Lisburn & Castlereagh City Council

Civic Headquarters
Lagan Valley Island
Lisburn BT27 4RL

Tel: 028 9244 7300
www.lisburncastlereagh.gov.uk

October 31st, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor S Burns

Aldermen : O Gawith and J Tinsley

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 4th November 2024** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

Disclosure of Interests form Sept 24.doc ***Page 1***

3.0 Minutes of the Planning Committee Meetings held on 14 and 17 October, 2024

For Approval

PC 14.10.2024 - Draft Minutes for approval.pdf ***Page 3***

PC 17.10.2024 - Draft Minutes for approval.pdf ***Page 15***

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

Item 1 - Schedule of Applications.pdf ***Page 23***

(i) LA05/2023/0695/F - Section 54 application to vary conditions No. 2 (Phasing Plan), No. 9 (Landscape Works) and No. 10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout at the proposed Dundonald International Ice Bowl, 111 Old Dundonald Road, Dundonald

Appendix 1.1 DM Officer Report LA05 2023 0695F DIIB - final.pdf ***Page 26***

Appendix 1.1(a)(i) EIA DETERMINATION DIIB Section 54 app.pdf ***Page 60***

(ii) LA05/2024/0038/F - Proposed erection of an industrial unit with ancillary office, sprinkler pumphouse, two pumphouses, substation, external plant including silos, rooftop solar panels, car parking, landscaping and all associated site and access works on Lands located 400m east of Lissue Road, 300m south of Ballinderry Road, and 200m west of Ferguson Drive

Appendix 1.2 DM Officer Report - LA052024-0038-F Final.pdf ***Page 82***

(iii) LA05/2022/1177/F - Proposed erection of two detached dwellings and double garages and associated site works (infill sites) on lands 60m South of 41 Windmill Road, Ballyworfy, Hillsborough

4.6 Appeal Decision – LA05/2021/1048/O & 2021/1049/O

For Noting

4.7 Proposed Abandonment at Belsize Way, Lisburn

For Noting

4.8 Letter from Natural Environment Division (NED) of DAERA in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice

For Noting

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

For Noting

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. **Pecuniary Interests**

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

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

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed.**

2. **Private or Personal Non-Pecuniary Interests**

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

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

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

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

Pecuniary Interests

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

_____

Date of Meeting: _____

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

_____

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

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

_____

Date of Meeting: _____

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

_____

Nature of Private or Personal Non-Pecuniary Interest:

Name: Address:

Signed:	Date:

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

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 14 October, 2024 at 10.26 am

PRESENT IN CHAMBER: Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, P Catney, U Mackin, A Martin and N Trimble

PRESENT IN REMOTE LOCATION: Councillor D J Craig

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

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chair, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. Apologies

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillor G Thompson and it was noted that Councillor P Catney would be arriving late to the meeting.

2. Declarations of Interest

The following declarations of interest were made:

- Alderman J Tinsley declared an interest in respect of planning application LA05/2022/0033/F as he had been contacted by one of the objectors (not recently); he had indicated that he was on the Planning Committee and, apart from general conversation, Alderman Tinsley remained undecided;
- Councillor U Mackin declared an interest in respect of planning application LA05/2022/0033/F given that he would be speaking on behalf of residents;

2. Declarations of Interest (Contd)

- Councillor U Mackin declared an interest in respect of planning applications LA05/2023/0470/F and LA05/2021/1150/F given that he had hosted a meeting between Officers and residents near the site; however, he had not engaged in any discussion around planning issues at that time or since;
- Councillor U Mackin declared an interest in respect of planning application LA05/2021/0106/O as he had received a letter from the agent; he had acknowledged it but had not engaged in conversation about the application.

At this point, the Chair, Alderman M Gregg, stated that, at the last meeting when planning application LA05/2022/0033/F had been considered, the applicant's KC had been afforded the opportunity to raise a point of order in relation to a concern on a procedural matter. It had been stated that Alderman Gregg had not maintained impartiality and was in breach of a number of elements of the Code of Conduct for Councillors as he had retweeted a post by Kate Nicholl MLA regarding a petition to protect the biodiversity of the Quarterlands site. This had caught Alderman Gregg by surprise as it would be completely out-of-character for him to interact with anything pertinent to a live application as he would not want his professionalism, integrity or impartiality called into question, or to compromise the integrity of the Planning Committee. In order not to hold up proceedings, Alderman Gregg acted in good faith and stepped back from the decision-making process for this application. However, the accusation had since perplexed him as he could not recall any such retweet. Alderman Gregg had done some research and found out that a person named Martin Gregg had retweeted the post by Kate Nicholl and that tweet had since been deleted, but this had been a different Martin Gregg, not the Chair. Alderman Gregg stated "A simple look at the profile of that user would have shown that". Alderman Gregg stated that he would have expected the KC to be presenting facts to the Committee and be more over the detail than was evidenced in this accusation. Therefore, Alderman Gregg would be seeking his own legal advice on this matter and would not be declaring an interest, pecuniary or non-pecuniary, in this application. Alderman Gregg stated that, having clarified the position, he would continue to chair the Committee meeting, including the consideration of this application.

3. Minutes of Meeting of Planning Committee held on 2 September, 2024 and Special Meeting of Planning Committee held 18 September, 2024

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 2 September, 2024 and special meeting of Committee held on 18 September, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 1 major and 7 local applications on the schedule for consideration at the meeting. In the event that all applications were not heard today, speakers had been advised to be on standby for the applications to be heard at a reconvened meeting on Thursday, 17 October.

4.1.1 Applications to be Determined

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

(i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg

Councillor U Mackin left the meeting during consideration of this item of business and was only present in the Council Chamber when addressing the Committee.

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report. During the presentation of this application, Councillor D J Craig's zoom connection was lost and, in order to allow his continued participation in its consideration, the Principal Planning Officer repeated the presentation from an agreed point where Councillor Craig highlighted the connection was lost.

The Committee received the following to speak in opposition to the application and a number of Members' queries were addressed:

- Dr J Adgey, accompanied by Ms R McDade;
- Alderman J Baird; and
- Councillor U Mackin.

Councillor Mackin stated that Mr E Poots MLA was unable to be present at the meeting today, but had advised that the views he had expressed at the previous meeting had not changed. At this stage, the Chair, Alderman M Gregg, stated that he had not been in the Council Chamber when this application had been considered at the last meeting; however, he had received, and read, Mr Poots' written submission.

Written submissions had also been received from Mrs K Nicholl MLA and Alderman A McIntyre. They were unable to be present at the meeting, but their submissions had been provided to, and taken account of by, Members.

(i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.13 pm).

Resumption of Meeting

The meeting was resumed at 12.22 pm.

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

- Mr Wm Orbinson KC, accompanied by Mr G Dodds, Mrs A Wiggam, Mr D Thompson, Mr P Lynas, Mr R Barclay, Ms A Reynolds and Ms H Alexander.

Mr Wm Orbinson KC began by referring to comments he had made at the previous meeting in respect of procedural matters and the statement made earlier in this meeting by the Chair in this regard. He stated that his submission has been based on instruction. It was not his job to root around on the internet to look for comments made by Members. His submission had been made in good faith and had been an entirely professional thing to do. Mr Orbinson further stated that he had sought instruction on comments made earlier this morning by the Chair and confirmed the comments made were correct. A mistake had been made by a member of his team and for this Mr Orbinson apologised to Alderman Gregg and to the Council for the disruption caused at the last meeting. The issue should not have been raised, but had been raised in good faith for the integrity of the Council.

A number of Members' queries were addressed by Mr Orbinson and his colleagues following his verbal submission in respect of this planning application. During discussion, reference was made by Alderman O Gawith to the requirement that no more than 12 of the dwellings were to be occupied until the 4 affordable dwellings were constructed and available for occupation. He asked if the developer would be willing to provide the 4 affordable dwellings at an earlier stage than 12 dwellings being occupied and Mr Orbinson, after taking instruction from the planning applicant, confirmed that the developer would be content with this.

Representatives from NI Water (Mr R Mooney and Mr A Moore), Rivers Agency (Mr S Lancashire, Mr E Daly and Ms K Dawson), National Environment Division (Mr K Hunter), DfI Roads (Mr Wm Cardwell and Mr B Finlay) and Mid and East Antrim Borough Council (Mr M Kearney) were in attendance to address Members' queries. A number of Members' queries were responded to by these representatives, as well as Planning Officers.

(i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

Further to comments by Mr R Mooney in relation to the pre-development enquiry application to NI Water, Councillor D J Craig proposed that the meeting go 'into committee' in order that legal advice be sought. There was no seconder for this proposal.

Debate

During debate:

- Alderman O Gawith stated that, given the number of times this application had been considered at Committee meetings and the fact that a site visit had been held, there had been a great deal of opportunity for Members to ask questions and read submissions. This was commendable as it was important that everyone had an opportunity to have their views heard. Alderman Gawith had been reassured at today's meeting in respect of concerns he had had regarding water capacity and the removal of the hedge. Whilst it was a shame that, should the development proceed, the hedge would require to be removed, at least it was to be replanted not just to the standard required, but undergrowth was being put in as well. He was also pleased that, should the development proceed, it would meet policy HOU10 and he was reassured further that the developer would be willing to provide the 4 affordable dwellings at an earlier stage than 12 dwellings being occupied. Alderman Gawith would be content for this to happen upon the occupation of 10 dwellings. Alderman Gawith believed Members had addressed the objectors' problems in a wide variety of questions from the Committee on several aspects of planning policy. He stated that he was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley referred to this application having been one of the most scrutinised in his 25 years on Council, rightly so given the number of objections. It was important to do it justice both for the public and the applicant. Alderman Tinsley was satisfied that his concerns around zoning of the land, traffic issues, water capacity and native species had been addressed. On balance, Alderman Tinsley stated that he would be disingenuous to go against the recommendation of the Planning Officer to approve planning permission, although he had every sympathy with objectors;
- Councillor S Burns stated that her concerns had been addressed in respect of traffic, water capacity, zoning of land, Lagan Valley Regional Park and the developer's intention to improve the biodiversity on the land threefold. She was in support of the recommendation of the Planning Officer to approve planning permission;

(i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

- Councillor N Trimble referred to the amount of scrutiny there had been and representations made in respect of this application. He believed that the Planning Committee existed to deal with such cases that were finely balanced. He gave credit to all those who had made representations, the quality of which had been tremendous. Councillor Trimble stated that there had been sufficient verifiable evidence made in counterpoint to the objections raised. There was clearly a wealth of sentiment of local residents who did not support this application; however, in planning terms, Councillor Trimble had no option other than to support the recommendation of the Planning Officer to approve planning permission;
- Councillor D Bassett echoed the sentiments of previous speakers. He felt for objectors; however, his concerns had been addressed, especially regarding water capacity, and he was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, referred to the amount of scrutiny this application had received. There had been a lot of questions around the capacity of the waste water treatment works, as well the road network, and those had been satisfied. Whilst Alderman Gregg was disappointed at the removal of the hedge, he welcomed the fact that it would be replaced threefold. He welcomed clarification around zoning of this land for housing. However, there were a couple of polices that Alderman Gregg considered this application failed to meet – HOU5 and NH6. A number of questions had been asked around the size and style of housing and Alderman Gregg felt this application reflected a style of housing that was very much the exception in Drumbeg and the character of this settlement land. He did not consider that the exception should become rule, which he believed would be the case if this application was approved. He went on to say that HOU5 required the provision of public open space and there were exceptions to that. The towpath was the example of why the public open space, not just within each dwelling, was not met. Alderman Gregg did not accept that a towpath a mile away was an exception to the applicant having to provide public open space. If this was a different application in a different form, with housing that mirrored the local settlement, he could be of a different mind if it met the siting and scale. Alderman Gregg was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to approve planning permission, subject to the provision of 4 affordable dwellings upon occupation of 10 dwellings rather than 12, the voting being:

(i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

In favour: Councillor D Bassett, Councillor S Burns, Alderman O Gawith, Alderman J Tinsley and Councillor N Trimble **(5)**

Against: Councillor D J Craig and Chair, Alderman M Gregg **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (1.56 pm).

Resumption of Meeting

The meeting was resumed at 2.35 pm.

Councillor D J Craig did not return to the meeting after lunch. Councillors P Catney and A Martin arrived to the meeting after lunch.

(ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn

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

The Committee received Mr D Rooney, accompanied by Mr R Armstrong, to speak in support of the application and a number of Members' queries were addressed.

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

Debate

During debate:

- Councillor N Trimble stated that he had tremendous sympathy with the applicant. The Council, whilst being a planning authority, needed to be cognisant of a local resident who had a business plan to enhance the area he lived in. That ought to be one of the considerations in the back of Members' minds. Councillor Trimble was of the opinion that the Planning Officer had been harsh in respect of this application. He referred to the section of TOU3 relating to 'Tourist Attraction on the Periphery of a Settlement' and was of the view that this application met all three criteria.

(ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn (Contd)

He stated that, glamping pods by virtue of what they were, were not suitable within the settlement limits. In respect of TOU4, Councillor Trimble felt that criteria (b) of TOU4 was open to interpretation. Lough Neagh was described by Planning Officers as a leisure facility; however, Councillor Trimble could envisage people going here just to be glamping on the banks of Lough Neagh. He considered that Officers had not given a lot of credit to the neighbouring facilities such as the equestrian centre and Sandy Bay/Rams Island. He further pointed out that one of the services available on Rams Island was glamping and yet there was no larger tourist facility there such as jet skiing or archery; glamping by itself was a tourist attraction. Councillor Trimble stated that the Council should be encouraging its residents who had the wherewithal and the aspiration to start up a business;

- Councillor P Catney stated that, in his opinion, the Planning Officer's recommendation on this application was correct. He did have sympathy with the applicant; should the house on the site, which was currently rented out, be developed as a tourist attraction, opportunities may open up at a later date for glamping pods. He referred to a number of other businesses in close proximity to this site and the need to not create unfair competition. When looking at all the policies, as debated, Councillor Catney was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman J Tinsley stated that this application was in the balance. Without doubt, the young applicant was very enthusiastic. Reflecting on some of the points made at today's meeting, there may be opportunities in the future. He could see reasons why people would go to this site, but the Committee had to consider policies. At a stretch, he could understand the views expressed by Councillor Trimble; however, Alderman Tinsley was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that the applicant was full of enthusiasm and he hoped he stayed that way and would come back at a later date with a proposal that met with policies. He agreed with Councillor Trimble's view that Planning Officers had been harsh, particularly around TOU3; however, he considered the overall decision was correct and, reluctantly, was in support of the recommendation of the Planning Officer to refuse planning permission; and
- the Chair, Alderman M Gregg, agreed that Officers had been harsh in respect of TOU3 and TOU4. The very nature and attraction of glamping pods was their isolation and that in itself should allow them to be an exception to some of the rules that required them to be sited with an established group of buildings and that ruled out COU15 and 16. Alderman Gregg considered that TOU3 and TOU4 policies were met for similar reasoning. He felt that the other tourist amenities in the vicinity very much complemented the glamping pods. He felt this proposal was a fledgling tourist opportunity in the countryside that could complement this area. With TOU3, TOU4, COU15 and COU16 being met, COU1 would fall away. Alderman Gregg was not in support of the recommendation of the Planning Officer to refuse planning permission.

(ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn (Contd)

Vote

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

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor Martin and Alderman J Tinsley **(6)**

Against: Councillor U Mackin, Councillor N Trimble and Chair, Alderman M Gregg **(3)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.47 pm).

Resumption of Meeting

The meeting was resumed at 4.02 pm.

(iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

(iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

Councillor U Mackin left the meeting (4.02 pm).

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

The Committee received Mr E Loughrey, accompanied by Mr B McKay, Mr K McElroy and Mr M Bailie, to speak in support of the applications and a number of Members' queries were addressed.

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

(iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

(iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn (Contd)

Debate

During debate:

- Councillor N Trimble stated that it was difficult when looking at the modern satellite photograph to envisage this site as a green field site, when in planning terms it really was. If these were not retrospective applications and the applicant was asking to develop the two fields behind the business, very good arguments would have to be made around planning policy. The fact that these were retrospective applications and that the site was being used would cause difficulty for the applicant if approval was not granted. In planning terms the development had taken place without planning permission. Planning rules and regulations existed for a reason and to do otherwise would be giving advantage to someone playing outside of the rules. It would be unfair to grant retrospective planning permission just by virtue of the development being there. Councillor Trimble was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman J Tinsley understood why business owners expanded their businesses; however, the Planning Committee existed for a reason. There had been encroachment into the countryside in this case and that still had not stopped. Alderman Tinsley considered that the Planning Committee had a responsibility. Currently, with the evidence provided, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor A Martin concurred with comments made by Councillor Trimble and Alderman Tinsley. The satellite view showed how far the development had encroached into the countryside;
- Councillor S Burns stated that the fact development had already taken place could not be ignored. This may have improved the existing business, but the Planning Committee had to follow the rules. Councillor Burns was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that retrospective applications always made him wonder if they were deliberate, an oversight, due to poor advice or lack or knowledge. Whatever the reason, they were not as good as applications done in the proper order of things and they did bring suspicion. Alderman Gawith could see no valid reason for approving these applications and was in support of the recommendation of the Planning Officer to refuse planning permission;

(iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

(iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn (Contd)

- Councillor P Catney agreed with comments by other Members. This was a live business and the Committee did not want to hurt the business; however, it had to be fair and he was in support of the recommendation of the Planning Officer to refuse planning permission. Councillor Catney asked about the possibility of steps being taken to assist the business; however, the Chair, Alderman M Gregg, advised that the time for questions had passed and that Councillor Catney's query related to enforcement, which was beyond the remit of the Planning Committee; and
- the Chair, Alderman M Gregg, stated that the Planning Committee never liked to receive retrospective applications. The reasons they came to Committee, either for approval or refusal, had to be rooted in policy. He was in support of the recommendation of the Planning Officer to refuse planning permission. Planning creep and site creep into the countryside could be seen in this case and that was the reason policies were in place in order to curb this and to give a level playing field to all those business that came with applications that did comply.

Vote

LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

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

LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

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

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman M Gregg, thanked those present for their attendance. Given that the business on the agenda had not been concluded at this meeting, he advised that a continuation meeting would be held on Thursday, 17 October at 2.00 pm.

There being no further business, the meeting was terminated at 5.20 pm.

Chair/Mayor

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Continuation Meeting held in the Council Chamber and in Remote Locations on Thursday, 17 October, 2024 at 2.00 pm

PRESENT IN CHAMBER:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Alderman J Tinsley

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

IN ATTENDANCE:

Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officers (PMcF and GM)
Member Services Officers (CR and CH)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chair, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of Alderman O Gawith and Councillor U Mackin.

2. Declarations of Interest

Councillor D J Craig declared in an interest in planning application LA05/2023/0276/F as the applicant was a close friend and neighbour. Councillor Craig stated that he would not be participating in consideration of this application.

3. Report from the Head of Planning & Capital Development

3.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 4 local applications on the schedule for consideration at the meeting.

3.1.1 Applications to be Determined

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

(i) LA05/2023/0276/F – Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara

Having declared an interest in this application, Councillor D J Craig left the meeting (2.06 pm). Alderman J Tinsley arrived to the meeting during consideration of this item of business (3.09 pm).

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

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

A written submission had been received from Alderman A McIntyre. He was not in attendance at the meeting, but his submission had been noted by Members.

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

Following discussion, it was proposed by Councillor P Catney that this application be deferred to allow for a site visit to take place. There was no seconder for this proposal.

Debate

During debate:

- Councillor N Trimble stated that he was not in support of the recommendation of the Planning Officer to refuse planning permission. He considered that the application met COU4. It was an unlisted vernacular building and met criteria (a) to (e). It was of a permanent construction, would maintain or enhance the form, character and architectural features of the existing building. Councillor Trimble stated that, admittedly, criteria (c) was a matter of judgement, being sympathetic to the scale, massing and architectural style of the existing building. He deemed that the extension was necessary. The existing building would provide for bedrooms and a bathroom; the extension would be for a living, dining and kitchen space. It was sympathetic and would mirror it. In respect of criteria (d), Councillor Trimble could not see how the conversion/reuse would unduly affect the amenities of nearby residents. He believed that the nature and scale of the use was demonstrated to be appropriate to the countryside location. The finished product would be an enhancement to what was currently there. Further on in COU4, it was stated that, in all cases, evidence of a building's condition must demonstrate that it was reasonably capable of being made structurally sound or otherwise improved. From the pictures and the presentation, it seemed to Councillor Trimble that the structure was

(i) LA05/2023/0276/F – Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara (Contd)

generally sound. There may be a disagreement on the level of remedial works required to make it sound, but the policy required that it be reasonably capable of being made sound and Councillor Trimble believed it was. He was not in support of the recommendation of the Planning Officer to refuse planning permission;

- Councillor A Martin agreed with the comments made by Councillor Trimble. He considered this was an ideal location and the development would be done well. He was not in support of the recommendation of the Planning Officer to refuse planning permission;
- the Chair, Alderman M Gregg, stated that he too agreed with Councillor Trimble. The reasons for refusal could be addressed within this application. The very nature of this development and the building of an extension would maintain and enhance the form of the barn that was there. In relation to the architectural feature, design and setting of the existing building, there was an engineering risk. Although he did not have engineering expertise, the Chair stated that, having seen the state of the building, he was of the view that it could be sympathetically restored. He did not consider the massing of the extension to be too great. This was a matter of judgement within policy. It was single storey and slightly shorter but the availability of space within the existing building was limited; what was being provided was floor space for an average sized home. In respect of criteria (e), the proposed residential use was not sympathetic to the vernacular building, this had been addressed in previous comments. When you drove around the drive, you would see the entirety of the building and how it was retained. The style of the building was retained, as per policy. If there was a way to ensure that the original material was used to try to preserve the original features, Alderman Gregg would be entirely in favour of that; and
- Councillor P Catney referred to the Officer's report advising that the proposal was contrary to COU1 in that the proposed development was not a type of development which, in principle, was acceptable in the countryside. Councillor Catney believed that the proposed development was contrary to what COU1 stated and he was not in support of the recommendation of the Planning Officer to refuse planning permission. The Chair, Alderman M Gregg, pointed out that with criteria in COU4 being met, COU1 would fall away.

Vote

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

In favour: Councillor D Bassett, Councillor S Burns and Councillor G Thompson **(3)**

Against: Councillor P Catney, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

(i) LA05/2023/0276/F – Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara (Contd)

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble, seconded by Councillor A Martin and, on a vote being taken, agreed that the application be approved, the voting being as follows:

In favour: Councillor P Catney, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

Against: Councillor D Bassett, Councillor S Burns and Councillor G Thompson **(3)**

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

- the proposal met COU4 in that it was an unlisted vernacular building that would be a permanent construction and would maintain or enhance the form, character and architectural features of the original building. The extension was sympathetic in terms of scale and massing of the existing building. The conversion would not adversely impact the amenity of nearby residents. The nature and scale was appropriate to its countryside location;
- in respect of COU1, this was a type of development that would be acceptable in the countryside; it was a conversion of an existing barn;
- the building was structurally sound and was capable of restoration;
- in respect of criteria (b) of COU4, if nothing was done, the existing building would fall down. In engineering terms, there had to be a certain amount of work done to maintain it going forward; that involved a certain amount of deconstruction, reconstruction and raising the ridge height in order to comply – that was where criteria (b) would be met. As one would drive around the building, the existing building would be seen in its entirety;
- in respect of criteria (c), the new extension being sympathetic to the scale and massing of the existing building, the fact that the barn was so small meant the extension was required to make it a habitable size. The existing building was very narrow but long, the new building was shorter but somewhat deeper;
- in respect of criteria (e), there was linkage through and the architect had indicated that whatever materials could be used in that linkage would be used. This was a sympathetic conversion;
- as criteria (b), (c) and (e) were met, COU1 would fall away.

It was proposed by Councillor N Trimble, seconded by Councillor A Martin and, on a vote being taken, agreed that authority be delegated to the Head of Planning & Capital Development to formulate the precise wording of conditions relating to planning permission for this application, the voting being:

In favour: Councillor P Catney, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

(i) LA05/2023/0276/F – Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara (Contd)

Against: Councillor D Bassett, Councillor S Burns and Councillor G Thompson **(3)**

It was proposed by Councillor N Trimble, seconded by Councillor A Martin and, on a vote being taken, agreed that planning permission be granted to this application and that authority be delegated to the Head of Planning & Capital Development to formulate the precise wording of conditions relating to planning permission for this application, the voting being:

In favour: Councillor P Catney, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

Against: Councillor D Bassett, Councillor S Burns and Councillor G Thompson **(3)**

Councillor D J Craig returned to the meeting at 3.30 pm.

At this stage, Councillor P Catney stated that, on occasions when the Planning Committee went against the recommendation of the Planning Officer, and given their reasons for that during debate, Planning Officers should then assist Members in providing suitable wording and he would prefer if that was done in private. The Chair, Alderman M Gregg, stated that if a Member was in a position where they were overturning an Officer recommendation, it was necessary for that Member to have a sound understanding of policy. If that was not the case, perhaps an extension was the correct decision to make or defer for further information. Whilst he understood the points made by Councillor Catney, he explained the reason for the lengthy process that was undertaken when an Officer recommendation was overturned. The Chair stated that, if Members wished, the Legal Advisor could provide refresher training.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.36 pm).

Resumption of Meeting

The meeting was resumed at 3.46 pm.

(ii) LA05/2023/0396/F – Dwelling on a farm on land 200m east of 75 Dromore Road, Dromara, Dromore

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

(ii) LA05/2023/0396/F – Dwelling on a farm on land 200m east of 75 Dromore Road, Dromara, Dromore (Contd)

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

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

Debate

There were no comments made at the debate stage.

Vote

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

(iii) LA05/2021/0740/F – Two dwellings with garages on land between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh

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

The Committee received Mr A McCready, accompanied by Mr M Chambers, to speak in support of the application and a number of Members' queries were addressed.

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

Following discussion around the current use of the building that had received previous planning permission as a domestic garage, it was proposed by Councillor N Trimble, seconded by Councillor D J Craig and agreed that this application be deferred for one month in order that the applicant could submit further information as to the nature of the business being operated at that location. Councillor Trimble further requested that additional photographs be provided for Members as the size of the gap was also a material concern.

(iv) LA05/2024/0106/O – Proposed replacement dwelling and garage for domestic use on land to the rear of 190 Killynure Road, Saintfield

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

There was no-one registered to speak on this application.

There were no Members' questions put to Planning Officers.

(iv) LA05/2024/0106/O – Proposed replacement dwelling and garage for domestic use on land to the rear of 190 Killynure Road, Saintfield (Contd)

Debate

There were no comments made at the debate stage.

Vote

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

3.2 Statutory Performance Indicators – August 2024

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed that the information in relation to the August 2024 Statutory Performance Indicators be noted.

3.3 Appeal Decision – LA05/2022/0703/A

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

3.4 Appeal Decision – LA05/2022/0977/F

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

3.5 Notification by Telecommunication Operator(s) or Intention to Utilise Permitted Development Rights

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

3.6 Correspondence from Department for Communities – Guidance on Historic Windows

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed to note the update provided by the Department for Communities in relation to Guidance on Historic Windows.

4. Any Other Business

4.1 Briefing on Section 76 Planning Agreements

The Head of Planning & Capital Development advised that a Teams call would be arranged with Members in advance of next week's Council meeting in order that a briefing could be provided in respect of Section 76 Planning Agreements.

4.2 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 4 November, 2024.

There being no further business, the meeting was terminated at 5.17 pm.

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Chair/Mayor

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

1. The following applications have been made to the Council as the Local Planning Authority for determination.

2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There are two major and three local applications. The three local applications are Called In by agreement with the Chair of the Committee.

   a) LA05/2023/0695/F - Section 54 application to vary conditions No. 2 (Phasing Plan), No. 9 (Landscape Works) and No. 10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout at the proposed Dundonald International Ice Bowl, 111 Old Dundonald Road, Dundonald
   Recommendation – Approval

   b) LA05/2024/0038/F - Proposed erection of an industrial unit with ancillary office, sprinkler pumphouse, two pumphouses, substation, external plant including silos, rooftop solar panels, car parking, landscaping and all associated site and access works on Lands located 400m east of Lissue Road, 300m south of Ballinderry Road, and 200m west of Ferguson Drive
   Recommendation - Approval

   c) LA05/2022/1177/F - Proposed erection of two detached dwellings and double garages and associated site works (infill sites) on lands 60m South of 41 Windmill Road, Ballyworfy, Hillsborough
   Recommendation – Refusal

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

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

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

2.0 **Recommendation**

For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

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

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

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out.	

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

Appendices:	Appendix 1.1 - LA05/2023/0695/F Appendix 1.2 - LA05/2024/0038/F Appendix 1.3 - LA05/2022/1177/F Appendix 1.4 - LA05/2022/1135/F Appendix 1.5 - LA05/2021/0772/F

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	04 November 2024
Committee Interest	Major Application
Application Reference	LA05/2023/0695/F
District Electoral Area	Castlereagh
Proposal Description	Section 54 application to vary conditions No.2 (Phasing Plan), No.9 (Landscape Works) and No.10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout.
Location	Dundonald International Ice Bowl 111 Old Dundonald Road, Dundonald, Belfast, BT16 1XT
Representations	None
Case Officer	Gillian Milligan
Recommendation	**Approval**

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 because the development is over one hectare in size and seeks to vary conditions of a previously approved and extant planning permission LA05/2020/0048/F, and the proposal falls within Category 7 *Retailing, Community, Recreation and Culture*.

2. The application is presented with a recommendation to approve as it is considered that the proposal demonstrates that the changes, if approved, will continue to secure an appropriate landscape wedge consistent with the aims of the plan designations, and the slight increase in levels of 250mm is not considered significant and will not have a significant impact on landscape character or visual amenity.

3. The detail associated with the reconfigured car park area and associated changes to the internal road layout comply with Polices TRA1 and TRA7 of the Plan Strategy in that an accessible environment will be provided along with

adequate car parking and servicing arrangements for the proposed development.

4. The assessment is mindful of the fallback position arising as a result of the extant approval LA05/2020/0048/F. Having considered the information provided, the reconfiguration of parking areas and areas of hardstanding within the site will have no greater impact on surface water run off rates than the development approved under LA05/2020/0048/F. The tests associated with Policy FLD1 and FLD3 of the Plan Strategy are met.

5. The proposal will not result in the loss of open space within the site nor any detrimental impact on the amenity of existing residents in properties adjacent to the site consistent with Policies OS1 and OS2 of the Plan Strategy.

6. The changes have been assessed and are unlikely to have significant impacts on protected and priority species and habitats or the integrity of any European site. The application complies with Policies NH1, NH2 and NH5 of the Plan Strategy.

Description of Site and Surroundings

7. The proposed site is located at and adjacent to the Dundonald International Ice Bowl, 111 Old Dundonald Road, Dundonald, Belfast.

8. The existing buildings are located to the south of the Old Dundonald Road. The building is brick and metal clad of portal frame construction with surface level car parking in front and parkland/woodland and agricultural land to the rear.

9. In front of the existing buildings is a car park and a miniature golf course (called “Pirates Adventure Golf”). This is where the alterations that amend the approved scheme LA05/2020/0048/F are proposed.

10. The site is accessed from the Old Dundonald Road at the north-eastern corner and from a roundabout at the junction with Eastpoint.

11. The land is bound by the Old Dundonald Road and Comber Greenway to the north, Hanwood Farm to the east, an access road to David Lloyd Leisure Centre Belfast to the west, and agricultural land and some single dwellings to the south.

12. The site on which the new buildings are proposed is comprised of improved grassland with some low-level hedgerows and trees scattered throughout. The south of the site is steeply sloped open scrub land which provides informal amenity space. A large copse of mature trees is located at the south-eastern corner.

13. There is an underpass connecting the site with land on the opposite side of the Dundonald Road which is used as a touring caravan park.

Proposed Development

14. Planning application LA05/2020/0048/F was approved in May 2021 for the phased demolition of existing Dundonald International Ice Bowl and redevelopment to include new Olympic size ice rink, ten pin bowling facility, children's soft play area and adventure play area, primary healthcare facility, community/multi-function facilities, gymnasium, offices, food outlet, general support accommodation new parking areas, the reconfiguration of existing car parks, an external play area and associated access, landscaping and site works.

15. Condition 2 of LA05/2020/0048/F stated:

The development hereby permitted shall be carried out in accordance with the approved Phasing Plan detailed on drawing number 30 bearing the Council date stamp 17 January 2020. 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.

16. Condition 9 of LA05/2020/0048/F stated:

All hard and soft landscape works shall be carried out in accordance with Drawing No.'s 33, 34 and 35 bearing the Council date stamp 17 January 2020 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.

17. Condition 10 of LA05/2020/0048/F stated:

Prior to any site works or clearance commencing on site, all existing trees shown on Drawing Number 33, Hard & Soft Landscape Proposals, bearing the Council date stamp 17 January 2020 indicated as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

18. This is a full application under Section 54 of The Planning Act (Northern Ireland) 2011 (hereafter “the Planning Act”) to vary Planning Approval LA05/2020/0048/F to:

- alter the layout and arrangement of the hard surfaced areas for parking by varying condition No. 2 (Phasing Plan),
- alter the layout and arrangement of the hard and soft landscaping works by varying conditions No. 9 (Landscape Works) and No. 10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout.

19. The following documents have been provided in support of this proposal:

- Design and Access Statement
- EIA Screening Report
- Shadow Habitats Regulations Assessment
- Pre-Application Community Consultation Report
- Environmental Review of Proposed Variation
- Flood Risk & Drainage Assessment

20. The Case Officer has visited the site and discussed the application with officers and reached her own conclusions in respect of the application.

Environmental Impact Assessment

21. The approved development (LA05/2020/0048/F) was classified as Schedule 2 category 10 (b) Urban development projects of the EIA Regulations as it had the potential to have significant effects on the environment. It was defined as EIA Development under Part 2 Regulations 8(1)(a) of the regulations and an Environmental Statement (ES) was required. The ES identified and considered the areas of environmental significance and concluded that there would be no significant environmental or residual environmental effect provided mitigation was included.

22. The proposed Section 54 development is also considered to fall within the scope of Schedule 2 of the above Regulations. The application is considered to fall within the scope of category 13 (a) - any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

23. An EIA screening for this application was carried out and it was determined that for the reasons outlined in the determination report, that the environmental effects are not likely to be significant. This determination report is provided as part of papers at **Appendix 1.1(a)(i).**

Pre-Application Community Consultation

24. In accordance with legislative requirements, the application is accompanied by a Pre-Application Community Consultation Report.

25. A public event was held in the existing Dundonald International Ice Bowl on 16 August 2022. An exhibition board explaining the proposed amendments along with feedback forms were provided. Members from the project team were in attendance to engage with members of the public and answer questions raised in relation to the amendments.

26. Exhibition boards were also displayed within the Ice Bowl and Dundonald Library with feedback forms and boxes provided.

