greenbelt.
42. Within draft BMAP the site is located within the settlement limit as zoned housing MCH03/12.
43. Draft BMAP confirms that this zoning is a 91.60ha land with the following draft key site requirements:

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

*countryside. Details of establishment, maintenance and long term management shall be formerly agreed with the Department;*

- *An 8-10 m wide landscape buffer of trees and hedges of native species shall be provided along the southern and western boundaries of the site to provide screening for the development;*
  - *An archaeological survey of the site shall be carried out to inform the proposals outlined in the Concept Master Plan;*
  - *A flood risk assessment of the Enler River and other watercourses within and adjacent to the site shall be carried out and submitted to the Department to inform proposals for the development of the site;*
  - *The existing watercourses within and adjacent to the site boundaries shall be retained as open watercourses and incorporated into any proposed development unless Rivers Agency, DARD, determine that the retention of the open watercourse is not appropriate;*
  - *The design layout shall include provision for cycle and pedestrian links to adjoining residential areas and the Newtownards Road; and*
  - *Development shall be designed, landscaped and implemented to accommodate the overhead powerlines and will adhere to standard safety clearances.*
44. Within final BMAP which was quashed the site was also located within the settlement limit zoned for housing MCH 03/06.
45. This plan identified that this was a site for housing and it acknowledged that there was an extant approval but for which no development was started or ongoing at 31 July 2011. No key site requirements were therefore attached.
46. It is this revision of the draft BMAP designation that is most relevant to the proposed development and provides context for the operational policies against which the detail of this application is considered.
47. As explained above, this application is for residential development and the following strategic policies in Part 1 of the Plan Strategy apply.
48. Strategic Policy 08 Housing in Settlements states that:

*The Plan will support development proposals that:*

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

49. More than five residential units are proposed. Strategic Policy 07 – Section 76 Agreements states that:

*Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in*

*proportion to its scale, impact of the development and the sustainability of its location.*

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

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

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

### **Housing in Settlements**

51. As residential development is proposed policy HOU1 - New Residential Development states that:

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

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

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

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

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

- a) *the development respects the surrounding context, by creating or enhancing*



*a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*

- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

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

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

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

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

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
- *City Centre Boundary 120-160 dwellings per hectare*
  - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
  - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
  - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through*

- provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
  - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
  - j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
  - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
  - l) *the development is designed to deter crime and promote personal safety.*
  - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

54. The Justification and Amplification to Policy HOU4 states that

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

55. It also states that:

*Accessible Accommodation*

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

56. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

60. The Justification and Amplification states that:

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

61. The Glossary associated with Part 2 of the Plan Strategy states that *Affordable Housing – affordable housing is:*

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

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

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

### **Natural Heritage**

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

#### *European Protected Species*

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

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

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

#### *National Protected Species*

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

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

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:*

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

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

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

### **Access and Transport**

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

65. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

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

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

## **Flooding**

68. This is a large site and the drainage must be designed to take account of the potential impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

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

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

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

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

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

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

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

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

## Regional Policy and Guidance

### Regional Policy

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

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

71. 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*

72. As this proposal is for new housing in a settlement it is stated at paragraph 6.136 that:

*The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable*

*housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.*

73. As the proposal involves the continuation of an internal housing estate road and the provision of pedestrian and cycle links, the SPPS states at paragraphs 6.302 to 6.305 that:

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

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

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

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

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

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

75. Paragraph 6.182 of the SPPS further states that:



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

76. Paragraph 6.198 of the SPPS states that:

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

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

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

78. Paragraph 6.132 of the SPPS further states that:

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

### **Retained Regional Guidance**

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

#### Creating Places

80. 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.*

81. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

#### Development Control Advice Note 8 - Housing in Existing Urban Areas

83. Paragraph 4.10 states that:

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

#### Development Control Advice Note 15 – Vehicular Access Standards

84. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain 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

### Housing Layout

#### Compliance with Policy HOU6

85. The site is comprises the last undeveloped part of a larger housing zoning MCH 03/06 for which a Concept Master Plan (CMP) was approved under application Y/1996/0407/F.
86. The CMP showed the development and connection of this site with the surrounding Millmount development including low to medium density housing, a path left along the top edge for a spine route/cycleway footpath and an area identified a possible archaeological site.



87. This proposal is broadly in accordance with that concept and this proposal is the last piece of that overall development. The requirements of policy HOU6 are met as the proposal follows the wider concept and this scheme finishes the comprehensive development of the wider lands.

#### Policy HOU 1 – New Residential Development

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

#### Policy HOU3 - Site Context and Characteristics of New Residential Development

89. The land to the south of the site is residential in character and the principle of the development of the land for housing is acceptable. Whilst there was a previous history of planning permission this is time expired and this proposal for 66 residential units is considered on its own merit.
90. The form and general arrangement of the new dwellings proposed is characteristic of those found in adjacent developments at Millreagh Avenue, Millreagh Green and wider Millreagh, albeit areas of this site are more challenging in terms of the site levels and the dwellings have been designed to respond to the level changes and the avoidance of having to use significant retaining structures.
91. There is a proposed two storey apartment block which steps up through the levels as the land rises within the site. It is located centrally and south east of the scheduled monument. The apartments have a footprint not dissimilar to the detached dwellings and have the appearance of a pair of semi-detached dwellings. The inclusion of apartments offers variety and choice in terms of the accommodation and one block of this scale and mass will not harm the character of the area nor will they adversely impact on the scheduled monument for the reasons outlined later in this report.
92. The rest of the proposed development is predominantly made up of a low /medium density housing comprised of mostly detached dwellings with some semi-detached set in medium to large sized plots.
93. It is considered that the residential character of the area would not be significantly changed or significantly harmed by the proposed development.
94. The proposed development completes this part of the Millreagh housing zoning with residential development which is characteristic of the surrounding approved and implemented residential developments, albeit some of the dwellings at this site are redesigned to adapt to the topography rather than relying on large retaining structures.
95. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance in the Creating Place document has been

taken in to account. The requirements of criteria (a) of policy COU 3 are met in full.

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

#### Policy HOU4 - Design in New Residential Development

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

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

118. The separation distances are in accordance with the guidance set out at paragraph 7.16 of the Creating Places document.
119. There is a varied type of boundary treatments proposed (discussed below) and along with the separation distance will further will ensures no overlooking or conflict in terms of noise or other disturbance will arise. They will also serve to deter crime and promote personal safety.
120. For the reasons outlined above, criteria (i) and (j) are considered to be met.
121. The provision of private amenity space varies from plot to plot ranging from a minimum of 80 square metres up to a maximum of 420 square metres per unit. An average of 147 square metres is provided across the site which is significantly in excess of the guidance in the Creating Places document for single occupied residential properties.
122. The communal garden and seating area surrounding the apartments extends to approximately 440 square metres which provides for an average of 110 square metres per apartment. There is limited differentiation between the apartments and the adjacent amenity provision so the area of communal open space is in reality larger than this again.
123. These figures are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document.
124. Given that the area of the proposed development exceeds one hectare and more than twenty-five units open space must be provided as an integral part of this development. Public areas of open space are to be provided as part of the proposal.
125. After significant investigation and consultation with Historic Environment Division, the extent of the scheduled monument has been agreed and will be delineated by open fence posts. This area can be accessed by the public. Surrounding the defined monument (below ground) is also a significant swath of open space where there has been located some equipped children's play equipment, planting and a linear walkway. The total area including the scheduled monument area is 0.56 hectares of open space provision.
126. The open space provision is accessible and usable and whilst toward the edge of the site provides a good standard of space. The area includes a large treed area which will have formal walkways and picnic style seating area. This area equates to approximately 14% of the overall site which is in line with policy requirements.
127. A landscape management plan will be conditioned as part of the application which will outline the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
128. This will ensure the maintenance programmes proposed to allow the proposal to visually integrate the development with its surroundings and develop a

quality planting scheme that will reduce visual intrusion and enhance the development as a whole.

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

#### Policy HOU 5 - Public Open Space in New Residential Development

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

139. It is recommended that a condition is attached to the decision notice to ensure this area is maintained and that planted areas are to be checked on a regular basis.
140. For the reasons outlined above, the proposal satisfies the tests of policy HOU5.

