



May 28th, 2025

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, 2nd June 2025 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.pdf*

Page 1

3.0 Minutes of the Planning Committee Meeting held on 12 May, 2025

For Approval

📎 *PC 12.05.2025 - Draft Minutes for adoption.pdf*

Page 3

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 16

- (i) LA05/2024/0823/F - Proposed redevelopment of Poole's Supervalu incorporating demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exit points; proposed replacement retail unit and two lettable hot food units with associated car parking and landscaping at Poole's Supervalu, 21 Main Street, Moira

📎 *Appendix 1.1 LA05 2024 0823 Supervalu Moira.pdf*

Page 19

- (ii) LA05/2024/0186/F - Proposed dwelling within an existing cluster on land 60 metres south of 162 Old Ballynahinch Road, Lisburn

📎 *Appendix 1.2 LA0520240186F 162 OLD BALLYNAHINCH RD.pdf*

Page 49

- (iii) LA05/2024/0753/F - Proposed community hub building at Moira Community Hub, 180 metres northwest of 37 Demesne Grove, Moira

📎 *Appendix 1.3 - LA05 2024 0753F Moira Community Hub (003) final.pdf*

Page 74

- (iv) LA05/2022/0799/O - Site for replacement dwelling with retention of old dwelling as domestic store on lands 25 metres east of 16 Drumcill Road, Lisburn

📎 *Appendix 1.4a Drumcill Road addendum Report final.pdf*

Page 96

Appendix 1.4b LA05 2022 0799 DRUMCILL ROAD.pdf Page 100

Appendix 1.4c Final Report of Site Meeting LA05-2022-0799-O - 19.05.2025 (002).pdf Page 119

- (v) LA05/2023/0012/F – New one and a half storey infill dwelling with detached double garage on land 60 metres south of 20 Magheradartin Road and 75 metres northwest of 22 Magheradartin Road, Royal Hillsborough

Appendix 1.5 LA05.2023.0012.F Magheradartin Road.pdf Page 121

4.2 Statutory Performance Indicators - April 2025

For Noting

Item 2 - Statutory Performance Indicators - April 2025.pdf Page 142

Appendix 2 Lisburn_Castlereagh_April_Monthly_MI.pdf Page 144

4.3 Appeal Decision – LA05/2021/1150/F

For Noting

Item 3 - Appeal Decision -LA05 2021 1150F.pdf Page 145

Appendix 3 Appeal Decision LA05 2021 1150F.pdf Page 147

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

For Noting

Item 4 - Notifications from an Operator in respect of intention Draft.pdf Page 155

Appendix 4 - List of Notifications - June 2025.pdf Page 157

4.5 Correspondence from DfI Climate, Planning and Public Transport Group regarding Transforming Planning - Appointed Persons, Independent Inspectors Project

For Noting

Item 5 - Letter re transforming planning appointed persons, independent inspectors project.pdf Page 158

Appendix 5 - Letter to Chief Executives HoPs re Transforming Planning Appointed Persons Independent Inspectors Project - 15.05.25 (002) (1).pdf Page 160

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:

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

PC 12.05.2025

3

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 12 May, 2025 at 10.06 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Director of Regeneration and Growth
Head of Planning & Capital Development
Senior Planning Officers (MB, PMcF and GM)
Member Services Officers (CR and CH)

Mr B Martyn (Cleaver Fulton Rankin)

Commencement of Meeting

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

1. Apologies

There were no apologies.

2. Declarations of Interest

Alderman O Gawith declared an interest in respect of planning application LA05/2023/0932/F, given that he had spoken to both the owner of the pigeon sheds and an objector to the proposal. He had expressed no opinion but would leave the Council Chamber during consideration of this application.

3. Minutes of Meeting of Planning Committee held on 7 April, 2025

It was proposed by Councillor A Martin, seconded by Councillor D J Craig and agreed that the minutes of the meeting of Committee held on 7 April, 2025 be confirmed and signed.

PC 12.05.2025

4

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 6 local applications on the schedule for consideration at the meeting.

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.

At this stage, the Chair, Alderman M Gregg, advised that a late written representation had been received this morning, a few minutes before 10.00 am, in respect of the first application on the schedule (LA05/2023/0950F) and it was necessary to go 'into committee' to receive legal advice on this matter.

"In Committee"

It was proposed by Councillor D Bassett, seconded by Councillor G Thompson and agreed to go 'into committee' to consider this matter. Those members of the public and press in attendance left the meeting (10.14 am).

Legal advice was provided by the Legal Advisor in respect of the late representation received.

Resumption of Normal Business

It was proposed by Alderman J Tinsley, seconded by Councillor D Bassett and agreed to come out of committee and normal business was resumed (10.23 am).

The Chair, Alderman M Gregg, advised that the late written representation submitted this morning would be accepted, but the meeting would be adjourned at this stage to afford Members and those in attendance at the meeting in objection to the proposal the opportunity to read and absorb its contents.