27. The statutory requirement to advertise in the local press was carried out in accordance with legislative requirements. The event was published in the Belfast Telegraph on 08 August 2024. It was also posted on social media and leaflet drops throughout the neighbouring area.

28. Thirty-six responses were received in response to the public engagement. The PACC report concludes that many respondents supported the amendment to re-organise the previously approved car parking layout. Those opposing this amendment did so on the basis that the redistribution of car parking would impact on the green wedge. Other matters of concern related to the consultation and decision-making process. The concerns raised during the public engagement process are considered at section 4.3 of the Pre-Application Community Consultation Report.

29. The legislative requirement to consult the community has been satisfied, exceeding the minimum statutory requirements in terms of the breadth of consultation and the additional publicity arranged.

Relevant Planning History

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

Application Reference	Description of Proposal	Decision
LA05/2024/0457/DC	Discharge of Condition 8 of planning application LA05/2020/0048/F: No removal of hedgerows, trees or scrub or demolition of buildings shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests. No site clearance/demolition works shall take	Discharged 27 September 2024

Application Reference	Description of Proposal	Decision
	place without written confirmation that no nests are present/birds will be harmed by the works. Any such written confirmation shall be submitted to the council at least 6 weeks prior to works commencing.	
LA05/2024/0355/DC	Discharge of Conditions 4 and 7 of planning approval LA05/2020/0048/F: In respect of Condition 4, we include a copy of the Construction and Environmental Management Plan for assessment. In relation to Condition 7, the CEMP provided includes details of the appointment of a competent ecologist as required.	Discharged 27 September 2024
LA05/2020/0048/F	Phased demolition of existing Dundonald International Ice Bowl and redevelopment to include new Olympic size ice rink, ten pin bowling facility, children's soft play area and adventure play area, primary healthcare facility, community/multi-function facilities, gymnasium, offices, food outlet and general support accommodation. To include the provision of new parking areas and reconfiguration of existing, an external play area and associated access, landscaping and site works.	Approved 20 May 2021

Consultations

31. Having regard to the nature of the proposed amendments the following consultations were carried out:

Consultee	Response
DfI Roads	No objections
DfI Rivers	No objections
Shared Environmental Service	No objections

Representations

32. No representations have been received either in support of or objection to the proposed development.

Local Development Plan

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

Plan Strategy 2032

34. It is stated at page 16 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.

35. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Belfast Urban Area Plan 2001 (BUAP 2001)

The BUAP

36. The application site is mainly designated in the BUAP as within the Settlement Development Limit of Castlereagh and within lands reserved for Landscape, Amenity or Recreation Use.

37. A small portion on the southern side of the site is located outside the Settlement Development Limit on lands zoned as an Area of High Scenic Value and an Area of Major Recreation and Tourism Potential known as Dundonald Leisure Park.

38. Policy L5 - Landscape Wedges in the BUAP 2001 states that:

landscape wedges within the suburban area will be protected from development. The Dundonald Wedge includes Knock Golf Course, Dundonald Cemetery and the Dundonald Leisure Park at Ballyhanwood. It is indicated that the purpose of the wedge is to separate East Belfast from Dundonald.

39. Policy R1 - Protection of Open Space in the BUAP 2001 states that:

public and private open spaces within the built-up area will be retained.

40. Policy R2 - Proposed Recreational Open Space in the BUAP 2001 states that:

850 hectares of land is zoned for new recreational open space and seeks to protect these from building development.

41. Appendix 6 of the BUAP 2001 provides a list of all the sites of one acre and above zoned for proposed recreational open space. Dundonald Leisure Park is included on this list.

42. Policy R8 - Dundonald Leisure Park in the BUAP 2001 aims to enhance the leisure offer at the site. It is considered that the previously approved development LA05/2020/0048/F will still enhance the leisure offer as the provision of the leisure facilities at the site will not be affected by this section 54 application.

43. Policy T1 - The Development of Tourism Facilities in the BUAP 2001 aims to encourage the development of tourism facilities on key sites within the Belfast Urban Area. The development ideas set out in the Greater Belfast Tourism Development Study include the development of an outdoor Leisure Park at this location.

44. In accordance with the transitional arrangements, draft BMAP remains a material consideration.

The draft Belfast Metropolitan Area Plan 2015

45. Within the draft Belfast Metropolitan Area Plan 2015 the site is located primarily within the settlement development limit for Castlereagh and in an Area of Existing Open Space.

46. A small portion of the site to the southeast of the David Lloyd Leisure Centre is located outside of the development limit in the open countryside (formerly Greenbelt), and within an Area of High Scenic Value and Area of Constraint on

Minerals Development. None of the proposed changes to the scheme are in this part of the site.

47. The site also falls within an Urban Landscape Wedge within designation MCH 30 and it is zoned as Dundonald Leisure Park within designation MCH31. It also forms part of a designated Local Landscape Policy Area designation BT122 – Dundonald Wedge.

48. Designation MCH 30 – Urban Landscape Wedge Dundonald of draft BMAP (2004) states that the wedge will:

- *Break up the visual impact of the housing mass in the vicinity*
- *Help to retain and define the identities of the component areas of East Belfast and Dundonald;*
- *Prevent the merger of the different urban communities; and*
- *Provide additional protection for the component areas of existing open space surrounding the ice bowl complex for the people who live in the surrounding built up urban space area.*

49. Designation MCH 31 of draft BMAP (2004) makes reference to this 25.08-hectare site being within the Dundonald Urban Landscape Wedge and for outdoor recreation and tourist related development. This designation states that:

planning permission will only be granted for tourism, outdoor recreation or open space and no other uses provided all the following criteria are met:

- *All new development shall be physically and functionally integrated and consolidated around the existing built recreation elements within the wedge so that visual separation can be maintained between these elements and remaining open areas;*

- *The ratio of built form to associated landscaping/vegetation shall be a minimum of 1:5;*

- *The scale, size and character of any buildings shall be appropriate to the landscape, taking account of the natural topography of the site and shall minimise impact on the environment;*

- *Natural and man-made features of the site such as trees and hedgerows shall be retained;*

- *A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include a detailed planting plan and programme of works for all new vegetation in relation to boundary definition and provision of high quality landscaping proposals within the site;*

- *All proposals shall include detailed landscaping plan which includes details of boundaries, new planting, landscaping to be retained and enhancement works to aid integration;*

- *Positive landscape management plans shall be required to protect and maintain the boundaries, open space, landscaping and features of natural heritage;*

- *A satisfactory means of access and adequate car parking shall be provided subject to the agreement of DRD Roads Service (now DfI Roads) to ensure that there is no detrimental impact on local traffic movement Highway safety; and*

- *Measures to reduce the need to travel to the site by the private car shall be included, as well as plans to increase public transport patronage.*

50. In the subsequent revision to the draft of BMAP 2014 the majority of the site remains within the settlement development of Metropolitan Castlereagh.

51. Again, a small portion of the site to the southeast of the David Lloyd Leisure Centre is located outside of the development limit in the open countryside, and within an Area of High Scenic Value and Area of Constraint on Minerals Development. None of the proposed changes to the scheme are in this part of the site.

52. The site remains within the Urban Landscape Wedge for Dundonald (Castlereagh) as Designation MCH 26. It is stated that the designated Urban Landscape Wedge will:

    - *Break up the visual impact of the housing mass in the vicinity;*
    - *Help to retain and define the identities of the component areas of East Belfast and Dundonald;*
    - *Prevent the merger of the different urban communities; and*
    - *Provide additional protection for the component areas of existing open space surrounding the International Ice Bowl complex for the people who live in the surrounding built-up urban area space.*

53. The site also remains within the Dundonald Leisure Park as Designation MCH27 which states that:

    A 25.48-hectare site is designated within the Dundonald Urban Landscape Wedge for outdoor recreation and open space-related development as identified on Map No. 2/001 - Metropolitan Castlereagh. Planning permission will only be granted for outdoor recreation or open space and no other uses, provided the following criterion is met: -

    - *No substantial new building or structure will be permitted within the bounds of Dundonald Leisure Park. Any new development shall be physically and functionally integrated and consolidated around the existing*

built recreation elements within the wedge so that visual separation can be maintained between these elements and the remaining open areas.

54. Significant weight is attached to designations MCH 26 and MCH 27 of the later revision to BMAP (2014) as both designations seek to protect the integrity of the urban landscape wedge.

55. Both these designations were the subject of objection and considered at the Public Inquiry into draft BMAP. In particular, the reference to tourism and tourist development was removed from designation MCH 27 and a new criterion added that '*No substantial new building or structure will be permitted within the bounds of Dundonald Leisure Park.*' It is noted that new buildings are not prohibited but must be considered in the context of whether they are "substantial".

The Plan Strategy 2032

56. Part 1 of the Lisburn and Castlereagh Plan Strategy 2023 sets out a range of strategic policies that have been developed to support the implementation of the operational policies contained in Part 2 of the Plan Strategy. At page 35, it is stated that:

These strategic policies underpin the Spatial Strategy of the Plan and must be read together and in conjunction with other planning policy, including the RDS 2035, SPPS, and Operational Policy in Part 2 of this Plan Strategy.

57. The Strategic policies are therefore a material consideration to which weight is afforded.

58. The applicable strategic policies will be considered below.

59. Dundonald International Ice Bowl supports sustainable development through the provision of jobs and services for the wider community of the Lisburn and Castlereagh City Council area and its redevelopment will contribute to economic growth. The Lisburn & Castlereagh City Council Tourism Strategy 2018 is cited at page 101-102 of the Plan Strategy, and it is noted that:

Significant renewal plans are underway for Dundonald International Ice Bowl which will provide a major leisure asset with tourism potential.

60. Strategic Policy 01 – Sustainable Development states:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural

environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

61. The Dundonald International Ice Bowl site provides quality open space and a leisure facility within the settlement limit to promote healthy living and more active lifestyles which can positively impact people's health and well-being. Strategic Policy 02 – Improving Health and Well-being states:

The Plan will support development proposals that contribute positively to the provision of quality open space; age-friendly environments; quality design; enhanced connectivity (physical and digital); integration between land use and transport; and green and blue infrastructure. Noise and air quality should also be taken into account when designing schemes, recognising their impact on health and well-being.

62. Dundonald International Ice Bowl provides a shared space which is accessible to all, and its redevelopment will continue to provide opportunities for all communities to access leisure and health facilities. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states:

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.

63. All development proposals should include good design and positive place making. Strategic Policy 05 – Good Design and Positive Place Making states:

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

64. The Dundonald International Ice Bowl site contains areas of open space and landscaping and is hydrologically linked to designated sites. Strategic Policy 06 Protecting and Enhancing the Environment states:

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.

65. The redevelopment of Dundonald International Ice Bowl includes the provision of healthcare and community facilities. Strategic Policy 10 Education, Health, Community and Culture states:

The Plan will support development proposals that meet an identified need for services and facilities across the Council area and cater for expansion of existing facilities to meet the anticipated needs of the community in terms of health, education, community and cultural services.

66. The site is designated in draft BMAP as a landscape wedge for outdoor recreation and open space-related development. That is given weight in this assessment, and therefore Strategic Policy 17 Open Space, Sport and Outdoor Recreation is considered, which states:

The Plan will support development proposals that:
a) protect and enhance existing open space and provide new open space provision
b) support and protect a network of accessible green and blue infrastructure
c) support and promote the development of strategic and community greenways.

67. The site is designated in draft BMAP as a landscape wedge, and again weight is given to that draft designation. Strategic Policy 19 Protecting and Enhancing Natural Heritage states that:

The Plan will support development proposals that: a) protect, conserve and, where possible, enhance and restore our natural heritage b) maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area c) promote the highest quality of design for any new development affecting our natural heritage assets d) safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value.

68. The changes proposed in relation to the reconfiguration of parking areas and areas of hardstanding within the site have the potential to impact on drainage and flooding risk within the site. Strategic Policy 24 Flooding states:

The Plan will support development proposals that:
a) reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding
b) encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding
c) adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified.

69. This application seeks permission to vary conditions Number 2 (phasing plan), Number 9 (landscaping works) and Number 10 (tree protection) of LA05/2020/0048/F to allow amendments to parking, internal road layouts and landscaping, and the application is also required to be assessed against the following operational policies set out in Part 2 of the Plan Strategy, as set out below.

Community Facilities in Settlements

70. The redevelopment of the site for Dundonald International Ice Bowl includes uses that are considered as community facilities. Policy CF01 Necessary Community Facilities in Settlements states that:

Planning permission will be granted for a community facility in settlements in the following circumstances:

a) in designated city or town centres, villages and smaller settlements
b) on previously developed land (brownfield sites)
c) on land identified within the Local Development Plan for the provision of education, health, community uses or cultural facilities
d) on land zoned for residential use, where identified through Key Site Requirements, or in accordance with Operational Policy HOU2.

Open Space, Sport and Recreation

71. The Dundonald International Ice Bowl (and this proposal) is on land designated for outdoor recreation and open space. Policy OS1 Protection of Open Space states that:

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

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

72. Within the Justification and Amplification, it states that:

Open space is essential in any community and supports many cultural, social, economic, health and environmental benefits. It enhances the quality of the residential environment and can also provide valuable areas for nature conservation and biodiversity, act as a buffer between conflicting land uses, help reduce flood risk, promote pedestrian linkages and provide 'green lungs' that improve air quality. Ultimately open space and its use contributes to general health and wellbeing.

73. The Dundonald International Ice Bowl as it is a purpose-built indoor resource which facilitates one or more fitness/health activity is considered under Policy OS2 as an intensive sports facility. Policy OS2 Intensive Sports Facilities states that:

Development of intensive sports facilities will only be permitted where these are located within settlements.

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

a) there is no unacceptable impact on amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated
b) there is no adverse impact on features of importance to nature conservation or the historic environment
c) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment
d) the proposed facility takes into account needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport
e) the road network can safely handle the extra vehicular traffic the proposal will generate, and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

74. Within the Justification and Amplification, it states that:

For the purpose of this policy 'intensive sports facilities' are defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

The location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure.

Natural Heritage

75. The site is hydrologically connected to designated sites at Strangford Lough via the adjacent watercourses. Policy NH1 European and Ramsar Sites – International states that*:*

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

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

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

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

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

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or
b) agreed in advance with the European Commission.

76. The proposal includes site clearance of land and vegetation which has the potential to host protected and priority species and habitats. Policy NH2 Species Protected by Law states:

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

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 overrising public interest; and

c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
d) compensatory measures are agreed and fully secured.

National Protected Species

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

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

77. 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.

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

78. The proposed amendments do not alter the access to the site as approved under planning application LA05/2020/0048/F. The application does however seek changes to the internal road layout and parking areas as approved.

79. Policy TRA1 Creating an Accessible Environment states:
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.

80. Policy TRA7 Car Parking and Servicing Arrangements in New Developments states:

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

Flooding

81. The proposed amendments will result in changes to hard-surfacing and parking areas on site and these changes have the potential to impact on drainage and flooding. An updated Flood Risk & Drainage Assessment is provided in support of the application.

82. Policy FLD1 Development in Fluvial (River) Flood Plains states:

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

83. 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 hardsurfacing exceeding 1,000 square metres in area.

Regional Policy and Guidance

Regional Policy

84. The SPPS (September 2015: states ((paragraph 1.5):

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.

85. 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.

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.

86. Paragraph 4.11 of the SPPS states:

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

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

88. Paragraph 4.12 of the SPPS states:

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

Development Management Practice Note 24 – Section 54 Applications

89. The Department published Development Management Practice Note 24 – Section 54 Applications in December 2017. This Practice Note provides guidance. It is not intended to replace the need for judgement by planning officers and those making planning applications. Nor is it intended to be a source of definitive legal advice (preamble).

90. Paragraph 3.5 of the Practice Note states that:

In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the questions of the conditions subject to which planning permission should have been granted [section 54(3)]. In essence, section 54 allows for different conditions to be attached to a new planning permission but does not allow for the amendment of the description of the development of the previous (original) permission. A successful section 54 application results in a new planning permission for the same description of development previously approved but with different conditions attached. Consequently, the scope of the planning authority is, in principle, more limited when dealing with a section 54 application, although it is also entitled to consider the circumstances that led to the previous (original) conditional grant of planning permission.

Assessment

91. Planning application LA05/2020/0048/F was granted subject to conditions. This application seeks to amend conditions 2, 9 and 10.

92. In assessing the amendment of the conditions, that includes changes to the car parking provision and internal road layout; the site drainage; and the ecology of parts of the site, officers have been mindful of the issues set out above and below, including the updated policy context, community and natural heritage considerations, as well as the landscaping as mitigation in protecting the integrity of the landscape wedge.

Access and Transport

93. The proposal to vary condition 2 of planning approval LA05/2020/0048/F is to allow amendments to the previously approved phasing plan so that the car parking layout within the site can be reconfigured to reallocate 57 spaces from the approved overflow car park to the north of Old Dundonald Road to be located adjacent to the Pirates Adventure Golf (hereafter “the PAG”) site. This reconfiguration includes alterations to the internal road layout.

94. The capacity of the previously approved overflow car park to the north of Old Dundonald Road will be reduced from 108 to 51 spaces. The changes to the

car park will not affect the approved access arrangements into this car park as approved under LA05/2020/0048/F.

95. Two parking spaces were approved adjacent to the PAG. This proposal will increase the parking provision adjacent to the PAG to 59 spaces.

96. Whilst the layout of parking provision will change, the overall number of car parking spaces as approved under LA05/2020/0048/F will not increase (381 parking spaces in total).

97. Alterations to the internal road layout are required to facilitate a new junction at the entrance to the new car park adjacent to the PAG site. Detail provided in the Design and Access Statement submitted as part of the application states that:

a new internal junction is required at the entrance to the proposed PAG car park which impacts on the turning areas originally provided for the approaching coaches. To address this, the proposal will allow for minor changes to the adjacent road layout, including an amended turning sweep for coaches and large vehicles and the introduction of separated exit routes for coaches and cars. Where changes are proposed to the car parking layout, the landscape design has been updated to help integrate the proposed amendments with the approved development. The proposed amendments do not affect any other aspect of the building or wider landscape design associated with the DIIB redevelopment.

98. The internal changes will also result in the relocation of a pedestrian crossing to the south-west of the PAG site to ensure safe pedestrian access throughout the site.

99. As highlighted above, the proposed changes to the internal road layout will not impact the approved building but will alter some of the approved landscaping scheme within the site. Furthermore, the changes to the internal road layout will not impact on the vehicular accesses to the public road as approved under LA05/2020/0048/F.

100. Having regard to the detail associated with the changes to the internal road layout, there is no extra traffic generated as the floor space of the proposed Ice Bowl building as approved under LA05/2020/0048/F is not changed. As such the trip rates previously calculated using TRICS trip rates per 100sqm of floor area for the development associated with LA05/2020/0048/F are not changed. For this reason, the Transport Assessment submitted with original application LA05/2020/0048/F is not required to be updated. Significantly, Dfl Roads has considered the application and has offered no objection.

101. In accordance with Strategic Policy 05 Good Design and Positive Place making, a Design and Access Statement was submitted to demonstrate that

the relocation of parking spaces and amendments to the approved parking and internal road layouts will allow greater accessibility for visitors to the core activities on site namely the new Ice Bowl and the PAG.

102. It is considered that the proposed detail associated with the reconfiguration of car park areas and relocation of pedestrian crossing points will continue to provide for an accessible environment within the site and that adequate space is provided for car parking and servicing arrangements consistent with Policy TRA1 and TRA7 of the Plan Strategy.

Landscape Character and Visual Amenity

103. The reconfiguration of parking areas and amendments to the internal road layout as approved under LA05/2020/0048/F will result in changes to areas of hard and soft landscaping as previously approved.

104. The planting as approved immediately east of the PAG site will be altered to provide for the new car park. Detail in the Design and Access Statement indicates that the approved belt of birch trees and beech hedging in this area will be narrower but that it will extend further south in the vicinity of the retained fairy tree.

105. This alteration represents a reduction in the extent of birch tree provision from 270sqm as approved to 170sqm. However, a much greater extent of hedging is proposed increasing from 245 sqm under the as-approved scheme to more than double at 677 sqm under this application.

106. The reconfiguration of the car parking area to the land adjacent to the PAG will reduce the grass coverage in this location from 758 sqm as approved to 360 sqm under this application. However, the area of meadowgrass planting will increase by 100% from 150 sqm (as approved) to 300 sqm. It is considered that because the meadow grassland (and the doubling of that provision) provides greater biodiversity and visual amenity benefits than plain grass, this represents an improvement on the approved scheme.

107. The landscaping scheme approved under LA05/2020/0048/F included 12 trees to the east of the PAG site. This proposal will still provide 12 trees but in a different arrangement within this space. It is considered that there is no material difference.

108. The landscaping alterations will also include a band of native woodland planting between the proposed PAG carpark and the existing embankment of planting along Old Dundonald Road.

109. Due to the changes associated with the reconfiguration of the internal road layout, the extent of the grasscrete coach parking will decrease by approximately 12% from 758 sqm as approved to 667 sqm.

110. The relocation of parking spaces from the approved overflow carpark will allow for a greater provision of green space in this location with less hardstanding required. This change will also allow for the retention of an existing band of trees to the west of the carpark that had previously been identified to be removed.

111. The amended planting scheme, once matured, will screen the car park adjacent to the PAG from views from the northern end of Hanwood Farm and the residential properties to the west of the site and views from along Old Dundonald Road. Longer views of the site will be screened by the proposed landscaping and intervening development and vegetation within the surrounding area.

112. The approved development included a new native woodland belt close to the western boundary of Hanwood Farm. This woodland belt will remain unaffected by the proposal and therefore it is considered that there will be adequate screening to soften views of the site from Hanwood Farm.

113. The reduction in hard surfacing at the overflow carpark north of Old Dundonald Road and the retention of existing trees along the western boundary will reduce the visual impact of the approved development at this location and retain a larger area of open space.

114. Having regard to this detail, it is considered that the proposed changes to the landscaping scheme approved will for the reasons outlined have no adverse impact on the visual amenity of the area as adequate screening of the site will still be provided.

115. As explained earlier in the report, the site is located within a proposed Urban Landscape Wedge (MCH 26).

116. The landscape wedge is designated to break up the visual impact of housing mass, help retain and define identities of the component areas of East Belfast and Dundonald, prevent merger of different urban communities and provide additional protection for component areas of existing open space surrounding the Dundonald International Ice Bowl complex for people who live in the surrounding built up area.

117. An EIA Screening Report submitted with this proposal considers the potential impact of the changes to the approved landscaping scheme on the designated landscape wedge with a quantitative comparison of permitted and proposed planting provided. Whilst detail indicates that a small proportion of the previously proposed green wedge to the east of the PAG will be replaced by parking, there is a 1.3% reduction which is considered to be insignificant.

118. Although the approved green space in the area east of the PAG will be altered, it is not considered that there will be a significant impact on visual amenity as the remaining green space will still act as a green landscape wedge retaining its core design principles and intended screening purposes from key viewpoints

and a greater area of green space will remain at the overflow car park north of the PAG.

119. The EIA Screening report also identified and assessed a number of other designations within 2.5 km of the site which are identified as follows:

- Historic Park and Gardens – Stormont Estate
- Cherryvalley – Local Landscape Policy Area [designation BT99]
- Kings Road Conservation Area
- Knockdene Conservation Area

120. It is considered that the site is located a sufficient distance (between 1.3km to 2.5km) from each of these designations with intervening existing vegetation and built development to ensure that the proposed changes to the landscaping, parking and internal road layouts will have no adverse impacts on the landscape character of these designations.

121. Plans submitted with this application demonstrate that in the northern corner of the new parking area closest to the PAG, the land is to be re-graded by up to 250mm. It will be graded travelling east back to the levels authorised under LA05/2020/0048/F to ensure the parking area ties into the existing levels. This slight increase in levels of 250mm is not considered to be significant that the evaluative planning judgement is that it will have no significant impact on visual amenity.

122. For the reasons above, it is considered that the amendment sought will provide a landscape wedge consistent with the aims of the plan designation and that the slight increase in levels of 250mm is not considered to have any significant impact on visual amenity nor will any adverse impact to the landscape wedge arise.

123. In accordance with criteria b) of strategic policy SP19, the proposal still maintains the integrity of the landscape wedge by retaining the openness of the wedge. It also enhances the quality, distinctiveness and attractiveness of the area by proposing a scheme of landscaping that softens the impact of the parking and increases biodiversity by introducing native species planting.

Open Space, Sport and Recreation

124. Within the revision of draft BMAP (2014) the site is designated as open space to protect the integrity of the landscape wedge.

Protection of Open Space

125. The adopted Plan Strategy, Policy OS1 relates to the protection of open space. The development as approved within the context of planning application LA05/2020/0048/F was considered to comply with the then prevailing policy contained in PPS8, Policy OS1 as the existing open space was to be retained and enhanced by improving the quality of the open space through the inclusion

of formal and informal areas of open space including an outdoor plaza and play area and quality landscaping. There is a new policy context with the adoption of the Plan Strategy in September 2023, and the current proposal has been assessed in the policy of the Plan Strategy set out above. Following assessment of the policy criteria, the proposal satisfies the provisions of the Plan Strategy Policy OS1.

126. Whilst this application will result in a larger area of hardstanding adjacent to the PAG site, an area of open space will remain north of Old Dundonald Road where the car parking is relocated from which retains the provision of open space within the wider site albeit in a different location to that previously approved.

127. The changes to the landscaping, as detailed previously in the report will have no adverse impact on the quality of the open space provision within the site. Furthermore, the approved areas of open space including the outdoor plaza and play area will remain unaffected by the changes proposed as part of this section 54 application.

128. For the reasons outlined above, it is therefore considered that this application will not result in the loss of open space provision but rather it will enhance the quality of the existing open space consistent with the tests associated with Strategic Policy 17 of Part 1 and Policy OS1 of Part 2 of the Plan Strategy.

Intensive Sports Facilities

129. The site is the location of an existing and long-established Intensive Sports facility at Dundonald International Ice Bowl. As discussed above, the strategic, leisure and tourism importance of the Ice Bowl is well recognised.

130. However, regardless of the current existing operation, the development approved within the context of planning application LA05/2020/0048/F was considered to comply with the policy tests associated with Policy OS4 of PPS8, which was the relevant regional policy at the time of that decision.

131. The current applicable policy is Policy OS2 of Part 2 of the Plan Strategy. Regard is had to the policy requirement that “in all cases” a series of criteria are required to be met as set out above.

132. It is also understood and recognised that this application relates to the reconfiguration of parking areas, alterations to the internal road layout and areas of hard and soft landscaping as approved. There are no changes to the approved building, outdoor plaza, play area or access arrangements to and from the site.

133. The sports facility associated with LA05/2020/0048/F was not considered to result in unacceptable impacts to the amenity of nearby residents as the facility would be relocated closer to the road boundary with David Lloyd and further

away from the closest residential properties at Hanwood Farm and an enhanced green wedge would be situated along the boundary of Hanwood Farm to aid amenity benefits for those adjacent and other residents.

134. Although the reconfiguration of car parking will create a larger area of hardstanding adjacent to PAG, the enhanced green wedge which formed the assessment of impact on amenity under the previously approved application will remain unaffected. For this reason, it is considered that the proposed changes will have no greater impact than the approved development on residential amenity within Hanwood Farm or the wider area.

135. It was also considered under the previous application that there would be no significant impacts to any nature conservation features provided the necessary mitigation measures were conditioned. The previous decision included conditions relating to the submission of a final Construction Environmental Management Plan to ensure the protection of designated sites and protected and priority species and habitats. Whilst this condition has since been discharged it is recommended that as the proposal is changed that this is still a relevant condition and should form part of the decision. Conditions relating to the protection of badgers will also still form part of this decision.

136. There will be no changes to the approved design of the building, and it was previously considered to have sustainable design features and integrate with the surrounding landscape.

137. The Design and Access statement submitted as part of this application details the changes to the approved car parking and internal road layouts (no change to the number of parking spaces or bicycle parking) and details that these proposed amendments will allow easier access to core activities on the site namely the Ice Bowl building and the PAG and do not affect any other aspect of the building or wider landscape design as previously approved. The site will therefore still be accessible to people with disabilities and those walking, cycling or using public transport.

138. As there are no changes to the building as approved, the changes to the internal road layout will not result in the generation of extra traffic as trip rates were previously calculated using TRICS trip rates per 100sqm of floor area for the development associated with the previous application. It is therefore considered that there will be no extra traffic as a result of the proposed changes and that the road network can safely handle traffic generated by the redevelopment of the site in accordance with the earlier approval.

139. For the reasons outlined above, it is considered that the proposed changes will continue to comply with the tests associated with Policy OS2 and there will be no detrimental impact on the amenity of existing residents in properties adjacent to the site.

140. In accordance with criteria b) of Strategic Policy 17 Open Space, Sport and Outdoor Recreation, the proposal will still protect and enhance the existing open space provision within the site and provide new open space provision in

the form of an outdoor plaza, play area. With regards to Strategic Policy 02 the proposal will contribute positively to the provision of quality open space whilst recognising the vital role quality open space has on health and wellbeing.

Community Facilities in Settlements

141. The proposal previously approved includes healthcare and community facilities.

142. In accordance with criteria b) of Strategic Policy 10, the redevelopment of the site will cater for the expansion of the existing community facilities to meet the anticipated needs of the community in terms of health and community services.

143. As this proposal relates only to the reconfiguration of the parking layout and changes to the landscaping CF01 is still met as none of the proposed healthcare or community facilities are removed from the proposal. Users of the health care and community facilities will not be impacted as there is still convenient access to parking close to the buildings.

Natural Heritage

144. The EIA Screening Report explains that there are three international and European sites, namely Strangford Lough Ramsar, Special Area of Conservation and Special Protection Area potentially impacted by the proposed development due to hydrological links via the Enler River. Strangford Lough and its associated sites are located some 8 kilometres downstream of the proposed development.

145. A Shadow HRA has been completed for the proposed changes associated with this application. It provides an update to the stage 1 screening and stage 2 appropriate assessment of the development as approved which concluded that the development would not have an adverse impact on the integrity of any European site.

146. The original HRA comprised mitigation measures which were conditioned in the previous approval in relation to badgers, ecology and submission of a CEMP which will provide a framework requiring the appointed contractor to comply with all relevant legislation to protect the environment against pollution and sedimentation during construction phases. These measures are still applicable to the proposed development under this application to ensure the protection of protected and priority species and habitats and that the proposed development will have no adverse effects on the integrity of any European site.

147. Shared Environmental Service (“SES”) was consulted and commented that as the competent authority for this proposal, Lisburn and Castlereagh City Council must itself undertake the assessment process as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

148. Significantly, SES considered that the conclusions of the Appropriate Assessment carried out for the previous planning permission LA05/2020/0048/F are unaffected by this Section 54 application.

149. SES correctly anticipate that the Council will carry forward all the conditions of the previous planning permission relating to the protection of European sites, unless they have already been discharged.

150. The CEMP condition will be retained to ensure that any proposed amendment to the CEMP is covered by the necessary condition.

151. Whilst no further information has been submitted in relation to protected/ priority species, habitats, or features of natural heritage importance, the impact on natural heritage features was considered during LA05/2020/0048/F and sufficient information was submitted for Natural Environment Division (NED) to consider the impacts.

152. NED concluded that the impacts of the proposal on designated sites and other natural heritage interests did not give rise to concerns subject to conditions.

153. Those conditions remain relevant and will form part of the decision.

154. In accordance with Strategic Policy 06, it is considered that the proposal will protect and enhance the natural environment through mitigation and quality landscape design throughout the site which will protect and enrich biodiversity.

155. Having regard to the nature of the proposed changes associated with the application, and for the reasons outlined above, it is considered that the changes are not likely to have any significant impacts on protected and priority species and habitats or the integrity of any European site and that the application if approved complies with Policies NH1, NH2 and NH5 of the Plan Strategy.

Flooding and Drainage

156. The extant permission was considered under the regional policy set out in PPS15. The Plan Strategy is now the adopted plan and that has been considered in this application.

157. The changes proposed in relation to the reconfiguration of parking areas and areas of hardstanding within the site have the potential to impact on drainage and flooding risk.

158. An updated Flood Risk Assessment and Drainage Assessment is submitted in support of the application. These assessments demonstrate that the proposed changes would have no greater impact on run off rates subject to mitigation than the development approved within the context of planning application LA05/2020/0048/F.

159. The Drainage Assessments explains that:

- The drainage associated with the proposed new parking area at the eastern side of PAG would discharge into the existing manhole and the currently approved maximum discharge rate of 34.5 l/sec would be maintained through altering the volume of previously proposed underground attenuation tanks from 600m³ to 760m³.

- The drainage associated with the proposed revised overflow car park retains the principles of the original design, such that this carpark continues to discharge into an existing manhole with the drainage and attenuation associated with this area retained such that the currently approved maximum discharge rate of 5 l/sec would be maintained.

- Drainage into the existing manhole is not altered by the proposed variation to the parking such that the currently approved maximum discharge of 27 l/sec into this manhole is maintained.

160. It was anticipated that the works associated with the reconfiguration of the car parking areas and internal road changes would continue to utilise the already authorised final discharge rates approved within the context of planning application LA05/2020/0048/F and as consented by DfI Rivers through the Schedule 6 process. However, in consultation with DfI Rivers it is understood that the original Schedule 6 consents have since expired.

161. It is understood from information contained with an associated EIA Screening report that the new carpark area adjacent to PAG will include linear channels to be installed to channel water into a proposed storm sewer before going through a Kingspan Class 1 bypass separator, capable of treating a flow of 4.5l/s. The outflow from the Bypass separator will flow into the wider drainage system of the site.

162. Having regard to this information, it is considered that the proposed changes to the parking, internal road layout and landscaping will not have a significant impact on downstream watercourses.

163. As part of this process, DfI Rivers has granted updated Schedule 6 consent which allows the same final discharge rate (66.5 l/s) to the undesignated watercourse as granted previously in the already authorised development LA05/2020/0048/F.

164. Having regard to the fact that there is no change to the final discharge rate and that the location of the attenuation tanks are not changed nor are they significantly increased in size, the proposed variations will have no significant environmental impact on drainage.

165. The proposal as amended will continue to ensure that any changes in flows or volumes of water as a consequence of the proposed changes will be retained within the upstream already authorised drainage network.

166. The drainage system as approved is considered to be sufficient to ensure that the works associated with the reconfigured areas of hardstanding and changes to landscaping will not have a significant environmental impact on the water environment.

167. Furthermore, detail associated with a Construction Environment Management Plan which has been discharged pursuant to the already authorised development within the context of LA05/2024/0355/DC includes measures to ensure protection of the environment and prevention of pollution for the duration of works associated with the delivery of the project as a whole. As discussed above, a CEMP condition is retained.