#### Policy HOU10 – Affordable Housing

141. The Agent indicates in an email dated 21 August 2023, their intention to make alternative provision through the delivery of an affordable housing scheme on lands located off Belfast Road, Dundonald, immediately east of Millreagh Avenue and within the same housing zoning as Millreagh Village (dBMAP – MCH03/12).
142. The agent advises that the alternative site is 0.4 hectares in size and that an indicative layout plan, sections and indicative elevations demonstrate how a scheme of 17 two bedroom apartments can be delivered across two blocks of accommodation of 2 and 3-storeys in height. This size and type of accommodation lends itself to meeting an intermediate need and is more suitably located closer to existing roads infrastructure and local services.
143. Without prejudice to the outcome of any application that might follow, a draft heads of terms indicates that no more than 53 units [13 units is 20% of the total number of units proposed] will be constructed until the outcome of the application process for the alternative site is known. If planning permission is not secured at an alternative location the provision will still be met within this site.
144. The affordable units proposed at this site will need to be specified and their development protected through a Section 76 planning agreement. The dates for submission of an application for alternative provision elsewhere will also need to be made time bound so the Council can control the delivery of the affordable housing as a policy requirement.
145. The affordable housing requirement of policy HOU10 can be met in full subject to meeting these requirements.

#### **Natural Heritage**

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

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

159. Advice received from Natural Environment Division [NED] confirmed that the proposal was subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).
160. The advice confirmed that NED had considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, confirmed that they had no concerns and that they agreed with the mitigation measures set out at section 7 of the submitted appraisal.
161. NED also encouraged the incorporation of artificial bat boxes as a means of enhancing the biodiversity value of the site. Officers have no reason to disagree with the advice of the consultee.
162. Based on a review of the detail submitted with the application and the advice received from NED, it is accepted that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species consistent with policies NH 2 and NH5 of the Plan Strategy.

### **Access and Transport**

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



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

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

### **Archaeology and Built Heritage**

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

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

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

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

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

This was granted on 1<sup>st</sup> December 2022.

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

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

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

This will be secured by way of negative condition.

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

This will be secured by way of negative condition.

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

### **Flooding**

188. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
189. A Drainage Assessment submitted in support of the application provides details of the existing runoff and post development run off.
190. With regard to existing run off, it explains that the existing site is 4.03 hectares and is a greenfield. It advises based on the existing site layout and applying a surface water run off rate of 10 l/s/ha that the site generates 40.3 l/s.
191. With regard to post development runoff, it explains that it is proposed to construct new storm sewers to serve the development and that it is proposed to limit the discharge to a maximum of 50 l/s from Network 1 as per current adoption agreement. IN addition, 11.1 l/s and the schedule 6 consented rate will be discharged from Network 2 to the adjacent, undesignated watercourse.
192. The assessment indicates that these rates are achieved through use of flow control devices with approximately 402m<sup>3</sup> [Network 1] and 222m<sup>3</sup> [Network 2] of attenuation provided within oversized drainage infrastructure.
193. It also indicates that the proposed network provides considerable attenuation for return periods exceeding the performance requirements of Sewers for Adoption NI.
194. An addendum to the Drainage Assessment received in July 2022 addressed comments from DfI Rivers in a response dated September 2020 in respect of

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

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

### **Noise/Odour**

208. Noise Impact Assessment [NIA] and Odour Impact Assessments were submitted in support of the application in an attempt to demonstrate that there will be no loss of amenity to the residents of the proposed properties including outdoor amenity spaces as a result of the proximity of the dwellings to agricultural buildings to the north.
209. Section 3 of the NIA provides detail on baseline noise survey results indicating that the noise climate in the area is influenced by distant traffic noise and that the farm yard identified as a potential source of noise and odour was derelict hence no noise or odour was detected.
210. Window glazing and ventilation were identified as weak points in dealing with noise. Typical modern double glazing was specified as glazing that would achieve the level of attenuation required to mitigate any noise.
211. Noise associated with external amenity spaces was shown to be within the desirable external noise level of less than 50 – 55 dB  $L_{Aeq,T}$ .
212. The Odour Impact Assessment explains that a number of individual odour surveys were undertaken. Regards was had to the prevailing wind direction. The proposed development was identified as being primarily upwind of the farmyard for the majority of the year due to the prevailing south – westerly wind direction.
213. The Odour Impact Assessment demonstrates that there is no potential for significant odour impact in proximity to the proposed residential development site boundary.
214. In a response received on 12 August 2020, the Councils Environmental Health Unit confirmed that they had no objection to the proposed development. Based on a review of the information provided and the advice received, it is accepted that the proposed development complies with paragraph 4.11 of the SPPS in

that it will not present any significant impacts in respect of Noise and Air Quality to the amenity of residents.

### Consideration of Representations

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

Foul sewer at capacity.

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

Additional traffic will increase already queued back residents at peak times

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

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

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

Dangerous access at junction

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

Lack of parking

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

NI Water at capacity

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

Destruction of wildlife including bats

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

Antisocial behaviour from children play park

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

### Disturbance of views

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

### Drainage issues and flooding

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

### Retaining walls

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

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

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

### Careful archaeology required

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

### Overlooking

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

### Not neighbour notified

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

### Risk to human health from carbon dioxide

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

### Potential for subsidence into their garden

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

Insufficient play areas as all built upon

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

Stress on schools and doctors

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

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

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

### Recommendation

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

- identify 13 residential units as affordable housing within the site and that no more than 53 dwellings will be constructed to allow the applicant to consider providing the affordable housing requirement at an alternative site elsewhere in the local area. The requirement to make an application at the alternative location will be time bound to ensure the affordable can still be secured as part of this development.

### Conditions

237. The following conditions are recommended:

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

**Reason:** Time limit

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

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



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

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

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

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

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

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To achieve internal noise level in line with BS8233

13. All hard and soft landscape works shall be carried out in accordance with Drawing [insert drawing number] published to the Planning Register on

[insert date]. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

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

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

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

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

### Site Location Plan – LA05/2020/0545/F



## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	09 October 2023
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/0861/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works
Location	Lands 300 metres to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald
Representations	One
Case Officer	Mark Burns
Recommendation	<b>Approval</b>

### Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

#### ***Planning (Local Development Plan) Regulations (NI) 2015.***

*The schedule to the 2015 regulations provides as follows:*

#### ***Departmental development plan and plan strategy as local development plan***

*[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

***Discontinuance of departmental development plan on adoption of local development plan***

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

***Strategic Planning Policy***

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

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

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

**Summary of Recommendation**

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

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

## Description of Site and Surroundings

### Site Context

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

### Surrounding Context

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



### Proposed Development

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

### Relevant Planning History

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

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

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

### Consultations

20. The following consultations were carried out:

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

### Representations

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

### Environmental Impact Assessment (EIA)

22. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
23. An EIA determination was carried out and it was concluded given the scale and nature of the proposal that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.
24. A preliminary ecological assessment provided in support of the application addressed a link between the drainage from the site and the River Enler is hydrologically linked to designated sites at Strangford Lough. No significant

impact was identified to the various designations in the discrete report and this was weighed as a significant reason for not requesting a statement.

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

27. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
28. The BUAP identifies the application site as being located outside the settlement limit of Metropolitan Castlereagh.
29. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for employment use within the context of designation MCH08 where the following draft KSR's are identified:
- Development shall only include light industrial uses as currently specified in Use Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; and storage or distribution uses as currently specified in Use Class 11 of the same Order;

- Development of the site shall only be permitted in accordance with a masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site:
  - Access shall be from the proposed Millmount Link Road;
  - A transport Assessment will be required as well as detailed consultation with Roads service in the north west corner as affected by the protection line corridor for the Quarry Corner – East link Road (Ref:MCH16)
  - Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;
  - A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department.
  - Positive long-term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site.
30. As mentioned above the lands are zoned for employment use in the plan and this proposal is for a modification to an approved mixed use development granted under application reference LA05/2017/1153/F.

31. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

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

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

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

33. The strategic policy for Supporting Sustainable Economic Growth is set out in Part 1 of the Plan Strategy. Strategic Policy 04 – Supporting Sustainable Economic Growth states that:

*The Plan will support development proposals that support sustainable economic growth without compromising on environmental standards. Economic growth can contribute to an enhanced society and improve health and well-being through the creation of job opportunities.*

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

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

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

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

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

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

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

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

37. The strategic policy for Economic Development in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 11 Economic Development in Settlements states that:

*The Plan will support development proposals that:*

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

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

*The Plan will support development proposals that:*

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

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

### **Economic Development**

40. As the proposal comprises in part development of the land for economic use Policy ED 1 - Economic Development in Cities and Towns of the Plan Strategy states that:

#### Class B1 Business

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

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

#### Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution

*A development proposal for Class B2, B3 and B4 use will be permitted:*



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

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

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

*Zoned Land in all Locations*

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

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

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

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

*Unzoned Land in Settlements*

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

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

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

42. As the site is located adjacent to existing employment land Policy ED8 - Development Incompatible with Economic Development Uses states that:

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

### **Housing in Settlements**

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

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

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

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

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

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

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



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

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

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

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

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
  - *City Centre Boundary 120-160 dwellings per hectare*
  - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
  - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
  - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other*

- disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
  - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
  - l) *the development is designed to deter crime and promote personal safety.*
  - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

46. The Justification and Amplification states that :

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

47. It also states that:

*Accessible Accommodation*

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

48. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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

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

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

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

*being provided.*

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

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

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

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

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

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

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

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

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

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

*In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or*

*an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.*

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

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

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

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

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

51. The Justification and Amplification states that:

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

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

*Affordable Housing – affordable housing is:*

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

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

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

### **Natural Heritage**

53. Given this is a large site the potential impact on the natural environment is

considered.

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

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

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

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

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

### **Access and Transport**

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

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

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

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

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

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



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

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

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

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

57. The justification and amplification states that:

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

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

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

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

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

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

## **Flooding**

59. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.
60. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

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

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

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

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

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

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

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

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

## Regional Policy and Guidance

### Regional Policy

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

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

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

64. It states that:

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

65. Paragraph 3.6 of the SPPS states:

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

66. 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.*

67. 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.

68. As previously outlined this part of a mixed use proposal whereby part of an employment designation will be developed for housing. At paragraph 6.89 of the SPPS it is stated that:

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

69. It is further stated at paragraph 6.90 that:

*Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro-organisms may be incompatible with industrial enterprises requiring a particularly clean and*



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

70. At paragraph 6.91 it is also stated that:

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

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

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

### **Retained Regional Guidance**

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

#### Creating Places

73. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
74. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
  - strategies for the overall design character of a proposal;
  - the main elements of good design; and
  - detailed design requirements.

75. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

#### Development Control Advice Note 8 - Housing in Existing Urban Areas

77. Paragraph 4.10 states that:

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

#### **Other Supplementary Guidance**

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

- *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*
  - *Accessibility to the regional transportation network and a variety of transport modes;*
  - *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
  - *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
  - *Why a site is no longer required or considered suitable for continued economic development use;*
  - *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*
  - *Compatibility with neighbouring land uses;*
  - *The views of relevant statutory and non-statutory consultees; and*
  - *The availability of adequate services and infrastructure such as water and sewerage.*
82. The PAN was drafted not only in the context of the retained regional policy in PPS 4 but with regard to the overarching policy requirements of the RDS and the SPPS. It provides context for the consideration of other material considerations.
83. As the policies in the Plan Strategy are written to take account of the regional policies in the RDS and the SPPS the PAN remains a material consideration to be taken account of in the assessment of this proposal.

## Assessment

### Loss of employment land

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

## Housing in Settlements

### Policy HOU 1 – New Residential Development

87. This application is for 38 residential units within the settlement limit of Castlereaugh. The land on which this development is proposed has an extant permission for housing as part of a mixed use development and this application is proposing a change of house type and as such, the little weight is attached to the employment designation and the policy tests associated with Policy HOU1 are considered to be met.

### Policy HOU3 - Site Context and Characteristics of New Residential Development

88. The lands to the north and northeast at Millmount village are currently under construction for housing. The development comprises a mix of detached, semi-detached and terrace housing along with a number of apartment blocks. The dwellings are set in medium sized plots with in-curtilage and communal off street parking. Areas of public open space and two playparks are also provided as part of the overall scheme.
89. The scheme comprises thirty-eight detached dwellings. The dwellings are of different size and design typical of a suburban residential scheme.
90. The form and general arrangement of the buildings is considered to be characteristic of those built and currently under construction in the adjacent Millmount Village to the northeast.
91. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
92. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established residential character of the area would not be harmed.
93. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
94. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 met.
95. With regard to criteria (b) no archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

96. There are number of different house types of varying size from 110 square metres to 191 square metres.
97. A sample description of the some of the dwellings is outlined below.
98. House type H is a detached 3 bedroom linear dwelling measuring approximately 111 square metres in floor area. This dwelling will have a ridge height of approximately 8 metres.
99. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
100. House type G3 is a large detached six bedroom dwelling measuring approximately 192 square metres in floor area and will have a ridge height of approximately 10 metres.
101. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details and timber cladding, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
102. The residential dwellings are designed to current building controls standards and to be as energy efficient as possible.
103. The finishes considered to be acceptable and in keeping with the established character of this area and will ensure that the units are as energy efficient as possible.
104. The variety of house types provided are accessible capable of providing accommodation that is wheelchair accessible for those with impaired mobility.
105. The provision of private amenity space varies from plot to plot ranging from a minimum of 65 square metres up to 250 square metres. The average provided across the site is generally consistent with the guidance in the SPG document for a medium density housing development.
106. For the reasons outlined above, criteria (a), (d) (e) and (f) of policy HOU 4 are considered to be met.
107. A landscape management plan dated 10 March 2023 was submitted in support of the application. It outlines the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
108. It details that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.

109. The landscape plan demonstrates how the existing tree group to the north east of the site are to be retained and protected during construction. The management plans also sets out how the proposal will be complemented by additional tree planting to increase the screening effect of the boundary planting supplemented where necessary on all other boundaries.
110. It is considered that this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of and maintenance of external public spaces and that the implementation of planting works should be conditioned to be carried out in the first available planting season prior to prior to the occupation of that phase of the development.
111. For the reasons outlined above, criteria (b) of policy HOU 4 is considered to be met.
112. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is on the Comber Road and accessible to shops and other neighbourhood facilities currently under construction at the village centre at Coopers Mill. Criteria (c) of policy HOU 4 is considered to be met.
113. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking. No on street car parking is provided or required as part of the proposal. Criteria (g) and (h) of policy HOU 4 are considered to be met.
114. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.

#### Policy HOU 5 - Public Open Space in New Residential Development

115. Detail submitted with the application indicates that the site exceeds one hectare and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
116. The application provides for a change of house type for 38 detached dwellings. As previously indicated this site is part of a wider planning approval (LA05/2017/1153).
117. Detail submitted with the above application demonstrated that areas of open space were provided throughout the site.
118. The areas of open space are designed to protect the watercourse running through the northern portion of the site and space was also reserved to create potential future linkages from the development to the Comber Greenway.
119. More than 100 dwellings were proposed as part of this development therefore an equipped children's play park was also required in line with the then Policy OS2

of PPS8. An equipped children's play area is proposed as part of the wider development and is located centrally within the site. No additional open space is required and the existing approved open space does not need to be reconfigured.

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

#### Policy HOU10 - Affordable Housing

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

#### **Natural Heritage**

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

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



update the status of Badger Setts recorded on site immediately prior to construction works.

136. With regards to birds section 5.3.4.2 states that the proposal has been designed to avoid to avoid where possible the loss of existing woodland and trees along the northern boundary of the site. Scrub vegetation across the semi-improved grassland part of the site has been removed to accommodate the project.
137. A response from Natural Environment Division dated 24 January 2023 confirmed that it had considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to informatives to ensure compliance with wildlife order.
138. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as Policy NH5 of the Plan Strategy is capable of being met.

### **Access Movement and Parking**

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

new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.

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

### **Planning and Flood Risk**

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

### **Contaminated Land/Human Health**

154. An updated Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd dated September 2022 in support of this planning application.

The GQRA is informed by site investigations and environmental monitoring data from three rounds of investigations in 2015, 2017 and 2020.

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

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

### Consideration of Representations

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

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

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

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

170. The objection states that conditions associated with the previous approval have not been discharged and this proposal represents piecemeal development.
171. A number of conditions associated with the previous approval have been discharged including the submission of a piling assessment and a construction management plan.
172. That said it is not a requisite that relevant conditions are required to be discharged before an application to amend a proposal can be submitted for

consideration. A proposal to amend the design of 38 dwellings previously approved does not represent piecemeal development.