Adjournment of Meeting

The meeting was adjourned at 10.25 am.

Resumption of Meeting

The meeting was resumed at 10.40 am.

The Head of Planning & Capital Development confirmed that, having read the content of the late written representation, it did not raise any new issues that would require Officers to withdraw the application from the schedule for further reports to be drawn up. Officers were content for the application to proceed to be considered by the Committee.

PC 12.05.2025

5

- (i) LA05/2023/0950/F – Retrospective change of use from Class A1 Shop to Café for the sale of food or drink for consumption on the premises at Unit 1 Emerson House, 14b Ballynahinch Road, Carryduff

Councillor P Catney arrived to the meeting during consideration of this item of business (10.46 am).

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

The Committee received:

- Mr G Rolston, accompanied by Mrs A Ewing, in order to speak in opposition to the application; and
- Councillor T Mitchell, accompanied by Mr A Ewing, in order to speak in opposition to the application.

Councillor U Mackin queried whether he had received a written representation from Mr and Mrs Ewing, as referred to by Councillor Mitchell in his speaking note. To afford Members time to review an email submission by Mr and Mrs Ewing that had been circulated to Members on Friday afternoon, the Chair, Alderman M Gregg, advised that the meeting would be adjourned for a short time.

Adjournment of Meeting

The meeting was adjourned at 11.11 am.

Resumption of Meeting

The meeting was resumed at 11.16 am.

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

The Committee received Mr C Lockhart BL, accompanied by Mr M Gilchrist, in order to speak in support of the application and a number of Members' queries were addressed.

A number of Members' queries were responded to by Planning Officers and Mr A Moore, NI Water, who was in attendance remotely.

Debate

During debate:

- Alderman J Tinsley referred to the difficulties associated with retrospective planning applications. Should the recommendation of the Planning Officer to refuse permission be upheld, 15 people would be notified they would lose their jobs. However, the Committee could not ignore the fact that the whole area was under severe pressure with the treatment works. If the timeline for completion of upgrades was only 2 months, a solution may be able to be found, but it was expected to be 18 months. This was a difficult position but the Committee had to take account of evidence provided by the statutory body;

PC 12.05.2025

6

- (i) LA05/2023/0950/F – Retrospective change of use from Class A1 Shop to Café for the sale of food or drink for consumption on the premises at Unit 1 Emerson House, 14b Ballynahinch Road, Carryduff (Contd)
- Councillor N Trimble stated that the evidence from NI Water was compelling and the Committee could not step outside policy. There was evidence to suggest this application was contrary to policy WM2. Councillor Trimble was of the opinion that the car parking at the site was not great. The evidence given to the Committee suggested that there had been an impact caused by this. Parking to the rear of the café or shop was not clear and the access was narrow. On the basis of policy WM2, Councillor Trimble stated that he was in support of the recommendation of the Planning Officer to refuse planning permission;
 - Alderman O Gawith stated that he concurred with comments made and was in support of the recommendation of the Planning Officer to refuse planning permission;
 - Councillor D J Craig stated that this application was a prime example that planning did have an impact on peoples' lives. The decision of the Committee would have an impact on businesses and peoples' jobs. That difficulty had not been brought about by Planning Officers, but by those who had proceeded in the hope that planning approval would be granted. NI Water had pointed out the massive difficulties with regard to sewerage in this area. Calculations had been done and an engineer's report completed. As a result of the overall sewerage system, NI Water could not approve this application. This was incredibly unfortunate for this business but the Committee had to make decisions based on facts and on the advice of statutory consultees. Councillor Craig was reluctantly in support of the recommendation of the Planning Officer to refuse planning permission;
 - Councillor U Mackin stated that he sympathised with the business, which was working in a very difficult environment, but a risk had been taken without full planning approval in place and it had come unstuck. NI Water had been clear. A study had been carried out which was more concrete than just an opinion. Councillor Mackin was in support of the recommendation of the Planning Officer to refuse planning permission; and
 - the Chair, Alderman M Gregg, stated that the Council, the Committee and himself personally wanted to see successful businesses, but they needed to comply with policy. He was not in favour of retrospective applications, particularly when there were responses from statutory consultees indicating insufficient capacity and non-compliance. There was a comprehensive response from NI Water, as well as issues raised by DfI regarding car parking. Given that NI Water had programmes in place over the next 18 months, Alderman Gregg stated that the landlord may have some issues to resolve during that period. He was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

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

PC 12.05.2025

7

- (i) LA05/2023/0950/F – Retrospective change of use from Class A1 Shop to Café for the sale of food or drink for consumption on the premises at Unit 1 Emerson House, 14b Ballynahinch Road, Carryduff (Contd)

In favour: Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble and the Chair, Alderman M Gregg (9)

Against: (0)

Abstain: Councillor D Bassett (1)

It was noted that, as he not been present for the entirety of consideration of this application, Councillor P Catney did not participate in the vote.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.05 pm).