168. DfI Rivers having reviewed an updated Drainage Assessment (DA) Rev 3, published to the Planning Portal on 10 September 2024 commented as follows:

The DA has provided a detailed drainage design that demonstrates that the issue of out of sewer flooding will be managed by attenuating the 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%), within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence from Rivers Directorate. If this was achieved it would satisfy the requirement under the Local Development Plan 2032 Plan Strategy (LDP), FLD 3 to provide adequate measures to mitigate the flood risk from the development to elsewhere. Rivers Directorate advises the Planning Authority that the applicant will be responsible for the design, construction and maintenance of the drainage network, and managing the flood risk associated with this network. There will be no further input by a statutory authority.

Rivers Directorate advises that compliance with the drainage assessment is included in any planning decision.

Rivers Directorate, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Directorate cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

169. For the reasons outlined above and having regard to the advice from DfI Rivers and the fact that an updated Schedule 6 Consent has issued allowing for the same discharge rates as previously approved, the proposed amendments are considered to comply with Strategic Policy 24 Flooding and the tests associated with Policy FLD1 and FLD 3, as the proposal will not cause flooding to the site or exacerbate flooding elsewhere.

Conclusions

170. For the reasons outlined above and having regard to the advice of statutory consultees, it is considered that the proposed amendments to conditions 2, 9 and 10 of the permission associated with planning application LA05/2020/0048/F are acceptable in that they do not fundamentally alter the nature of the permission granted within the context of the original permission.

Recommendations

171. It is recommended that planning permission is granted subject to amendments to conditions 2, 9 and 10 as applied.

Conditions

172. The effect of section 54 is to grant a new planning permission. It is therefore essential that all relevant conditions from the extant permission LA05/2022/0048/F are imposed on the permission arising as a result of the section 54 approval.

173. The following conditions are recommended:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved Phasing Plan detailed on Drawing Ref: DIIB-ACMXX-XX-DR-AR- 07000. 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, servicing and traffic circulation within the site.

3. The development hereby permitted shall be operated in accordance with the approved Service Management Plan bearing the Council date stamp of 17th January 2020 or as otherwise agreed in writing with the Council.

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

4. No site works, clearance or development shall take place unless carried out in accordance with the Construction and Environmental Management Plan (CEMP) published to the Planning Portal Register on 5 September 2024, that was approved in writing by the Council on 27 September 2024 ("the approved CEMP"). The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council.

   Reason: To protect Northern Ireland protected/priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and Habitats Regulations Assessment and to prevent likely significant effects on Strangford Lough designated sites.

5. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance (as shown in Figure 10.3, Phase 1 Habitats and Ecological Constraints) at a minimum radius of 25 metres.

   Reason: To protect badgers and their setts.

6. No works, vegetation clearance, disturbance by machinery, dumping or storage materials shall take place within the protection zone(s) unless agreed in writing with the Council. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

   Reason: To protect badgers and their setts.

7. No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) as detailed in the Construction and Environmental Management Plan (CEMP) published to the Planning Portal Register on 5 September 2024 and approved by the Council in writing on 27 September 2024.The roles and responsibilities of the ECoW shall be implemented in accordance with the approved CEMP, unless otherwise agreed in writing by the Council

   Reason: To ensure effective implementation of the Construction and Environmental Management Plan.

8. All hard and soft landscape works shall be carried out in accordance with Drawing Nos. 010001 C02, 010002 C02, 010003 C02 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.

9. Prior to any site works or clearance commencing on site, all existing trees

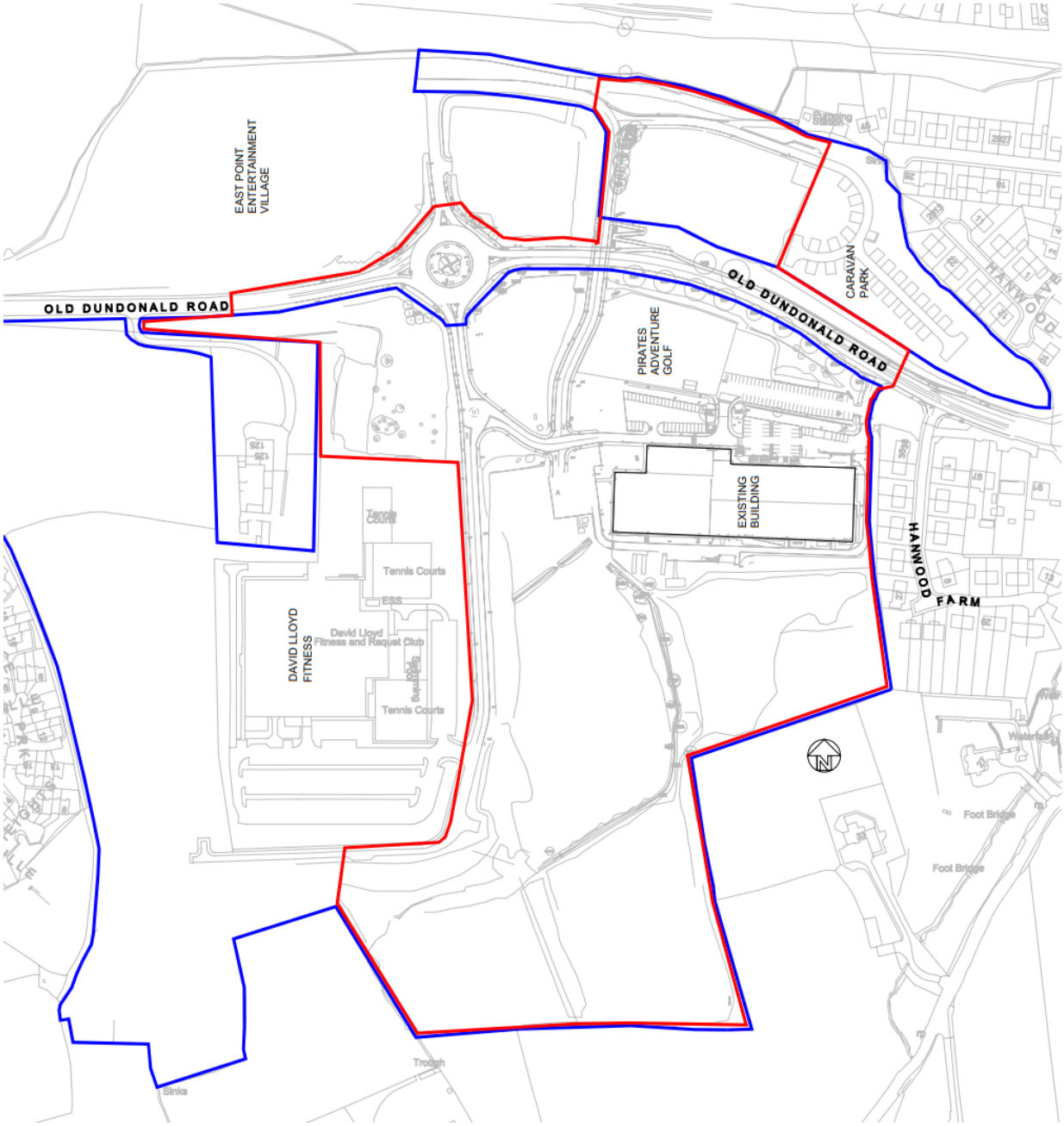
shown on Drawing Ref: DIIB-ACM-XX-ZZ-DR-LA-010001 indicated as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

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

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

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

Site Location Plan – LA05/2023/0695/F



EIA DETERMINATION SHEET

Application No: LA05/2023/0695/F **Date Application Received:** 28 July 2023

Case Officer: Gillian Milligan

Proposal: Section 54 application to vary Conditions No. 2 (Phasing Plan), No. 9 (Landscape Works) and No. 10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout.

Vary Condition No. 2 from:

The development hereby permitted shall be carried out in accordance with the approved Phasing Plan detailed on drawing number 30 bearing the Council date stamp 17 January 2020. 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.

To:

The development hereby permitted shall be carried out in accordance with the approved Phasing Plan detailed on Drawing Ref: DIIB-ACMXX-XX-DR-AR-07000. 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.

Vary Condition No. 9 from:

All hard and soft landscape works shall be carried out in accordance with Drawing No.'s 33, 34 and 35 bearing the Council date stamp 17 January 2020 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.

To:

All hard and soft landscape works shall be carried out in accordance with Drawing Nos. 010001 C02, 010002 C02, 010003 C02 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.

Vary condition No. 10 from:

Prior to any site works or clearance commencing on site, all existing trees shown on Drawing Number 33, Hard & Soft Landscape Proposals, bearing the Council date stamp 17 January 2020 indicated as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down,

uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

To:

Prior to any site works or clearance commencing on site, all existing trees shown on Drawing Ref: DIIB-ACM-XX-ZZ-DR-LA-010001 indicated as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Location: Dundonald International Ice Bowl

111 Old Dundonald Road,

Dundonald, Belfast, BT16 1XT

Deadline for Determination:

Extension of time requested: No **Date Agreed: N/A**

The Department for Infrastructure (the "Department") published a new Development Management Practice Note 9B 'Screening projects for Environmental Impact Assessment (EIA)' in December 2023 (the "Practice Note"). In preparing this Determination, I have read and am mindful of the guidance, and this Practice Note is material to the consideration of this application.

The Planning Authority as developer

The Practice Note (at page 11) advises that:

> "When the PA is also the developer. Part 7 of the EIA Regulations indicates that where a council is also the applicant (alone or jointly) Regulation 8 does not apply and thus it / its agent cannot seek a pre-application screening request. As such, the PA should undertake the screening determination process of a council application / subsequent application for Schedule 2 development upon receipt of that application, under regulation 12(1) / 14(1) of the EIA Regulations. In such circumstances a PA should ensure "appropriate administrative arrangements to ensure that there is a functional separation" as detailed in regulation 43 (Objectivity and bias)."

I have had no engagement with the developer or its agents. I have reviewed the materials furnished independently of the developer or its agents.

The approach to section 54

I have had regard to the Preamble to the Practice Note that states:

> "This Development Management Practice Note (DMPN) is not intended to replace the need for careful judgement by planning authorities (PAs) and those involved in environmental impact assessment (EIA) screening as part of the wider planning process. Nor is it intended to be a source of definitive legal advice. Reference should be made to the actual legislation and case law referred to in this document and any subsequently emerging case law or legislative change. If any discrepancy or conflict exists between the practice note and the law, the provisions of the law will prevail."

Regarding screening relating to Section 54 applications, the Practice Note states:

> "Screening related to Section 54 applications - Permission to develop land without compliance with conditions previously attached. A Section 54 application seeks to gain a new planning permission for the same development as previously consented, but with one, or more conditions, removed. As such, it is necessarily an application for the same development as the previously granted permission. Thus, if an original application was determined to be EIA development, then a Section 54 application would also be EIA development, on the basis that it is for the same development which was previously confirmed to be EIA development. This is the case even in the absence of a formal screening determination for the Section 54 application. It may be concluded that a fresh screening determination is not required in these circumstances, because: a) the development has already been confirmed to be EIA development [as per Regulation 6]; and b) a Section 54 application is necessarily for the same development. However, an applicant is not precluded from seeking a screening determination nor is a PA precluded from carrying out a screening determination in relation to the Section 54 application."

I have had regard to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 ("the EIA Regulations") in this respect and in particular the wording of Schedule 2, Category 13a that covers development engaging:

> "Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed."

The "applicable thresholds and criteria" relating to Category 13a states:

> "The thresholds and criteria in the corresponding part of column 2 of this table applied to the development as changed or extended are met or exceeded and in such a case the change or extension may have significant adverse effects on the environment;"

I am mindful that this application relates to development that is already authorised, and I have applied the wording of the EIA Regulations in considering the Determination. Where there is an apparent conflict between the approach to Section 54 in the Practice Note and the wording of the EIA Regulations, I have resolved that conflict by relying on the wording of the EIA Regulations and applying Paragraph 13a and the applicable thresholds and criteria.

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 ("the EIA Regulations")

Does the development fall within the scope of Schedule 1 of the above Regulations: -

The application seeks to vary condition nos. 2, 9 and 10 of LA05/2020/0048/F to allow for the relocation of 57 no. parking spaces from the approved overflow car park area to lands adjacent to Pirates Adventure Golf, related alterations to the internal road layout and amendments to hard and soft landscaping details.

The permitted development was not a type that fell within Schedule 1 of the EIA Regulations. The application does not fall within Schedule 1 of the EIA Regulations.

Does the development fall within the scope of Schedule 2 of the above Regulations: -

The approved development (LA05/2020/0048/F) was classified as Schedule 2 category 10 (b) Urban development projects of the above Regulations as it had the potential to have significant effects on the environment.

It was defined as EIA Development and an Environmental Statement (ES) was required. The ES identified and considered the areas of environmental significance and concluded that there would be no significant environmental or residual environmental effect provided mitigation was included.

The proposed Section 54 development is considered to fall within the scope of Schedule 2 of the above Regulations.

If 'Yes' which category: -

The application is considered to fall within the scope of Category 13(a) - any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

The site is not within a sensitive area as defined in the Regulations at Part 1, 2. Interpretation.

A document entitled “Screening Report” was received from the agent for the applicant on 16th May 2024. That document sets out the proposed changes and provides details of the changes proposed. This has been of assistance in informing the Council’s assessment of the issue. However, the evaluative judgement of the requirement for screening is a matter for the Council and no weight has been accorded to the conclusions of that document. The Council has reached its own conclusions.

What are the likely environmental effects of the project:

Having regard to the nature and scale of the proposed changes to the layout of the parking, hardstanding and associated hard and soft landscaping works, the likely environmental effects are:

Potential impacts to water environment

- Potential Impacts to features of Natural Heritage Importance
- Potential Impact on Landscape Character and Visual Amenity
- Potential Impact on Noise and Air Quality
- Potential Impact on Access and Transport
- Cumulative considerations

Were consultations necessary to complete the environmental assessment determination? If YES please specify.

Having reviewed the detail contained within the EIA Screening report, it is considered that sufficient information has been provided and consultation is not required.

Are the environmental effects likely to be significant:-

For the reasons outlined in this Determination Report, the environmental effects are not likely to be significant.

Recommended Determination

Having regard to the nature and scale of the proposal to vary condition nos. 2, 9 and 10 of LA05/2020/0048/F to allow the relocation of 57 no. parking spaces from the approved overflow car park to be located adjacent to Pirates Adventure Golf, related alterations to the internal road layout and amendments to hard and soft landscaping details, it is considered that an ES is not required for the following reasons:

The application seeks to reconfigure the already authorised development and is a change to development of a description listed in paragraphs 1 to 2 of column 1 of Schedule 2 of the EIA regs where that development is already authorised. The application will include reconfiguration of the parking layout to provide 59 parking spaces adjacent to Pirates Adventure Golf (PAG) which is an existing business located between the existing Ice Bowl and the Old Dundonald Road. The capacity of

a previously approved overflow car park to the north of Old Dundonald Road will be reduced from 108 to 51 spaces. Whilst the layout of parking provision will change, the overall number of carparking spaces is the same as the is already authorised development [LA05/2020/0048/F].

The changes to the carparking provision will require change to
- the internal road layout,
- the site drainage and
- the ecology of the parts of the site

as a result of relocating an area of hardstanding and where new hardstanding is proposed to be changed.

It will also require the landscaping as mitigation in protecting the integrity of the landscape wedge to change.

These changes are required to be assessed to determine whether they are significant and would merit the submission of an ES in support of this proposal.

Each of these issues are considered below to determine whether there is any significant impact.

The internal road layout

To facilitate the relocation of parking spaces a new internal junction is required at the entrance to the proposed PAG car park. This new junction introduces changes to the turning areas originally provided for coaches in the authorised development (LA05/2020/0048/F).

The new access to the proposed PAG car park will be provided off the previously authorised loop road located between the PAG site and authorised new DIIB building.

Junctions to the north-east and south-west of this loop road will be amended to facilitate this new access and the associated vehicle movements. The one-way coach layby road access has been offset to create a left - right stagger arrangement with the PAG car park access rather than a crossroad arrangement.

The EIA Screening Report explains that this amended design allows for coaches to turn right towards the coach layby without blocking the PAG parking area access. It also explains that the amendment will improve the radius on the bend into the coach layby area allowing for coaches to make an easier/safer manoeuvre when entering.

In the already authorised development, cars travelling towards the site exit had to give way to coaches travelling towards the exit. This has now been amended to give cars priority. The capacity of the layby to the north of the main DIIB car park will also be reduced, providing space for two coaches. The extent of the grasscrete coach parking area will be decreased slightly from 758m2 in the authorised development to 667m2 in the amended proposal.

Having reviewed the detail associated with the proposed amendments to the internal road layout, I am content that they do not affect any other aspect of the building or wider landscape design associated with the authorised DIIB redevelopment.

I do not consider that the proposed changes to the internal road layout will have significant environmental impacts as the changes provide for the redistribution of vehicle movements within the authorised DIIB site.

The changes to the internal road do not result in the generation of extra traffic as there are no changes to the floor areas as authorised and as such the trip rates previously calculated using TRICS trip rates per 100sqm of floor area for the authorised land uses associated with LA05/2020/0048/F are not changed.

I do not consider that the internal road changes to the landscaping south of the PAG site and coach parking area will have a significant environmental impact as the detail submitted demonstrates that the proposed planting within this area mirrors the planting authorised in the previous authorised development and I am content that this planting will soften any visual impact. This internal road area will be screened from public views by the existing PAG site and authorised planting in the east of the DIIB site. Longer public views of this area will be screened by intervening planting and existing development.

Drainage

Areas of hard standing have the potential to create a flood risk. That said, detail submitted with the application explains that the closest watercourse is the Dundonald River which originates to the east of the site and flows in a north-west direction. Reference is also made to the presence of several undesignated watercourses within the wider area. All the watercourses are tributaries of the Enler River which discharges to Strangford Lough approximately 10 km downstream of the site.

Detail included within the EIA Screening Report explains that the new carpark area adjacent to PAG will include linear channels installed to channel water into a proposed storm sewer before going through a Kingspan Class 1 bypass separator, capable of treating a flow of 4.5l/s. The outflow from the Bypass separator will flow in the wider drainage system of the DIIB.

Information included within the EIA Screening Report details that:

- the new carpark area adjacent to PAG will include linear channels will also be installed to channel water into a proposed storm sewer before going through a Kingspan Class 1 bypass separator, capable of treating a flow of 4.5l/s. The outflow from the Bypass separator will flow in the wider drainage system of the DIIB.

- the drainage associated with the proposed new parking area at the eastern side of PAG would discharge into the existing manhole and the currently approved maximum discharge rate of 34.5 l/sec would be maintained through

altering the volume of previously proposed underground attenuation tanks from 600m³ to 760m³.

- The drainage associated with the proposed revised overflow car park retains the principles of the original design, such that this carpark continues to discharge into an existing manhole with the drainage and attenuation associated with this area retained such that the currently approved maximum discharge rate of 5 l/sec would be maintained.

- Drainage into the existing manhole is not altered by the proposed variation to the parking such that the currently approved maximum discharge of 27 l/sec into this manhole is maintained.

The EIA Screening Report concludes that given the above, there would be no significant impact on downstream watercourses from the proposed changes to the parking, internal road layout and landscaping. It was anticipated that the proposed changes would continue to utilise the already authorised final discharge rates in LA05/2020/0048/F, as per DfI Rivers Schedule 6 consents.

However, I am aware through the processing of this section 54 application that the schedule 6 consents for the already authorised development LA05/2020/0048/F have expired. Having regard to the fact that the location of the attenuation tanks are not changed nor are they significantly increased in size that this change is not likely to have a significant environmental impact on drainage. Furthermore, and on review of the previous consultation responses from DfI Rivers and on the understanding that the discharge rates will not change from that authorised that the updating of the schedule 6 consents can be achieved during the processing of this application to ensure discharge rates remain as authorised, no significant environmental impacts arise.

The proposal will ensure that any changes in flows or volumes of water as a consequence of the proposed changes will be retained within the upstream already authorised drainage network.

The drainage system is considered to be sufficient to ensure that the works associated with the reconfigured areas of hardstanding and changes to landscaping will not have a significant environmental impact on the water environment.

Detail associated with a Construction Environment Management Plan which is being discharged pursuant to the already authorised development will include measures to ensure protection of the environment and prevention of pollution for the duration of works associated with the delivery of the project as a whole.

Ecology of parts for the site

Detail included within the EIA Screening Report explains that a technical note at Appendix C has been prepared to provide supplementary information in relation to ecology.

There are no statutory or non-statutory sites designated for nature conservation or ancient/long established woodland parcels within 100 metres of the site to which the application relates.

It is acknowledged that two small channelised watercourses bisect areas of grassland within the wider DIIB site which flow south to north and enter a culvert near the main DIIB building. It is acknowledged that these watercourses create a hydrological link from the wider DIIB site via the Enler River and Comber River to Strangford Lough and its associated European sites. However, the report explains that these watercourses are to be diverted around the building footprint along the boundary of the wider DIIB site before rejoining the original channel in the north of the wider DIIB site.

The report explains that there is no evidence of any protected species or potential habitat species within the wider DIIB site or boundary as noted in an earlier PEA. Whilst a single outlier sett was previously identified within a parcel of coniferous plantation woodland in the southeast of the wider DIIB site, no badger evidence was noted, and the badger sett was considered inactive.

A Shadow HRA has been completed for the proposed changes. It provides an update to the stage 1 screening and stage 2 appropriate assessment of the already authorised development which concluded that the development would not have an adverse impact on the integrity of any European site.

The original HRA comprised mitigation measures which were conditioned in the previous approval in relation to badgers, ecology and submission of a CEMP which will provide a framework requiring the appointed contractor to comply with all relevant legislation to protect the environment against pollution and sedimentation during construction phases. These measures are still applicable to the proposed development under this application to ensure the protection of protected species and any European designated site.

Detail included within the EIA Screening Report explains that native planting including beech hedge, birch grove, shrubs, wildflower meadow, native tree planting and retention of trees as identified in planting schedule will ensure that the landscaping changes associated with this application are consistent with the landscaping proposed for the DIIB redevelopment.

Landscape Character and Visual Amenity

Detail included within the EIA Screening Report recognises that the following landscape designations apply to the area covered by the proposed development:

- Landscape Character Areas Belfast/Lisburn [LCA 97]
- Urban Landscape Wedge [MCH30 & MCH31]

A number of other designations within 2.5 km of the site are identified as follows:

- Historic Park and Gardens – Stormont Estate

- Cherryvalley – Local Landscape Policy Area [BT99]
- Kings Road Conservation Area
- Knockdene Conservation Area

Reference is made to the baseline viewpoint conditions presented in the previous application. The following three viewpoints are considered to be most relevant to the proposed changes:

- Viewpoint 5 – View South from the Old Dundonald Road
- Viewpoint 6 – View North-East from Hanwood Heights
- Viewpoint 8 – View West from Ballyhanwood Heights

Detail included within the EIA Screening Report explains that to accommodate the proposed changes, there would be a slight alteration to the topography of the site which would contain access roads, paths and an amended landscape planting design to allow access to the proposed new carpark.

Plans submitted with the section 54 application demonstrate that in the northern corner of the new parking area closest to PAG that the land is to be regraded by up to 250mm. It is also graded travelling east back to the levels authorised under LA05/2020/0048/F to ensure the parking area ties into the existing levels.

I do not consider this slight increase in levels of 250mm to be significant and I am content that it will have no significant impact on visual amenity.

I do not consider that the changes to the landscaping south of the PAG site and coach parking area as a result of the internal road changes will have a significant environmental impact on landscape character and visual amenity as the detail submitted demonstrates that the proposed planting within this area mirrors the planting authorised in the previous authorised development and I am content that this planting will soften any visual impact.

This internal road area will also be screened from public views by the existing PAG site and authorised planting in the east of the DIIB site. Longer public views of this area will be screened by intervening planting and existing development.

Construction impacts on landscape character are temporary and there will be no significant environmental impact on landscape character during the construction phase.

It is noted that the area of planting immediately east of the PAG site will be removed to provide for the new car park. However detail indicates that existing trees are to be retained consistent with the already authorised development LA05/2020/0048/F . The planting now proposed will be similar to that associated with the car park area located to the south of PAG with planting enhanced around the boundary of the proposed new car park area.

The existing conditions on the ground at the DIIB site consists of an existing car parking area to the east of PAG with a landscape buffer between it and the Old Dundonald Road to the north. The existing DIIB building is built closer to the eastern

boundary with only an access road and a buffer of trees between the site and Hanwood Farm.

The authorised development under LA05/2020/0048/F allowed replacement of the existing car park east of PAG with a landscaped area including pathways and planting and a small area of hardstanding for two parking spaces and a turning head. Sections of the existing vegetation along the Old Dundonald Road were proposed to be retained. It also introduced an overflow car park north of PAG and Old Dundonald Road.

This proposal would reintroduce a car park east of the PAG while retaining the existing vegetation along Old Dundonald Road. As a result, it is proposed to reduce the size of the overflow car park to the north.

The EIA Screening Report details that the core aim of the already authorised planting design will be retained. This includes the retention of a linear green belt consisting of a birch grove surrounded by beech hedgerows along the path between the newly created pedestrian entrance along Old Dundonald Road although it will be narrower than already authorised. The areas of wild flower meadows, shrub planting, grass and native trees will be realigned around the proposed car park which is considered as a significant improvement to the existing situation. The proposed planting scheme under this application, once matured, will screen the car park adjacent to PAG from views from the northern end of Hanwood Farm and the residential properties to the west of the site and views from along Old Dundonald Road.

The already authorised development included a new native woodland belt close to the western boundary of Hanwood Farm. This woodland belt will remain unaffected by the proposal.

Whilst the proposal will alter the car parking arrangements of the already authorised development, it will reduce the additional land take of the overflow car park to the north and concentrate the car parking facilities adjacent to the already authorised DIIB building and the existing PAG. Although the new public green space in the area east of PAG will be altered there will be no significant environmental impact on visual amenity as the remaining green space will still act as a green wedge retaining its core design principles and intended screening purposes from key viewpoints and a greater area of green space will remain at the overflow car park north of PAG.

I acknowledge that the Landscape Wedge [green wedge] is designated to break up the visual impact of housing mass, help retain and define identities of the component areas of East Belfast and Dundonald, prevent merger of different urban communities and provide additional protection for component areas of existing open space surrounding the DIIB complex for people who live in the surrounding built up area.

Consideration has been given in the EIA Screening Report to the potential impact of the change on the green wedge with a quantitative comparison of permitted and proposed planting provided. It is noted that changes to planting concentrate on grasscrete, grass and birch grove areas with slight reduction in the area of wildflower meadow and native tree planting. Areas of hedgerow planting and shrubs will increase considerably. Whilst detail indicates that a small proportion of the

previously proposed green wedge to the east of PAG will be replaced by parking, the reduction represents a 1.3% reduction which is not considered to be significant.

Having regard to this detail, I am content that that the proposed development will continue to act as a green wedge and will create a greater green wedge than currently exists on the ground and as a result there will be no significant impact on the visual amenity of the area.

The approved public green space which were designed to act as a 'green wedge' adjacent to the Pirates Adventure Golf will retain its core design principles and intended screening of the site. There will be more green space at the overflow car park, and it is considered that the proposal will continue provide a 'green wedge' to separate the village of Dundonald from East Belfast.

Having regard to the landscape designations referred to above and the designation associated with BT122 – Local Landscape Policy Area – Dundonald Wedge, the detail confirms that, consistent with the already authorised development LA05/2020/0048/F, that the proposed changes will continue to improve views and enhance screening from Hanwood Farm, and that there will be no change to the landscape character associated with Stormont Estate, Cherryvalley, Kings Road Conservation Area and Knockdene Conservation Area.

Having regard to the key viewpoints referred to above, the detail confirms that the value of all three viewpoints is considered to be medium with visual receptors being identified as road users and local residents. Consideration is given to the impact on these views with the resulting significance of visual impacts associated with the proposed changes confirmed as being slight/neutral, imperceptible/neutral and slight neutral respectively. On this basis I do not consider the impact of the proposed changes on visual amenity to be significant.

Having regard to the nature and scale and the detail as referred to above, the evaluative planning judgement is that the proposed changes will not have any significant effect on the Land Use and Landscape Character.

Noise and Air Quality Impacts

Detail included within the EIA Screening Report explains that the already authorised development did not result in significant air quality effects once completed and occupied. The detail submitted previously also demonstrated that the methods of construction and attenuation by distance would ensure that the impact of works could be controlled within the relevant noise related guidance.

The new carpark will produce operational phase emissions from vehicles using the site, but these emissions will not exceed those considered acceptable under the authorised development LA05/2020/0048/F as there will be no increase in traffic volume to the site. The already authorised development calculated trips generated to the site using TRICS trip rates per 100sqm of floor area for the authorised land-uses. As the floor areas will not change as part of the proposed changes, there will be no significant impact on emissions from vehicles using the site. The proposed changes

would generate noise during the operational phase, but this is not predicted to be higher than the already authorised development and is assessed to be negligible.

Having regard to the nature and scale of the proposed changes and the detail provided in support of the application, I am content that there will be no significant impact on air quality or impact on residential amenity by virtue of noise and vibration.

Access and Transport

The proposed changes will lead to a redistribution of vehicle movements within the wider DIIB site, but the internal changes will have no impact on trip generation and the overall traffic volumes on the public road network will not be significantly different from the already authorised development LA05/2020/0048/F.

For the authorised development, trips to the site were calculated using TRICS trip rates per 100sqm of floor area for the authorised land uses associated with LA05/2020/0048/F, and as there will be no changes to the floor areas as authorised, it is considered that there will be no significant impact on the traffic generated on the external road network by the proposed changes.

Having regard to the nature and scale of the proposed changes and the detail submitted with the application, the proposed development will not impact on the access arrangements of the already authorised development LA05/2020/0048/F and the internal changes to the road layout are not significant.

Cumulative Impact

The changes associated with the car park reconfiguration and associated landscaping have been considered cumulatively.

Each of the impacts assessed above have been evaluatively considered to be insignificant. Taking the issues assessed above cumulatively, they are not considered to be of a nature or scale to have significant environmental effects that require to be addressed through an Environmental Statement.

Signatures Dated

1. …… ……

2. …… ……..

3. …… ……

REASONS WHY AN EA DETERMINATION IS NECESSARY

The proposal falls within Schedule 2 category 13 (a) - any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

The approved development (LA05/2020/0048/F) was classified as Schedule 2 category 10 (b) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 as it had the potential to have significant effects on the environment.

As this proposal is a change/variation to the approved development it is considered that it falls under Schedule 2 category 13 (a) and therefore under Regulation 12 the Council is obliged to make a determination as to whether the planning application should be accompanied by an environmental statement.

For the reasons outlined above the environmental impacts of the proposal are not likely to be significant and as such, the application does not need to be accompanied by an environmental statement.

This form must not be detached from EA Determination Sheet

Signatures		Dated
1.	……..	…….
2.	……..	…….
3.	……	…….

PROPOSAL: Section 54 application to vary Conditions No. 2 (Phasing Plan), No. 9 (Landscape Works) and No. 10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout.

1. **Characteristics of development**.

The characteristics of development must be considered having regard, in particular, to: -

a) the size of the development

The application seeks permission to vary condition nos. 2, 9 and 10 of already authorised development LA05/2020/0048/F to allow the relocation of 57 no. parking spaces from the approved overflow car park to be located adjacent to Pirates Adventure Golf, related alterations to the internal road layout and amendments to hard and soft landscaping details. The variations do not affect any other aspect of the building or landscape design associated with the already authorised development. The main changes are associated with the new car park adjacent to the PAG enterprise. In summary, these include:

- 57 no. carparking spaces which are relocated from the overflow car park at the north of Old Dundonald Road;
- Linear drainage channels will be installed in this area to channel water into a proposed storm water sewer;
- Native planting is proposed in keeping with the landscaping already approved for the wider DIIB redevelopment.

The new car park area will be surfaced with asphalt and an asphalt footpath will provide pedestrian access to the carpark. The new car park area adjacent to PAG is 1870 metres squared with the overspill carpark reduced in size by approximately 1000 metres squared. The difference in the parking areas combined is however less than 1000 metres squared [870 metres squared].

The relocation of the new car parking and the extent of associated changes to the hardstanding and the hard and soft landscaping when compared to the already authorised development LA05/2020/0048/F are not of a scale that would result in significant environmental impacts for the reasons set out above in this determination report.

b) the cumulation with other development

The cumulative impact of the proposed changes has been considered having regard to the nature of the changes relative to the already authorised development LA05/2020/0048/F in terms of noise, traffic generation and visual impact as previously approved.

The overall carparking provision in terms of car parking spaces is not changed and no changes are proposed as part of this application to the buildings nor are changes proposed to other elements such as the approved play park, plaza area or cycle stand provision.

c) the use of natural resources in particular land, soil, water and biodiversity

A previously identified landscaped area will now be developed for a new car park. Linear drainage channels will be installed to channel water from this area and new native planting is proposed. The CEMP that forms part of the already authorised development will be put in place to ensure adequate mitigation is provided to protect the biodiversity of the site, including the proposed development in this application, through the construction phase of the development.

Having regard to the nature and scale of the proposed changes which provide for the configuration of parking areas and landscaping the use of natural resources would not result in a significant effect on the environment.

d) the production of waste

Redevelopment works will typically produce waste in the form of overburden material from excavation, emissions from plant and machinery, cuttings from metal or woodwork and waste from concreting activities.

The area associated with the new car park does not lie within an area of contamination risk. It is also explained that best practice and guidance will be followed during the construction phase in line with the CEMP and as such, the production of waste associated with the proposed changes do not result in significant effects to the environment.

e) pollution and nuisances

Emissions to Air and noise and vibration associated with development of the new carpark area is considered earlier in this report. The impact is not considered to be significant for the reasons outlined. Furthermore, the CEMP will include site specific method statements for all operations where there is a risk of environmental damage and the proposed changes will not have significant effects to the environment.

f) the risk of accidents and/or disasters which are relevant to the development concerned, including those caused by climate change in accordance with scientific knowledge.

There is a risk of construction accidents if there is poor management and implementation of control systems such as injury or fatality due to construction traffic or release of pollutants into the local storm water drains. That said, the CEMP will include site specific method statements for all operations where there is a risk of environmental damage and it is not considered that the proposed changes will have significant effects to the environment.

g) risk to human health

The nearest residential properties are over 130 metres from the site. Whilst there is the potential for dust and noise to impact on human health during the construction phase, the risk of significant adverse impact is likely to be low and temporary. There is also scope for such nuisance to be effectively managed in accordance with good

construction practices which will be managed through the through the NEC3 Construction Contract, the Main Contractors Construction Phase H&S Plan and Construction Environmental Management Plan. There is no significant change to the already authorised development LA05/2020/0048/F.

The CEMP will also provide for mitigation measures to be imposed to ensure that watercourses within the site which are connected with the Enler River are protected from pollution risks thereby reducing the risk of significant effect on human health.