## Conclusions

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

## Recommendation

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

## Conditions

175. The following conditions are recommended:

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

Reason: Time limit

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

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

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

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

250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

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

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

The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall

be planted at the same place, unless the Council gives its written consent to any variation.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

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

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

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

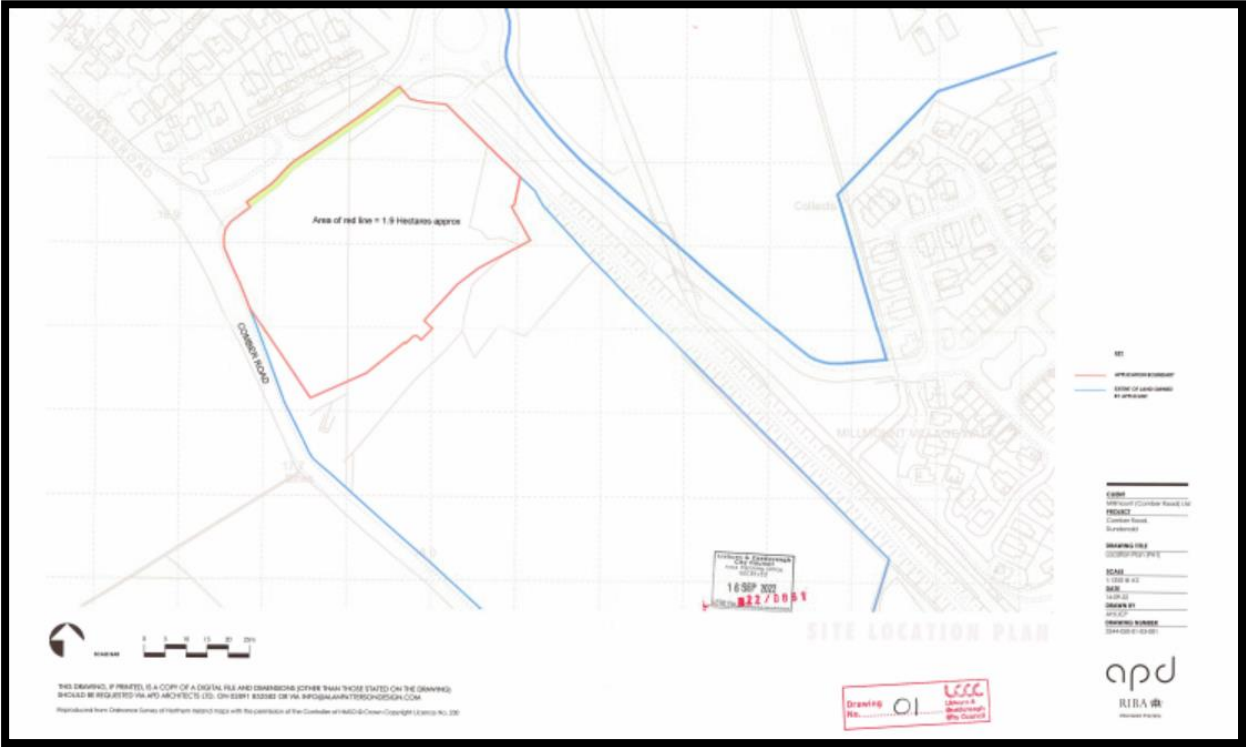
30. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development.

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

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

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

# Site Location Plan – LA05/2022/0861/F



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	09 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2021/0738/O
Date of Application	29 June 2021
District Electoral Area	Downshire East
Proposal Description	Replacement Dwelling
Location	Opposite and 80 metres south west of 149 Hillsborough Road, Dromara
Representations	None
Case Officer	Richard McMullan
Recommendation	<b>Refusal</b>

### Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

***Planning (Local Development Plan) Regulations (NI) 2015.***

*The schedule to the 2015 regulations provides as follows:*

***Departmental development plan and plan strategy as local development plan***

*[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

***Discontinuance of departmental development plan on adoption of local development plan***

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

***Strategic Planning Policy***

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

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

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

**Summary of Recommendation**

4. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
5. The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the proposed development is not acceptable in the countryside.
6. The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the building identified to be replaced is not the original structure nor does it exhibit the essential characteristics of a dwelling.

## Description of Site and Surroundings

### Site

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

### Surroundings

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

## Proposed Development

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

### Relevant Planning History

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

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

### Consultations

16. The following consultations were carried out:

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

### Representations

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



## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

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

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

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

*The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by*

*PPS's. The Rural Strategy remain material considerations until superseded by PPS's.*

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

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

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

25. There are equivalent policy in the Plan Strategy to the regional policies described in LAP and draft BMAP.
26. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

*The Plan will support development proposals that:*

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

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

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

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

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

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

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

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

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

### **Replacement Dwellings**

30. Policy COU3 – Replacement Dwellings states:

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

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

### **Non-Listed Vernacular Buildings**

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

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

### **Replacement of Non-Residential Buildings**

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

*buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.*

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

### Integration and Design of Buildings in the Countryside

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

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

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

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

### Rural Character and other Criteria

32. Policy COU16 – Rural Character and other Criteria states:

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

*A new development proposal will be unacceptable where:*

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding*

- countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

### **Habitats, Species or Features of Natural Heritage Importance**

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

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

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

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

### **Waste Management**

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

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

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



## Access and Transport

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

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

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

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

37. The justification and amplification states:

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

## Historic Environment and Archaeology

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

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

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

*Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building<sup>30</sup> (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:*

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

## Regional Policy and Guidance

### Regional Policy

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

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

41. 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*

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

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

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

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

### **Retained Regional Guidance**

44. Whilst not policy, the following guidance document remain a material consideration:

#### **Building on Tradition**

45. Paragraph 5.1.3 of Building on Tradition states that:

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

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

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

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

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

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

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

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



- Look for sites that face south (easy to achieve good passive solar gains).
48. It also includes design principles that have been considered as part of the assessment:
- Get the size and scale right relative to what is existing.
  - Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
  - Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
  - Retain existing hedgerows, boundaries and mature vegetation.
  - Acknowledge building lines and informal setbacks.
  - Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.
49. With regards to waste water treatment, Building on Tradition [page 131] states that

*If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-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.*

## Assessment

### Replacement Dwellings

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

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

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

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

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

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

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

#### Integration and Design of Buildings in the Countryside

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

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

#### COU16 - Rural Character

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

#### **Policy WM2 - Waste Management**

83. Environmental Health and Water Management Unit were consulted and offer no objections in principle.
84. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
85. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

### **Access and Transport**

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

### **Natural Heritage**

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

### **Built Heritage**

95. The site contains part of the monument DOW 021/027, noted from curving field boundaries in the 1930's OS map, and according to the HERoNI record it may not be an archaeological site. The application site also contains a building marked on the 1st Edition Ordnance Survey Map.

96. Advice received from Historic Environment Division [Monuments] confirms that the impacts of the proposal have been considered and no objection is raised subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.
97. The purpose of this programme of works is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ consistent with Policy HE4 of the Plan Strategy.
98. The advice of the consultee is accepted and it is not considered that the proposed development will result in the loss of a feature of built heritage.

### Conclusions

99. For the reasons outlined above, the proposal fails to meet the requirements of policies COU1 and COU3 of the Plan Strategy.