Resumption of Meeting

The meeting was resumed at 12.12 pm.

- (ii) LA05/2021/1007/F – Residential development consisting of one detached dwelling, two semi-detached dwelling and eight apartments in two blocks (a total of eleven residential units) plus associated site work including sewerage treatment plant and new access onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald

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

The Committee received Mr C Caves to speak in opposition to the application and a number of Members' queries were responded to.

A number of Members' queries were responded to by Mr Young, on behalf of the applicant.

Debate

During debate:

- Councillor N Trimble stated that he had not heard enough to change his mind from the last time this proposal had been presented to the Committee. His concerns were in relation to the blocks of flats being incredibly high. The proposed floor level was already significantly raised in respect of the road and the footpath and the flats to the boundary hedge were an addition

PC 12.05.2025

8

- (ii) LA05/2021/1007/F – Residential development consisting of one detached dwelling, two semi-detached dwelling and eight apartments in two blocks (a total of eleven residential units) plus associated site work including sewerage treatment plant and new access onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald (Contd)

to that. The concerns he had raised last time related to the significant overbearing nature and overlooking onto houses on the opposite side of the road. Given that there was no change to that situation, Councillor Trimble was not in support of the recommendation of the Planning Officer to approve planning permission;

- Councillor U Mackin stated that he had voted again granting planning permission the last time this proposal had been presented to the Committee and he had not heard anything that changed his opinion;
- Alderman O Gawith stated that he considered this to be an overbearing development. Having attended the previous site visit, he was not in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that when the proposal had been before the Committee previously he had not been in support of granting approval due to the overbearing nature of the apartments and their proximity to the road. They were entirely not in keeping with the local character anywhere in the area. The sites given as examples were 1.5km away and none were as close to a strategic road, or any road, as the proposed properties would be. In addition to the overbearing nature, there was a refusal from NI Water due to incomplete waste water impact assessment. He stated that the Committee would be entirely within its remit to uphold the refusal by NI Water, albeit there was a recommendation from the Planning Officer to grant approval, subject to a negative condition. Alderman Gregg did not consider that negative condition to be strong enough.

Vote

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

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor A Martin, Alderman J Tinsley and Councillor G Thompson (6)

Against: Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor N Trimble and Chair, Alderman M Gregg (5)

Abstain: (0)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (1.03 pm).

PC 12.05.2025

9

Resumption of Meeting

The meeting was resumed at 1.38 pm.

- (iii) LA05/2023/0932/F – Two pigeon sheds (retrospective and amended scheme) at 21 Little Wenham, Moira

Having declared an interest in this application, Alderman O Gawith left the meeting when it was being considered (1.39 pm).

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

Mr G Tumelty was in attendance to answer any Members' questions but no questions were asked.

There were no queries put to Planning Officers.

Debate

During debate:

- Councillor D J Craig commended Planning Officers for their efforts in relation to this planning application with the redesign of the sheds, their location and how they were now built. There had been huge improvements, not only to environmental friendliness, but for the pigeons themselves. It was good to see a resolution had been found and Councillor Craig was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor A Martin concurred with the sentiments expressed by Councillor Craig; and
- the Chair, Alderman M Gregg, stated that this was the reason the Committee could defer applications – so resolutions could be found. He welcomed this application coming back with the changes made.

Vote

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

Alderman O Gawith returned to the meeting (1.51 pm).

- (iv) LA05/2023/0666/F – Change of use of Day Care Nursery (Class D1(b)) to residential dwelling (Class C1(a)) at the former Little Crickets Day Care, 2 Furze Road, Glenavy, Crumlin

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

PC 12.05.2025

10

- (iv) LA05/2023/0666/F – Change of use of Day Care Nursery (Class D1(b)) to residential dwelling (Class C1(a)) at the former Little Crickets Day Care, 2 Furze Road, Glenavy, Crumlin (Contd)

The Committee received:

- Mrs C Millar in order to speak in support of the application;
- Councillor C Kemp, in order to speak in support of the application; and
- having submitted a late request for speaking rights and this having been accepted by the Chair, Councillor G McCleave spoke in support of the application.

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

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

Debate

During debate:

- Councillor P Catney stated that he had sympathy with the applicant in trying to change the use of the building. He had asked if the building had genuinely been put on the market to try to find its value or a new use, but he did not consider that had been demonstrated to him. The application was contrary to COU4 and, if approved, would open the floodgates for that type of development and what defined vernacular in the countryside. Councillor Catney was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that he sympathised with the applicant. He had not heard anything today that would lead him to believe this would fit with the definition of vernacular. He referred to a comment made about a potential exception for something being brought back as more than one dwelling, which the applicant may wish to take note of. As this application was for conversion to a single dwelling, Alderman Gawith was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor N Trimble concurred with the previous speakers. The application was not compliant with COU4 and was not a vernacular building. He did not consider there was significant evidence to compel the Committee to set aside planning policy. Councillor Trimble was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor U Mackin stated that he had sympathy with the applicant. He referred to the examples given in the report of vacant properties within village settings where it had been difficult to bring them back into use. If there were difficulties turning a property in a village setting into something commercially viable, there would much less chance of this in the countryside. It would not be possible or easy to realise a sale. That being the case, this would lead to a situation where there was a relatively new building that would turn into a derelict site. In 100 years' time, it would be referred to as a vernacular building because it was used as a play school. That did not make sense to Councillor Mackin. Criteria a-e in COU4 could