2. Location of development

The environmental sensitivity of geographical areas likely to be affected by development have been considered, having regard, in particular, to: -

a) the existing and approved land use

The site is in an urban landscape wedge and local landscape policy area. To the north of the proposed site, is Dundonald Touring Park, Old Dundonald Road, Upper Newtownards Road, Dundonald Omniplex, Dundonald Cemetery, Hanwood Park and Hanwood Avenue. To the south is agricultural land and Ballyhanwood Road. To the west is Hanwood Farm, Dundonald Heights, Ballyhanwood Road and Moyard Local Wildlife Site. To the east is David Lloyd Fitness Centre and existing housing at Vionville Rise.

The site is within Local Landscape Policy Area - Dundonald Wedge which is an area of local amenity importance which comprises of a large and varied landscape wedge comprising of this site (known as the leisure park).

Detail included within the EIA Screening Report recognises that the following landscape designations apply to the area covered by the proposed development:

- Landscape Character Areas Belfast/Lisburn [LCA 97]
- Urban Landscape Wedge

A number of other designations within 2.5 km of the site are identified as follows:

- Historic Park and Gardens – Stormont Estate
- Cherryvally – Local Landscape Policy Area [BT99]
- Kings Road Conservation Area
- Knockdene Conservation Area

Reference is made to the baseline viewpoint conditions presented in the previous application. The following three viewpoints are considered to be most relevant to the proposed changes:

- Viewpoint 5 – View South from the Old Dundonald Road
- Viewpoint 6 – View North-East from Hanwood Heights
- Viewpoint 8 – View West from Ballyhanwood Heights

Detail included within the EIA Screening Report explains that to accommodate the proposed changes, there would be a slight alteration to the topography of the site which would contain access roads, paths and an amended landscape planting design to allow access to the proposed new carpark. Plans submitted with the application demonstrate that in the northern corner of the new parking area closest to PAG that the land is to be regraded by up to 250mm. It is graded travelling east back to the levels authorised under LA05/2020/0048/F to ensure the parking area ties into the existing levels.

I do not consider this slight increase in levels of 250mm is not considered to be significant and will have no significant impact on visual amenity.

It is noted that the area of planting immediately east of the PAG site will be removed to provide for the new car park. However detail indicates that existing trees are to be retained consistent with the already authorised development LA05/2020/0048/F . The planting now proposed will be similar to that associated with the car park area located to the south of PAG with planting enhanced around the boundary of the proposed new car park area.

I do not consider the changes to the landscaping south of the PAG site and coach parking area as a result of the internal road changes will have a significant environmental impact as the detail submitted demonstrates that the proposed planting within this area mirrors the planting authorised in the previous authorised development and I am content that this planting will soften any visual impact. This internal road area will be screened from public views by the existing PAG site and authorised planting in the east of the DIIB site. Longer public views of this area will be screened by intervening planting and existing development.

Consideration has been given in the submission to the potential effect of the change on the green wedge with a quantitative comparison of permitted and proposed planting provided. It is noted that changes to planting concentrate on grasscrete, grass and birch grove areas with slight reduction in the area of wildflower meadow and native tree planting. Areas of hedgerow planting and shrubs will increase considerably. Whilst detail indicates that a small proportion of the previously proposed green wedge to the east of PAG will be replaced by parking, the reduction represents 1.3% which is not considered to be significant.

The approved public green space which was to act as a ‘green wedge’ adjacent to the Pirates Adventure Golf will retain its core design principles and intended screening of the site. There will be more green space at the overflow car park, and it is considered that the proposal will continue to provide for a ‘green wedge’ to separate the village of Dundonald from East Belfast.

Having regard to the landscape designations referred to above, detail confirms that the proposed changes will continue to improve views and enhance screening from Hanwood Farm, that there will be no change to the landscape character associated with Stormont Estate, Cherryvalley, Kings Road Conservation Area and Knockdene Conservation Area.

Having regard to the key viewpoints referred to above, the detail confirms that the value of all three viewpoints is considered to be medium with visual receptors being identified as road users and local residents. Consideration is given to the impact on these views with the visual effects associated with the proposed changes confirmed as being slight/neutral, imperceptible/neutral and slight neutral respectively. On this basis I do not consider the impact of the proposed changes on visual amenity to be significant.

Having regard to the nature and scale and the detail as referred to above, the proposed changes will not have any significant effect on the Landscape Character, Urban Landscape Wedge and nearby landscape designations.

No live planning applications are identified within a 200-metre radius of the proposed site that need to be taken into account and development associated with the proposed changes will take place within the boundary of the existing DIIB site.

Detail associated with the reconfiguration of car parking and associated landscaping will not have a significant impact on existing and approved land uses.

The approved development included a native woodland belt close to the western boundary of residents at Hanwood Farm. The native woodland belt will remain unaffected by this proposal. The proposal will continue to improve views and enhance screening in views from Hanwood Farm, despite the alteration to the landscaping design around the new car park.

b) the relative abundance, quality and regenerative capacity of natural resources in the area (including soil, land, water and biodiversity) in the area and its underground

Detail submitted with the application confirms that the closest watercourse is the Dundonald River which originates to the east of the proposed site and flows in a north-west direction. Reference is also made to the presence of other undesignated watercourses within the area and that all watercourses in this area are tributaries of the Enler River which discharges to Strangford Lough 10km downstream of the site.

Confirmation is also provided that a wide range of prescriptive mitigation measures will be implemented to ensure protection of the water environment consistent with the earlier approval. It is also explained that the appointed contractor will carry out works in a precautionary manner, specifically targeted to avoid pollution of the water environment with specific method statements produced for each site work area.

Having regard to the changes associated with the reconfiguration of car parking and associated landscaping that the changes will not have a significant impact on the relative abundance, quality and regenerative capacity of natural resources in the area (including soil, land, water and biodiversity) in the area and its underground.

c) the absorption capacity of the natural environment, paying particular attention to the following areas:-

i) wetlands

The application site does not have any existing wetland.

ii) coastal zones

The application site is not in a coastal zone.

iii) mountain and forest areas

The application site is not a mountain or a forest area.

iv) nature reserves and parks

The application site is not a nature reserves or park.

v) areas classified or protected under national legislation and areas designated pursuant to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (a) and Council Directive 2009/147/EC on the conservation of wild birds (b)

As explained earlier in this report, the site is hydrologically connected to European sites at Strangford Lough SAC, SPA and Ramsar. Ecological mitigation within the CEMP will ensure there is no significant adverse impact on these sites. Conditions associated with the previous approval in relation to badgers, ecology and the protection of trees will also ensure that there are no likely significant impacts to areas or species protected under the above legislation.

vi) areas in which there has already been a failure to meet the environmental quality standards laid down in Union legislation and relevant to the development, or in which it is considered that there is such a failure.

The proposed site does not lie in an area in which there has already been a failure to meet the environmental quality standards.

vii) densely populated areas

The site is located within the settlement development limits of Dundonald. Any visual disturbance during the construction phase will be temporary. The development when complete, is designed to integrate into the surrounding area and as such, there will be no significant environmental effect on this area.

Furthermore, the proposal will have no significant impact on the visual amenity of the area as sufficient landscaping will be added throughout the site to soften the visual impact and the site will not be visible over long public views as explained earlier in the assessment.

viii) landscapes of historical, cultural or archaeological significance

Any features of cultural heritage importance were considered as part of the previous application and the detail submitted explains that the proposed changes will not impact on identified sites given the separation distances.

The nearest archaeological site is a cashel and outworks (DOW 005:055) which is located within a field approximately 470m southwest of the proposed site.

The next closest recorded archaeological site to the proposed site is a mound (DOW 005:037) which is located approximately 500m to the southeast.

Three standing stones (DOW 005:056) are located approximately 350m to the northeast of the proposed site.

There are five Historic Buildings located within the 1.5km of the study area according to the (NIMBR). None of these Historic Buildings are located within the proposed site, the closest being the Cross of Sacrifice (HB26/13/050) approximately 480m to the north.

There is one Historic Park, Stormont Castle and Parliament Buildings (D-063) which is also a registered site. The southeast extent of this Historic Park is located approximately 850m to the northwest of the proposed site.

There are no Areas of Significant Archaeological Interest or Areas of Archaeological Potential within or close to the proposed site.

No significant effects arise as a result of the proposed changes and construction best practice guidelines will be adhered to in the event that unknown features are discovered during construction.

3. Characteristics of the potential impact

The potential significant effects of development have been considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to: -

a) the extent of the impact (geographical area and size of the affected population)

The wider site comprises the existing DIIB facility. As explained above, there are existing residential and commercial properties adjacent to the site, but geographically, the area is not considered to be densely populated.

Consider has been given earlier in the report to potential impacts on nearby residential properties from emissions and noise during the construction and operational phases and for the reasons outlined, these are not likely to be significant given the temporary nature of construction process, separation distances from sensitive receptors, and proposed landscaping.

Impacts to biodiversity and designated sites are not likely to have a significant environmental effect for the reasons outlined earlier and provided mitigation measures as outlined in the CEMP are adhered to.

Impacts to Character and Visual amenity is addressed through the provision of sufficient landscaping which provides screening from public viewpoints and serves to aid biodiversity value.

b) the nature of the impact

For the reasons outlined at paragraphs 1 (a) to (g) and 2 (a) to (c), the nature of impacts identified earlier in the report are not significant.

c) transboundary nature of the impact

The site is within Lisburn and Castlereagh City Council boundary area and no transboundary impact will arise.

d) The intensity and complexity of the impact

For the reasons outlined earlier in the report at paragraphs 1 (a) to (g) and 2 (a) to (c), the nature and scale of the proposed changes are such that no significant environmental effects arise.

e) The probability of the impact

For the reasons outlined earlier in the report, there are no significant impacts, and therefore the probability of any significant impact is low.

f) the expected onset, duration, frequency and reversibility of the impact

It is considered that this proposal will not have a significant environmental effect.

g) the cumulation of the impact with the impact of other existing and/or approved development

The cumulative impact with other developments has been considered at paragraphs 1(b) and 2(a) and for the reasons outlined, it is considered that the proposed changes will not have a significant environmental effect.

h) the possibility of effectively reducing the impact

For the reasons outlined earlier at paragraphs 1(c) to (g) and 2(c) above and subject to the mitigation measures associated with the CEMP and best practice being adhered to, any potential impact can effectively be addressed.

Signature of Officer:_____

Date: _____

Lisburn & Castlereagh City Council

Committee	Planning Committee
Date of Committee Meeting	4th November 2024
Committee Interest	Major Application
Application Reference	LA05/2024/0038/F
Date of Application	21 January 2024
District Electoral Area	Lisburn South
Proposal Description	Proposed erection of an industrial unit with ancillary office, sprinkler pumphouse, two pumphouses, substation, external plant including silos, rooftop solar panels, car parking, landscaping and all associated site and access works
Location	Lands located 400 metres east of Lissue Road, 300 metres south of Ballinderry Road, and 200 metres west of Ferguson Drive
Representations	None
Case Officer	Peter McFadden
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area at 4.47 hectares exceeds one hectare in size.

2. The proposal complies with Policy ED1, ED8 and ED9 of the Plan Strategy in that the detail submitted demonstrates that the proposed use on zoned employment land does not prejudice the continued operation of any existing employment uses and that the general criteria for new economic development uses are met.

3. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment is created.

4. It is also considered that the development complies with policies TRA2 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic.

5. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that adequate parking and appropriate servicing arrangements have been provided having regard to the specific characteristic of the development, its location and parking standards. Dfi Roads having no objections.

6. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.

7. The proposal also complies with policy NH5 of the Plan Strategy as the application demonstrates that there will be no detrimental impact of the development on priority habitats and species.

8. It is accepted that the proposal complies with policies FLD1 and FLD2, FLD3 and FLD4 of the Plan Strategy are satisfied. No objection is received from Rivers Agency or NIEA WMU.

Description of Site and Surroundings

Site

9. The proposal is located on lands located east of Lissue Road, south of Ballinderry Road and West of Ferguson Drive Lisburn.

10. The site is 4.47 hectares in size and forms part of a larger area of land which is currently undeveloped. To the east of the site is the Knockmore Industrial Estate and access is taken from the existing industrial estate via Ferguson Drive.

11. It was observed from the site visit that cut and fill operations to create the level area where the new buildings are proposed and fill where the access road to the site is proposed have taken place.

12. The site is cut out of the larger field. The only existing site boundary is at the southern edge and is made up of hedgerow and trees. The disused former Antrim to Lisburn Railway line runs parallel to the southern boundary.

13. The boundaries of the wider lands are as follows. To the north of the application site the land is overgrown, scrub land. The extreme southern boundary is demarcated by a belt of mixed planting some which is mature in nature. The

eastern boundary is again vegetative in nature with large mature trees. A small stream runs along the eastern side of the site which is partially culverted. The land falls away sharply to the existing stream along this edge of the wider lands.

To the west and elevated above the site is Lissue House a listed property.

Surroundings

14. Lisburn City Centre is approximately 2 miles from the site and the M1 Motorway is approximately 1.5 miles from the site.

15. The predominant land use to the northeast and southwest of the site is employment at the Knockmore Hill Industrial estate and Knockmore Industrial estates. Lands to the West and Southwest are open countryside and mainly in agricultural use.

Proposed Development

16. The application is for the proposed erection of an industrial unit with ancillary office, sprinkler pumphouse, two pumphouses, substation, external plant including silos, rooftop solar panels, car parking, landscaping and all associated site and access works.

17. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report was submitted with the application as the threshold for a Pre-application Notice and community consultation was reached.

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

- Design and Access Statement.
- Planning Statement.
- Set of Architectural Drawings.
- Noise Impact Assessment.
- Site investigation Report.
- Transportation Assessment Form.
- Preliminary Risk Assessment.
- Generic Quantitative Risk Assessment.
- Flood Risk and Drainage Assessment.
- Ecological Statement.
- Landscape Spec and Landscape Management Plan.
- Biodiversity Checklist.
- Architectural Heritage Statement.

19. During the processing of the application several of the above referenced reports have been updated and amended. The additional information and clarification can be found on the planning portal.

Relevant Planning History

20. The following planning history is relevant to the application site:

Application Reference	Description of Proposal	Decision
S/2003/1027/F	Construction of access road to facilitate development of existing industrial site	Approved 13/02/2004
S/2003/1330/F	Provision of sites for industrial development including construction of access roads & services.	Approved 10/02/2004
S/2007/1161/F	Construction of sites for industrial development. (Provision of sites, infrastructure and landscaping previously approved. Refer app No.S/2003/1330/F)	Approved 26/10/2009
LA05/2024/0767/PAN	Proposed erection of an industrial unit with ancillary office, car parking, landscaping and all associated site and access works including the provision of onsite solar array.	Received 21/12/2023
LA05/2024/0456/CLEUD	Engineering operations including an access road that connects Knockmore Industrial Estate to the undeveloped lands to the west and 2100mm river culvert structure including 2 no. 675mm animal pass tunnels	Granted 14/08/2024

Consultations

21. The following consultations were carried out.

Consultee	Response
NI Water Strategic	No Objection
Historic Environment Division	No Objection

Environmental Health	No Objection
DFI Roads	No Objection
NIEA WMU	No Objection
NIEA Regulation Unit	No Objection
NIEA NED	No Objection
Rivers Agency	No Objection

Representations

22. No representations are received in objection to or support for the proposal.

Environmental Impact Assessment (EIA)

23. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.

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

Pre- Application Community Consultation

25. The application was accompanied with a Pre-Application Community Consultation Report (PACC).

26. The public consultation required under Section 28 of the Planning Act (Northern Ireland) 2011 took place on 30th November 2023, between 3pm -7pm at Lagan View Enterprise Centre Lisburn.

27. Display boards were set up detailing the proposal, the site and background to the development.

28. Feedback forms were provided at the event and comments also invited via a dedicated consultation phone line.

29. The event was advertised in line with legislation on the 17th November 2023 in the Ulster Star. Notice was also provided to the Councillors of Lisburn South on 29th September 2023 via email correspondence. Local MLA's and MP's where also emailed the same on that day.

30. A leaflet drop was carried out on 23rd November to 150 properties. This contained information leaflet, free post feedback form and other relevant details. The circulation was to properties within 550 metres of the development site.

31. No calls were received to the dedicated phone line and no requests for hard copy information packs were received. Two persons attended the consultation event. Two others engaged via the feedback form.

32. In conclusion four members of the public attended the event and feedback was split 50/50 in relation to the feedback sought using three set questions. The issues raised in response to the consultation included traffic, noise, pollution, working hours and type of industry. The agent's comments and responses are included in the report.

Regional Development Strategy

33. The Revised Regional Development Strategy (RDS) 2035 was published in 2010. It is the spatial strategy of the Stormont Executive, and it seeks to deliver the spatial aspects of the Programme for Government (PfG).

34. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.

35. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exist across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes.

36. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area and ensure sufficient land is available for jobs. Lisburn is identified in the RDS 2035 as a major employment and commercial centre. There is no specific reference to this site within the RDS 2035.

Local Development Plan

Local Development Plan Context

37. 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.

38. 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.

39. In accordance with the transitional arrangements the Plan Strategy and the designation in LAP is the extant Plan. The site was zoned for industry in the LAP, Zoning LD13 Knockmore Road/Ballinderry Road.

40. Draft BMAP is also a material consideration. In draft BMAP 2004 the site is located within the settlement limit as zoned employment land LC09 – Employment / Industry Lands at Knockmore Road Lisburn.

41. In the subsequent revision to BMAP the site remained zoned for employment as designation LC09 Existing Employment Land at Ballinderry Road/Knockmore Road, Lisburn

42. The following Key Site Requirements were attached to the designation:

- Development shall only include the following uses: - Industrial and Business, Use Classes B1 (b), B1 (c) B2, B3 and B4 as currently specified in the Planning (Use Classes) Order (Northern Ireland) 2004.
- Development of the site shall only be permitted in accordance with an overall comprehensive Masterplan for the site to be submitted to and agreed with the Department. This shall outline the design concept, objectives and priorities for the site, including mitigation of the impact of development upon the adjacent Lissue House.

- A comprehensive landscaping plan for the proposed development will be required to be submitted with the concept Masterplan. This shall indicate the existing trees and hedges on the site and those to be retained, as well as planting proposals for the site. The treatment of the boundary with Lissue House and proposals for substantial buffer planting (of at least 10m in width) shall be specifically addressed; and
- Access shall be via the existing access to the industrial estate onto Ballinderry Road.

43. This site is located within an existing employment designation and the following strategic policies in the Plan Strategy apply. 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.

44. A new factory is proposed at this location. The following operational policies in Part 2 of the Plan Strategy also apply.

Economic Development

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

Class B1 Business

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

a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park

b) elsewhere in city or towns, where there is a definite proposal, and it is demonstrated that no suitable site exists under part (a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered

c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).

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

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

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

46. 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.

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

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

a) it is compatible with surrounding land uses
b) it does not harm the amenities of nearby residents
c) it does not adversely affect features of the natural or historic environment
d) it is not located in an area of flood risk and will not cause or exacerbate flooding
e) it does not harm the water environment
f) it does not create a noise nuisance
g) it is capable of dealing satisfactorily with any emission or effluent
h) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified
i) adequate access arrangements, parking and manoeuvring areas are provided
j) a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal

k) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity

l) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view

m) it is designed to deter crime and promote personal safety

n) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape

o) it meets the requirements of Policy NH1.

Natural Heritage

48. NH2 Species Protected by Law

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.

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

Built Heritage

50. Lissue House is in the backdrop of the site. Policy HE9 Development affecting the Setting of a Listed Building states that proposals which would adversely affect the setting of a listed building will not be permitted. It further states that:

Development proposals will normally only be considered appropriate where all the following criteria are met:
a) the detailed design respects the listed building in terms of scale, height, massing and alignment
b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building
c) the nature of the use proposed respects the character of the setting of the building.

Access and Transport

51. The proposal involves the upgrading of an existing access of a public road from the existing industrial estate. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, were 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.

52. 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.

53. 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.

54. In order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment. Policy TRA6 Transport Assessment states:

Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximise use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.

55. The proposal includes parking and servicing for staff and customers. Policy TRA7 Carparking and Servicing Arrangements in New Development states that:

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

location having regard to published standards, or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

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

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

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

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

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

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

Renewable Energy

56. RE2 Integrated Renewable Energy Planning permission will be granted for a development proposal which integrates renewable energy technology including micro- generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Flooding

57. A watercourse runs along the eastern boundary of the site. Policy FLD1 Development in Fluvial (River) Flood Plains states:

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

Exceptions in Defended Areas
On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial

flood event. Proposals that fall into any of the following categories will not be permitted by this exception:
a) essential infrastructure such as power supply and emergency services
b) development for the storage of hazardous substances
c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing
d) any development located close to flood defences.
Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in Undefended Areas
The following categories of development will be permitted by exception:
a) replacement of an existing building
b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain
c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain
d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children
e) the extraction of mineral deposits and necessary ancillary development

Proposals that fall into any of the following categories will not be permitted by this exception:
a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing
b) essential infrastructure
c) development for the storage of hazardous substances.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance
A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria
a) demonstration of exceptional benefit to the regional or sub-regional economy
b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.

In the Justification and amplification, it states that.
Development Proposals of Overriding Regional or Sub-Regional Economic Importance Most economic development is best located outside of flood plains; however it is accepted that certain projects because of their nature, size or site specific requirements, may require a site that falls within a flood plain. In such circumstances the policy allows for development that is demonstrated to be of significant regional or sub-regional economic importance.

Proposals must justify the need for a location within the flood plain and demonstrate that a thorough search for sites outside the flood plain has been undertaken and why these are considered unsuitable. Subject to the principle of development in the flood plain being accepted the developer will be prompted to identify a suitable site in the least vulnerable parts of the flood plain.

58. There is existing drainage infrastructure within the site. FLD2 Protection of Flood Defence and Drainage Infrastructure states:
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.

59. The scale of development proposed meets the threshold for submission of a drainage assessment. 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.

60. The development requires culverting works. Policy FLD4 Artificial Modification of Watercourses states:

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:
a) a short length of culverting necessary to provide access to a development site, or part thereof

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

Regional Policy and Guidance

Regional Policy

61. 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.

62. 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.

63. 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.

64. 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.

65. 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 interest of acknowledged importance.

66. 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.

67. Paragraph 6.81 of the SPPS states that:

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

68. Paragraph 6.84 of the SPPS states that:

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

69. Paragraph 6.89 of the SPPS states that:

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

70. Paragraph 6.91 of the SPPS states that:

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

71. Paragraph 6.97 of the SPPS states that:

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

economic development uses, and use of previously developed land or buildings.

73. With regards to Natural Heritage Paragraph 6.174 of the SPPS states that:

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

74. Paragraph 6.182 of the SPPS states that:

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

75. 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.

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

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

77. Paragraph 6.132 of the SPPS states that:

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

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

Retained Regional Guidance

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

80. Parking Standards: In assessing the parking provision in association with development the Department will normally expect developers to provide an access to the site in accordance with the current standards. Where appropriate, developers will be required to demonstrate there is adequate provision of space within the site, for parking, manoeuvring, loading and unloading to fulfil the operational requirements of the proposed development.

81. Operational parking space for commercial and service vehicles will depend on the type attracted to a development and should provide for manoeuvring space to enable vehicles to exit the site in forward gear.

Best practice on the number, size and layout of parking spaces reserved for people with disabilities and general guidance on the provision of appropriate related facilities is set out in the Department's guide 'Access for All'.

Assessment

82. The proposed development is a manufacturing facility falling within Class B3: General Industrial Use of the Planning (Use Classes) Order (Northern Ireland) 2015. The balance of the development is for ancillary office, storage and logistics linked to the operation of the facility.

Planning and Economic Development

Economic Development in Cities and Towns

83. Policy ED 1 states that

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.

84. The site is within an area designated for employment use in LAP and significant weight is attached to the employment designation carried through into the last

revision to draft BMAP -use LC09 – Employment / Industry Lands at Knockmore Road Lisburn.

85. The development comprises several elements. A large factory which is linear in form is 112 metres in length, 84 metres in depth and 15 metres at its highest point. There are 9 silos (each 20 metres in height), a pump house, series of condensers a sprinkler tank and sprinkler pump house all located to the eastern side of main factory space. There is associated parking with dedicated electric charging points to the front of the factory and designated routes for HGV's either delivering to or collecting from the facility.

86. The main factory has dedicated storage and pre-production areas in the higher section of the building which then decreases in height by almost a half over the remaining production and other storage areas. There is also all the associated office space and general needs spaces located to the front of the building.

87. The majority of the building will be finished in Trapezoidal coated metal composite cladding, 1000mm wide, vertically laid, and is grey in colour.

88. The lower section to the front of the factory used as ancillary office space will be finished in micro rib/flat coated metal composite cladding 1000mm high horizontally laid and is grey in colour. A different shade of grey is used and will provide a visual break. The cladding is also laid in differing directions with differing profiles to further emphasise the different operations within the building.

89. The roof is finished in Trapezoidal coated metal composite cladding goosewing grey in colour. There are also a series of PV panel on the roof of the main factory.

90. The scale and nature of the buildings proposed are considered to be those which are required to meet the needs of the client but also what would be expected of a facility in this location zoned for such a use.

91. A B3 employment use is proposed on land designated for employment use in the Local Development Plan. The buildings are consistent with the scale and nature of the employment development on the neighbouring land. The policy criteria of Policy ED1 is considered to be satisfied for the reasons outlined above.

Development incompatible with Economic Development Uses

92. Turning to ED 8 regarding development incompatible with Economic Development Uses. Consultation has been undertaken with Environmental Health with regards to the potential for noise, nuisance and disturbance and human health.

93. Environmental Health were consulted and initially requested additional information.

94. An updated Noise Impact Assessment (NIA) was submitted addressing all the issues noted in the Environmental Health response.

95. Environmental Health provided were reconsulted and have retuned further comments having no objections subject to conditions provided. If permission was to be granted these conditions will be attached to that permission.

96. It is considered the proposal meets the requirements of policy ED8.

General Criteria for Economic Development

97. In respect of the requirements of policy ED9. As described above under ED1 and ED8, it is considered that the proposed development, as designed is compatible with economic development uses. As such criteria (a) is satisfied.

98. The proposal as designed does not harm the amenity of nearby residents providing the conditions proposed are implemented and conditions are adhered to as previously noted. The requirements of criteria (b) are satisfied.

99. The proposal does not adversely affect any features of natural heritage and there are no built heritage features to be affected. See dedicated considerations below that assessment concludes that criteria (c) is met.

100. The majority of the site is not located within an area of flood risk however the access point and part of the access road are in a floodplain. The flood risk assessment demonstrates that there is no adverse impact. A drainage assessment is also submitted to address how the proposed development will impact on the flood plain. This is further detailed under the consideration of flooding later in this report. The requirements of criteria (d) are met.

101. Criteria (e) of policy requires that the development does not harm the water environment. NIEA Water Management were consulted and stated, Water Management Unit has considered the impacts of the proposal on the surface water environment and based on the information provided is content with the proposal.

102. NIEA Regulation Unit where also consulted and commented as follows: A Generic Quantitative Risk Assessment has been presented in support of this application. No unacceptable risks to the water environment are identified. Regulation Unit Land and Groundwater Team have considered the information provided and would have no objections to this application.

103. Hence criteria (e) of the policy are met subject compliance with all relevant other permissions and legislative requirements.

104. Criteria (f) of the policy states that any proposal will be approved as long as it does create a noise nuisance. An initial Noise Impact Assessment was submitted with the application. After initial assessment LCCC environmental Health unit requested additional information in relation to noise upon receipt of additional information LCCC Environmental Health has no objection. The requirements of criteria (f) are met.

105. In respect of Criteria (g), NI Water has been consulted and have no objections. There is capacity in the network to deal with foul sewage. This criterion is met.

106. In respect of criteria (h), (i) and (j) DfI Roads have been consulted and are content with the proposal in terms of vehicular traffic movements.

107. As detailed under the relevant section below, adequate arrangements are made for access arrangements, parking and manoeuvring areas.

108. The proposal has been designed with a movement pattern provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. This is again detailed in the relevant sections below.

109. In respect of criteria (k) and (L). The site layout, insofar as it related to the business units, is designed to a high quality. The finishes are considered appropriate in this setting. The building has been designed with sustainable objectives with PV panels with the roof design and window openings also designed to increase the amount of natural light entering the wider factory area.

110. The access road is simple in design being an improved access from the existing employment lands. The parking is also laid to the front of the factory with dedicated HGV access and routing around the factory.

111. Landscaping has been provided and this will aid to limit views into the overall complex. Due to the location of the factory public views are limited. The storage areas have been located to shield them from the most critical view that being from Lissue House.

112. With the information supplied and landscaping being conditioned the proposal meets criteria (k) and (l) of the policy.

113. The site is secured by a 2.4 metre high paladin fence with secure vehicle and pedestrian access gates. Site lighting and CCTV will be provided to ensure entire site coverage. This is all to deter crime and promote personal safety in line with the policy criteria (m).

114. Criteria (n) is not engaged as the site is not located in the countryside.

115. The site also is not located in an area of international significance in landscape or natural heritage grounds. Criteria (o) is not engaged.

Access and Transport

116. A Transport Assessment was submitted with the original submission.

117. DFI Roads offer no objection to the scheme as submitted.

118. The application is considered to be compliant with all the requirements of policies TRA1, TRA2, and TRA7. In that it provides an accessible means of access to the site and building. It does not prejudice road safety or significantly inconvenience the flow of traffic as it uses an existing upgraded internal access, and sufficient parking is provided within the confines of the site for the proposed use.

Renewable energy

119. RE2 Integrated Renewable Energy: Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

120. The proposed PV panels are on the roof of the existing building. This is to be welcomed as it adds to sustainable goals in the production of renewable energy for the use in the host building. The panels will have no visual or amenity impact on neighbouring land uses.

Natural Heritage

121. A preliminary Ecological Assessment was submitted as was an ecological statement and biodiversity checklist. From site inspection there does not appear to be any indication of any ecological importance related to the site. The existing wider landscaping is unaltered, and the remaining area of scrub land is unaffected by this proposal.

122. DAERA Natural Environment Division confirmed in their response that they had no objection to the development. NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. They even go as far as stating, given the lack of evidence of any protected/priority species or habitats,

on the site, NED is content that the planning policies set out in the Lisburn and Castlereagh City Council Local Development Plan 2032 are not engaged.

123. For the reasons outlined, the proposal is not likely to have an adverse impact on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby. Policy NH2 and NH5 are met.

Built Heritage

124. The site is in the foreground of the adjacent listed building at Lissue House.

125. Lissue House is a detached symmetrical three-bay two-storey rendered former country house, originally built.1805, remodelled c. 1900 with pair of full-height bowed bays and with connections to the architect Thomas Jackson who carried out modifications during 1850s. Originally a Georgian country house, changes during the late nineteenth/early twentieth-century were likely to have changed the overall decorative scheme, which was further adapted during the mid twentieth century to institutional use as Belfast Hospital for Sick Children. Despite lying empty and derelict during the late twentieth-century and losing some original fabric due to refurbishment by the current occupants, the house retains its impressive front elevation with two bows and fine Ionic portico. Set in rolling countryside and once part of an extensive estate including outbuildings, stable yard, offices, walled garden, gate lodge and lime kiln it is an important former gentleman's seat and of significance to the heritage of the Lisburn area.

126. Historic Environment Division have been consulted and acknowledge the tension due to the lands adjacent to the listed building being zoned for employment use. They have concerns but due to the zoning the relationship between the two sites only so much can be done to mitigate the visual impact of the new factory. In addressing this issue, the larger higher element of the factory is placed as far as possible from the boundary as are the associated and ancillary buildings. The factory screens these when viewed from the listed structure. The agent has been advised some planting will be required along the western side of the development and this will be conditioned. On balance it is considered that the distance between the two sites is considerable while acknowledging they are visible to each other. All reasonable attempts have been made to mitigate against adversely having an impact on the listed buildings.

127. The agents did respond and highlighted as above the following points the proposed building is 229.65 metres from Lissue House at its closest point. The building is set back from the proposed access road and as such, will not impact or interfere with the long-range view of Lissue House from the east and thereby not affect its setting. While not agreeing with all the points we do note them in the assessment of this policy.

128. In their final response HED after reviewing the additional submission and clarification from the agents have no further objections or comment.

129. For the reasons provided and on balance policy HE9 is considered to be met and a condition for a 5-10 metre area of buffer planting along the western edge of the site to mitigate the impact on the setting of the listed building.

Flooding

130. This application site can be considered in two sections. An area identified which lies within a flood plain. That is the access point into the site and an area outside of the flood plain the majority of the site where the factory is to be constructed.

131. Also, for clarification works have been carried out at the entrance to the site to facilitate access to the site which is not possible by any other means or at any other location.

132. Also, for clarity land raising and lowering has occurred over the site (some inside and other works outside of the floodplain) and these need to be addressed and considered in the reports submitted in support of the application and during the processing and assessment of this proposal.

133. Turning first to FLD3 the area of the site in totality exceeds the 1000 square metres threshold for the submission of a Drainage assessment. This was submitted in line with policy. However as previously indicated a section of the site does lie in the flood plain and hence FLD1 takes precedence.

In their final response Rivers agency confirm that the eastern portion of the site is traversed by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to Rivers Directorate as the 'Lissue Stream'. The site may be affected by undesignated watercourses of which we have no record.

134. Section 3.3 of the FRA, FLD2 / Protection of Watercourses and Drainage Infrastructure states 'The proposed development includes no built development preventing access within 5m of the Lissue Stream bank and there is no development causing build-over to existing or proposed culverts. Maintenance of the river including a 5m strip from the centre of the culvert routes is assured for the length of the site'.

This had been agreed with Rivers Directorate Local Area Office, Therefore the requirements of policy FLD2 is satisfied.

From the drawing submitted the council can confirm that no built development is indicated which causes any build-over to existing or proposed culverts. In that regard FLD2 has been met and focus now turns to policy FLD1 and the works which have already taken place on site.

135. Under FLD1 there is a requirement for an exception to be made under the policy to allow development to occur in the flood plain. These are set out in the exceptions to undefended areas. There are five exceptions listed in the policy. The agent summitted a briefing note outlining why the development should be accepted as an exception under these criteria.

136. The main thrust of this was that the exception should be granted as a piece of essential infrastructure. This was not accepted as it is only essential to access this site.

137. The applicant then submitted information that stated this was a development proposal of over-riding regional or sub-regional economic importance. In this case there are two policy criteria which are required to be satisfied.

138. In relation to the first the agent submitted information which is as follows relating to the proposed manufacturing/ production facility which will operate 24 hours a day/ 5 days per week, with an aspiration to extend working to 7 days per week.

    Each 12-hour shift will offer employment for approximately 50 Nr manufacturing/ production staff, i.e. approximately 100 no. employees. A further 20 no. staff will be employed in an administrative capacity, working a single 8-hour shift/ 5 days per week. Again, this is envisaged to extend to 7 days per week.

    The business has a long successful track record of over 30 years with national and international sales and is part of a larger global business, with manufacturing, logistics and administration centres throughout the world, serving a varied and diverse market base.