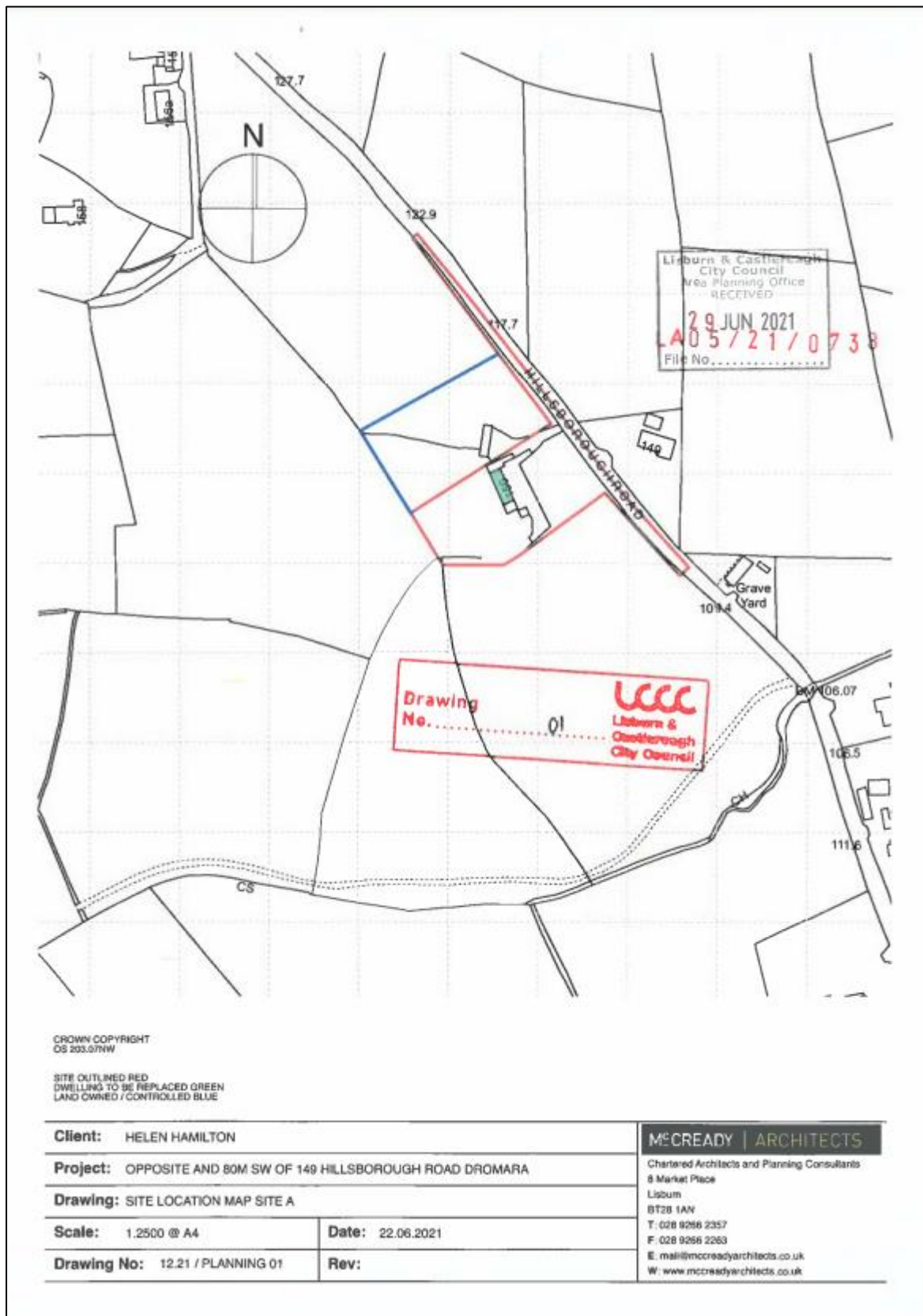
### Recommendations

100. It is recommended that planning permission is refused

### Conditions

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

Site Location Plan – LA05/2021/0738/O





## Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	09 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/0807/O
Date of Application	01 September 2022
District Electoral Area	Downshire East
Proposal Description	Proposed dwelling and garage
Location	Lands 20 metres east of 123a Saintfield Road, Lisburn, BT23 5PG
Representations	Two
Case Officer	Brenda Ferguson
Recommendation	<b>Refusal</b>

### Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

***Planning (Local Development Plan) Regulations (NI) 2015.***

*The schedule to the 2015 regulations provides as follows:*

***Departmental development plan and plan strategy as local development plan***

*[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) *a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

***Discontinuance of departmental development plan on adoption of local development plan***

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

***Strategic Planning Policy***

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

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

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

**Summary of Recommendation**

5. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
6. It is considered that the proposal is contrary to paragraph 6.73 of the SPPS and policy COU1 of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) that in that the proposed development is not a type of development which in principle is acceptable in the countryside.
7. The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy as the gap is not sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development in this part of the countryside in terms of its frontage width and plot size.

8. The proposal is contrary to the SPPS and policy COU15 of the Plan Strategy in that the proposed development would be a prominent feature in the landscape as the site lacks long established natural boundaries to provide a suitable degree of enclosure and instead relies primarily on new planting for integration.
9. The proposal is contrary to the SPPS and policy COU16 of the Plan Strategy in that the proposed development would be unduly prominent and fails to respect the traditional pattern of settlement. It would also result in urban sprawl and have an adverse impact on the rural character.
10. The proposal is contrary to policies TRA2 and TRA3 of the Plan Strategy in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

## Description of Site and Surroundings

### Site

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

### Surroundings

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

## Proposed Development

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

## Relevant Planning History

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

Reference Number	Location	Description	Decision
S/2010/0147/F	Proposed site 56m west of No 123 Saintfield Road	Proposed 1 and a half storey farm dwelling (CTY 10) & detached garage.	Permission granted
LA05/2014/0024/F	Site 56m West of No 123 Saintfield Road Lisburn.	Proposed change of house type and siting within field for farm dwelling and garage in lieu of existing approval S/2010/0147/F.	Permission granted
LA05/2015/0849/F	Site 56m west of No. 123 Saintfield Road, Lisburn BT27 5PG	Proposed change of house type and siting within field for farm dwelling and detached garage, in lieu of existing approval S/2014/0024/F	Permission granted
LA05/2016/0959/F	Approved site 56m west of No 123 Saintfield Road Lisburn BT27 5PG	Revised access position and driveway, in substitution for that previously approved under application LA05/2015/0849/F, to serve dwelling and garage	Permission granted
LA05/2017/0439/F	121b Saintfield Road Lisburn BT27 5PG	A one and a half storey 4no. bedroom dwelling with integrated garage	Permission granted

## Consultations

17. The following consultations were carried out:

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

**Representations**

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

**Local Development Plan**

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

**Plan Strategy 2032**

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

*Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development*

*Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.*

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

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

21. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

22. The site is located in the Countryside in LAP and at page 49 it states:

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

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

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

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

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

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

*PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including*

*those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.*

26. There are equivalent policies in the Plan Strategy to the regional policies described in LAP and draft BMAP.
27. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
28. Strategic Policy 09 Housing in the Countryside states:

*The Plan will support development proposals that:*

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
  - (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
  - (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*
29. The following operational policies in Part 2 of the Plan Strategy also apply.

### **Development in the Countryside**

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

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

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

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

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

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

31. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU 8, COU 15 and COU 16.

#### Infill/Ribbon Development

32. Policy COU 8 – Infill/Ribbon Development states:

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

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

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

33. The justification and amplification of COU8 states:

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

#### Integration and Design of Buildings in the Countryside

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

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

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

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a*



- suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

### Rural Character and other Criteria

35. Policy COU16 – Rural Character and other Criteria states:

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

*A new development proposal will be unacceptable where:*

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

### **Waste Management**

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

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

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

## Natural Heritage

37. This is a large site with hedgerow. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

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

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

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

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

## Access and Transport

38. A new access is proposed to the Saintfield Road which is identified in the Plan as a Protected Route. Policy TRA2 – Access to Public Roads states: *Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:*

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

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

39. The justification and amplification states:

*For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards,*

*the Council would encourage the incorporation of improvements to the access in the interests of road safety.*

40. Policy TRA3 states that:

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

*Motorways and High Standard Dual Carriageways – All locations*

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

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

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

*Other Protected Routes – Outside Settlement Limits*

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

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

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

Other Protected Routes – Within Settlement Limits

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

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

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

## Regional Policy and Guidance

### Regional Policy

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

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

42. 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*

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

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

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

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

45. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy are consistent with the SPPS.

### **Consideration of the Courts**

46. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24<sup>th</sup> May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

47. That case involved CTY8 and at paragraph [91] the Judge stated:

*In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:*

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) *Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) *In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1*

*is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*

- (iv) *Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
  - (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
  - (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement."*
48. Officers have borne in mind that the policy in COU8 of the Plan Strategy 2032 is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development.
49. With regard to waste water treatment, 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.'*

### **Retained Regional Guidance**

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

Development Control Advice Note 15 – Vehicular Access Standards

51. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that:

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

### **Building on Tradition**

52. Whilst not policy, and a guidance document, the SPPS states that:

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

53. The guidance notes that:

- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
- *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*



- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
- *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

54. 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.*

55. 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.

56. It includes infill principles with examples that have been considered as part of the assessment:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

## Assessment

57. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the policy in COU8 is restricted and that any infill application is an exception to the prohibition on ribbon development.



58. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

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

59. Officers are satisfied that the proposal does engage ribbon development. The frontage is significantly built up either side of the site. To the east is a detached dwelling with a frontage to the road. To the west there are three dwellings with frontages to the road. This consistent with the description of what a ribbon is in the justification and amplification of policy COU8.

#### The issue of exception

60. The next step is to consider whether the proposal comes within the exception set out in the policy and to identify whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
61. The application site fronts onto the Saintfield Road and is comprised of a large portion of the side garden area associated with 123a Saintfield Road which is set back from the road by approximately 70 metres.
62. The site lies due east of this property. The site also lies directly to the front of the outbuildings associated with 123 Saintfield Road which is set back from the road by approximately 95 metres.
63. To the west of 123 lies a dwelling at 121b Saintfield Road. This is a two storey detached dwelling finished in grey rough render. There are also a number of old outbuildings which have gable end onto the road. This dwelling is set back from the road by approximately 10 metres.
64. The dwelling associated with 123a Saintfield Road is a detached two storey dwelling finished in a mix of random rubble stone, white render and timber cladding. A detached garage lies to the rear and western side of the dwelling, also finished in white render. The garage is a domestic garage and as such, it not considered to form part of the buildings making up the substantial and continuously built up frontage.
65. The dwelling associated with 123 Saintfield Road has a number of large outbuildings sit to the rear of the site accessed via a separate laneway and its

associated curtilage and extended garden area lies to the east. 123 Saintfield Road is a two story detached dwelling finished in cream render.

66. Although there is a low wall which divides a portion of the site to the north from the buildings at 123 Saintfield Road, the dwelling and outbuildings at 123 Saintfield Road are said to share a common frontage with the road as the garden extends from the house down to the road with no boundary in-between.
67. Moving further eastwards along the Saintfield Road, there is a single storey dwelling at 125 finished in red brick. It also fronts onto the road and is set back from it by approximately 45 metres.
68. Taking these buildings into account, it is considered that there is a substantial and continuously built up frontage consisting of four dwellings with frontages to the road excluding domestic garages and ancillary buildings and a number of other agricultural related outbuildings. This part of the policy is therefore met.
69. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.
70. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, officers have not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy.
71. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
72. Bearing in mind that the site is identified to comprise part of the garden associated with 123a Saintfield Road, the gap between the two closest building at 123a and 123 Saintfield Road is approximately 55 metres.
73. With that in mind, the characteristics of the gap identified have been considered.
74. It is noted that the frontage widths and plots either side of the site are relatively large in scale, size and width measuring as follows:
  - 121b – 112 metres
  - 125 – 138 metres
  - 123 – 70 metres
  - 123a – 64 metres
75. The average frontage width for the dwellings either side of the gap is measured at approximately 96 metres.

76. Development of the application site would see the frontage associated with 123a Saintfield Road subdivided from 64 metres to 34 and 30 metres respectively which is significantly smaller in comparison to the frontage widths either side which fails to respect the established pattern along this stretch of Saintfield Road.
77. The plot size associated with number 121b Saintfield Road is approximately 4691.7 square metres, the plot size associated with number 123 is approximately 8104 square metres. The adjacent site at 125 Saintfield Road is approximately 6967.6 square metres. The plot size associated with 123a Saintfield Road is approximately 6385 square metres.
78. The average plot size either side of the site would therefore equate to 6587.7 square metres.
79. To provide for the proposed development, this plot is reduced to approximately 3762 square metres. The plot associated with the application site would be approximately 2623 square metres.
80. This analysis demonstrates that the site in terms of plot size would not be in keeping with the existing development pattern and is less than half the average plot size.
81. Furthermore, the site is not of sufficient size to accommodate two dwellings whilst ensuring that the existing pattern of development in terms of siting, plot size and width compared with neighbouring buildings is respected.
82. Consideration is also given to the significance of the gap. There are no local features recorded or observed to indicate that the gap frames a viewpoint or provide an important setting for the amenity and character of the established dwellings. The site is not comprised of a woodland or other feature to suggest that it is an important visual break in the developed and built up appearance of the landscape at this location.
83. Guidance in Building on Tradition does state at paragraph 4.5.0 that it may not be appropriate to fill gaps with development that are important visual break. For the reasons discussed, this is not considered to be one of these gaps.
84. The final part of the test is requires consideration of whether the buildings are visually linked. It is considered that despite the degree of set back from the Saintfield Road, there is a sequential linkage of buildings along the road frontage. This part of the exception test is considered to be met.

### **Integration and Design of Buildings in the Countryside**

85. This outline application seeks to establish the principle of development only. Full plans have not been submitted. Without prejudice to the consideration

outlined above in relation to the principle of development, the following assessment is made.

86. It is not accepted that a dwelling could be sited and designed to integrate into the landscape and it will appear as a prominent feature for the following reasons:
- Any dwelling would have to be sited forward of 123a Saintfield Road to reduce any adverse impact on residential amenity in terms of overlooking; and
  - On approach from the east [125 Saintfield Road] the garden area is quite exposed with no boundary vegetation to this south eastern corner. Likewise, views to the site are quite exposed when approaching from the west near the access to the site making any new development prominent feature in the landscape.
87. Criteria (a) of policy COU 15 is not met for these reasons.
88. Criteria (b) requires the proposed building to be sited to cluster with an established group of buildings. This proposed dwelling is considered to be capable of being sited to cluster with an established group of buildings to the west and north of the site, this is one of the two bookends to the gap.
89. The development is considered to be capable of blending with the existing buildings which provide a backdrop. Criteria (c) is capable of being met.
90. The proposal involves the fragmentation of an existing curtilage and as such, it lacks long and established boundaries and instead relies on new planting for the western, northern and south eastern boundaries to aid integration. Criteria (d) and (e) are not met.
91. This is an outline planning application and details of the design are not included. That said the bulk, scale, massing and external appearance of the building can be controlled by condition. The requirement of criteria (f) is capable of being met.
92. The main impact resulting from the ancillary works is the construction of the access. Access from a protected route is to be taken from an existing lane. There will be no loss of significant vegetation. The requirements of criteria (g) are capable of being met.
93. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to satisfy criteria (a), (d) and (e) of policy COU15.

#### **Rural Character and Other Criteria**

94. For the reasons outlined above, it is considered that a dwelling would be unduly prominent in the landscape and that the subdivision of the existing plot at 123a Saintfield Road would result in the plot size being substantially reduced for both

sites and as such, the development would not respect the traditional pattern of settlement exhibited in the area. Criteria (a) and (c) are not met.

95. Criteria (b) of policy COU16 requires the dwelling to cluster with and established group of buildings. This is also dealt in the preceding section.
96. The spatial relationship and inter-visibility between the proposed dwelling and existing buildings has also been considered. The proposed dwelling on the site, when taken cumulatively with the existing buildings and their ancillary features in the vicinity, would result in an unacceptable build-up of development akin to urban sprawl which would have an adverse impact on the rural character of the area. For this reason criteria (d) and (e) are not met.
97. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent lands. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
98. In respect of criteria (i) and for the reasons set out later in the report within the Access and Transport section of the report, the development if approved would prejudice to road safety and/or significantly inconveniencing the flow of traffic and conflict with Policy TRA3.

### **Waste Management**

99. LCCC Environmental Health were consulted and offer no objection in principle subject to a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and area of subsoil irrigation for the disposal of effluent being provided at reserved matters stage.
100. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
101. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

### **Access and Transport**

102. The Saintfield Road (B6) is a protected route therefore new accesses and the intensification of use of existing accesses is strictly controlled.

103. Detail associated with this application indicates that the access is now to be paired with the adjoining dwelling at 123 Saintfield Road. It is still a new access for the purpose of assessment.
104. Having regard to Policy TRA3, the proposal is not considered to be an exception to policy COU8 and as such is not an exception to the protected routes policy in so far as it relates to Other Protected Routes – Outside Settlement Limits.
105. Advice from DfI Roads indicates that the proposal would if permitted, result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
106. Based on a review of the detail and advice from DfI Roads, it is considered that proposed development fails to satisfy the policy tests associated with TRA2 and TRA3 and as such, would if approved result in a new access onto a protected route and prejudice road safety and/or significantly inconvenience the flow of vehicles.