PC 12.05.2025

11

- (iv) LA05/2023/0666/F – Change of use of Day Care Nursery (Class D1(b)) to residential dwelling (Class C1(a)) at the former Little Crickets Day Care, 2 Furze Road, Glenavy, Crumlin (Contd)

be met but the Committee was hidebound by policy over what made common logical sense. Councillor Mackin stated that he would abstain from voting on this application;

- Councillor D J Craig stated that he was frustrated by this application. He agreed with Councillor Mackin that criteria a-e of COU4 could be met but it did not meet the definition of the word vernacular. The property was not 100 years old. This was a fundamental problem with definitions in this policy. If everything was to be defined by its age and how it had been in a community, the Committee would become unstuck time and time again with buildings such as this. Whilst forced to follow policy, the policy did not make any sense. Policy would condemn this building to be derelict for a long period of time as, given its location and the other facilities available locally, it would not become a viable business. Councillor Craig stated that he would abstain from voting on this application; and
- the Chair, Alderman M Gregg, stated that, in his opinion, there had been a way that this application potentially could have been approved. However, that was closed with the definition in the Justification and Amplification, ie. “vernacular buildings are those that reflect the local folk tradition and are typical of a common type of building in a particular locality”. That closed out the opportunity of this property being repurposed as a single dwelling. Similar to Alderman Gawith, he noted that there was an exception in the policy that would allow for a building to be converted for multiple dwellings and, in that exception, the word vernacular was not used. Alderman Gregg had sympathy with the applicant but was constrained by policy. He was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

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

In favour: Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble and Chair, Alderman M Gregg (8)

Against: (0)

Abstain: Councillor D Bassett, Councillor D J Craig and Councillor U Mackin(3)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.04 pm).

Councillor D Bassett left the meeting during the comfort break.

PC 12.05.2025

12

Resumption of Meeting

The meeting was resumed at 3.11 pm.

- (v) LA05/2022/0799/O – Site for replacement dwelling with retention of old dwelling as domestic store on lands 25 metres east of 16 Drumcill Road, Lisburn

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

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

Prior to questions being put to Planning Officers, it was proposed by Alderman O Gawith that this application be deferred for a site visit to take place. This was seconded by Councillor U Mackin and, on a vote being taken, agreed, the voting being 7 in favour and 3 against.

- (vi) LA05/2023/0064/F – Two storey replacement dwelling on a farm with garage on land 120m south of 4 Corrstown Road, Upper Ballinderry, Lisburn

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

The Chair, Alderman M Gregg, advised that there had been two registered speakers for this application, but both had withdrawn their requests.

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

Debate

During debate:

- Councillor A Martin stated that there was an opportunity to build closer to the buildings off the existing lane. He did not consider this application met policy and was in support of the recommendation of the Planning Officer to refuse planning permission.

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.

Councillor N Trimble left the meeting at this point (3.56 pm).

4.2 Quarter 3 Statistical Bulletin – October to December 2024

Members were provided with a copy of the Quarter 3 Statistical Bulletin, covering the period October to December 2024. It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that this be noted

4.3 Statutory Performance Indicators – March 2025

Members were provided with information in relation to statutory performance indicators for March 2025. It was proposed by Councillor A Martin, seconded by Councillor G Thompson and agreed that this information be noted.

4.4 Appeal Decision – LA05/2022/0236/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.5 Appeal Decision – LA05/2022/0883/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.6 Appeal Decision – LA05/2022/0958/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.7 Appeal Decision – LA05/2022/1058/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.8 Appeal Decision – LA05/2023/0174/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.9 Appeal Decision – LA05/2021/0946/O

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

Councillor U Mackin welcomed the fact that, in respect of all of the above appeals, the decision of the Planning Committee had been upheld by the Planning Appeals Commission. This demonstrated the level of thoroughness that was given to applications and Councillor Mackin commended Planning Officers for this.

PC 12.05.2025

14

- 4.10 Pre-application Notice (PAN) for the demolition of existing retail warehouse, erection of discount foodstore, building for leisure use, drive through café, drive through restaurant, and associated parking, landscaping and site works at former Homebase site, 3 Upper Galwally, Belfast

It was proposed by Councillor G Thompson, seconded by Councillor P Catney and agreed to note the information on the content of the Pre-application Notice and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.11 Pre-application Notice (PAN) for an application under Section 54 of the Planning Act NI 2011 to develop Phase 11 of Baronsgrange without compliance with conditions 16 and 19 of planning permission Y/2009/0160/F to provide a bus service instead of bus passes as required by condition 19 and replace it with bus infrastructure related to the new bus service at Baronsgrange development at Comber Road, Carryduff

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to note the information on the content of the Pre-application Notice and that it be submitted in accordance with the relevant section of the legislation and related guidance.