139. To assist in this LCCC economic development section was contacted for comment. They were supplied with the planning statement and clarification email from the agents and all other information associated with the application was viewable on the planning portal. They were asked;
    In the absence of any sub regional definition being provided within planning policy, grateful if you could advise, based on a review of the information provided, whether the business associated with the proposed development is one that would fall within the meaning of ‘sub regional importance’ in economic terms. This is to assist officers in making a decision as to whether the proposal which involves development in the flood plain can be referred to DfI Rivers for consideration/comment. In consideration of the matter, you should highlight the reasons why the business falls or does not fall into this category.

140. Their response was in three sections and covered:

    Employment Generation: The development offers substantial employment opportunities by creating a variety of jobs across different skill levels. As a global business, it will include higher-level positions

such as export marketing, potentially recruiting talent from across the sub-region, beyond the local council area. The creation of these jobs will have an economic multiplier effect, as increased employment leads to higher disposable incomes. This, in turn, stimulates local businesses and services throughout the sub-region, increasing economic activity and supporting further job creation.

Infrastructure Development: The increased industrial activity will enhance the area's economic output and position the site as a significant potential location for inward investment projects seeking strategic locations and/or opportunities for expansion.
As a newly built facility, it also has the potential to offer modern infrastructure that supports environmental sustainability and technological advancements within the sub-region, in turn making it highly attractive to investors looking for advanced operational bases.

Global Business Integration: This global connectivity enhances regional access to international markets. The facility's operations will generate trade flows that extend beyond the local council area, contributing significantly to economic activity outside the region. Positioned along the Dublin-Belfast Economic Corridor, the development can also facilitate increased trade and commerce along the corridor. This will not only strengthen the sub-region's integration into global supply chains, but also promote economic growth and connectivity throughout the corridor, benefiting the wider economy.

141. Their conclusion was the proposed manufacturing and production facility will significantly benefit the sub-region by creating diverse employment opportunities that stimulate economic activity and support job creation. Additionally, by expanding trade flows and strengthening connectivity along the Dublin-Belfast Economic Corridor, the facility has the potential to integrate the region into global supply chains and foster wider economic growth.

142. With that response it is considered that criteria (a) of the exceptions test under Development Proposals of Overriding Regional or Sub-Regional Economic Importance has been met.

143. In relation to the second criteria paras 6.14 -6.28 of the Planning Statement covers the alternative sites and for the benefit of clarification the only section of the site within the flood plain is the access point into the site.

The final section of the exception states: *Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.*

144. In this specific case the exception test and two criteria have been met and the council is also satisfied that the majority of the proposal is on a site at lowest flood risk. This now allows the drainage report to be considered by Rivers Agency now that the exception test under policy FLD1 has been established and met to the council's satisfaction.

145. As previously stated, works have commenced on site in relation to culverting work at the entrance to the site which did not have the benefit of planning permission. This matter required addressing prior to any formal consultation with Rivers Agency.

146. To regularise these works a Certificate of Lawful Existing Use or Development was submitted to the council for consideration. The ref provided is (LA05/2024/0456/CLEUD). The certificate relates to Engineering operations including an access road that connects Knockmore Industrial Estate to the undeveloped lands to the west and 2100mm river culvert structure including two no. 675mm animal pass tunnels.

147. The evidence submitted with the application and subsequent additional was sufficient to demonstrate that the said works had been in place for more than 5 years. Rivers Agency where also contacted as part of that process and confirmed their comment are included here for completeness.

148. During the processing of the application advise was received from DfiRivers Agency that on the 24th of January 2016, Rivers Operations (Area Office) approved the culverting of a section of the designated Lissue Stream, with a 1800mm diameter Class H spigot and socket concrete pipes as detailed in drawing numbers CC 002, CC 005 and CC 006. A site visit by Rivers Directorate PAU on the 22nd of July 2024 confirmed that the culverting works had been undertaken using 2100mm diameter Class H spigot and socket concrete pipes as highlighted in the Flood Risk Assessment by McCloy Consulting dated March 2024, as part of planning application LAO5/2024/0038/R

    Existing Culvert Sections, drawing number 0903 Rev P1 submitted as part of the application detail the in-situ 2100mm diameter culvert and also two number 750mm diameter mammal pass culverts. The approval for the mammal pass culverts is under the remit of NIEA Natural Heritage. It is noted that the 2100mm and 2 number mammal pass culverts were incorporated into the baseline model, contained within the Flood Risk Assessment by McCloy Consulting dated March 2024. as part of planning application for LA0512024100381F, to determine the extents of the Qi 00 Climate Change floodplain within the site.

149. The certificate was granted on 14th August 2024. With the FLD1 policy exception test now met and the CLUED now certified a formal consultation was sent to River's agency requesting them to consider the Drainage assessment as submitted.

150. First, they confirm the following points:

- The eastern portion of the site is traversed by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to Rivers Directorate as the 'Lissue Stream'. The site may be affected by undesignated watercourses of which we have no record.
- Rivers Directorate acknowledges receipt of the Flood Risk and Drainage Assessment by McCloy Consulting dated March 2024.
- Rivers Directorate acknowledge this application has been deemed an exception to policy FLD1 by the Planning Authority in the most recent consultation letter dated 26th September 2024.

151. Rivers Agency then amplify that with:

- It should be brought to the attention of the applicant that the responsibility for justifying the Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors.

- Section 5.2.2 of the FRA, Removal of Other Land Raising, states 'Land raising identified within lands under control of the applicant, which is not sought to be retained and regularised as part of the present planning application, is to be returned to pre-development ground levels. The area affected is highlighted on the following map. The land shall be returned to ground levels shown on DfI LiDAR ground levels (2022)'. therefore, Rivers Directorate requests that the planning authority includes the following Condition as part of its planning permission if granted.

The condition suggested is as follows

- Condition – Prior to the commencement of any of the approved development, the applicant must submit evidence that the land raising identified within lands under control of the applicant are returned to pre-development ground levels and be submitted to the Planning Authority for its consideration and approval.
- Reason – In order to safeguard against flood risk to the development and elsewhere.

152. The council then reviewed the drainage assessment subsequent to those comments and are content that the drainage assessment was carried out using a baseline of levels prior to any works commencing on site. This is clarified at para 1.4.2 of the drainage report. Final para: For the avoidance of doubt this flood risk assessment adopts a baseline prior to commencement of in-situ earthworks, and the assessment of the effect of the development on flooding includes the effect of commenced earthworks.

153. Para 1.5.1 also states that the level used are up to date 1m LIDAR provided by DFI Rivers. For clarity, ground levels as they currently exist (FEB 2024) have been captured in a land survey and are shown on the flowing figure. The

outcome of this assessment and planning application is intended to regularise land raising and remove areas of inappropriate land raising where it is in a floodplain.

154. The council has received supplementary drawings uploaded to the portal and drawing SK04 relates to the area in question. It details the area within the floodplain which requires to have material removed that amount being 2858 cubic metres of material.

155. It also shows the contour lines of the site after restoration has occurred. In conversation with Rivers Agency a topographical map of the area should be supplied to the Council and forwarded to Rivers prior to other works commencing on site this is to ensure that no flooding on the site occurs. This is also in line with the information presented within the drainage assessment and considered by DfI River.

156. With that in place and policy FLD1 has been satisfied.

157. Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. As previously noted, the CLEUD certified these culverting works had taken place and it was for access purposes.

158. DfI Rivers advises the council that the culverting proposed is to provide access to the site. It is noted that the proposed culverting has approval from Rivers Directorate Area Office under Schedule 6 of the Drainage Order 1973. Policy FLD4 has been met.

159. NIEA Water Management Unit were consulted and comment as follows:

Water Management Unit has considered the impacts of the proposal on the surface water environment and based on the information provided is content with the proposal subject to conditions, any relevant statutory permissions being obtained, the applicant referring and adhering to DAERA Standing advice. FLD4 is satisfied.

160. Water Management Unit note that as per the Northern Ireland Water response (dated, 15th October 2023) contained within the Flood Risk and Drainage Assessment (dated, 21st March 2024) that Lisburn Waste Water Treatment Works (WwTW)has sufficient capacity to deal with the sewage loading associated with the above proposal, however there is currently no foul sewage infrastructure in this area. It is the applicant's responsibility to ensure adequate connection to foul sewage services and should liaise with NIW regarding this.

161. NI Water confirm there is capacity at the WwTW and confirms availability at WwTW, foul to be pumped to the private foul network which discharges to NIW Foul network. Storm to be discharged to nearby culvert

Schedule 6 included. Watermain located on Ferguson Drive available to serve. Hence the WMU concerns satisfied with no objection.

Renewable Energy

162. PV panels are located on the roof of the factory and also the building has been designed to use passive light to reduce energy costs. Electric charging points are also provided in the car parking area. All these are to be welcomed in the overall design of the building.

Conclusions

163. For the reasons outlined above, it is accepted the proposal complies with Policies ED1, ED8 and ED9.

164. The application is an exception to FLD1 and satisfies FLD2, FLD3 and FLD4.

165. Also, Policies TRA1, TRA 2 and TRA7, NH2 and NH5 and RE2 of the Plan Strategy are also satisfied.

Recommendations

166. It is recommended that planning permission is approved subject to conditions,

167. The following Conditions area recommended:

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

  Reason: Time limit

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

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

- The development shall be carried out in strict accordance with approved drawing (Proposed Site Plan 02) including the plant/equipment contained therein.

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

- The Rating Level (dB LAr) of sound from the combined operation of plant and equipment associated with the development shall not exceed 33dB LAeq(1hr) daytime, and 33dB LAeq(15min) nighttime at any noise sensitive receptor listed within the Noise Impact Assessment.

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

- All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed 51dB (daytime) and 40dB (nighttime).

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

- All roller shutter door shall be kept closed at all times, except for ingress and egress.

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

- In the event that previously unknown land contamination is discovered development on the site shall cease. The Council should be advised and a full written risk assessment in line with current government guidance (DAERA, Environmental Advice for Planning, Practice Guide, Redeveloping Land Affected by Contamination and the Environment Agencies LCRM) 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

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E2 (Rural). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

- Prior to the commencement of any of the approved development, the applicant must submit evidence that the land raising identified within lands under control of the applicant are returned to pre-development ground levels and be submitted to the Planning Authority for its consideration and approval.

Reason: In order to safeguard against flood risk to the development and elsewhere.

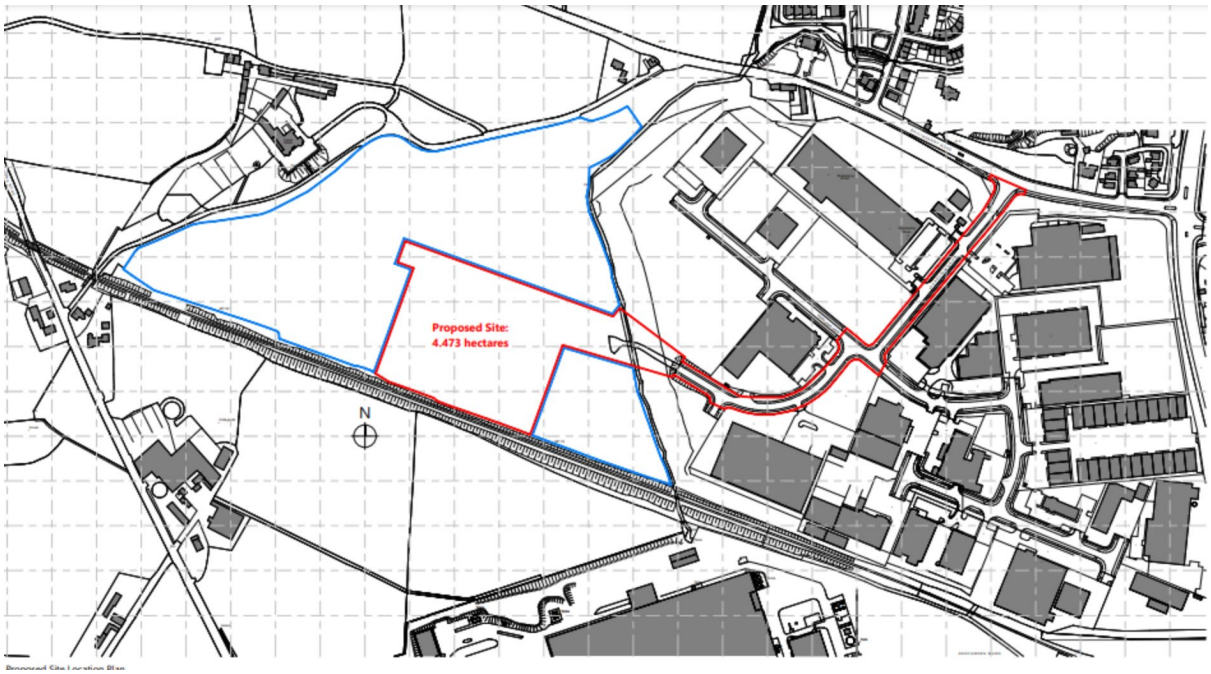
- If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.

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

- After completing any required remediation works, and prior to operation of the development, a Verification Report should be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the development wastes and risks and achieving the remedial objectives.

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

Site Location Plan – LA05/2024/0038/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	04 November 2024
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2022/1177/F
Date of Application	21 December 2022
District Electoral Area	Downshire East
Proposal Description	Proposed erection of two detached dwellings and double garages and associated site works (infill sites)
Location	60 metres south of 41 Windmill Road, Hillsborough BT26 6LS
Representations	One
Case Officer	Cara Breen
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.

2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.

3. The proposal is also considered to be contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the gap is not a small gap sufficient to accommodate two dwellings whilst respecting the existing pattern of development and being appropriate to the existing plot size and width. It would, if permitted, add to a ribbon of development along Windmill Road.

4. The proposed scheme is also considered to be contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development would not respect the traditional pattern of settlement exhibited in that area and if approved, result in an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

5. The application site is located 60 metres south of 41 Windmill Road, Hillsborough and comprised of a 0.35-hectare (approximately) parcel of land which is currently in agricultural use and forms part of a larger piece of land. There were no buildings at the time of site inspection. There is currently no access to the application site from Windmill Road.

6. The south-eastern (roadside) boundary of is defined by mature mixed species hedgerow. The south-western boundary is demarcated by large mature trees/vegetation. The north-western and north-eastern boundaries were undefined as the site forms part of a larger parcel of land.

7. In relation to topography, the application site is gently undulating throughout.

Surroundings

8. The application site is adjacent to a residential dwelling and agricultural building/stables to the south-west. A former dwelling (now with an approved use as a store in association with the dwelling at No. 41) and agricultural building are to the north-east and a residential dwelling and associated detached domestic garage are located beyond this to the north.

9. The area is rural in character and predominantly agricultural in use, characterized by drumlin topography.

10. The application site is located wholly within the open countryside, out with any defined settlement limit.

Proposed Development

11. Full Planning permission is sought for the proposed erection of two detached dwellings and double garages and associated site works (infill sites).

12. The application was accompanied by the following supporting documentation:

- NI Biodiversity Checklist and Ecological Statement (December 2022)

Relevant Planning History

13. The planning history for the site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2019/0942/O	Proposed infill dwelling and garage	50m South of no 41 Windmill Road Hillsborough BT26 6LX	Permission Granted 9/1/2020
LA05/2019/0941/O	Proposed infill dwelling & garage	79m SSE of No. 41 Windmill Road Hillsborough	Permission Granted 17/12/2019

Consultations

14. The following consultations were carried out:

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

Representations

15. One letter of objection was received in relation to the proposal. The issues raised in said objection are as follows:

- P2 (land ownership) challenge
- Soakaway could cause a health and safety risk

- Not neighbour notified
- Previous permission refused
- Query as to when site was sold

16. These issues are addressed below.

Local Development Plan

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

Plan Strategy 2032

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

'Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption, the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 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.'

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

20. The site is located within Green Belt in the Lisburn Area Plan (2001).

21. In draft BMAP (2015), the application site is located in the open countryside, out with any defined settlement limit.

22. 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.

23. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

Development in the Countryside

24. The proposal is for two houses in the open countryside. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

Infill/Ribbon Development

25. It is proposed to infill a gap in a road frontage. Policy COU8 – Infill/Ribbon Development states:

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

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

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

Integration and Design of Buildings in the Countryside

26. 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

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

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

A new development proposal will be unacceptable where:

a) *it is unduly prominent in the landscape*
b) *it is not sited to cluster with an established group of buildings*

c) *it does not respect the traditional pattern of settlement exhibited in that area*

d) it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl

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

Waste Management

Treatment of Waste Water

28. A septic tank and soakaway is proposed to serve each of the dwellings. Policy WM2 - Treatment of Waste Water states:

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

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

Access and Transport

Access to Public Roads

29. A new access to the Windmill Road for each house. 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.'

Natural Heritage

Species Protected by Law

30. Hedgerow is proposed to be removed from the frontage to facilitate the access and the visibility splays. 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.'

Habitats, Species or Features of Natural Heritage Importance

31. 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.'

Regional Policy and Guidance

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

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

33. Paragraph 3.8 of the SPPS states:

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

34. With regard to infill development paragraph 6.73 of the SPPS states:

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

35. 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.'

36. The following retained regional guidance documents remain material considerations:

Building on Tradition

37. With regards to Infill development, Building on Tradition guidance notes.

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

38. 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.'

39. Building on Tradition includes infill principles with examples.

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

Development Control Advice Note 15 – Vehicular Access Standards

40. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It states (Paragraph 1.1):

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

Assessment

41. There is history on the site for two Outline Planning permissions for single dwellings. LA05/2019/0941/O and LA05/2019/0942/O were granted on 16 December 2019 and 8 January 2020 respectively. Whilst the Planning history is a material consideration in the assessment of this application, it cannot be afforded determining weight as the submission of this full application was outside the three-year time limit condition for the submission of the Reserved Matters of LA05/2019/0941/O and this application has been submitted as a combined application for both sites. This full application was received on 21st December 2022. Furthermore, it is noted that both of the Outline Planning applications were assessed under a different Planning policy context. The Outline applications were assessed under the requirements of the retained Planning Policy Statement 21: Sustainable Development in the Countryside. This policy has been replaced following the adoption of the Lisburn and Castlereagh City Council Plan Strategy.

Development in the Countryside

Policy COU1 – Development in the Countryside

42. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.

43. The proposal is for two infill dwellings. Therefore, the principle of development is to be assessed against the requirements of policy COU8.

44. Policy COU1 also states that any proposal for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 – COU16.

Policy COU8 – Infill/Ribbon Development

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

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

46. The proposed development engages ribbon development as the proposed site is located beside an existing dwelling at No. 41 Windmill Road, an agricultural shed and a former dwelling (retained as a store) all of which are fronting Windmill Road. A ribbon therefore currently exists and two dwellings on the application site would add to an existing ribbon of development on Windmill Road and would connect the existing named buildings on Windmill Road with the buildings in situ at No. 57 Ballyworfy Road.

The issue of exception

47. Whilst the premise of Policy COU8 is that planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that there may be exceptions whereby the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. The exceptions test also requires that the proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings and the buildings forming the substantial and continuously built-up frontage must be visually linked.

48. The first step in determining whether an 'infill' opportunity exists is to identify whether an otherwise substantial and continuously built-up frontage is present on the ground. Policy COU8 states that for the purposes of this policy, a substantial and continuously built-up frontage is a line of four or more buildings, of which at least two must be dwellings (excluding domestic ancillary buildings such as garages, sheds and greenhouses) adjacent to a public road or private laneway.

49. The Justification and Amplification of Policy COU8 states:

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

50. Travelling along Windmill Road in a south westerly direction No. 41 is composed of a 1.5 storey detached residential dwelling and associated detached double domestic garage. Whilst the dwelling at No. 41 can be included as part of the substantial and continuously built-up frontage (Building 1) for the purposes of

policy, the associated garage cannot be included as Policy COU8 precludes domestic ancillary buildings. Buildings 2 and 3 to the south-west of No. 41 are located within their own curtilage. These buildings include a single storey agricultural building and a single storey store. The application site is located to the south-west of Buildings 2 and 3. Buildings 4 and 5 lie to the south-west of the application site at No. 57 Ballyworfy Road. Building 4 is an agricultural building and Building 5 is a residential dwelling. It is noted that the curtilages of the above all abut Windmill Road, and the named buildings present a frontage to Windmill Road. Whilst it is acknowledged that Buildings 4 and 5 have an address of No. 57 Ballyworfy Road, it is noted that it has a dual aspect with its southern boundary abutting and presenting a frontage to Windmill Road.

51. Taking the above into account, it is contended that this part of the policy test is met as there is a substantial and continuously built-up frontage comprised of at least four qualifying buildings present on the ground. This line of four or more buildings (of which at least two must be dwellings) is comprised of the dwelling at No. 41, the agricultural building and store opposite No. 42 and the agricultural building and dwelling at No. 57 Ballyworfy Road.

52. The second step in the process of determining whether an infill opportunity exists or not is to identify if the gap site is small. For the purpose of policy that is; *'sufficient to accommodate two dwellings.'* The third element that is required in order to qualify as an infill site is that the existing pattern of development must be respected in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.

53. Policy COU8 relates to the gap between road frontage buildings. The gap is measured between the two closest existing buildings either side of the application site.

54. In this instance, this is the gap between the store opposite No. 42 Windmill Road and the agricultural building at No. 57 Ballyworfy Road. This gap measures circa 83 metres building to building.

55. No. 41 has a plot width of approximately 26m, the agricultural buildings facing No. 42 have a plot width of approximately 50m and No. 57 has a plot width of approximately 98m. The average plot width therefore equates to circa 58 metres. This guidance indicates that the gap here would therefore need to be approximately 116 metres to accommodate two dwellings. Taking this into account, it is considered that the gap does not constitute a small gap sufficient to accommodate two dwellings.

56. In terms of assessing whether the existing pattern of development would be respected, the Justification and Amplification text associated with COU8 states.

'Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.'

57. As demonstrated by the submitted Site Plan, the proposed dwellings would largely follow a similar building line to the neighbouring buildings to the north-east and south-west and therefore it is considered that the existing pattern of development would be respected in terms of siting.

58. In relation to design, both dwellings and detached garages are identical. The proposed house type for both sites is a two storey, linear fronted dwelling which has a traditional dual pitched roof. The house type is of simple rural form, with a centrally positioned flat roofed storm porch to the front, window openings which are predominantly of vertical emphasis and two integral chimney breasts to each gable end with chimney stacks positioned to each end of the ridgeline. The proposed schedule of external finishes includes smooth render (painted off-white) and graphite parapet coping for the external walls, blue/black natural slate roof, granite cills, off-white UPVC sliding sash style window units and black rainwater goods. The proposed 1.5 storey detached domestic garages would have a rectangular shaped footprint and would be of simple form with a dual pitched roof and external finishes to match the host dwellings.

59. No. 41 is a relatively recently constructed 1.5 storey linear dwelling with single storey porch centrally positioned to the front. It is of simple rural form with a traditional dual pitched roof, painted rendered walls and stone detailing. The dwelling at No. 57 Ballyworfy Road is a 1970's style chalet bungalow with painted render finish and profiled roof tiles. It is acknowledged that no specific architectural style is predominant in the area. As the design of the proposed dwellings are of simple rural form, the proposed design is considered to be acceptable in the context of the frontage.

60. It is acknowledged that size and scale both pertain to the dimensions of the proposed dwellings. It is acknowledged that the existing dwellings in the frontage are both 1.5 storey. The proposed dwellings would each occupy a footprint of 181 square metres. The existing dwellings in situ at No. 41 and No. 57 have approximate footprints of 312 square metres and 213 square metres respectively. Whilst it is acknowledged that the proposed dwellings are two-storeys in height, it is noted that they have smaller footprints than the other existing dwellings. As a whole, the size and scale are considered to be acceptable in the context of the existing pattern of development.

61. With regards to plot size, the existing plot sizes at No. 41, the curtilage of the agricultural building and store opposite No. 42 and the curtilage of No. 57 are approximately; 0.38 hectares, 0.12 hectares and 0.37 hectares respectively. This equates to an average plot size within the frontage of circa 0.3 hectares. The average residential plot size is 0.375 hectares. It is acknowledged that the left-

hand site (as you are facing the application site) would have a plot size of approximately 0.18 hectares and the right hand site would have a plot size of approximately 0.17 hectares. It is contended that the proposed plot sizes would therefore be at odds with the existing large residential plot sizes in the frontage.

62. In terms of width of existing plots, it is noted that No. 41 Windmill Road has a plot width of approximately 26 metres, the agricultural building and store opposite No. 42 have a plot width of approximately 50 metres and No. 57 has a plot width of 97 metres. This equates to an average residential plot width of approximately 58 metres. The proposed left-hand site would have a plot width of circa 33m and the proposed right-hand site would have a plot width of circa 30 metres. It is therefore considered that the proposed plot widths would be at odds with the average residential plot width within the existing frontage.

63. It is therefore considered that the proposal would not meet the third component of the exceptions test, in that the proposal would not respect the existing pattern of development in terms of plot size and width.

64. The fourth and final element of the exceptions test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.

65. Standing facing the application site there is a visual awareness of the dwelling and agricultural building at No. 57 Ballyworfy Road and the store and agricultural building opposite No. 42 and the dwelling at No. 41 Windmill Road. It is therefore contended that the buildings forming the substantial and continuously built-up frontage are visually linked and this part of the policy test is met.

66. Taking all of the above into account, it is contended that the proposal does not satisfy the exceptions test of Policy COU8 for the reasons noted. It is considered that the proposal would add to a ribbon of development along Windmill Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

67. The design of the proposed dwellings/garages has been described in paragraph 84 above.

68. Taking the siting of the proposed dwellings/garages into account in the context of the large mature natural tree lined boundary to the south-west, the orientation of existing neighbouring buildings and the road trajectory and surrounding vegetation, it is contended that the proposed dwellings would not be prominent features in the landscape.

69. It is considered that the proposed scheme would cluster with the existing buildings in situ at No. 41 Windmill Road and No. 57 Ballyworfy Road.

70. It is considered that the proposed dwellings/garages would blend with the existing trees to the south-western boundary and trees to the north-west of the application site.

71. Natural boundaries are in situ to the south-western and south-eastern (roadside) boundaries of the application site. It is acknowledged however that the majority of the roadside boundary would require removal in order to facilitate necessary visibility splays. Whilst it is noted that Building on Tradition guidance advises that 2-3 natural boundaries should be in situ for the purposes of integration, it is contended that the proximity of the neighbouring buildings would also provide a degree of enclosure to assist with the integration of the buildings into the landscape.

72. Whilst it is acknowledged that new landscaping (to the remainder of the roadside boundary, to the north-eastern boundary and to the north-western boundary) would be required, taking the above into account, it is not perceived that the proposal would rely primarily on new landscaping for the purposes of integration.

73. The design of the proposed dwellings/garages has been detailed above. The house type proposed is of simple traditional rural form and it is acknowledged that the proposed design is akin to the existing farm dwelling in situ at No. 42 Windmill Road, which is located almost opposite the application site. The design has been assessed against Building on Tradition guidance and is found to be acceptable.

74. In terms of proposed ancillary works, a shared vehicular access point from Windmill Road which would be centrally positioned to the south-eastern boundary of the site has been proposed. This access point would split into two separate driveways. A linear driveway adjacent to the north-eastern boundary has been proposed for the left-hand side site and this would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. The driveway proposed to the right-hand side site is slightly sweeping in nature and would cross in front of the proposed dwelling and would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. No suburban style entrance features have been proposed. Whilst it is acknowledged that the driveway to the right-hand side dwelling would be moderately sweeping in nature, taking the relatively short nature of it and the levels of the site into account, in the context of the road trajectory and the proximity of neighbouring buildings and boundary vegetation, it is considered to be acceptable. Taking the existing levels into account in the context of the proposed finished floor levels (it is not considered that the proposed scheme would require an unacceptable degree of cut and fill (excavation) and no large retaining type walls/structures have been proposed. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable.

75. Taking all of the above into account, all of the criteria of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy are met.

Policy COU16 - Rural Character

76. For the reasons outlined in paragraph 94 above, it is considered that the proposed scheme would not be unduly prominent in the surrounding landscape.

77. As noted under paragraph 95 above, it is considered that the proposed development would cluster with the established group of existing buildings which are in situ in the immediate vicinity.

78. As per the assessment of Policy COU8 above, it is considered that the proposed scheme would not respect the traditional pattern of settlement exhibited in the area, in that the proposal would not respect the existing pattern of development in terms of plot size and width and the proposed development would add to a ribbon of development.

79. The application site is located wholly within the open countryside, out with any designated settlement limit, as are the neighbouring buildings directly to the north-east and south-west. It is considered that the proposed scheme would not mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl.

80. It is considered that the proposed development would have an adverse impact on the rural character of the area, as the proposal would add to a ribbon of development along Windmill Road.

81. Taking the existing/proposed boundary treatments, the distance from/siting of neighbouring residential properties and the first-floor fenestration detailing into account, there are no concerns in relation to potential overlooking/loss of privacy or overshadowing/loss of light to any neighbouring property to an unreasonable degree. There are also no concerns in relation to any potential overhang to a neighbouring property. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 27 February 2023, they note that the proposed development is sited in close proximity to a farm. They note that where an unassociated dwelling is sited within 75 metres of an agricultural building, the occupants of that dwelling will likely experience a loss in amenity in respect to noise, odour and insects. Therefore, they note that the applicant and any prospective owner should be made aware of that the proposed development is located in close proximity to agricultural buildings and this may give rise to offensive conditions and as a result impact on the amenity enjoyed by the proposed development due to noise, odour or insects.

This however can be applied by way of an informative to any approval and it is not considered that this would warrant a refusal.

82. LCCC Environmental Health, DAERA Water Management Unit and NI Water were all consulted as part of the processing of the application. No objections were raised by said consultees, subject to the inclusion of conditions/informatives with any approval. Therefore, there are no concerns with regards to the provision of necessary services.

83. In terms of proposed ancillary works, a shared vehicular access point from Windmill Road which would be centrally positioned to the south-eastern boundary of the site has been proposed. This access point would split into two separate driveways. A linear driveway adjacent to the north-eastern boundary has been proposed for the left-hand side site and this would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. The driveway proposed to the right-hand side site is slightly sweeping in nature and would cross in front of the proposed dwelling and would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. No suburban style entrance features have been proposed. Whilst it is acknowledged that the driveway to the right-hand side dwelling would be moderately sweeping in nature, taking the relatively short nature of it and the levels of the site into account, in the context of the road trajectory and the proximity of neighbouring buildings and boundary vegetation, it is considered to be acceptable. Taking the existing levels into account in the context of the proposed finished floor levels it is not considered that the proposed scheme would require an unacceptable degree of cut and fill (excavation) and no large retaining type walls/structures have been proposed. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable. Therefore, there are no concerns in terms of the potential impact of the proposed ancillary works on rural character.

84. As noted, a new shared vehicular access point which would be centrally positioned to the south-eastern boundary of the application site would provide access to the dwellings from Windmill Road. Visibility splays of 2.0m x 45m have been proposed in each direction. DfI Roads were consulted as part of the processing of the application and subsequently responded with no objection.

85. Taking all of the above into account, it is contended that the proposed scheme would not respect the traditional pattern of settlement exhibited in that area, and it would, if permitted, have an adverse impact on the rural character of the area. The requirements of criterion c and criterion e of policy COU16 are not met.

Access and Transport

Policy TRA2 - Access to Public Roads

86. A new shared vehicular access point which would provide access to each dwelling has been proposed as part of the development. The proposed vehicular access point would be installed at a relatively central position along the south-eastern boundary of the application site, providing access/egress to/from Windmill Road. Visibility splays of 2.0m by 45m have been proposed in each direction.

87. It is acknowledged that each double garage would accommodate the parking of two private vehicles, in addition to an area for the in-curtilage parking/turning of private vehicles to the front of the this which would allow vehicles to exit the site in forward gear.

88. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 19 January 2023, they responded with no objection.

89. Taking the above into account, there are no concerns in relation to the proposed scheme insofar as it relates to Policy TRA2 and TRA7 of the Lisburn and Castlereagh City Council Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

90. The detail submitted with the application (Application Form/Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by stone soakaways and foul sewage is to be disposed of via a treatment tank.

91. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 27 February 2023, they state:

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

Proposed conditions:

The septic tank/sewage treatment unit shall be sited as indicated with suitable levels and adequate area of subsoil irrigation for the disposal of effluent (if appropriate). This comment is based on an assessment of potential nuisance and in no way does it negate the need to meet the requirements of the Water (Northern Ireland) Order 1999. Consent to discharge must be obtained from the Northern Ireland Environment Agency. 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.'

92. Whilst it is noted that LCCC Environmental Health suggest a condition, it is considered that this does not meet the test for a condition and would not be included as a condition if Members were not in agreement with the recommendation to refuse planning permission for this proposal. .

93. NI Water were also consulted as part of the processing of the application. In their final consultation response of 12 January 2023, they offer no objection to the proposal.

94. DAERA Water Management Unit were also consulted as part of the processing of the application. In their final consultation response of 12 January 2023, it offers no objections to the proposal.

95. Based on a review of the information and having regard to the advice received from consultees, the requirements of Policy WM2 – Treatment of Waste Water are met.

Natural Heritage

Policy NH2 – Species Protected by Law
Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

96. As indicated by the submitted Site Plan, the proposed development would require the removal of approximately 60 metres of roadside hedgerow and a single tree to accommodate the access and the required visibility splays.

97. It is noted that compensatory planting has been proposed in addition to proposed landscaping to the north-western and north-eastern boundaries.

98. The application site was not occupied by any buildings at the time of site inspection and therefore the proposed development would not require the demolition of such to accommodate the proposed development.

99. A NI Biodiversity Checklist and Ecological Statement was submitted as part of the application.

100. The statement concluded that the proposed development would not have a significant negative effect on any protected or priority species or habitats and that no further surveys would be required.

101. DAERA Natural Environment Division were consulted as part of the processing of the application and had no objection to the proposal.

102. Taking the bio-diversity checklist and advice of DAERA in account for the reasons outlined above the proposal is in accordance with the requirements of policies NH2 and NH5 of the Lisburn and Castlereagh City Council Plan Strategy.

Consideration of Representations

103. As noted above, one letter of objection was received in relation to the application following the statutory advertisement and neighbour notification (publicity) process.

104. In relation to the objections, the issues raised are noted and addressed as follows.

- **No neighbour notification**

  Notice of, and publication of the application were carried out as per Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). Those neighbours which require neighbour notification as per statutory obligation have been verified via an internal system and as part of the site inspection process. All identified occupiers of neighbouring land were neighbour notified.

- **P2 (land ownership) challenge**

  A P2 (land ownership challenge) was received during the processing of the application. This was referred to the agent and he responded with land registry maps and an updated Site Location Plan. It is noted that only the blue line was amended, and the Site Location Plan appears to be in accordance with the land registry map. It is acknowledged that Planning permission goes with the land and not the applicant and the granting of planning permission does not confer title.

- **Soakaway could cause a health and safety risk**

  LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, they offer no concerns in relation to the application, subject to the inclusion of stipulated informatives with any approval.