### **Natural Heritage**

107. There are no works on site that would lead to concerns over the impact of the proposal on any natural heritage and a biodiversity check list was not considered necessary in this particular case.
108. The proposal does not involve the removal of mature roadside hedging for the purposes of facilitating access arrangements and the existing boundary planting to the east can be conditioned to be retained and augmented where necessary.
109. It is considered that the proposal would not have a negative impact on any natural heritage features and complies with policy NH5 of the Plan Strategy..

### **Consideration of Representations**

110. Consideration of the representations are as noted below:

Inadequate information on the supporting statement (in relation to details on compliance with Policy CTY 6)

111. Proposal has been amended to remove the reference to Policy CTY 6 and is no longer assessed under this policy.

A dwelling on site would add to ribbon development

112. For the reasons outlined above, Ribbon Development is engaged as the proposed site is considered to fall within a substantial and continuously built up frontage.

Create a suburban style build-up of development

113. For the reasons outline in the report, it is considered that the proposed development would when read with existing buildings result in a build-up of development akin to urban sprawl and have an adverse impact on the rural character of the area.

Not a substantial and continuous built up frontage

114. The frontage along the road either side of the site has been considered. The dwelling associated with 123 Saintfield Road is considered to have a frontage to the road as there is no defined boundary separating the curtilage from the road.

An Access only does not constitute a frontage to the road

115. It is agreed that a dwelling with an access only to a road cannot be counted as forming part of a substantial and continuously built up frontage. That said, none of the buildings identified as forming part of a substantial and continuously built up frontage have an access only to the road.

Proposal contrary to Policy AMP 3

116. For the reasons outlined in the report, the proposal is not considered to be an exception to Policy COU8 and as such, it is not an exception to the Protected Routes policy.

## Conclusions

117. For the reasons outlined above, the proposal fails to comply with the SPPS and Policies COU1, COU8, COU15, COU16, TRA2 and TRA3 of the Plan Strategy.

## Recommendations

118. It is recommended that planning permission is refused.

## Reasons for refusal

119. The following refusal reasons are recommended:

- The application is presented to the Planning Committee with a recommendation to refuse as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 as the gap is not sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development in this part of the countryside in terms of its frontage width and plot size.
- The proposal is contrary to the SPPS and policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be a prominent feature in the landscape as the site lacks long established natural boundaries to provide a suitable degree of enclosure and instead relies on primarily on new planting for integration.
- The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be unduly prominent and fail to respect the traditional pattern of settlement. It would also result in urban sprawl and have an adverse impact on the rural character. Furthermore, access cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
- The proposal is contrary to policies TRA2 and TRA3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.





## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	09 October 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2021/0913/O
Date of Application	18 August 2021
District Electoral Area	Downshire East
Proposal Description	Dwelling and garage
Location	Between 10 and 14 Drennan Road, Lisburn
Representations	One
Case Officer	Richard McMullan
Recommendation	<b>Refusal</b>

### Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and regional policy provisions are as follows:

***Planning (Local Development Plan) Regulations (NI) 2015.***

*The schedule to the 2015 regulations provides as follows:*

***Departmental development plan and plan strategy as local development plan***

*[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

***Discontinuance of departmental development plan on adoption of local development plan***

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

***Strategic Planning Policy***

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

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

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

**Summary of Recommendation**

5. This application is categorised as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
6. The application is recommended for refusal as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the proposed development is not a type of development which in principle is acceptable in the countryside.
7. The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS and policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy in that the site is not a small gap sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage and would if permitted fail to respect the existing pattern of development along the frontage in terms of its frontage width and plot size and would add to a ribbon of development.
8. The proposal is contrary to the SPPS, and policy COU15 of the Plan Strategy in that the development would be prominent as it fails to blend with the landform as a

consequence of there being no backdrop when viewed from the Drennan Road. The site also lacks long established natural boundaries and the development would rely primarily on the use of new landscaping for integration.

9. The proposal is contrary to the SPPS and policy COU16 of the Plan Strategy in that the proposed development would if permitted result in urban sprawl and fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area.

## Description of Site and Surroundings

### Site

10. The application site is located upon the southern side of the Drennan Road between two existing properties at 10 and 14 Drennan Road.
11. The 0.5 hectare site is comprised of the northern roadside section of an L-shaped agricultural field. It is roughly rectangular in shape and rises gently in a southerly direction from the roadside towards the rear boundary.
12. Beyond the rear boundary the topography of the land then falls away. It is noted that along the southern boundary is a watercourse which links to another remote from the site.
13. The northern roadside boundary comprises wooden ranch fencing and an agricultural gate. The Eastern boundary is likewise comprised of wooden ranch fencing with neighbouring trees along length. The western boundary is defined with a post and wire fencing and the southern boundary is undefined.

### Surroundings

14. The site is located within a rural location characterised by agricultural lands interspersed within detached dwellings.
15. To the east of the application site there is a single-storey detached dwelling and integral garage at 14 Drennan Road. The curtilage extends to the Drennan Road with access taken from this road.
16. To the west of the site there is a split level single-storey dwelling with integral garage at 10 Drennan Road. The dwelling presents a frontage to the Drennan Road via a mature lawn and driveway.
17. Two outbuildings are noted to the side and the rear of the dwelling at 10 Drennan Road. These outbuildings are situated at a lower level than the dwelling. Further to the rear there a ménage.

18. To the eastern side of 10 Drennan Road, there is a paddock. The paddock area is accessed from 10, to the rear of the dwelling and also from a gate within an internal wall to the side of the dwelling. Access is also available directly from the road via an agricultural gate.

### Proposed Development

19. The application seeks outline planning permission is sought for a dwelling and garage.

### Planning History

20. The following planning history linked to the site is set out in the table below:

Reference	Description of Development	Location	Decision
S/1974/0171	Bungalow	Cargycroy, Lisburn	Approved 22 July 1974
S/1977/0109	General Purpose Shed, Workshop and store.	10 Drennan Road, Lisburn	Approved 03 May 1977

### Consultations

21. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC EHO	No objection
NI Water	No objection
NIEA NED	No objection
NIEA WMU	No objection

Consultee	Response
DFI Roads	No objection
LCCC EHO	No objection
NI Water	No objection
NIE	No objection
SES	No objection

### Representations

13. One representation has been received in respect of this application. Concern is expressed in relation to the extent of the available visibility splays and who has control of land to provide such splays.
14. The Agent has confirmed that the 2.4 x 79 metre visibility splays are contained with land controlled by the applicant and the roadside verge, No third party interest is identified that would require a third party interest to be recognized or acknowledged.

### Local Development Plan

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

### Plan Strategy 2032

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

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

*Policies Plan (LPP) stage.*

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

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

24. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

25. The site is located in the Green Belt in LAP and at page 49 it states:

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

26. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

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

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

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

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

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

*These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.*

29. There are equivalent policies in the Plan Strategy to the regional policies described in LAP and draft BMAP.
30. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

*The Plan will support development proposals that:*

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
  - (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
  - (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*
34. The following operational policies in Part 2 of the Plan Strategy also apply.

### **Development in the Countryside**

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

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

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

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

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

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

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



### Infill/Ribbon Development

32. Policy COU8 – Infill/Ribbon Development states:

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

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

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

33. The justification and amplification of Policy COU8 states:

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

### Integration and Design of Buildings in the Countryside

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

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

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

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

### Rural Character and other Criteria

35. Policy COU16 – Rural Character and other Criteria states:

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

*A new development proposal will be unacceptable where:*

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

### **Waste Management**

36. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

### **Access and Transport**

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

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

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

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

38. The justification and amplification states:

*New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.*

*Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.*

*The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.*

*Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.*

### **Natural Heritage**

39. The site is within 50 metres of the Ravarnet River with potential for hydrological links to designated habitat. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

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

- a) *priority habitats*
- b) *priority species*

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

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

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

40. The justification and amplification states:

*Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)*

*'Other' natural heritage features worthy of importance are most likely to include those located along green and blue infrastructure, trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.*

*To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.*

*It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at [www.daera-ni.gov.uk](http://www.daera-ni.gov.uk).*

## Regional Policy and Guidance

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

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

42. 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*

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

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

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

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

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

### **Consideration of the Courts:**

46. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24<sup>th</sup> May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

47. That case involved CTY8 and at paragraph [91] the Judge stated:

*In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:*

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of*

*Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*

- (ii) Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
- (iv) Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
- (v) Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
- (vi) Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or*

*contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement.”*

48. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development. However the plan strategy contains new interpretation of relevant buildings that are important new considerations.