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

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed to note from the report, information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at a number of locations in the Council area.

Alderman J Tinsley stated that a neighbouring resident of one of the locations listed had concerns about it. The Head of Planning & Capital Development advised that the person should raise their concerns directly with the operator and also write to the Council so the Enforcement Unit could check to ensure the operator was in compliance with regulations.

- 4.13 Correspondence to Chief Executive in respect of Developer Contributions for Wastewater Infrastructure - Consultation

It was proposed by Alderman O Gawith, seconded by Councillor G Thompson and agreed that the contents of the above correspondence be noted.

5. Any Other Business

5.1 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee would be held on Monday, 2 June, 2025.

PC 12.05.2025

15

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting was terminated at 4.11 pm.

Chair/Mayor

DRAFT



Committee:	Planning Committee
Date:	02 June 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The following applications have been made to the Council as the Local Planning Authority for determination. 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. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The applications are presented in accordance with the current scheme of delegation. There is one major application and four local applications. Three have been Called In (one of which was previously deferred), and one is mandatory. <ol style="list-style-type: none"> LA05/2024/0823/F - Proposed redevelopment of Poole's Supervalu incorporating demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exit points; proposed replacement retail unit and two lettable hot food units with associated car parking and landscaping at Poole's Supervalu, 21 Main Street, Moira Recommendation – Approval LA05/2024/0186/F - Proposed dwelling within an existing cluster on land 60 metres south of 162 Old Ballynahinch Road, Lisburn Recommendation – Refusal LA05/2024/0753/F - Proposed community hub building at Moira Community Hub, 180 metres northwest of 37 Demesne Grove, Moira. Recommendation – Approval LA05/2022/0799/O - Site for replacement dwelling with retention of old dwelling as domestic store on lands 25 metres east of 16 Drumcill Road, Lisburn. Recommendation - Refusal

	<p>e) LA05/2023/0012/F – New one and a half storey infill dwelling with detached double garage on land 60 metres south of 20 Magheradartin Road and 75 metres northwest of 22 Magheradartin Road, Royal Hillsborough. Recommendation – Refusal</p> <p>2. The above referenced applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</p>	
2.0	<p><u>Recommendation</u></p> <p>For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Summary of the key issues identified and proposed mitigating actions <u>or</u> 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 – LA05/2024/0823/F
- Appendix 1.2 - LA05/2024/0186/F
- Appendix 1.3 - LA05/2024/0753/F
- Appendix 1.4a b c – LA05/2022/0799/O
- Appendix 1.5 – LA05/2023/0012/F

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 June 2025
Committee Interest	Major Application
Application Reference	LA05/2024/0823/F
Date of Application	13 November 2024
District Electoral Area	Downshire West
Proposal Description	Proposed redevelopment of Poole's SuperValu site incorporating demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exit points; proposed 1no. replacement retail unit and 2no. lettable hot food units with associated car parking and landscaping.
Location	Poole's SuperValu, 21 Main Street, Moira, Craigavon, BT67 0LE
Representations	One
Case Officer	Gillian Milligan
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as major development in accordance with the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the retail development is over 1,000 square metres in size outside of a town centre.
2. The proposal is presented with a recommendation to approve as the proposed development is considered to comply with Policies TC1 and TC3 of the Plan Strategy. It has been demonstrated that the site is sequentially preferable, and the proposal is suitable in terms of scale, size, design and form and will not conflict with any of the features of the Moira Conservation Area.
3. In addition, the proposal satisfies the requirements of policies TRA1, TRA2, TRA3 and TRA7 of the Plan Strategy as the proposal will create an accessible environment, the alterations to the existing access arrangements will not

prejudice road safety or inconvenience the flow of traffic, and appropriate car parking and servicing arrangements will be included as part of the new development.

4. The proposal complies with Policy FLD 3 as suitable drainage will be provided to prevent flood risk outside of a floodplain and there is available capacity at the Waste Water Treatment Works.
5. The proposal also satisfies the requirements of with Policies HE9 and HE10 as it will have no adverse impact on the setting of any adjacent listed building, and it will enhance the approach into Moira Conservation Area.