- **Previous permission refused**

  A planning history search confirms that planning applications LA05/2019/0941/O and LA05/2019/0942/O were approved. There does not appear to be a history of a planning refusal on the application site.

- **Query as to when site was sold**

  This is not a planning consideration. The Council is only concerned with the use of the land and not when it was sold.

Conclusion and Recommendation

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

Refusal Reasons

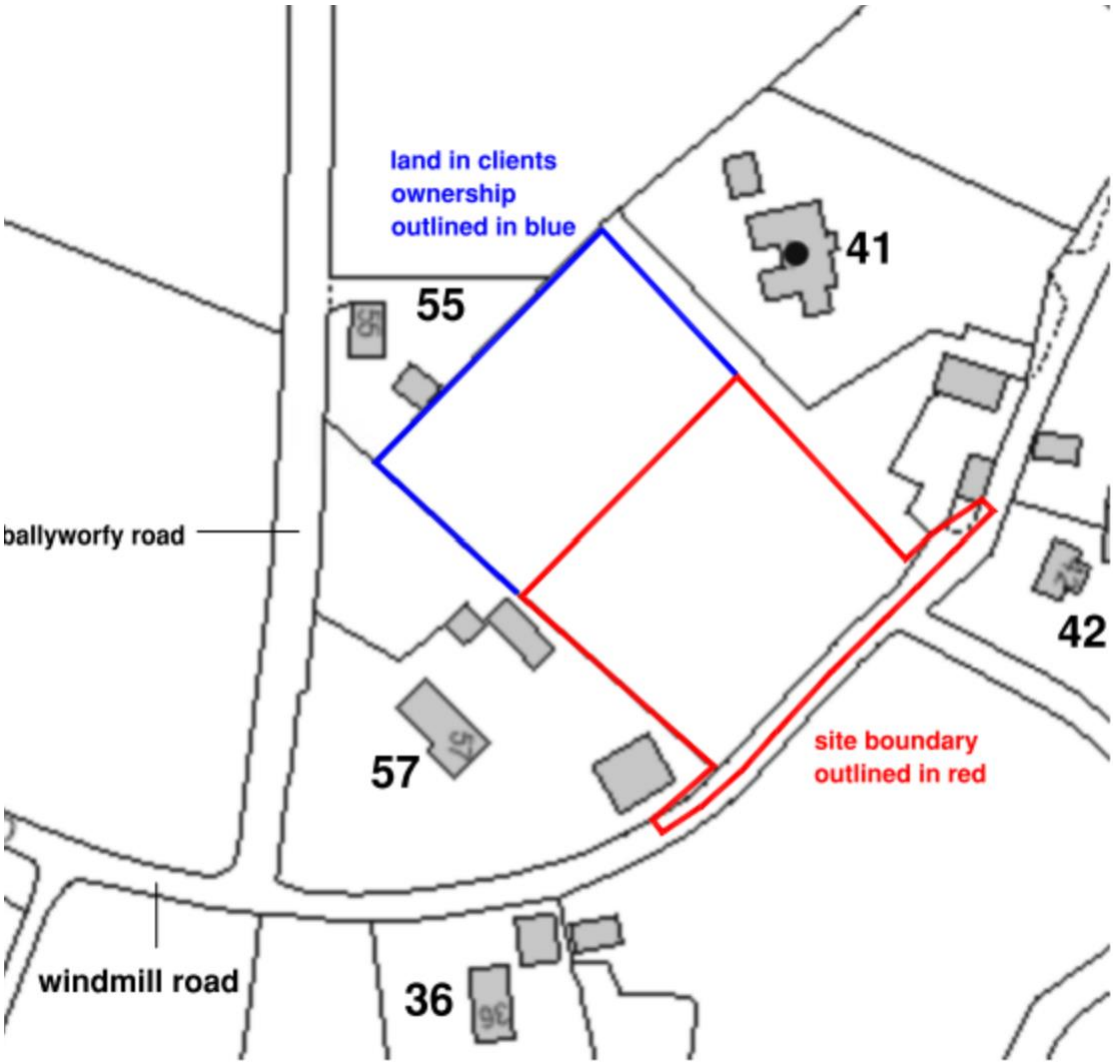
106. The following reasons for refusal are proposed:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.

- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a small gap sufficient to accommodate two dwellings as the proposed development would not be appropriate to the existing plot size and width of neighbouring buildings that constitute the frontage of development and the development, if approved, would add to a ribbon of development along Windmill Road.

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

Site Location Plan – LA05/2022/1177/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 November 2024
Committee Interest	Local (Called In)
Application Reference	LA05/2022/1135/F
Proposal Description	Retention of change of use from single dwelling to Self-Catering Tourist Accommodation
Location	72 Antrim Road, Lisburn BT28 3DN
Representations	Three
Case Officer	Catherine Gray
Recommendation	**Approval**

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.

2. The application is presented to the Planning Committee with a recommendation to approve as the proposal is in accordance with the requirements of policies TOU1 and TOU7 of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy) in that it is considered to be an appropriate tourism development within Lisburn City.

3. The proposal is also considered to comply with the requirements of policies TRA2 and TRA7 of the Plan Strategy in that the detail submitted demonstrates that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic, and that adequate parking is provided. 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.

Description of Site and Surroundings

Site

4. The application site is located to the northeastern side of the Antrim Road, Lisburn and comprises a two storey mid-terrace property with a detached garage to the rear. An access and hardstanding area is between the dwelling and the garage which serves the other dwellings in the terrace.

Surroundings

5. The character of the immediate area is predominantly residential in character and comprised of a mixture of two-storey terraced, semi-detached and detached dwellings.

Proposed Development

6. The proposed development is for retention of a change of use from a single dwelling to Self-Catering accommodation.

Relevant Planning History

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

Consultations

8. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC Environmental Health	No objection

Representations

9. Five representations have been received in respect to the application raising concerns which are summarised as follows:

- Development is already in operation
- Rating category
- Present use as residential
- Certificate as per Tourism (NI) Order 1992
- Other change of use
- Concerns about car mechanics business
- Access
- Breach of deeds
- Right of way blocked
- Neighbour notification
- Correct fee not paid
- Lack of respect for neighbours
- Hazardous substances and breach of human rights
- Noise/privacy
- House design/loss of privacy/safety security
- Impact on quality of life; and
- Impact on value of property.

Local Development Plan

10. 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

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

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

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

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

12. The application site is within the settlement development limit in the LAP. No other designation is attached to the site.

13. Draft BMAP remains a material consideration. This site is inside the settlement limit of Lisburn. There are no other designations attached to the site in draft BMAP or the subsequent revision to the draft in 2014.

14. The proposal is to retain the use of a former dwelling as Self-Catering tourist accommodation in Lisburn City. It is not a guesthouse offering traditional bed and breakfast but Self-Catering accommodation that is serviced by the owner not living in the accommodation.

15. 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.

16. The strategic policy for tourism (Strategic Policy 16) as set out in Part 1 of the Plan Strategy states:

    The Plan will support development proposals that:

    a) promote a sustainable approach to tourism development and accommodation across the district

    b) safeguard key tourism assets

    c) provide further opportunities for tourism growth having regard to the environment recognising its contribution to economic development, conservation and urban regeneration.

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

Tourism in Settlements

18. This is proposal is for Self-Catering Tourist Accommodation in a settlement, Policy TOU1 Tourism Development in Settlements states:

Planning permission will be granted for tourism development (including a tourism amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context and surrounding area in terms of scale, size & design and has regard to the specified provisions of the Local Development Plan.

19. The Justification and Amplification states:

A tourism amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Tourist accommodation is defined by the Tourism (NI) Order 1992 as a Hotel, Guest house, Bed and breakfast, Hostel, Self-catering, Bunk house/Camping barn, Campus accommodation or Guest accommodation. Further details on these categories are available on the Tourism NI website. Tourism can provide a focus for regeneration schemes being a key component of mixed-use development. Tourism benefits by the synergy arising from the concentration of hotels, museums, art galleries, conference facilities, restaurants, bars, cinemas and theatres, often located within town centres. Transport links are also fundamental in the provision of sustainable tourism. There is a requirement for high quality design and high-quality service provision particularly in areas with other relevant designations such as Conservation Areas, Areas of Townscape or Village Character, Scheduled Monuments, Listed Buildings and Historic Parks, Gardens and Demesnes. Consideration will also be given to environmental designations, which may preclude tourism development from particular areas, in order to safeguard its integrity, such as those of nature conservation importance.

20. Policy TOU7 General Criteria for Tourism Development states:

Any proposal for a tourism use, outlined in Policies TOU1 to TOU6 and any extension/ alteration to existing tourism uses will also be required to meet all of the following criteria:

a) the overall design insofar as possible, will indicate walking and cycling provision, meet the needs of people whose mobility is impaired, respect existing public rights of way and provides adequate and convenient access to public transport

b) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality promoting sustainability and biodiversity

c) appropriate boundary treatment and means of enclosure are provided and areas of outside storage are screened from public view

d) sustainable drainage systems are provided to ensure surface water run-off is managed in a sustainable way

e) it is designed to deter crime and promote personal safety

f) public art linked to a tourism development, need to be of high quality, complementing the design of associated buildings and respecting the surrounding site context

g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area

h) it does not harm the amenities of nearby residents

i) it does not adversely affect features of the natural or historic environment

j) it is capable of dealing with any emission or effluent in accordance with legislative requirements.

k) all proposals that may affect a European or Ramsar site must meet the requirements of NH1.

21. The Justification and Amplification states

The general criteria are intended to achieve satisfactory forms of sustainable tourism development, providing a high standard of design and service provision. This includes the reuse of redundant buildings for tourism purposes rather than new build on greenfield sites, energy conservation and the use of sustainable drainage systems.

Within the Council area there is one Special Protection Area (SPA) and the Ramsar site at Lough Neagh including the water body of Portmore Lough which could be adversely affected by cumulative disturbance effects. Such disturbance could arise directly from a tourism development or indirectly through increasing visitor pressures beyond the development.

Access and Transport

22. No changes are proposed to the existing access and parking arrangements associated with the property but as the use is changed consideration is given to whether the access arrangement is at a suitable standard.

23. 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.

24. The proposal approval for the retention of Self-Catering Accommodation within Lisburn City Policy TRA7 - Car Parking and Servicing Arrangements in New Developments states.

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

34. 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.

35. 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.

36. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The tourism policies in the Plan Strategy have been drafted to be consistent with the SPPS.

37. The following retained regional guidance documents remain material considerations:

Development Control Advice Note 15 – Vehicular Access Standards

38. 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.

Parking Standards.

39. The Parking Standards document sets out the parking standards that the Council will have with regards to in assessing proposals for new development.

It includes parking standards for residential development previously published in 'Creating Places – Achieving Quality in Residential Developments'.

40. The documents states that:

In assessing the parking provision in association with development the Council will normally expect developers to provide an access to the site in accordance with the current standards

Where appropriate, developers will be required to demonstrate there is adequate provision of space within the site, for parking, manoeuvring, loading and unloading to fulfil the operational requirements of the proposed development.

Assessment

41. This is an application for full planning permission for retention of change of use from a single dwelling to self catering accommodation within Lisburn and therefore policy TOU 1, Tourism Development in settlements applies..

42. Self-catering accommodation, as defined by Tourism NI, is:

an establishment that offers clean, comfortable, furnished accommodation where visitors have the ability to cater for themselves. Self-catering holiday houses offer real living space, instead of just a place to sleep and adding little extra touches such as a welcome pack, flowers, dvds or books will help to create the right impression.

It can be a cottage in a rural setting, an apartment in a city centre, a house in a suburban location, a log cabin or a chalet. It is a flexible base for exploring all that Northern Ireland has to offer.

Tourism

43. This is a retrospective application for change of use from private dwelling to self-catering tourist accommodation with no internal or external changes to the building.

44. There is a general presumption in favour of tourist accommodation in settlements. Whilst located in a predominantly residential area it is in close proximity to the city centre, the Linen Museum and accessible by foot, bicycle, train, bus and car to other tourist attractions within Lisburn or as a base for visiting other tourist attractions elsewhere within the wider locality.

45. It is within walking distance to restaurants, bars, retail and other leisure facilities. In addition, the site is within catchment area for services such as Lagan Valley Hospital, Lisburn Police and Fire Stations.

46. The scale of development is considered to be small. Whilst there is other existing tourism accommodation available in the settlement such as hotels and bed and breakfasts within and close to the city centre this type of accommodation is not restricted by any local designation in LAP.

47. It is not considered to be of scale that would harm the character of the residential area, and the building will respect the context as no changes are made to the external appearance of the building and it will still look like a dwelling in the terrace. Policy criteria TOU1 is met.

48. Turning to the requirements of policy TOU7. The external appearance of the building is not changed. It is not extended or increased in size and the parking requirement for this type of development is met in full. The location does allow for walking and cycling provision and would meet the needs of people whose mobility is impaired. There is also local access to public transport links. Criteria (a) is met.

49. As previously stated, no alterations are made to the site layout, the building design, or the landscaping are acceptable and the building will still look like a domestic dwelling despite the use being changed. The overall design is acceptable for its purpose as serviced guest accommodation. Criteria (b) is met.

50. The existing boundaries of the property are to be retained and not changed by this proposal. They provide a suitable means of enclosure to the property and are acceptable. Criteria (c) is met.

51. SUDS are not proposed. An existing building with a connection to a public storm sewer is used. No additional impact is created on the existing drainage systems. Criteria (d) is met.

52. No alterations are proposed to the building and the scale of development does not require further design to deter crime and promote personal safety. Effective servicing and management of the property will ensure criteria (e) is met.

53. There is no requirement for public art and criteria (f) is not applicable.

54. For the reasons detailed earlier in the report proposed use is considered to be compatible with the surrounding land uses and would not detract from the landscape quality and character of the surrounding area. Criteria (g) is met.

55. It is considered that the proposal is of a scale that would not harm the amenities of nearby residents by reason of noise or nuisance. Complaints arising from the operation of the accommodation are controlled through proper

servicing and management. Environmental Health have been consulted and no objections are raised from a public health perspective. That said a condition will be added that will require a Service Management Plan to be submitted to manage issues of occupant behaviour, including noise. Criteria (h) is met.

56. The proposal is for the change of use of an existing building. It does not adversely affect features of the natural or historic environment. Criteria (i) and (k) are not applicable.

57. The proposal is connected to the main sewer and the use does not create any additional effluent or emission. Criteria (j) is met.

Access and Transport

58. No changes are proposed to the existing access and parking arrangements associated with the property.

59. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the use of the existing 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.

60. Parking is provided to the rear of the property and is accessed from a private laneway located on Duncans Road. The proposal is 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.

61. DfI Roads have been consulted and have no objections to the proposal.

Consideration of Representations

62. Three objections have been received in respect to the proposal. Consideration of the issues raised (summarised) are set out below:

Development is already in operation

63. The view is expressed that the development has been in operation for a significant period of time, prior to the date of the application. And also advises that that the applicant states that there is a hobby car mechanic business operating from the detached garage at the rear of the property which is a separate business from his serviced accommodation.

64. It is acknowledged that the proposal is already in operation. The application is retrospective and for the retention of the development proposal. This application is for the serviced accommodation only and not any development or business to the rear of the property. The planning history shows no planning approval for the mechanic business to the rear. Only use of the dwelling as tourist accommodation is considered and this in accordance with policy for the reasons explained above.

Rating category

65. The view is expressed that having reviewed the rate category on the Land and Property website they note that this property is paying domestic rates, even though two businesses are in operation from the land within this application.

66. The rating of a property is for Land and Property Services and is not a planning matter.

Present use as residential

67. The view is expressed that the applicant has recorded the land/building present state as residential and they want to challenge this due to the many accommodation websites that number 72 Antrim Road can be booked under.

68. The proposal is for change of use to tourist accommodation, and it is retrospective. It was last lawfully used as a residential dwelling and this application is submitted to regularise the use.

Certificate as per Tourism (NI) Order 1992

69. The view is expressed that they are aware that to have serviced accommodation as a trader in Northern Ireland, a trader is required to have a certificate as per Tourism (NI) Order 1992.

70. Registration is a separate matter. Guest accommodation is a type of tourist accommodation in the Tourism (NI) Order 1992 and this assessment is confined to whether this is an appropriate use at this location.

Other change of use

71. The view is expressed that the applicant has failed to detail the other change of use he would require for this property, namely the hobby car mechanic business.

72. This application is for change of use of the dwelling to serviced accommodation only. There was no evidence of a separate business being operated from the premises at the date of inspection.

Concerns about car mechanics business

73. The view is expressed that their concerns regarding the hobby car mechanic business were raised with the Council on 10.06.2022. And that many details of the mechanics business are not declared on the planning application, for example the usage of water, volume of vehicles, disposal of sewage, disposal

of refuse etc.

74. This application does not include the car mechanic business, and this objection has already been dealt with in preceding paragraphs.

Access

75. The view is expressed that within section 12 the applicant has ticked that the access arrangements for this development involve use of an existing unaltered access to a public road which would be correct if the use was only for serviced accommodation.

76. This application is for the change of use of the dwelling to serviced accommodation only. DfI Roads are consulted, and the scale and nature of the use did not give rise to a request for alterations to the exiting access arrangements due to intensification.

Breach of deeds

77. The view is expressed that the applicant is allowing the hobby car mechanic business to run from the garage of number 72 and that he is operating in breach of the deeds of 72 Antrim Road.

78. Land ownership is a civil matter between the relevant parties. The onus is on the applicant to ensure that they have ownership/control of all lands necessary to implement a planning approval.

Right of way blocked

79. The view is expressed that the hobby car mechanic business often blocks their right to pass over and along the passage to gain access to their home and prevents them from safely getting out of their property to the public road.

80. This is civil issue between the relevant parties.

Neighbour notification

81. The view is expressed that under section 28, they believe that number 76 Antrim Road should be detailed given that number 76 Antrim Road has the power to grant the right of way regarding the private road at the rear.

82. The Council has fulfilled its statutory obligations with regards to neighbour notification.

Correct fee not paid

83. The view is expressed that the applicant may not have paid the correct fee for the application as the applicant has failed to declare the mechanics business.

84. The correct application fee has been paid for the proposed retention of the tourist accommodation. There is no other proposal included in this application.

Lack of respect for neighbours

85. The view is expressed that the lack of respect for the neighbours is upsetting.

86. This would be a civil issue between the relevant parties. The amenity impacts of the proposal have been considered and a refusal of permission cannot be sustained on the basis of a quantified noise or nuisance impact.

Hazardous substances and breach of human rights

87. The view is expressed that they believe that the mechanic business is using hazardous substances, and they have concerns about smell and toxic waste which may be absorbed into their allotment. They advise that they had to stop growing produce as they were concerned that they may be eating toxins and that it breaches their human rights.

88. The mechanics business is not part of this planning application, and the details are with enforcement for investigation.

Noise/privacy

89. The view is expressed that noise disruption from the mechanics business is another violation of their right to enjoy their privacy. Also, noise such as loud music from the dwelling house is disturbing the neighbours and causing concern. It is highlighted that this is a residential area where through the night parties do not occur, people work, and kids go to school.

90. The mechanics business is not part of this planning application, and the details are with enforcement for investigation. A residential use adjacent to residential use is considered to be acceptable. Environmental Health have no objection to the proposed development and raised no concerns with regards to noise impact.

House design/loss of privacy/safety security

91. The view is expressed that the design of the dwellings in this terrace differs from others in the area. It is detailed that property number 74 has their dining window, patio window, patio door, hall upstairs window and bathroom upstairs window all face no. 72 bathroom and hall windows. Also, that the wall of the extension is the full length of the yard of number 74 so a person/people could step onto roof and do an easy jump into the property. And that they want the property design re wall thickness, building shape, window placement and ease of access to neighbouring property to be considered.

92. No internal or external changes to the property are proposed, the design is not changing and is acceptable for residential use. A bathroom window has frosted glass, and a hall window is not an occupied room and is considered to be acceptable, the positioning of the windows does not give rise to concerns of unacceptable overlooking into private amenity space.

Impact on quality of life

93. The view is expressed that the proposal has an impact on the neighbour's quality of life.

94. The proposal has been considered against the Plan Strategy and all material considerations and is policy compliant.

Impact on value of property

95. Concern is expressed about the impact on value of property.

96. The value of property is a material consideration that is not given determining weight.

Conclusions

97. All material considerations have been assessed, the consultation responses have been taken on board and the concerns raised in the representations have all been considered.

98. The assessment demonstrates that the proposal is in accordance with policies TOU1 and TOU7 of the Plan Strategy.

Recommendations

99. It is recommended that planning permission is approved.

Conditions

100. The following conditions are recommended:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

   Reason: This is a retrospective application.

2. No bedroom in the self-catering accommodation hereby permitted shall be occupied by the same person(s) for a consecutive period of 90 days. The operator shall keep a register of occupants and period of stay. This register shall be available to Lisburn and Castlereagh City Council to view at all times.

Reason: To secure the accommodation and the site for short-term use only, appropriate to the nature of accommodation and the site.

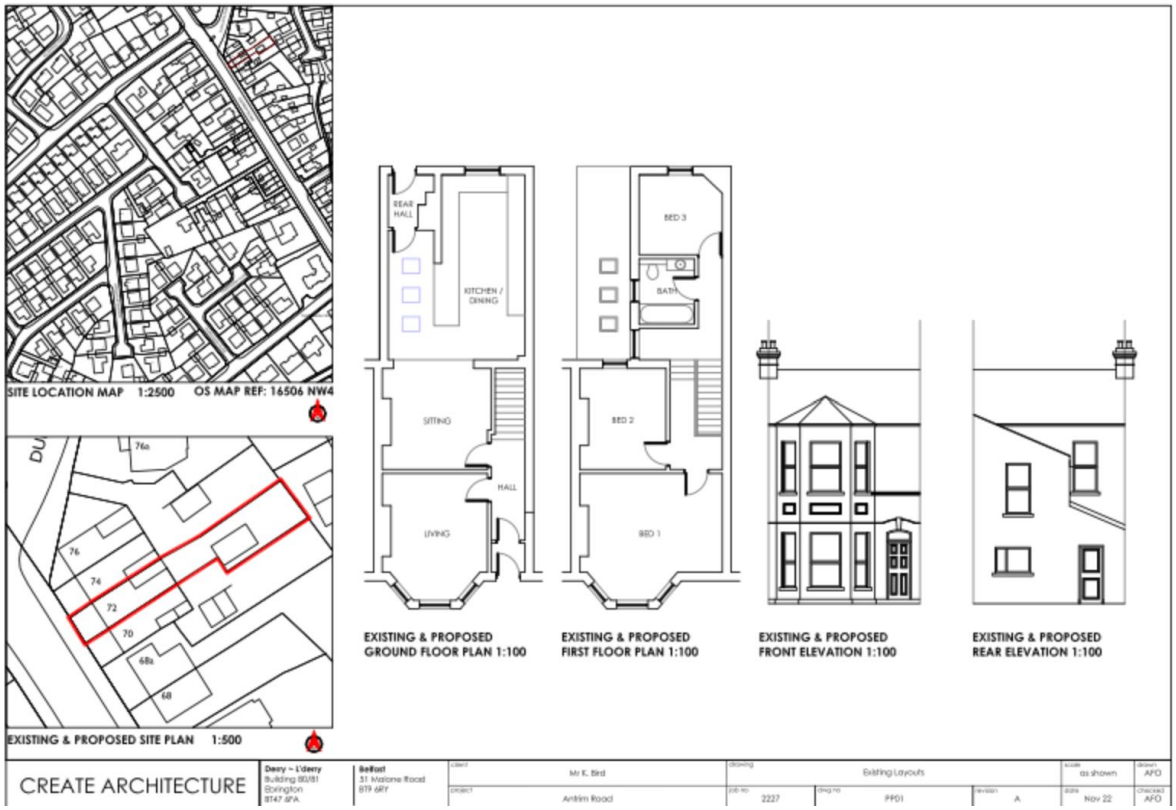
3. Within three months of the date of this decision, a Service Management Plan for the property shall be submitted to, and agreed in writing, with the Council. This plan shall include the procedures in place to manage issues of occupant behaviour, including noise. The development hereby permitted shall not operate unless in accordance with the approved Service Management Plan.

   Reason: For the protection of the Residential amenity of neighbouring properties.

4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the development hereby permitted without the grant of a separate planning permission from the Council.

   Reason: The further extension of the dwelling or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area.

Site Location Plan – LA05/2022/1135/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 November 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2021/0772/F
Date of Application	14 July 2021
Proposal Description	Proposed new dwelling
Location	Land between 56a-60 Halfpenny Gate Road, Moira, Craigavon, BT67 0HP
Representations	2 letters of objection
Case Officer	Brenda Ferguson
Recommendation	**REFUSAL**

Summary of Recommendation

1. This application is categorized as a local application.

2. The application is recommended for refusal as the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.

3. The proposal is contrary to criteria (b), (d) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster does not appear as a visual entity in the local landscape, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. The dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, result in the addition of ribbon development along the Halfpenny Gate Road.

5. The proposal is contrary to criteria (d) and (e) of Policy COU15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the

proposed site lacks long established natural boundaries and relies primarily on the use of new landscaping for integration and therefore the dwelling would not visually integrate into the surrounding landscape.

6. The proposal is contrary to criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, have an adverse impact on the rural character of the area by virtue of the addition of ribboning along the Halfpenny Gate Road.

Description of Site and Surroundings

Site

7. The site is 0.3 hectares and comprised of a triangular portion of land cut out of a larger agricultural field that extends further west and south encompassing No.56A Halfpenny Gate Road.

8. The northern boundary is formed by low hedging. This boundary also abuts the laneway that leads to Nos.58 and 58A Halfpenny Gate Road. The field has an overgrown grass bank running parallel to the roadside. The remaining site boundaries are undefined.

Surroundings

9. The site is located within the countryside, it is however surrounded by a build-up of development at this location, specifically to the east and north. The settlements Lower Broomhedge and Halfpenny Gate both lie approximately half a kilometre from the site in a northern and southern direction.

Proposed Development

10. The proposal is for a single dwelling.

11. Supporting Information provided for consideration within this application consists of the following;

- Supporting information in form of P1 form and drawings
- Design and Access Statement

Relevant Planning History

12. The following planning history is associated with the site and an adjacent site:

Reference	Description	Location	Decision
LA05/2018/0219/F	Erection of 2 dwellings (under CTY6 and 8 of PPS 21)	Between 56a and 60 Halfpenny Gate Road	Appeal dismissed

Consultations

13. The following consultations were carried out:

Consultee	**Response**
DFI Roads	No objection
DAERA WMU	No objection
LCCC EHO	No objection
NI Water	No objection

Representations

14. Two letters of objection have been received in relation to the proposal.

15. A summary of the issues raised are set out below and the issues include:

- Too many developments approved recently within the countryside area
- Building in the corner of the field will invade the privacy of neighbouring properties
- Increase on traffic on road which presents a danger – entrance to the dwelling is on a bad bend
- The proposal lies opposite to Brookfield Special Primary School. There is currently an extension to Brookfield Special Primary School which will increase the numbers again
- The proposal is contrary to policy CTY2A of PPS 21
- The proposal is also contrary to Policies CTY12, CTY13 and CTY14 in that if the proposed dwelling is approved it will fail to integrate into the landscape and harm the local landscape and character of the area.

- Planning application LA05/2018/0219/F got refused due to the site being too big. If this is passed this will reduce the size of the remaining land and the applicant will apply for further sites on the frontage of this field

Local Development Plan

16. 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

17. 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.

18. The site is located in the countryside in the Lisburn Area Plan (LAP). No other site-specific plan designation applies.

19. Draft BMAP remains a remains a material consideration in accordance with the transitional arrangements. In draft BMAP (2004) this site is identified as being located in the open countryside.t

20. In the subsequent revision to draft BMAP (2014) this site remains in the open countryside..

21. This application is for a new dwelling in the open countryside. The policies that apply in the plan to new residential development in the open countryside are as follows.

22. 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.

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

Development in the Countryside

24. 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.

25. As explained, this is an application for a new dwelling in an existing cluster and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU 2, COU 15 and COU 16.

26. Policy COU2 - New Dwellings in Existing Clusters states:

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

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

b) the cluster appears as a visual entity in the local landscape

c) the cluster is associated with a focal point such as a social/community building

d) the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster

e) development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development

27. The justification and amplification of COU2 further states:

For the purpose of this policy the following definitions will apply:

A visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.

A focal point is defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster.

Effective design principles for compliance with the policies of COU2 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

Integration and Design of Buildings in the Countryside

28. 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

29. 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.*

Infill/Ribbon Development

30. There is a history of an an infill proposal being dismissed at appeal and refused planning permission. This question of whether this proposal would create or add to a riboon of development is also required to be assessed. Policy COU8 Infill/Ribbon Development states that:

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.

Waste Management

31. 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.

Natural Heritage

32. The proposed development requires the removal of roadside vegetation. 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

33. This proposal involves the construction of a new access onto 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:

it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,
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.

34. 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.

Regional Policy and Guidance

Regional Policy

35. 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.

36. 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 adopted Plan Strategy have been drafted to be consistent with the SPPS.

37. 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

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

Building on Tradition

39. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal. BOT states in relation to cluster development that:

4.3.0 Policy CTY2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

40. 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.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

New dwellings in Existing Clusters

42. The first test is to determine if the application site is located within an existing cluster of development.

43. This is a full application and a site layout drawing along with floor plans, elevations, and a drawing detailing the proposed access arrangement have been provided by the agent in support of the application.

44. Immediately north of the site there are two dwellings at Nos. 60 Halfpenny Gate Road and 58a Halfpenny Gate Road. These dwellings are physically separated from the site by a laneway which leads to both Nos.58 and 58a, which lies further on up the laneway. No. 58a sits directly behind no. 60. Further east lies the Broomhedge Methodist Church, the Church Manse at no. 62 and no. 64

Halfpenny Gate Road. The buildings at no. 58a, 60, Broomhedge Methodist Church, The Manse at number 62 and no 64 Halfpenny Gate Road are considered to be part of the cluster.

45. Directly opposite the site and extending further to the southeast lies the Brookfield Special School and its associated grounds. A dwelling lies immediately south of the school at No.63 Halfpenny Gate Road. Further south lies a group of farm buildings and beyond this, two further dwellings lie at the start of the Robbery Road which continues to the left. The buildings associated with Brookfield Special School and no 63 Halfpenny Gate Road are considered to be part of the cluster.

46. It is accepted that there is an existing cluster of development that lies outside a farm and consists of a minimum of four established dwellings. Criteria (a) is met.

47. The second test is to determine whether the cluster is a visual entity. It is not however considered that the cluster of development can be read as part of a visual entity, and the buildings are not all visible collectively when viewed from surrounding vantage points. This is due to the position of the school buildings which sits opposite and further south of the cluster of dwellings located to the north of the site along Halfpenny Gate Road.

48. Also, when travelling along the Halfpenny Gate Road past no 56a in a northern direction no 58a and the Methodist Church are the only buildings visible within the cluster. When travelling in the opposite direction past no 64 Halfpenny Gate Road, Broomhedge Methodist Church and only three of the dwellings are visible. Therefore, the cluster is not visible in its entirety as a collective group. For this reason, criteria (b) is not met.

49. The third test is to determine whether there is a defined focal point such as a social/community building within the cluster of development. Broomhedge Methodist Church is located to the north of the site and Brookfield Special School to the southeast. The cluster is associated with a focal point and for this reason criteria (c) is met.

50. In consideration of the fourth test criteria (d) the identified site does not provides a suitable degree of enclosure due to the lack of existing vegetation on three of its boundaries.

51. Furthermore, the site is not bounded on at least two sides with other development in the cluster. The dwellings to the north No.58a and No.60 Halfpenny Gate Road bound the northern boundary of the application site. They are separated from the application site by a laneway, however even if the lane way was to be discounted the application site is only bound on one side by development. Criteria (d) is therefore not met.

52. The fifth test is not met for the same reason. It is also considered that development of the site cannot be absorbed into the existing cluster of development by rounding off and consolidation. As a result, the proposed

development would significantly alter the existing character and visually intrude into the open countryside through the addition of ribbon development. The proposal also fails to meet criteria (e).

Policy COU8 – Infill/Ribbon Development

53. The dwellings east of the site front onto the Halfpenny Gate Road at Nos.60, 62 and 64 Broomhedge Road and Broomhedge Methodist Church are a ribbon of development.

54. An application was refused on the site for two infill dwellings which was refused planning permission and dismissed on appeal. This is not a gap site and a dwelling on the site if approved, will add to an existing ribbon of development along the Halfpenny Gate Road. The proposal also fails to meet Policy COU8.

Policy COU15 - Integration and Design of Buildings in the Countryside

55. Turning then to policy COU15, it is considered that the proposed development, would not be a prominent feature within the local landscape as a result of the dwelling proposed being single storey. Criteria (a) is met.

56. The proposed dwelling would be sited to cluster with the established dwellings to the east. Criteria (b) is met.

57. It is considered that the proposed dwelling will blend in with the landform and the existing buildings to the east. The gently slope of the land to the rear of the site will provide a suitable backdrop for a proposed single storey dwelling and garage. Criteria (c) is met.

58. It is considered that the application site lacks long established natural boundaries. The low hedgerow that abuts the laneway and sparse low hedgerow along the roadside in front of the grass bank are the only forms of vegetation. The site does not benefit from sufficient screening and lacks established boundary vegetation to aid screening and integration of the proposed dwelling within the landscape. Criteria (d) is not met.

59. Furthermore, it is considered that the development would rely solely upon new landscaping for the purposes of integration as there is a very low level of existing vegetation and the site is open and exposed to views when travelling along the Halfpenny Gate Road in both directions (between nos. 56a and 60). Criteria (e) is not met.

60. The dwelling proposed is single storey with hipped roof and measures 5.6 metres in height from finished floor level. Finishes of the dwelling are not however known and garage plans/elevations have not been provided. The form/footprint of the proposed dwelling also takes on a different layout to what is shown on the proposed site plan.

61. On the basis of the information provided, it is concluded that the dwelling is of modern design however windows and door openings retain vertical emphasis, and the dwelling takes on a simple form and style. It is considered to be in keeping with the design principles as set out in the Department's design guidance "Building on Tradition". Criteria (f) is met.

62. The ancillary works will integrate with the surroundings with a proposed access to be created off the Halfpenny Gate Road. Criteria (g) is met.

Policy COU16 - Rural Character and Other Criteria

63. For the reasons outlined above, a new building would not be prominent in the landscape and would be sited to cluster with existing dwellings to the east. Criteria (a) and (b) are met.

64. The application seeks to provide a dwelling and garage on the site. The traditional pattern of the development to the north of the site is road frontage dwellings. This proposal is also for a dwelling facing onto Halfpenny Gate Road and therefore the proposal is not in conflict with this criteria. Criteria (c) is met.

65. The nearest settlements of both Lower Broomhedge and Halfpenny Gate are approximately 500m from the site. The proposal is a substantial distance from these settlements therefore is not likely to mar the distinction, nor would it create or lead to urban sprawl as its sits within the open countryside and is divorced from both these settlements. Criteria (d) is met.