### **Retained Regional Guidance**

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

### **Building on Tradition**

50. Whilst not policy, and a guidance document, the SPPS states:
- *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.*
51. It also notes that:
- 4.5.0 *There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.*
- 4.5.1 *As a general rule of thumb, gap sites within a continuous built up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if*

*the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.*

52. 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.
53. 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*
54. With regards to the provision of waste treatment facilities on the site, 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.*

#### **Development Control Advice Note 15 – Vehicular Access Standards**

55. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain 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

56. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the regional policy in PPS21 CTY8 is restricted and that any infill application is an exception to the prohibition on ribbon development. The same approach applies to COU8, however COU8 contains a new and significant definition of the buildings to be taken into account.
57. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

*A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.*
58. Officers are satisfied that the proposal does engage ribbon development. There are two dwellings either side of the application site, namely 10 and 14 Drennan Road. The application site located between these buildings
59. 14 Drennan Road to the east of the site consists of a detached single dwelling house with an integral garage.
60. 10 Drennan Road to the west of the site consists of split level single-storey dwelling house with integral garage. To its west there is a single-storey building, which from inspection appears to have a domestic swimming pool.
61. To the south of this building there is another detached single-storey domestic stable block and to the south of this, a ménage.
62. The dwellings associated with 10 and 14 have common frontages to the Drennan Road. The ancillary swimming pool building associated with 10 Drennan Road is also seen to front onto the Drennan Road.
63. In turn the stable building to the rear of the swimming pool building does not present a frontage. The buildings are visually linked when travelling along the Drennan Road. This is sufficient to conclude that the proposal does engage ribbon development.

### **The issue of exception**

64. The next step is to consider whether the proposal comes within the exception set out in the policy.
65. The first step is to consider whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
66. Two drawings entitled 'Concept Plan' and 'Plot Sizes Plan' have been submitted in support of this application.
67. The Concept Plan identifies the existing frontage buildings to consist of the dwelling at 14 Drennan Road to the east of the site and the dwelling, swimming pool and the dwelling at 10 Drennan Road to the west as the substantial and continuous frontage.
68. That said, the swimming pool is considered to be a domestic building and as such, it is not counted as part of the substantial and continuously built-up frontage. This part of the policy is therefore not met.
69. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.
70. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development pattern officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.
71. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
72. In this case the gap between the buildings at 10 and 14 Drennan Road is 91.5 metres.
73. The frontage widths associated with 14 Drennan Road measures 46.3 metres and the frontage of number 10 Drennan Road is 63.5 metres. The frontage width associated with the application site is 55.1 metres. This provides for an average road frontage of approximately 55 metres.
74. Having regard to these plot frontage measurements, the gap is not considered to be a small gap sufficient to accommodate two dwellings whilst respecting the established pattern of development.
75. To provide for two dwellings the site would require divided resulting in two sites with frontages of 27.5 metres. This is much smaller than the average frontage of 55 metres.

76. The policy also requires that the dwellings respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
77. The 'Plot Sizes Plan' drawing provided for consideration illustrates the following plot sizes;
- No. 10 Drennan Road has a plot area of 4,610.89m.sq (0.46h)
  - No 14 Drennan Road has a plot area of 3,473.87m.sq (0.34h)
  - Application site has a plot area of 4,191.53m.sq (0.41h)
78. The average plot size measures approximately 4,042 metres squared (0.40h). To provide for two dwellings, this plot would need to be subdivided into two resulting in a plot size of approximately 2,095 metres squared (0.20h).
79. This would be significantly less than the average plot size and not in keeping with the established pattern of development.
80. The Building on Tradition document is written with a different policy in mind and the guidance contained at 4.4.0 and 4.4.1 and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
81. That said, the general criteria at 4.5.0 and 4.5.1 still apply and for the reasons outlined above, the site is not a small gap capable of accommodating two dwellings whilst respecting the existing pattern of development.

### **Integration and Design of Buildings in the Countryside**

82. Without prejudice to the view expressed that the proposed development is not an exception to Policy COU8, a dwelling of appropriate size and scale would also be a prominent feature within the local landscape given the nature of topography, the elevation of the buildings and the absence of a back drop when viewed from surrounding vantage points. Criteria (a) is not met.
83. Any dwelling would be able to be sited so as to cluster with the existing buildings to the east and west. Criteria (b) is capable of being met.
84. That said, the southern boundary of the site when viewed from the Drennan Road is currently undefined and as such, there are no natural features to provide a backdrop or help the development blend into the landform. Criteria (c) is not met.
85. The site also lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

86. Three of the four site boundaries are not defined with any established natural boundaries and as such, it would rely on the use of new landscaping for integration.
87. For the reasons outlined, criteria (d) and (e) are not considered to be met.
88. As this application seeks outline approval only, no detailed design details have been provided for consideration apart from an indicative layout. That said, it is accepted that a dwelling of an appropriate rural design could be presented at reserved matters stage. Criteria (f) is capable of being met.
89. Given the nature of the site it is considered that required ancillary works associated with the access and any other infrastructure above or below ground could be designed so as to integrate into the surroundings without harm to the rural character. Criteria (g) is capable of being met.

### **Rural Character and other criteria**

90. For the reasons outlined above, a new building would be prominent in the landscape for the reasons outlined above. Criteria (a) is not met.
91. For the reasons outlined within the context of policy COU8 a new dwelling would not respect the traditional pattern of settlement exhibited in the area. Criteria (c) is not met.
92. Whilst the proposal does not mar the distinction between a settlement and surrounding countryside, it does result in urban sprawl by adding to a ribbon of development which in turn has an adverse impact on the rural character of the area. Criteria (d) and (e) are not met.
93. In relation to criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity levels. This criteria is capable of being met.
94. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
95. In respect of criteria (i) for the reasons set out in the following paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

### **Access and Transport**

96. Detail submitted with the application indicates that it is proposed to construct a new access to the public road for both pedestrians and vehicles to use.

97. DfI Roads have been consulted and offer no objections subject to conditions in relation to the provision access arrangements and car parking at reserved matter stage.
98. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that a new access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the Plan Strategy are met in full.

### **Waste Management**

99. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul via septic tank.
100. LCCC Environmental Health were consulted and offer no objection.
101. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
102. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soak-away designed to an appropriate standard. No flood risk is identified.
103. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of policy WM2 of the Plan Strategy are met in full.

### **Natural Heritage**

104. Ecological information provided has been assessed and consultation with DAERA NED & WMU has taken place. The SES unit have also been consulted.
105. All of the above consultees offer no objections to the development as proposed.
106. NED outline that they have completed a full assessment of the proposal and do not identify the need for further study.
107. SES detail that 'having considered the project it is concluded that it is eliminated from the need for Habitats Regulations Assessment because it could not have any conceivable effect on a European Site. There is a sufficient land buffer of

approximately 25m+ between the proposal and any watercourse. In any case it is 30km+ to the hydrologically linked European sites at Belfast Lough. No conceivable effect could result given the nature and scale of the proposal and the 'dispersion and magnitude rates' between the site and the hydrological linked sites.

108. DAERA WMU refer the planning authority only to standing advice in respect of single dwellings and have no objection to the proposed development.
109. Taking the advice of the three consultees together into account it is considered that the development will not cause any harm to any noted features of natural heritage importance. The requirements of policies NH 5 of the Plan Strategy are met in full and the proposal will not have an adverse impact on habitats, species or features of natural heritage importance.

### **NIE Infrastructure**

110. NIE have been consulted as powerlines run along the roadside (northern) boundary of the site. No objection is offered and as such, it is accepted that the proposed development will not impact on NIE infrastructure.

## **Conclusions and Recommendation**

111. For the reasons outlined, the application is considered to be contrary to paragraph 6.73 of the SPPS and policies COU1, COU8, COU 15 and COU16 of the Plan Strategy.

## **Refusal Reasons**

112. The following reasons for refusal are proposed:
  - The application is recommended for refusal as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 (in that the proposed development is not a type of development which in principle is acceptable in the countryside).
  - The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS and policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the site is not a small gap sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage and would if permitted fail to respect the existing pattern of development along the frontage in terms of its frontage width and plot size and would add to a ribbon of development.

- The proposal is contrary to the SPPS, and policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development is prominent and would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Drennan Road. The site also lacks long established natural boundaries and as a consequence the development would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would if permitted result in urban sprawl and fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area.

### Site Location Plan – LA05/2021/0913/O