Description of Site and Surroundings

Site

6. The site is located at Poole's SuperValu, 21 Main Street, Moira. The site contains an existing Supervalu retail unit, a vacant retail unit and the former Police Station site which following the demolition of its buildings has been used as a car park associated with the retail units.
7. The existing Supervalu building has a flat roof with cream rendered walls, metal cladding and glazing.
8. The site is relatively flat. The front boundary along Main Street has brick pillars with metal railings along the former police station site and bollards along the front of Supervalu. The side boundary along Magherahinch House Lane is a mix of brick pillars with metal fencing and solid 3 metre brick wall with metal palisade fencing on top. This wall continues along the rear of the former police station site. The western boundary is undefined adjacent to an existing petrol filling station

Surroundings

9. The character of the surrounding area is mixed-use in nature with neighbouring uses including petrol filling station, BT compound, church and residential.
10. The site is adjacent to the Moira Conservation Area boundary and a listed building at the Old School is facing the site.

Proposed Development

11. The proposal is for the redevelopment of Poole's SuperValu site in Moira incorporating demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exit points; proposed 1no. replacement

retail unit and 2no. lettable hot food units with associated car parking and landscaping.

12. The application submission was also supported by the following:

- Design and Access Statement
- Planning Statement
- Pre-application Community Consultation Report
- Transport Assessment Form
- Service Management Plan
- Noise and Odour Impact Assessment
- Drainage Assessment

Relevant Planning History

13. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
LA05/2022/0723/F	Proposed extension and facade improvement scheme to existing Supervalu retail premises, including conversion of existing lettable unit to back of house staff office accommodation and ambient chilled storage, construction of lettable hot food unit, alteration of existing vehicular and pedestrian entrance/ exit locations, conversion of former PSNI site to provide customer and staff 114no. car parking facility with pedestrian footpaths and protection bollards, demolition of former PSNI out buildings and formation of dedicated secure delivery yard	23 Main Street Moira Craigavon BT67 0LE	Permission Granted 23/08/2023
LA05/2021/0697/F	Retention of temporary car park for a 1-year period	Former PSNI Station 25 Main Street Moira BT67 0LE	Permission Granted 20/09/2023
S/2013/0269/F	Retrospective planning application for the construction of a car garage	PSNI Station 25 Main Street Moira BT67 0LE	Permission Granted
S/2006/0956/F	Rear extension to existing supermarket	21-23 Main Street Moira	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
Environmental Health	No objection
NI Water	No objection
Dfl Rivers	No objection
Historic Environment Division	No objection
NIEA Water Management Unit	No objection
NIEA Regulation Unit	No objection
LCCC Conservation Area Officer	No objection

Representations

15. One letter of objection has been received to the proposal. The main issue of concern is the proposed hot food units when one already exists on site and there are too many in the town.
16. This issue is considered in more detail as part of the assessment below.

Environmental Impact Assessment (EIA)

17. As the site area exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015 the need for environmental impact assessment is considered.
18. An EIA screening was carried out and it was determined that the nature and scale of the proposed development is unlikely to result in any significant adverse environmental impact. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

19. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the retail development is over 1,000 square metres outside of a town centre.
20. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report was submitted with the application.

21. The public event was held in the vacant retail unit next to Poole's Supervalu, Moira, on 18 September 2024 between 3pm and 7pm. It was open to the public and advertised through notices in the local newspapers and project letters to the residents within 500 metres of the proposed development site.
22. Consultation opportunities were also extended to elected members within the District Electoral Ward and a website created to view the presentation boards from the public consultation event and submit feedback.
23. The Agent and the Architect were available throughout the event to fully explain the development proposals and to answer any questions raised by those attending.
24. Around 50 people attended the event, and 19 feedback forms were completed and returned. Feedback was also received by email.
25. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning. The report concludes that based on the feedback received several design changes were made to the original scheme including more landscaping, retention of boundary walls, a reduction in the number of hot food units from three to two and improvements to road safety for delivery vehicles.

Local Development Plan

Local Development Plan

26. 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

27. 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.

27. In accordance with the transitional arrangements, the Plan Strategy and the Lisburn Area Plan (LAP) are the statutory development plan however draft Belfast Metropolitan Area Plan 2015 (draft BMAP) remains a material consideration.
28. In the LAP and draft BMAP the application site is located within the Settlement Development Limit of Moira. In draft BMAP the site is located on the edge but outside of Moira Conservation Area.
29. Moira is identified as a small town without a town centre. Within Part 1 of the Plan Strategy 2032 it is intended to identify a suitable town centre boundary for Moira at the Local Policies Plan Stage.
30. This proposal is for the redevelopment of an existing Supervalu retail unit and two hot food units inside a settlement. The following strategic policies in Part 1 of the Plan Strategy apply.
31. 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; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets.

32. Strategic Policy 05 - Good Design and Positive Place-Making states that:

the plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making

should acknowledge the need for quality, place specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

33. Strategic Policy 14 Town Centres, Retailing and Other Uses states:

The Plan will support development proposals that: a) promote town centres, retailing and other uses within the City and town centres to enhance their vitality and viability in accordance with their role and function in the retail hierarchy b) support the role of District and Local Centres.