66. In relation to criteria (e) it is contended that a dwelling on the site, if approved would add to an existing ribbon of development along the Halfpenny Gate Road. For this reason, the proposal would have an adverse impact on the rural character of the area and is in conflict with criteria (e) of COU16.

67. In relation to criteria (f) the dwelling is sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity. The proposed dwelling is to be positioned an acceptable distance way from the closest dwelling. Criteria (f) is therefore met.

68. The detail provided has demonstrated that the dwelling and garage can reasonably be sited without detriment to compliance with other planning and environmental considerations including those for drainage/sewerage. NI Water and Environmental Health are content.

69. In respect of criteria (g) as set out in paragraphs 90-91, it has been demonstrated that all necessary services, including the provision of non mains sewerage, can be provided without significant adverse impact on the environment or character of the locality. Criteria (g) is met.

70. It is considered that criteria (h) is met in that the impact of ancillary works would not have an adverse impact on rural character.

71. In respect of criteria (i) for the reasons set out in paragraphs 98-101, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Waste Management

72. Details submitted with the application indicates that a septic tank is proposed as a means of non-mains sewerage provision.

73. In their response dated 12/01/22, EHO advise that they have no objections to the proposed development subject to a standard condition.

74. Based on an assessment of the detail, the location of the proposed septic tank and the advice received from EHO, it is considered that the applicant has demonstrated that the proposal will not create or add to a pollution problem. The policy tests associated with Policy WM2 are therefore met.

Access, Movement and Parking

75. It is proposed to create a new access onto the Halfpenny Gate Road.

76. A detailed drawing has been provided illustrating the access arrangements with agreed visibility splays of 2.4 x 79 in both directions.

77. DFI Roads have been consulted and offer no objections subject to conditions.

78. Based upon a review of the information provided and the advice from statutory consultee, it is accepted that the new access to the public road can accommodate a dwelling 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.

Natural Heritage

79. The site consists of a portion of an open field will minimal boundary vegetation. There will be no hedgerow removal of 30m or greater required for the provision of the visibility splays as at present there is no existing hedgerow along the site frontage with only sparse shrubbery having to be removed which is of no biodiversity value. A biodiversity checklist was therefore not considered necessary in this instance.

80. Retention of the existing hedgerow to the east will ensure that the development will not cause any harm to any protected features of natural heritage importance.

81. 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.

Representations

82. The following points of objection have been raised within five letters of objection and are considered below:

- Too many developments approved recently within the countryside area.

  This application is assessed on its own merits however it is considered that the proposal is contrary to policy for the reasons provided.

- Building in the corner of the field will invade the privacy of neighbouring properties.

  It is considered that the single storey dwelling will not cause an unacceptable adverse impact on the privacy of neighbouring properties.

- Increase on traffic on road which presents a danger – entrance to the dwelling is on a bad bend.

  DfI Roads have assessed the proposal and have concluded that there are no concerns with respect to the proposed access arrangements. There is no contrary evidence to disagree with this advice.

- The proposal lies opposite to Brookfield Special Primary School. There is currently an extension to Brookfield Special Primary School which will increase the numbers again.

  The primary school and any developments pertaining to this site is a separate matter. Again, as above, DfI Roads are content with all information provided in respect of the access arrangements.

- The proposal is contrary to policy CTY2A of PPS 21.

  It is considered that the proposal is contrary to Policy COU2 of the LCCC Plan Strategy 2032 which now supersedes the Policy CTY2A of PPS 21 for the reasons mentioned above.

- The proposal is also contrary to Policies CTY12, CTY13 and CTY14 in that if the proposed dwelling is approved it will fail to integrate into the landscape and harm the local landscape and character of the area.

  It is considered that the proposal is contrary to Policy C0U 15 and COU16 of the LCCC Plan Strategy. These policies now supersede CTY12, CTY13 and CTY14 of PPS 21.

- Planning application LA05/2018/0219/F got refused due to the site being too big. If this is passed this will reduce the size of the remaining land and the applicant will apply for further sites on the frontage of this field.

  This proposal is considered on its own merits, and it is concluded that the development, if permitted would be contrary to policy as mentioned in the refusal reasons above. The assessment is made against any current live applications.

Conclusions

83. For the reasons outlined above, the application is contrary to the SPPS and Policies COU1, COU2, COU8, COU15 and COU16 of the Plan Strategy.

Recommendations

84. It is recommended that planning permission is refused.

Conditions

85. The following refusal reasons are recommended;

- The application is recommended for refusal as the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.

- The proposal is contrary to criteria (b), (d) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster does not appear as a visual entity in the local landscape, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

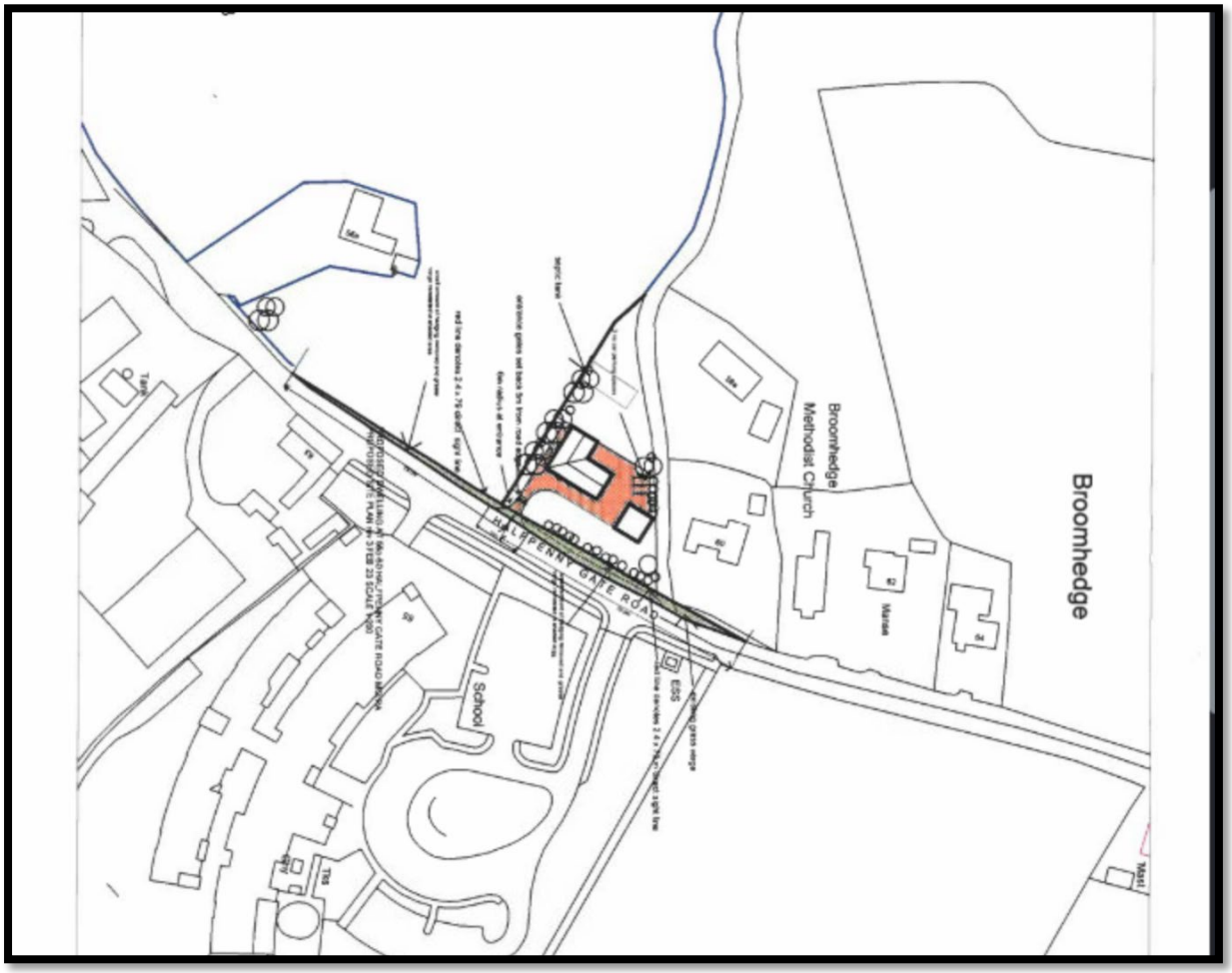
- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, result in the addition of ribbon development along the Halfpenny Gate Road.

- The proposal is contrary to criteria (d) and (e) of Policy COU15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and relies primarily

on the use of new landscaping for integration and therefore the dwelling would not visually integrate into the surrounding landscape.

- The proposal is contrary to criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, have an adverse impact on the rural character of the area by virtue of the addition of ribboning along the Halfpenny Gate Road.

Site Location Plan – LA05/2023/0772/F



Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.

2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of September 2024.

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.

3. Members will note that the performance against the statutory target for local applications for September 2024 was 44.2 weeks. This number of weeks reflects the larger number of older applications processed this month and does not impact adversely on the general downward trend on processing times. Performance for the year to date is noted to be 34.1 weeks. The September performance is based on 74 applications having been decided. A significantly larger number of local planning applications were decided than received in this month. The percentage number of cases processed within 15 weeks continued to increase from a low of 12.2% in April to 24.7% year to date.

4. The team is focused on improving performance whilst continuing to reduce the number of older applications aligned with the requirements of the performance improvement objective for planning. The implementation of a service improvement plan should see an overall improvement against this target in this business year.

	5. It is important to note that legal challenges and ongoing resourcing pressures continues to impact on our ability to improve performance in relation to local applications. It is expected that the team will be at full complement by Autumn 2024. 6. Members will note that the performance against the statutory target for major applications for September 2024 was 64.2 weeks with performance year to date noted to be 59.2 weeks. The same number of decisions have issued this year as applications received. The types of major applications that remain within the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month. 7. The challenge in achieving good performance consistently can depend on several unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is reviewed and a protocol is agreed to speed up the processing of planning agreements.	
2.0	**Recommendation** It is recommended that the Committee notes the information in relation to the September 2024 Statutory Performance Indicators.	
3.0	**Finance and Resource Implications** There are no finance or resource implications.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required.	

Appendices:	Appendix 2 – Statutory Performance Indicators – September 2024

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

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn[1]	Average processing time[2]	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn[1]	Average processing time[2]	% of cases processed within 15 weeks	Number opened	Number brought to conclusion[3]	"70%" conclusion time[3]	% of cases concluded within 39 weeks
April	1	1	49.4	0.0%	60	49	32.6	12.2%	20	19	46.6	63.2%
May	2	1	59.2	0.0%	62	60	34.3	23.3%	33	41	33.6	80.5%
June	1	1	22.4	100.0%	45	73	32.0	31.5%	13	26	39.3	69.2%
July	1	1	197.8	0.0%	37	62	32.4	32.3%	14	22	49.9	63.6%
August	2	1	135.4	0.0%	49	62	27.7	32.3%	22	5	34.9	80.0%
September	0	2	64.2	0.0%	41	74	44.2	14.9%	21	28	59.6	60.7%
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	**7**	**7**	**59.2**	**14.3%**	**294**	**380**	**34.1**	**24.7%**	**123**	**141**	**39.5**	**69.5%**

Source: NI Planning Portal

Notes:

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

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

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

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Quarter 1 Statistical Bulletin – April to June 2024

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.

2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The DfI Northern Ireland Planning Statistics covering the first quarter of 2024/25 were published on 03 October 2024.

2. The Bulletin provides an overview of planning activity across Northern Ireland. It provides summary statistical information on Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

3. A copy of the documents can be accessed via the link:

   Northern Ireland planning statistics April - June 2024 | Department for Infrastructure (infrastructure-ni.gov.uk)

4. The bulletin notes that:

   - the volume of planning applications received in the first quarter of 2024/25 has increased from the previous quarter and decreased from the level recorded in the first quarter of 2023/24

   - the number of planning applications received in Northern Ireland (NI) by councils and the Department in Q1 2024/25 was 2,538; an increase of 0.7% on the previous quarter (2,521) and a decrease of 3.7% on the same period a year earlier (2,635)

- The number of planning decisions issued during Q1 2024/25 was 2,325; a decrease of 2.9% on Q4 2023/24 (2,395) and down by 11.8% when compared with the same period a year earlier (2,635)

- The overall NI approval rate for all planning applications was 94.5% in Q1 2024/25. This was like the previous quarter (94.6%) and lower that the same period a year earlier (96.3%)

- There were 7,951 live applications in the planning system across NI at the end of June 2024, up from the end of March 2024 (7,869), and down from the count at the end of the June 2023 (8,010)

- A total of 38 major planning applications were received in NI during Q1 2024/25, the same number as received in the previous quarter (38) and down from the same period a year earlier (41)

- During Q1 2024/25, 54 major planning applications were decided; up from 36 decided in the previous quarter and from the 36 decided during the first quarter of 2023/24 (Figure 3.1). The approval rate for major applications decided upon in NI during Q1 2024/25 was 96.3%

- The number of local applications received in NI during Q1 2024/25 was 2,500; an increase of 0.7% on the previous quarter (2,483) and down by 3.6% on the same the same period a year earlier (2,594)

- The number of local applications decided in Q1 2024/25 was 2,271; down by 3.7% on Q4 2023/24 (2,359) and down by 12.6% when compared with the same period a year earlier (2,599)

- The overall Northern Ireland approval rate for local applications was 94.5% in Q1 2024/25; the same as the rate reported for the previous quarter and down from the rate for the same period a year earlier (96.3%)

- The number of enforcement cases opened in NI during the first quarter of 2024/25 was 688; down by 6.0% over the quarter (732) and down by 21.8% when compared to the same period a year earlier (880). The number of cases closed during Q1 2024/25 was 720; up by 8.9% over the quarter (661) and down by 7.8% from the same period a year earlier (781)

Recommendation

It is recommended that the Committee notes the information in relation to the Quarter 1 Statistical Bulletin.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No

4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report about Planning Statistics covering the first quarter of 2024/25 and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report about Planning Statistics covering the first quarter of 2024/25 and RNIA is not required.	

Appendices:	Appendix 3 – Quarter 1 Statistical Bulletin – April to June 2024/25

From: ASRB
Subject: DfI Northern Ireland Planning Statistics First Quarter 2024/25 Statistical Bulletin released today
Date: 03 October 2024 09:39:42
Attachments: image003.jpg
image002.jpg
image001.png

DfI Northern Ireland Planning Statistics First Quarter 2024/25 Statistical Bulletin released today

The DfI Northern Ireland Planning Statistics First Quarter 2024/25 Statistical Bulletin was released today and can be accessed at the link below:

https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-2024

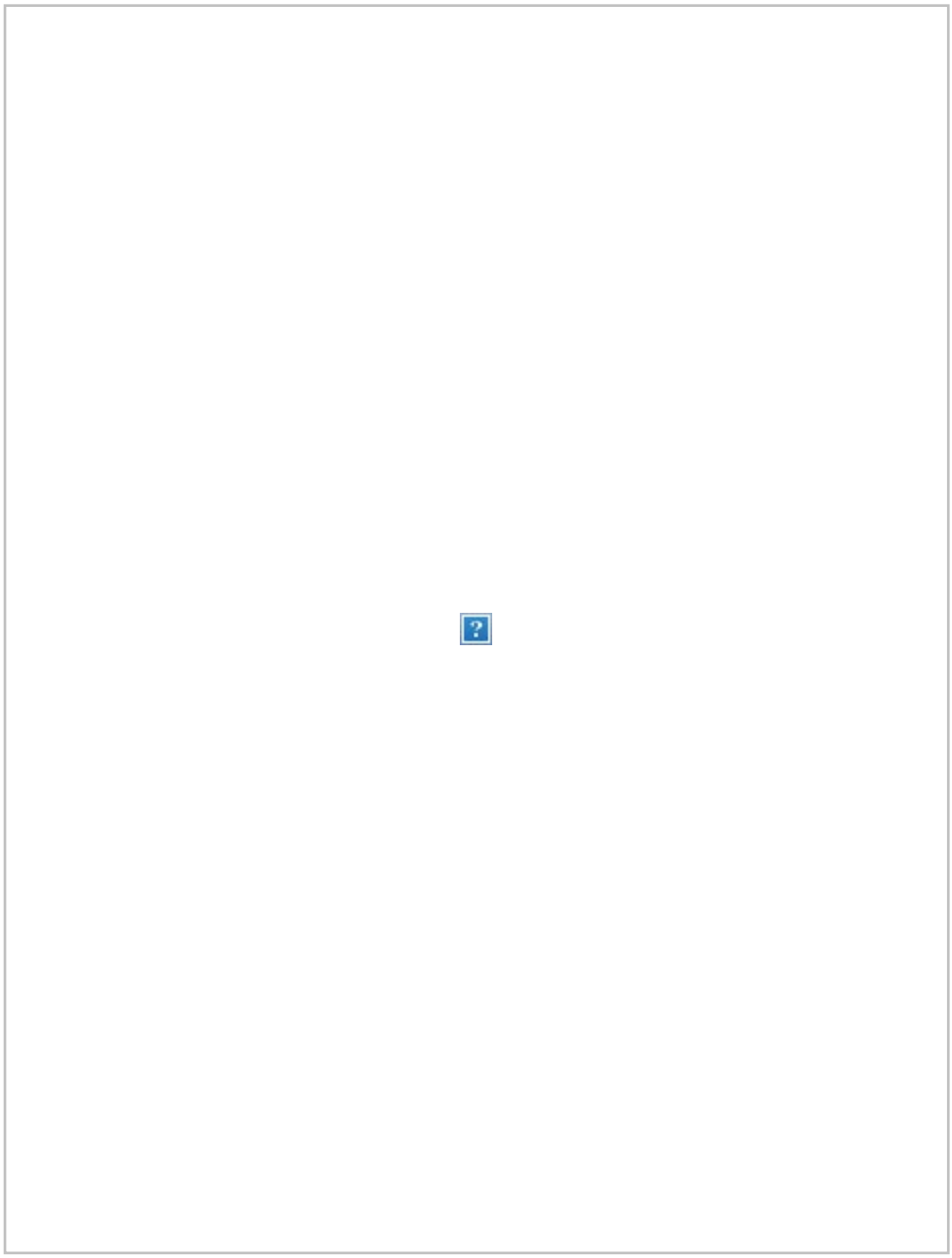
This statistical publication provides provisional activity and performance figures for the first quarter of 2024/25.

Accompanying Excel tables can also be accessed from the same link, which contain the information underlying the charts and graphs featured in the bulletin as well as further analyses and breakdowns. The summary infographic has been included below, which highlights some of the key points from the report.

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and public value as set out in the Code of Practice for Statistics and should be labelled 'accredited official statistics'.

If you are no longer interested in receiving notification of this publication, please let us know. Please feel free to forward this on to anyone you know who would be interested in the report. We'd be grateful if you could contact us at ASRB@nisra.gov.uk so any email addresses can be added to the notification list.

We are always interested to receive feedback on our publications. Therefore we would be grateful if you could take a minute to complete the short survey at the link below:
Analysis, Statistics & Research Branch Customer Survey



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Department for Infrastructure | Analysis, Statistics and Research Branch (ASRB)
1st Floor | James House | Gasworks Site | 2-4 Cromac Avenue |Belfast | BT7 2JA

Every day connecting people safely, supporting opportunities and creating sustainable living places.

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 4 – Proposal for a two-storey building with retail unit, creche with equipped children's play area, community social hall and associated access, parking and servicing areas and landscaping; proposed three-storey mixed use building comprising ground floor community uses and pharmacy with apartments above, and access, parking, communal amenity space and landscaping; proposed extension to existing Wallace Village Eurospar and associated parking and landscaping; proposed three-storey apartment block with access, parking, communal amenity space and landscaping on land east of 72 – 78 Lady Wallace Road and 8 – 17 Cottage Gardens, lands east of 53 – 65 Lady Wallace Road, and lands south of 14 – 15 Lady Wallace Forge & 23 Lady Wallace Walk, Lisburn

1.0 **Background**

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.

2.0 **Recommendation**

It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.

3.0 **Finance and Resource Implications**

There are no finance and resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out	

	This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.	

Appendices:	**Appendix 4(a)** - Report in relation to LA05/2024/0692/PAN **Appendix 4(b)** – LA05/2024/0692/PAN – PAN Form **Appendix 4(c)** – LA05/2024/0692/PAN – Site Location Plan

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	04 November 2024
Responsible Officer	Conor Hughes
Date of Report	21 October 2024
File Reference	LA05/2024/0553/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the submission of Proposal for a two- storey building with retail unit, creche with equipped children's play area, community social hall and associated access, parking and servicing areas and landscaping; proposed three-storey mixed use building comprising ground floor community uses and pharmacy with apartments above, and access, parking, communal amenity space and landscaping; proposed extension to existing Wallace Village Eurospar and associated parking and landscaping; proposed three-storey apartment block with access, parking, communal amenity space and landscaping on land east of 72 – 78 Lady Wallace Road, 8 – 17 Cottage Gardens, lands east of 53 – 65 Lady Wallace Road, and lands south of 14 – 15 Lady Wallace Forge and 23 Lady Wallace Walk, Lisburn.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.

3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.

4. The PAN for the above-described development was received on 25 September 2024. The earliest possible date for the submission of a planning application is week commencing 23 December 2024.

Consideration of PAN Detail

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

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

6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

8. The postal address identified on the FORM PAN1 is as described above.

9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

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

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

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

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.

12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Bell Rolston Ltd at 181 Templepatrick Road, Ballyclare.

13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.

15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

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

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

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

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

The PAN form indicates that a proposed public event will be held to include a number of large boards setting out the proposal. The event will be held in a meeting room at Lagan Valley Island and members of the design team will be in attendance. The event will take place between 2:30pm and 7:30pm on 7 November 2024.

The event will be published in the Ulster Star from 24 October 2024 to the 30 October 2024.

A Notification letter will issue to all properties within 100 metres of the site boundary week commencing 21 October 2024. The related consultation boards will be uploaded to the Bell Rolston Ltd. website on 7 November 2024 and will remain there for a period of at least two weeks.

A copy of the Notice also issued to Elected Members of the DEA and others as identified on the PAN form on 25 September 2024.

Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information is submitted in accordance with the legislation and related guidance.

Lisburn & Castlereagh City Council

www.lisburncastlereagh.gov.uk/resident/planning
Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL
Tel: 028 9244 7300
E-mail: planning@lisburncastlereagh.gov.uk

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Applicant Details

Name/Company

Title

Mr

First name

Bill

Surname

Porter

Company Name

Porter & Co Ltd

Address

Address line 1

30 Lady Wallace Lane

Address line 2

Address line 3

Town/City

Lisburn

BT28 3WT

Country

N Ireland

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Bell Rolston Ltd

Title

Mr

First name

Gavin

Surname

Rolston

Address

Address line 1

181 Templepatrick Road

Address line 2

Address line 3

Town/City

Ballyclare

Postcode

BT39 0RA

United Kingdom

Contact Details

Telephone number

07887927620

Mobile number

Email address

gavin@bellrolston.com

Ref no.

POR1000

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Prince William Road / Boomers Way / Lady Wallace Road / Lady Wallace Lane / Lady Wallace Forge

Address Line 2

Town/city

Postcode

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

Description

Lands east of 72 - 78 Lady Wallace Road & 8 - 17 Cottage Gardens; lands east of 53 - 65 Lady Wallace Road; and lands south of 14 - 15 Lady Wallace Forge & 23 Lady Wallace Walk, Lisburn

Easting co-ordinates (x)

324729

366153

Site Area

What is the area of the site?

1.67	Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

The proposed development includes the following elements:
Proposed 1-2 storey building with retail unit, creche with equipped children's play area, community social hall and associated access, parking and servicing areas and landscaping;
Proposed 3 storey mixed use building comprising ground floor community uses and pharmacy with apartments above, and access, parking, communal amenity space and landscaping;
Proposed extension to existing Wallace Village Eurospar and associated parking and landscaping;
Proposed 3 storey apartment block with access, parking, communal amenity space and landscaping.

Please indicate what type of application is being requested

- ○ Outline permission
- ⊘ Full permission

Floorspace Summary

Does the proposal include floorspace?

- ⊘ Yes
- ○ No

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

5500

Renewable Energy

Does your proposal involve renewable energy development?

○ Yes ⊘ No

Determinations

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

◯ Yes
⊘ No

Has an Environmental Impact Assessment determination previously been made?

◯ Yes
⊘ No

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Public consultation event to include a number of large boards setting out the proposals. The event will be held in a meeting room at Lagan Valley Island and members of the design team will be in attendance. The event will take place between 2.30pm and 7.30pm.
Venue: Lagan Valley Island, The Island, Lisburn BT27 4RL
Date and time: 07/11/2024 14:30

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

Publication

Name of publication Ulster Star
Proposed advert date start 24/10/2024
Proposed advert date finish 30/10/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Notification letter to all properties within 100 metres of the site boundary. Letters to be issued in w/c 21st October 2024.

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

The consultation boards will be uploaded to the Bell Rolston Ltd website on 7th November 2024 and remain there for a period of at least 2 weeks.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

⊘ Yes ◯ No

Please state which other parties have received a copy of this Proposal of Application Notice

Elected member(s) for District Electoral Area:
Killultagh DEA: Councillor Thomas Beckett Councillor Claire Kemp Councillor Gary McCleave Councillor Ross McLernon Alderman James Tinsley

Date notice served:
25/09/2024

Details for Other Parties

Other(s):
Thaxton Village Residents Group

Date notice served:
25/09/2024

Authority Employee/Member

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

◯ Yes
⊘ No

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

◯ Yes
⊘ No

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

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

☑ I / We agree to the outlined declaration

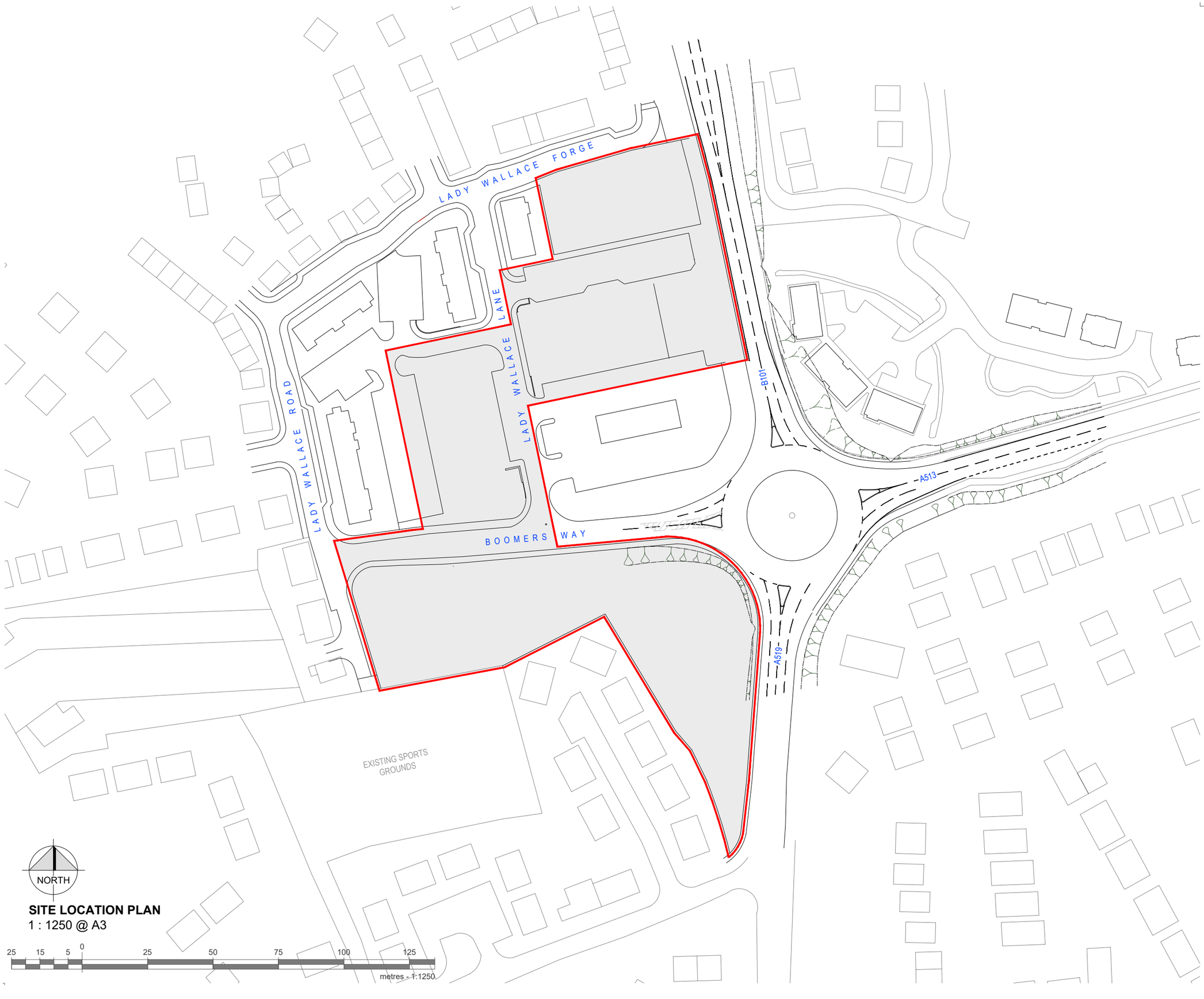
Signed

Gavin Rolston

Date 25/09/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

☐ **I consent for my personal data to be shared with other departments within the authority**



SITE LOCATION PLAN
1 : 1250 @ A3

25 15 5 0 25 50 75 100 125
metres - 1:1250

DRAWING KEY

Do not scale from drawings. All discrepancies to be reported to the Architect immediately. All dimensions to be verified by the Contractor on site prior to any works, manufacture, or ordering of materials.

Any small changes made on site may not be reflected on record drawings. Please refer to the Contractor's as-built fabrication drawings.

DRAWING STATUS CODES

- P00 - INITIAL SKETCH / WORK IN PROGRESS
- P01 - FOR INFORMATION
- P02 - FOR COORDINATION
- P03 - PLANNING SUBMISSION
- P04 - FIRE SAFETY SUBMISSION
- P05 - DDA SUBMISSION
- P06 - BUILDING CONTROL SUBMISSION
- P07 - PRE-TENDER SUBMISSION
- P08 - TENDER ISSUE
- P09 - CONTRACT / FOR CONSTRUCTION
- P10 - FINAL RECORD / HANDOVER ISSUE

DRAWING REVISIONS

REV	DATE	BY	CHANGE

Project
PROPOSED WALLACE VILLAGE MASTERPLAN DEVELOPMENT
THAXTON VILLAGE LISBURN

Client
Mr. BILL PORTER

Dwg. name
SITE LOCATION PLAN

Issue: **PLANNING**

Date:	Drawn:	Checked:	Scale:	Format:
07.31.24	JZN	AL	1:1250	A3

Dwg No:
2302-TVL-WW-ZZ-DR-A 100-001-P03

Whittaker & Watt
379 Antrim Road, Newtownabbey, Co. Antrim, BT36 5EB
www.whittakerandwatt.com / Tel - 028 9084 1029

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2020/0106/O

1.0 **Background**

1. An application for a dwelling and demolition of existing shed to provide access on lands to the rear of 54 Crumlin Road, Upper Ballinderry, Lisburn was refused planning permission by the Planning Committee on 27 November 2023.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 20 February 2024.

3. The procedure followed in this instance was written representation with Commissioner's site visit on 12 September 2024.

4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside and whether it would have an adverse impact on the rural character of the area.

5. A decision received on 04 October 2024 confirmed that the appeal was dismissed.

Key Issues

1. The proposed development was for a dwelling in a cluster and the case advanced by the appellant and the Council is set out at paragraph 8 of the Commission's Decision.

2. The buildings considered by the Commissioner to form part of a cluster are referred to at paragraph 10 of the report.

3. The Commissioner did not accept that other buildings in the wider area formed part of this cluster for the reasons outlined at paragraph 11. By way of example, the buildings at 4 and 6 Aghadolan Road identified by the appellant as being formed part of the cluster were discounted by virtue of their distance and position fronting onto a different road. The building at 4 Chapel Road was considered to form part of a farm and not part of the cluster.

4. The Silver Eel on Lurgan Road due to its distance and set back position from the road did not read as part of the close group of established buildings identified along the Crumlin Road. Likewise, a building at 53 Crumlin Road was considered to form part of a farm and not part of the cluster and a dwelling to the rear was considered to sit on its own some distance from the public road.

5. Considerations of visual entity tests are set out at paragraph 12 - 18 of the decision report. The main vantage point is identified by the Commissioner to be that when travelling along the Lurgan Road and Crumlin Road in both directions. For the reasons outlined, the cluster of development identified was not considered to appear as a visual entity in the landscape.

6. The focal point identified by the appellant was the Silver Eel. At paragraph 21, the Commissioner expressed the view that whilst the signage for the Silver Eel was visible from the cluster, the building itself due to its distance, set back position from the road and intervening vegetation means that it was not visually significant within the identified cluster.

7. Other examples reference by the appellant at the appeal were not considered by the Commissioner as the information was not provided as part of the associated papers.

8. Whilst the Commissioner did accept that the appeal site was considered to provide a suitable degree of enclosure it was not accepted that the site was bound on at least two sides by other development tin the cluster for the reasons outlined at paragraph 22.

9. At paragraph 23, the Commissioner, whilst accepting that there was an existing cluster of development, did not accept that it appeared as a visual entity in the landscape or that there was scope for rounding off and consolidation to allow the development site to be absorbed into the existing cluster.

10. The appeal site by virtue of its location to the rear of 54 Crumlin Road was considered by the Commissioner to extend development into the countryside altering the character of the area where development is traditionally road frontage.

11. With regard to Policy COU16, the Commissioner accepted that the traditional patter of settlement in the area was road frontage development and that the appeal proposal, for a dwelling to the rear of and behind an existing roadside dwelling would not respect the traditional settlement pattern.

2.0 **Recommendation**

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	

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

Appendices:	Appendix 5 – Appeal Decision – LA05/2020/0106/O

Planning Appeals Commission

4th Floor
92 Ann Street
Belfast
BT1 3HH

Phone: 81053 (direct line)
Phone: 028 9024 4710 (switchboard)
Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Lisburn & Castlereagh City Council

Our reference: 2023/A0106
Authority reference: LA05/2020/0106/O
4 October 2024

Dear Sir/Madam

Re:
Appellant name: Mr. Pat McAreavey
Description: Proposed dwelling and demolition of existing shed required to provide access to the site
Location: Lands to the rear of 54 Crumlin Road, Upper Ballinderry, Lisburn, BT28 2JZ

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Ronan Auld
PACWAC Admin Team

ENC – Commissioner Decision 2023/A0106

Planning Appeals Commission

Appeal Decision

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

Appeal Reference:	2023/A0106
Appeal by:	Mr Patrick McAreavey
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed dwelling and demolition of existing shed required to provide access to the site
Location:	Lands to the rear of 54 Crumlin Road, Upper Ballinderry
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0106/O
Procedure:	Written representations and Commissioner's site visit on 12th September 2024
Decision by:	Commissioner Laura Roddy, dated 4th October 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside and whether it would have an adverse impact on the rural character the area.