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

Town Centres, Retailing and Other Uses

35. The proposal is for the redevelopment of a food store within a settlement limit. Policy TC1 Town Centres, Retailing and Other Uses states:

A Sequential Approach will be adopted for planning applications for retail and other city/ town centre uses to be considered in the following order of preference:

- a) primary retail core and retail frontage (where designated)*
- b) city or town centres*
- c) edge of city or town centres*
- d) out of centre locations – only where sites are accessible by a choice of good public transport.*

Justification and Amplification

Retail development within the city or town centres maximises business opportunities, promotes competition and innovation and enhances quality of life by stimulating economic investment. In order to sustain and enhance the vitality and viability of town centres and their functions, town centres, or where designated their primary retail core, and retail frontage will be the first choice for all retailing development.

The provision of a sequential approach enables a range of retailing opportunities appropriate to the needs of the community. The sequential approach will help ensure that consideration is first given to the primary retail core and retail frontage, followed by city and town centres to encourage viability and vitality. Preference will then be given to an edge of centre location before considering an out of centre location.

Proposals for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location or in accordance with the Local Development Plan will be required to undertake a Retail Impact Assessment and/or an assessment of need. This includes proposed extensions to existing premises which would

result in the overall development exceeding 1,000 square metres gross external area

36. Moira is identified in the settlement hierarchy as a town. Policy TC3 Town Centres states:

The Plan seeks to strengthen the role of the three primary towns, Carryduff, Royal Hillsborough and Moira, which serve a local population and offer a variety of services.

Planning permission will be granted for retail and other town centre uses where all of the following criteria are met:

- a) proposals are suitable in terms of scale, size, design and form*
- b) proposals do not conflict with other statutory designations, such as Conservation Area designation.*

Beyond a designated town centre boundary proposals for town centre uses will only be granted planning permission in accordance with the sequential approach of Policy TC1 and where there would be no adverse impact on adjacent land uses.

Justification and Amplification

Retail, leisure and business uses will be promoted within existing town centres. Promoting town centres as the principal locations for retailing and leisure, with a mix of employment, entertainment, cultural, bars, cafes and restaurants which complement the range and choice of facilities for residents, contributes to the night-time economy and supports tourism.

All proposals must be of scale appropriate to the location and take account of any designations potentially conflicting with the proposed development.

Carryduff is the only town currently with a designated town centre boundary. It is intended to propose town centre boundaries within Royal Hillsborough and Moira as part of the Local Policies Plan. Proposals must be appropriately designated to take account of the Conservation Area designation in these locations.

Access and Transport

37. The proposal will use an existing altered vehicular access onto the A3. Policy TRA1 - Creating an Accessible Environment states that:

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

- a) facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) user friendly and convenient movement along pathways and an unhindered*

- approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

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

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

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

38. The proposal will involve altering the existing access. Policy TRA2 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.

Justification and Amplification

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.

39. The A3 at Main Street, Moira is a protected route. Policy TRA3 states:

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

Motorways and High Standard Dual Carriageways – All locations

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

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

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

Other Protected Routes – Outside Settlement Limits

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

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. In all cases the proposed access must be in compliance with the requirements of Policy TRA2.*

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points. In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

Justification and Amplification

There has been a long established policy of restricting access onto the main roads that facilitate the efficient movement of traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between all the main towns, airports and seaports, and with the Republic of Ireland.

The roads onto which this policy of access control is exercised are known as 'Protected Routes' and comprise:

- primary routes*
- routes between the principal city or town in each council and/or cross border*
- routes to ports and airports*
- selected routes with high traffic flows.*

This encompasses the roads element of the Regional Strategic Transport Network contained in the Regional Development Strategy, 2035.

40. A Transport Assessment was submitted as part of the application. Policy TRA6 Transport Assessment states:

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

Justification and Amplification

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.

The detail and degree of a Transport Assessment (TA) should reflect the scale of development and the extent of the transport implications of the proposal. In applications for significant transport movements, a TA may need to be accompanied by a Travel Plan. The document 'Transport Assessment – Guidelines for Development Proposals in Northern Ireland' (November 2006) issued jointly by the then Department for Regional Development (DRD) and the Department of the Environment (DoE) (now the Department for Infrastructure) provides detailed information on this process and should be referred to directly.

Developers will be required to bear the costs of additional transport infrastructure and associated facilities necessitated by the proposed development. Developer contributions which include planning agreements under Section 76 of the Planning (Northern Ireland) Act 2011 and under Article 122 of the Roads (Northern Ireland) Order 1993 in terms of infrastructure works may be required.

41. The proposed development will require car parking and need to be serviced. Policy TRA7 – Car Parking 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. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

a) where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes

b) where the development is in a highly accessible location well served by public transport

c) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking

d) where shared car parking is a viable option

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

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

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

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

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

Historic Environment

42. The site is opposite a listed building at the 'Old School House'. Policy HE9 development affecting the setting of a listed building states

Proposals which would adversely affect the setting of a listed building will not be permitted. 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.*

Justification and Amplification

The Council will consult DfC on proposals for development which by its character or location may have an adverse effect on the setting of listed buildings. Such proposals will require very careful consideration even if the development would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Certain proposals, because of the nature of their use, can

adversely affect the character of the setting of a listed building or group of buildings through noise, nuisance and general disturbance.