3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4. On 26th September 2023, the Council adopted the Plan Strategy (PS) 'the Lisburn and Castlereagh Local Development Plan 2023'. The purpose of the PS is to provide the strategic policy framework for the plan area. In accordance with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) is now a compilation of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the DDP is the Lisburn Area Plan. In the DDP, the site is located outside a settlement and in the countryside.

5. In compliance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), operational policies set out in the PS are now in effect. Existing policy retained under the transitional arrangements has ceased to have effect in the Council area. It now falls to the Commission to assess the appeal in

the context of the LDP, in accordance with the above legislative provisions and the reasons for refusal as provided by the Council. Guidance contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' is also a material consideration.

6. Policy COU1 'Development in the Countryside' of the PS states that there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development. Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. The policy advises that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'. The Council have raised objections in respect of Policies COU2 and COU16.

7. Policy COU2 'New Dwellings in Existing Clusters' reflects the relevant provisions of paragraph 6.73 of the SPPS. It advises that planning permission will be granted for a dwelling at an existing cluster of development provided all criteria associated with the policy are met. The second reason for refusal directs that the appeal proposal does not meet any of the criteria listed as (a) through to (e) of Policy COU2.

8. The appellant argues that there is a cluster of development located at the Silver Eel Public House and including approximately 15 houses along Crumlin Road, Lurgan Road, Chapel Road and Aghadolgan Road. The Council consider that while there is a cluster of development adjacent to the Silver Eel, it terminates at 1 and 3 Chapel Road. They go on to state that a large belt of mature trees along this boundary separates the cluster from the development to the south of the trees, from no. 56 Crumlin Road onwards. The Council argue the appeal site is to the rear of a ribbon of development, rather than within a cluster.

9. Criterion a) requires that the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings.

10. The established buildings closest to the appeal site are that of 54 Crumlin Road to its immediate west, 56 Crumlin Road to the northwest and 54A Crumlin Road to the southwest. There are also dwellings at 1 and 3 Chapel Road to the north and 54B Crumlin Road to the south. Also, on the opposite side of the road are 55 Crumlin Road to the west and 141 Lurgan Road to the northwest, close to the crossroads.

11. There are other established buildings in the wider area which were identified by the appellant as forming part of the cluster. Numbers 4 and 6 Aghadolan Road, due to their distance and position fronting onto a different road, do not form part of the close group of buildings identified. No. 4 Chapel Road appears to relate to a farm and does not fall to be considered as part of the cluster. The Silver Eel on Lurgan Road, due to its distance and set back position from the road, also means it does not read as part of the close group of established buildings identified along Crumlin Road. No. 53 Crumlin Road appears to be associated with a farm and is

therefore also excluded from the cluster. Another dwelling identified by the appellant is located to the rear of 53 Crumlin Road. However, this dwelling sits on its own and is situated some distance from the public road and therefore does not form part of the established cluster. No 47A Crumlin Road, due to its separation distance combined with its position on the opposite side of the road, means it does not read as part of the close group of established buildings identified. However, the dwellings identified in paragraph 10 form a close group of more than four established buildings which lie outside of a farm and therefore satisfies criterion (a) of Policy COU2.

12. Policy COU2 criterion b) requires that the cluster appears as a visual entity in the local landscape. The justification and amplification of the policy advises that a visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points. The appellant argues that each building in the area has a visual link and a relationship to the next and therefore the proposed dwelling would be part of a cluster that appears as a visual entity in the local landscape.

13. While the appellant did not refer to which vantage points they considered the cluster would appear as a visual entity from, they state that if driving along any of the routes leading to the Silver Eel you will intuitively reduce your speed as you can see it is a built up area. They also state that you would reduce your speed when approaching 9A Chapel Road and wouldn't change speed again until you were past the development at the crossroads. The policy test is a visual assessment and not related to traffic speeds so the appellant's arguments in this regard are misplaced. The reference to 9A Chapel Road is also unclear as the appellant has not sought to argue that it is part of the cluster of development.

14. Within the cluster of development as identified above, I consider that the main vantage point would be when travelling along Lurgan Road and Crumlin Road in both directions. When travelling along Lurgan Road near the Silver Eel, only the dwellings at 1 Chapel Road and 54A only are visible. Due to the slightly set back positions of 54 and 56 Crumlin Road, combined with intervening vegetation, these dwellings are not visible from this vantage point. On approach towards the appeal site, and when travelling along Crumlin Road, numbers 54 and 56 Crumlin Road become more apparent and read as a visual entity in the landscape combined with no. 54A Crumlin Road. These three roadside dwellings sit in close proximity to each other and appear as a row of detached dwellings and are consequently viewed as a visual entity in the landscape. Whereas no. 54B Crumlin Road is physically removed from these properties, due to the intervening field and vegetation between it and 54A Crumlin Road, and therefore does not appear as a visual entity with the row of dwellings from 54A – 56 Crumlin Road.

15. No. 55 Crumlin Road to the west of the appeal site and on the opposite side of Crumlin Road, sits above the level of the road and is hidden from view by a tall hedge which sits atop a verge approximately 1m in height. No. 141 Lurgan Road, to the northwest of the appeal site and also on the opposite side of Crumlin Road, is visible from the close group of established buildings due to its roadside position. However, due to its position on the opposite side of the road and the separation distance, it doesn't visually read as part of the established group of buildings on the ground.

16. No. 3 Chapel Road to the north of the appeal site is set back some distance from the road, behind no. 1 Chapel Road, and is at a lower level than the roadside dwellings. These factors, combined with mature intervening vegetation, mean that no. 3 Chapel Road is not visible from the roadside. A band of trees between the boundary of no. 56 Crumlin Road and 1 Chapel Road visually separates the dwelling at no. 1 Chapel Road from the dwellings to the south (no. 56, 54 and 54A Crumlin Road). For these reasons, numbers 1 and 3 Chapel Road do not appear as a visual entity with the other established buildings in the identified cluster.

17. The appellant argues that the trees between 1 and 3 Chapel Road enclose a separate agricultural field and are therefore not considered to be part of the cluster. A cluster comprises a close group of established buildings as per criterion (a) of the policy. While agricultural buildings are specifically excluded from being qualifying buildings for the purpose of criterion (a), this does not mean that agricultural fields or vegetation cannot be considered when assessing whether a cluster appears as a visual entity in the landscape. These trees, combined with the position of no. 3 Chapel Road, mean the dwelling at no. 3 does not read with the dwellings on Crumlin Road. The appellant also refers to the band of trees and vegetation between 1 Chapel Road and 56 Crumlin Road as being 'sparse' but this is contrary to my observations on site, as set out above.

18. The remaining buildings identified by the appellant as forming part of the cluster are, due to their separation distance, position and intervening vegetation do not read as part of the identified close group of established buildings.

19. For the reasons given above, the cluster of development identified does not appear as a visual entity in the landscape. Criterion (b) of Policy COU2 is therefore not satisfied.

20. Criterion c) of Policy COU2 states that the cluster is associated with a focal point such as a social/community building. The justification and amplification to Policy COU2 advises that a focal point is usually visually significant within the cluster, and which defines a different built form and use to the rest of the buildings in that cluster. The Appellant contends that the Silver Eel public house is a focal point within this cluster.

21. The Silver Eel public house is to the northwest of the appeal site at the crossroads. While the signage for the Silver Eel, a large 'S' sign, is visible from the cluster, the building itself due to its distance, set back position from the road and intervening vegetation means it is not visually significant within the identified cluster. Whilst the Appellant has referred to the planning permissions granted under LA05/2021/0167F, LA05/2019/1000/F and LA05/2017/1252/F I have not been provided with the papers associated with those decisions. Therefore, I cannot consider the circumstances of those permissions in the context of this appeal.

22. Criterion d) of Policy COU2 states that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. I consider that the appeal site presently has a suitable degree of enclosure. However, the policy also requires that the site be bound on at least two sides by other development in the cluster. The appeal site would only be bound on its western side by the dwelling at 54 Crumlin Road. Contrary to the appellant's

arguments, it would not be bound by 54a Crumlin Road. This is a roadside dwelling to its southwest and is adjacent to and bound by no. 54 Crumlin Road rather than the appeal site. For these reasons, criterion (d) of COU2 is not met.

23. Criterion e) of Policy COU2 requires that development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development. While I have found that there is an existing cluster of development, it does not appear as a visual entity in the landscape and there is no scope for rounding off and consolidation to allow the development of the site to be absorbed into an existing cluster. Furthermore, the appeal site sits to the rear of 54 Crumlin Road and would extend development into the countryside. This form of tandem development would significantly alter the character of the area where development is traditionally road frontage. Therefore, criterion (e) is not met.

24. For the reasons stated above, I find that the appeal proposal would not comply with Policy COU2 and the Council's second reason for refusal is sustained to the extent specified. Consequently, as I have found that the appeal proposal is not a type of development which in principle is acceptable in the countryside, it follows that Policy COU1 is not met. Therefore, the Council's first reason for refusal is also sustained.

25. Policy COU16 'Rural Character and other Criteria' requires that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. The Council's reason for refusal states that the proposal would fail to respect the traditional pattern of settlement and result in urban sprawl in this part of Crumlin Road. This relates to criteria (c) and (e) of Policy COU16.

26. Criterion (c) advises that a new development proposal will be unacceptable where it does not respect the traditional pattern of settlement exhibited in that area, whilst criterion (e) advises that it will not be acceptable where it has an adverse impact on the rural character of the area.

27. The traditional pattern of settlement in the area is road frontage development. The appeal proposal, for a dwelling to the rear of and behind an existing roadside dwelling, would not respect that traditional settlement pattern. It would therefore have an adverse effect on the rural character of the area by introducing an inappropriate form of tandem development not found within the area and therefore would be contrary to criterion (c) and criterion (e) of Policy COU16.

28. For the reasons given, the appeal proposal would be contrary to Policies COU1, COU2 and COU16 of the Council's Plan Strategy and the associated provisions of the SPPS. The Council's reasons for refusal are sustained and are determining in this appeal.

This decision relates to the following drawings:-

Drawing No.	Title	Scale	Date Stamp Refused
01A (PLN1_1/4)	Proposed Site Location Plan	1:1250	24/11/23
02C (PLN1_2/4)	Proposed Site Location	1:500	24/11/23
03 (PLN1_2/2)	Proposed Site Location	1:100	24/11/23
04 (PLN1_3/4)	Proposed Supporting Statement	1:2500	24/11/23

COMMISSIONER LAURA RODDY

List of Documents

Appellant:- Statement of Case by PJ Design on behalf of Mr McAreavey

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2021/1048/O & 2021/1049/O

1.0 **Background**

1. Two applications for single dwellings, garages and associated with works on land between 5 and 7 Derriaghy Road, Lisburn were refused planning permission 20 December 2023.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 22 April 2024.

3. The procedure followed in this instance was written representation with accompanied site visit on 03 September 2024. No statement of case was submitted by the Council for this appeal.

4. As a preliminary matter the Commissioner expresses concern at paragraph 10 that the Council did not submit a statement and describes this as unprofessional. An investigation has been conducted and it is discovered that the Council has no record of receiving correspondence from the Commission in respect of a request for statements of case. The Head of Planning and Capital Development has written to the Chief Commissioner expressing concern about the use of this language in a report without the Commissioner first having properly explored the issue.

5. This issue aside, the substantive planning matters raised in each of the two appeals are whether the proposed development would:

   - be acceptable in principle in the countryside;
   - add to a ribbon of development; and
   - adversely impact the rural character of the area.

6. A decision received on 27 September 2024 confirmed that both appeals had been dismissed.

Key Issues

1. The Commissioner did have access to the officer's report and presentation to the planning committee to assist in his consideration of the reasons for refusal. It is noted at paragraph 10 that both the Council and appellant accept that there is no substantial and continuously built-up frontage due to the lack of qualifying buildings. Whilst four dwellings are present along Derriaghy Road, numbers 1 and 3 do not have a frontage to the road. As such, no infill opportunity arises.

2. At paragraph 12, the Commissioner agreed with the Council that the curtilages of 1 and 3 did not extend to the public road. He also expressed the view that within the context of ribbon development, Policy COU8 merely requires buildings to be beside one another and front a road. In this case, 1, 3 and 5 were beside on another and to front Derriaghy Road and as such, they formed a ribbon of development. The Commissioner accepted that the proposed dwellings would add to this and that the dwelling at 7 Derriaghy Road, which also fronts onto the road, reinforcing the ribbon of development.

3. With regard to Policy COU16, the Commissioner at paragraph 14 states that the Councils Report merely states that:

   The proposal if approved, would result in urban sprawl which in turn would impact on the rural character of the area contrary to criteria (d) and (e).

4. The Commissioner expressed the view that the Council had not substantiated their objection on this issue and as such, the concerns raised cannot be sustained. The Commissioner, given their conclusions on ribbon development, did agree that the proposal would have an adverse impact on the rural character of the area.

5. Concerns raised by third parties in relation to road safety are dealt with at paragraphs 15 and 16 of the Commissioner's decision report. Having regard to the concerns raised, the Commissioner was not persuaded that the introduction of two dwellings would result in significant traffic movements that would lead to an unacceptable level of intensification onto the protected route so as to prejudice road safety.

2.0 **Recommendation**

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out.	

	This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 6 – Appeal Decision – LA05/2020/0496/F

Planning Appeals Commission

Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2024/A0011 (Appeal 1).
Appeal by:	Mr. Eric Wallace.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Site for a dwelling, garage and associated site works.
Location:	Lands 30m west of 7 Derriaghy Road, Lisburn, BT28 3SF.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2021/1048/O.
Procedure:	Written Representation with Accompanied Site Visit on 3rd September 2024.
Decision by:	Commissioner Kieran O'Connell, dated 27th September 2024.

Appeal Reference:	2024/A0012 (Appeal 2).
Appeal by:	Mr. Eric Wallace.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Site for a dwelling, garage and associated site works.
Location:	Lands 30m east of 5 Derriaghy Road, Lisburn, BT28 3SF.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2021/1049/O
Procedure:	Written representation with Accompanied Site Visit on 3rd September 2024.
Decision by:	Commissioner Kieran O'Connell, dated 27th September 2024.

Decisions

1. Appeal 1 is dismissed.

2. Appeal 2 is dismissed.

Reasons

1. The main issues in each appeal are whether the development would:
   - be acceptable in principle in the countryside;
   - add to a ribbon of development, and
   - adversely impact the rural character of the area.

2. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP) so far

as material to the application and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

3. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) was published on 26th September 2023. It sets out the strategic policy framework for the Council area. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.

4. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area, with the draft Belfast Metropolitan Area Plan 2004 remaining a material consideration in certain circumstances. Within the LAP, the appeal site is within the countryside and the green belt. The LAP contains no policies relevant to the appeal proposal. It directs to the Planning Strategy for Rural Northern Ireland, which was superseded by Planning Policy Statement 21 – Sustainable Development in the Countryside. The appeal site also falls within the green belt designated within the draft BMAP 2004. However, it, too, does not contain any policies material to the appeal development.

5. As the PS has been adopted in this council area, in accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), the previously retained policies, such as the Planning Policy Statements, now cease to have effect. Accordingly, there is no conflict between the DDP and the PS. Guidance provided in 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' (BoT) is also pertinent to the assessment.

6. Policy COU 1 of the PS is titled 'Development in the Countryside'. It states that there are a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One is the development of a small gap within an otherwise substantial and continuously built-up frontage, in accordance with Policy COU 8 'Infill/Ribbon Development'. Policy COU 1 goes on to state that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU 15 'Integration and Design of Buildings in the Countryside' and COU 16 'Rural Character and Other Criteria'.

7. Policy COU 8 states that *'planning permission will be refused for a building which creates or adds to a ribbon of development'.* However, exceptionally, it allows for the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage provided that the proposed 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. For the purpose of this policy, the definition of a substantial and continuously built-up frontage is *'a line of four or more buildings, of which at least two must be dwellings, excluding domestic ancillary buildings such as garages, sheds, and greenhouses, adjacent to a public road or private laneway*'. Policy COU 8 also

requires buildings forming a substantial and continuously built-up frontage to be visually linked.

8. The two sites are located in the same field to the north of Derriaghy Road, between No. 5 to the west and No. 7 to the east. The landform rises from the road in a northerly direction. Appeal Site 1 comprises the eastern half of the field. Its eastern boundary is adjacent to No. 7 and is defined by deciduous hedgerows approximately 1.5-3m high. Its western boundary is undefined and forms a common boundary with Appeal Site 2 (eastern boundary). The northern boundary, common to both sites, is defined by deciduous hedgerows circa 2m high with intermittent trees approximately 6m high. The western boundary to Appeal Site 2 is defined by a post and wood fence with stock-proof fencing attached. There is a mixed species hedgerow and trees within the plot of No. 5. Access is proposed from an existing shared access and laneway onto Derriaghy Road. This access serves the semi-detached dwellings at No. 1 & 3 and the detached dwelling at No. 5. The southern boundary of both sites extends along the proposed access laneway. It is defined by dense mature woodland trees approximately 8-10m high. It is set back from the road by a grass verge and bus layby.

9. No's 1, 3 and 5 are west of the appeal sites. No. 1 & 3 are two-storey, semi-detached dwellings set back from the Derriaghy Road, and access is via a shared laneway with the single-storey dwelling and garage at No. 5. The plot of No. 5 extends to the grass verge adjacent to the road. No. 7, a recently constructed two-storey dwelling, is situated east of both appeal sites. It is within a sizable plot and set back from the road. It is accessed via a shared private laneway on its eastern side. Within its plot, there is also a one-and-a-half-storey pitched roof building and a single-storey tin shed located on its southern side near the road.

10. The Council did not provide a Statement of Case or attend the Accompanied Site Visit, which is unprofessional. I, therefore, must rely on its decision notices and Case Officer Reports (CORs). Both state that there is no substantial and continuously built-up frontage owing to the lack of qualifying buildings. The Appellant does not dispute this as there would not be the required four qualifying buildings for the purposes of Policy COU 8 of the PS. Four dwellings are present along Derriaghy Road. However, as No's 1 & 3 do not have frontage to the road, there is no substantial and continuously built-up frontage, which is a fundamental requirement of the policy exception, so no infill opportunity arises.

11. The Justification and Amplification of Policy COU 8 states that '*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*'. It also notes that most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. It further states that the infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development. The Council considered that the appeal development would create a ribbon of development along Derriaghy Road.

12. From my on-site observations, whilst I agree with the Council that the curtilages of No. 1 & 3 do not extend to the public road, Policy COU 8 merely requires them to be beside one another and front a road. As such, because No. 1, 3, and 5 are beside one another and front Derriaghy Road, they form a ribbon of development.

The proposed dwellings would add to this, and with No. 7, which also fronts onto the road, reinforcing the ribbon of development. The second reason for refusal is sustained.

13. Policy COU 16 of the PS requires that development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area. It goes on to list nine instances where new development will be unacceptable. The Council raised concern that the appeal development would be contrary to criteria (c), (d) and (e) of Policy COU 16 in that the proposal would not respect the traditional pattern of settlement exhibited in the area, it would result in urban sprawl and would have an adverse impact on the rural character of the area.

14. Regarding criterion (d), the Council's COR merely states that '*the proposal if approved, would result in urban sprawl which in turn would have an adverse impact on the rural character of the area contrary to criteria (d) and (e)'.* The Council has not substantiated their objection on this issue. As such, the Council's concerns cannot be sustained. However, given my conclusions above regarding ribbon development, the proposal would have an adverse impact on the rural character of the area. The Council's concerns in relation to rural character are therefore sustained to this extent.

15. Third parties raised concerns regarding road safety and indicated that the Appellant does not control all the lands necessary for the proposed access. The Council raised no objections on this basis, nor did DfI Roads, subject to conditions requiring the provision of visibility splays. In this evidential context, I am satisfied that the necessary access requirements are capable of being provided subject to the provision of negative conditions requiring that no development takes place until the works required to provide access, including visibility splays, have been carried out. Such negative conditions would ensure that if third-party lands were required, the Appellant could not commence development lawfully without their consent.

16. Subject to the above conditions, I am not persuaded that the introduction of two dwellings would result in significant traffic movements that would lead to an unacceptable level of intensification onto the protected route so as to prejudice road safety. Nor would such matters, of themselves, warrant rejection of either appeal.

17. The Appellant did not challenge any of the Council's refusal reasons following the publication of the PS and the change in the policy context. Instead, he raises administrative fairness as a material consideration in the appeal. The Appellant alleges that his applications were not processed efficiently and provided a timeline comparing his planning applications with 35 other applications with *'infill' in the description* lodged after his (24th September 2021). The information provided shows that his applications took 726 days to determine, whilst the others were determined between 136 and 756 days.

18. Regarding the processing of the subject applications, the Appellant says that he attempted to contact the Case Officer in October 2021, January 2022 and on 15th March 2022. He was informed that the Case Officer was on a career break on the latter date, and then on 9th August 2022, the new Case Officer requested a Biodiversity checklist and PEA if required (completed by an ecologist). Despite

misgivings over providing this costly information without any indication from the Council regarding their thinking on the principle of the development proposed, they succumbed to providing the Biodiversity Checklist and PEA on 23rd February 2023. It is indicated that the documents had to be submitted in hard copy despite other case officers accepting *electronic versions*. Satisfactory consultation responses were received from the *'Natural Environment Division and Water Management Unit'* on 15th May 2023. The Appellant alleges that the Case Officer requested a badger survey in May 2023 that had been carried out as a part of the documentation already submitted and that the Case Officer agreed to review (June 2023). The Appellant alleges that he had no further contact from the Council until the respective applications appeared on their delegated list on 22nd September 2023 with a recommendation to refuse planning permission '*under the new 'infill' policy following the adoption of the PS'*. The decision was then issued on 19th December 2023.

19. Given the Council's failure to take part in the appeal process, I have no reason to dispute the Appellant's chain of events. However, on plain reading of the evidence, the delays in the decision-making process do not rest solely with the Council. It would seem that the agent did not communicate with the Council between 16th March 2022 and 25th July 2022 (131 days or just over four months). The Biodiversity Checklist and PEA were not provided until 23rd February 2023, some 198 days (6 months) after the request was made, and the requested hard copy took an additional two months to provide. It is appreciated this takes time, but the Appellant was professionally represented and thus should have been aware that the proposals would require the removal of woodland vegetation, requiring the submission of a Biodiversity Checklist and Ecological Appraisal from the outset based on standing advice. Earlier provision of these documents could have reduced the time taken for the Council to determine the applications prior to the adoption of the PS.

20. Regarding the 35 other applications, the details of such have not been provided to allow for direct comparison. Some could relate to urban-based infill development proposals, and others may not have required additional appraisals, unlike the subject applications. I also note that four of the stated cases relate to Reserved Matters applications whereby the principle of development had already been established, unlike the Appeal cases before me. Additionally, the Appellant also refers to 'Glebe Homes applications' and recent decisions by the courts; however, no details of these have been provided for comparative purposes.

21. The Appellant's frustration is understandable, but it would appear from the evidence that long delays are not unusual within this Council area. However, even if I had found the Council entirely culpable for the delay in the determination of the subject applications, the Appellant should have known that the PS was at an advanced stage, and he could have invoked his right under Section 60 of the Act to appeal against the non-determination of his applications. All in all, I am not persuaded that the delay and any resultant financial consequences outweigh the legislative provisions pertaining to the primacy of the plan. There is a separate process to deal with such matters of dissatisfaction with the Council's processes, which lies outside of this appeal.

22. Even if I were to consider the appeals under former regional policy, the Council's objections relating to respecting the existing pattern of development have merit as

the width of each of the proposed frontages would be smaller than those of the adjacent frontages at No. 5 and No. 7 Derriaghy Road. Furthermore, the overall plot size of each appeal site would be smaller than the average plot size along the frontage. For these reasons, I am not persuaded that planning permission would have been granted under the former regional policy.

23. In conclusion, as neither of the appeal developments comply with Policy COU 8 or the provisions of Policy COU 16, they also fail to comply with Policy COU 1 of the PS. The Council's objections to the appeal developments are sustained as specified above. Accordingly, both appeals must fail.

These decisions are based on the following drawings: -

2024/A0011 (Appeal 1)

01	1:1250 Site Location Plan -date stamped received by the Council 24th September 2021
02	1:1250 Site Location Plan/ Indicative Context Map -date stamped received by the Council 24th September 2021.

2024/A0012 (Appeal 2)

01	1:1250 Site Location Plan -date stamped received by the Council 24th September 2021
02	1:1250 Site Location Plan/ indicative Context Map -date stamped received by the Council 24th September 2021.

COMMISSIONER KIERAN O'CONNELL

List of Appearances

Appellant:	Mr. Coffey (Agent)
	Mr. Wallace (Appellant).

List of Documents

2024/A0011 (Appeal 1)

Appellant: -	Statement of Case by Mr Coffey.
	Rebuttal Statement by Mr Coffey.
Third Party: -	Statement of Case by Mr Christopher & Ms Caroline Smyth.
	Statement of Case by Mr Stephen & Ms Alison Harrison.

2024/A0012 (Appeal 2)

Appellant: -	Statement of Case by Mr Coffey.
	Rebuttal Statement by Mr Coffey.
Third Party: -	Statement of Case by Mr Christopher & Ms Caroline Smyth.
	Statement of Case by Mr Stephen & Ms Alison Harrison.

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Proposed Abandonment at Belsize Way, Lisburn

1.0 **Background**

1. The Department for Infrastructure in a letter dated 30 September 2024 advises the Council that an application has been received from Blue Horizon Developments Ltd for the abandonment of two turning heads on Belsize Way and Belsize Gardens, Lisburn as shown on the attached plan.

Key Issues

2. The letter explains that the turn heads were requested for the first stage of the development and subsequently adopted on completion and that as the second stage of the development has been approved, the turning heads are no longer required.

3. The applicant owns bed and soil of the plot to be abandoned, and has been granted planning permission under LA05/2023/0572/F for the erection of 7 dwellings which is a change of house type to sites 2 to 5 and 15 to 17 (previously approved under application LA05/2020/0571/F, road realignment, landscaping and all other associated site works

Commented [RH1]: This is the reference cited in the letter which I don't think is correct. I think it should be LA05/2023/0572/F so not sure how to deal with this.

2.0 **Recommendation**

It is recommended that the Committee notes the Department's intention to abandon land at Belsize way, Lisburn.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out	

	This is a report detailing the intention of the Department to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process. No EQIA is required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report detailing the intention of the Department to abandon land under existing legislation. The Council is informed of the intention through the normal consultation process. No RNIA is required.	

Appendices:	Appendix 7 – Letter from Department for Infrastructure regarding abandonment of land at Belsize Way, Lisburn.

Infrastructure
An Roinn
Bonneagair
Department for
Infrastructure
www.infrastructure-ni.gov.uk
Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ
Telephone: 0300 200 7899
Textphone number: 028 9054 0022
Being Dealt With By: Victor Clegg
Email: Victor.clegg@infrastructure-ni.gov.uk
Direct Line: 02890 526193
Our Ref:MD2/S/03/1120
Date: 30 September 2024

Local Planning Office
Lisburn & Castlereagh City Council
Lagan Valley Island
Island Civic Centre
LISBURN
BT27 4RL

DEAR SIR/ MADAM,

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT AT BELSIZE WAY, LISBURN BT27 4EX.

An application has been received from Blue Horizon Developments Ltd for the abandonment of two turning heads on Belsize Way and Belsize Gardens Lisburn as shown hatched on the attached plan.

The turning heads were requested for the first stage of the development and subsequently adopted on completion. As the second stage of the development has been approved, the turning heads are no longer required.

The Applicant owns bed and soil of the plot to be abandoned, and has been granted Planning Permission under LA05/2023/0571/F.

Could you please let me have your comments on the above proposal.

A prompt response would be appreciated and I look forward to hearing from you. If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Victor Clegg
Lands Section

ENC

THIS DRAWING, IF PRINTED, IS A COPY OF A DIGITAL FILE AND DIMENSIONS (OTHER THAN THOSE STATED ON THE DRAWING) SHOULD BE REQUESTED VIA APD ARCHITECTS LTD ON 02891 852582 OR VIA INFO@ALANPATTERSONDESIGN.COM

REVISIONS

REV	DESCRIPTION	BY	DATE
A	Abandonment extents amended	AH	30-09-24

PLANNING
BUILDING CONTROL
RECORD
FOR APPROVAL

CLIENT
Blue Horizon Developments

PROJECT
Magheralave Road, Lisburn

DRAWING TITLE
PH5
Road abandonment

SCALES
1:1250 @ A4
SITE AREA

DATE
31-07-24

DRAWN BY
AH

DRAWING NUMBER
2414-050-04-24-003

apd RIBA
Chartered Practice
APD Architects Ltd.
Company Number NI676912
028 91852582
info@alanpattersondesign.com
alanpattersondesign.com

Back to Agenda

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Letter from Natural Environment Division (NED) of DAERA in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice

1. **Background**

1. In a letter dated 15 October 2024, the Head of Natural Science advised that the NIEA Natural Environment Division has recently completed and published updated supplementary advice to accompany the Conservation Objectives for six river Special Areas of Conservation (SACs).

2. The supplementary guidance is published and effective from 25 September 2024 in relation to the following sites:

- Cladagh (Swanlinbar) River SAC Conservation Objectives 2015 (daera-ni.gov.uk)
- Owenkillew River SAC Conservation Objectives (daera-ni.gov.uk)
- River Faughan & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)
- River Foyle & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)
- River Roe & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)
- Upper Ballinderry River SAC Conservation Objectives (daera-ni.gov.uk)

Key Issues

1. One of the rivers is in the Lisburn and Castlereagh City Council Area. The letter explains that these guidance updates bring us in line with the UK JNCC Common Standards Monitoring guidance for rivers and freshwater fauna, and with the most up to date, available data and evidence.

2. This will enhance our protection for these important freshwater sites and ensure greater compliance with the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 and amendments.

3. The publication marks the first part of a wider review and update of conservation objectives and supporting advice for our full suite of SACs and SPAs to ensure our conservation advice is scientifically and legally robust, recognising that there was a pressing need to align with UK standards for rivers and freshwater fauna and address gaps in our freshwater advice.

4. The revised supplementary advice to the river SAC conservation objectives details additional ecological guidance, and in particular provides advice on the necessary water quality standards (including BOD and nutrients) required to protect vulnerable freshwater species features.

5. The updated advice will be a material consideration for any Habitats Regulations being carried out.

6. The published guidance is available to view via the following links

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Cladagh-Swanlinbar-River-SAC%20Conservation%20Objectives%20%282024%29%20FINAL.pdf

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Conservation%20Objectives%20%282024%29%20Owenkillew%20River%20SAC.%20%20FINAL.pdf

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Conservation%20Objectives%20%282024%29%20%20River%20Faughan%20%26%20Tributaries%20SAC.%20FINAL.pdf

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Conservation%20Objectives%20%282024%29%20River%20Foyle%20%26%20Tributaries%20SAC.%20FINAL.pdf

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/River%20Roe%20%26%20Tributaries%20SAC%20Conservation%20Objectives%20%282024%29%20FINAL.pdf

https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Upper%20Ballinderry%20River%20SAC%20Conservation%20Objectives%20%282024%29%20FINAL.pdf

2 **Recommendation**

It is recommended that Members note the update provided by the Head of Natural Science in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice.

3 **Finance and Resource Implications**

No finance or resource implications are identified.

4 **Equality/Good Relations and Rural Needs Impact Assessments**

Has an equality and good relations screening been carried out?	No
Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report regarding a letter from the Head of Natural Science in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice EQIA not required.	
Has a Rural Needs Impact Assessment (RNIA) been completed?	No

	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report in regarding a letter from the Head of Natural Science in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice RNIA not required.	

Appendices:	Appendix 8 – Letter from Natural Environment Division (NED) of DAERA in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice

Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency
www.daera-ni.gov.uk

Heads of Planning
Local Planning Authorities

Natural Environment Division
Clare House
303 Airport Road West
Sydenham Intake
Belfast
BT3 9ED
Telephone: 028 9056 9375
Email: sara.mcguckin@daera-ni.gov.uk

15 October 2024

Dear Head of Planning

Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice

NIEA Natural Environment Division has recently completed and published updated supplementary advice to accompany the Conservation Objectives for our 6 river Special Areas of Conservation (SACs) (published and effective from 25 September 2024 - see links below).

This brings us in line with the UK JNCC Common Standards Monitoring guidance for rivers and freshwater fauna, and with the most up to date, available data and evidence. This will enhance our protection for these important freshwater sites and ensure greater compliance with the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 and amendments.

This will be the first part of a wider review and update of our conservation objectives and supporting advice for our full suite of SACs and SPAs to ensure our conservation advice is scientifically and legally robust, recognising that there was a pressing need to align with UK standards for rivers and freshwater fauna and address gaps in our freshwater advice.

The revised supplementary advice to the river SAC conservation objectives details additional ecological guidance, and in particular provides advice on the necessary water quality

standards (including BOD and nutrients) required to protect vulnerable freshwater species features.

Cladagh (Swanlinbar) River SAC Conservation Objectives 2015 (daera-ni.gov.uk)

Owenkillew River SAC Conservation Objectives (daera-ni.gov.uk)

River Faughan & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)

River Foyle & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)

River Roe & Tributaries SAC Conservation Objectives (daera-ni.gov.uk)

Upper Ballinderry River SAC Conservation Objectives (daera-ni.gov.uk)

This updated advice will be a material consideration for any Habitats Regulations Assessments being carried out. Please share as required with the relevant teams.

Yours faithfully,

Dr Sara McGuckin

Head of Natural Science

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	04 November 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0 **Background**

1. The Council is notified by three operators, Openreach, DOT Surveying and Pegasus Group of their intention to utilise permitted development rights at three locations within the Council area to install communications apparatus.

2. The installations consist of broadband and telecommunication apparatus, upgrades and relocation or replacement of antenna and equipment in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

1. The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed.

2. Only the schedule of locations where the works are proposed has been appended to the report (**see Appendix**). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works.

3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.

2.0 **Recommendation**

It is recommended that Members note the detail of the notifications specific to the sites identified.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 9 – Notifications from an Operator in respect of intention to utilise permitted development rights

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights November 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	2, Cherryhill Crescent, Dundonald	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) – Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	15/10/2024
2.	DOT Surveying	EE Ltd	Lisnabreeny service reservoir,	Removal of 3No. Antenna - Installation of 3No. Antenna - Installation of 3No. ERS Units - Installation of 1No. GPS Node	30/09/2024
3.	Pegasus Group	Cellnex	Aghalee Old Church Lane, Campbells Hill, 21 Old Church Lane, Aghalee, Craigavon,	Installation of 3No. antennas at 23.5m on proposed steelwork along with the relocation of existing equipment and replacement ancillary equipment".	01/10/2024