The setting of a listed building is often an essential part of a building's significant character. Therefore, the design of the new buildings to stand alongside heritage assets is particularly critical. The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting and the extent to which the proposed development and the listed building will be experienced in juxtaposition; and how the setting of the heritage asset is understood, seen experienced and enjoyed and the impact of the proposal on it.

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials.

Where it is considered that a development proposal may affect the setting of a listed building the Council through consultation with DfC will normally require the submission of detailed and contextual drawings which illustrate the relationship between the proposal and the listed building.

43. The site is outside of but on the edge of Moira Conservation Area. Policy HE10 relates to new development in a conservation area but also states:

new development will be expected to respect the character and appearance of the conservation area and retain important views in and out of the conservation area.

Flooding

44. The proposal involves a large area of hardstanding for car parking therefore a drainage assessment was submitted under Policy FLD 3. Policy FLD 3 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.

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.

Justification and Amplification

Pluvial or surface water flooding occurs as a result of high intensity rainfall which overwhelms natural or man-made drainage systems resulting in water flowing overland and ponding in depressions in the ground. It is a particular problem in urban areas which are often dominated by non-permeable surfaces (eg roofs, roads and car parks). Such development inhibits the natural run-off process, often by removing opportunities for surface water storage and restricting infiltration of water into the ground. Surface water run-off and flooding has increased steadily with the expansion of urban areas, the infilling of green spaces and the cumulative effects of minor development such as house extensions and the paving of gardens to provide for patios and car parking.

All of these factors have combined to intensify surface water runoff and place additional pressures on the drainage network. Modern urban drainage systems are designed only to cope with a 1 in 30 year rainfall event while older parts of the network will invariably be operating to a much lower standard.

When carrying out a drainage assessment consideration should be given to the use of sustainable drainage systems (SuDS) as the preferred drainage solution. The Council will consult DfI Rivers, and any other public body as necessary, for advice on development proposals affecting flood defences and drainage infrastructure where relevant.

Regional Policy and Guidance

Regional Policy

45. The SPPS was published in September 2015. It is the most recent regional 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.

46. 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.

47. The proposal is for retail use. The SPPS at paragraph 6.271 confirms that:

The regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses;

48. Para 6.280 of the SPPS states that:

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date LDP.

49. Paragraph 6.281 states that:

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good public transport modes.*

50. Paragraph 6.282 states that:

In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites. All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.

Retained Regional Guidance

51. Whilst not policy, the following guidance documents remain a material consideration.

Development Control Advice Note 15 – Vehicular Access Standards

52. 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.’

Parking Standards

53. This document sets out the parking standards that the Council will have regard to in assessing proposals for new development. The standards should be read in conjunction with the relevant policies contained in the Plan Strategy.

Assessment

54. The proposal is for the proposed redevelopment of Poole's SuperValu site in Moira incorporating demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exit points; proposed 1no. replacement retail unit and 2no. lettable hot food units with associated car parking and landscaping.
55. The gross floor area of the existing retail units proposed for demolition on site is 1,385 m².
56. The Design and Access statement submitted with the proposal details that once the new premises are complete, the existing Supervalu unit will be demolished for the construction of the two hot food units and completion of the car park.
57. The total gross floor area of the new Supervalu store will be 1,364m² and the two hot food units will be 93m² each. The total gross floor area for the whole development is 1550m², which is 165m² more than what is proposed to be demolished.
58. Supervalu is a retail food store within Moira settlement limit. It is recognised that a town centre first approach must be adopted for retail and main town centre uses.

59. Both Part 1 and Part 2 of the Plan Strategy detail that currently there is no defined town centre for Moira, however it is intended to identify a suitable town centre boundary at the Local Policies Plan stage. While the LPP is in preparation a draft will not be published until next year in accordance with the LDP timetable.
60. Within the LDP Technical Supplement 5: Retail Capacity Study, a town centre health check was carried out for Moira. This details that a street survey was undertaken of Moira to determine the extent of the area which best represents the town centre in terms of the concentration of retail and commercial activities and sets out that its role is to provide a range of range of services for residents of the town and its immediate hinterland.
61. The area defined within this survey demonstrated the concentration of activities which have a 'town centre function'. This defined area included the current Supervalu site.
62. For the purposes of this assessment, it is therefore considered that Policy TC3 within Part 2 of the Plan Strategy is applicable as it includes a town centre for Moira and the retail capacity study includes this site as part of the potential town centre as it has a town centre function and is located within a concentration of retail and commercial activities in Moira. I will return to my consideration of this policy later in the report.
63. Policy TC1 of the Plan Strategy states that a sequential approach will be adopted for planning applications for retail and other city/town centre uses and that the provision of a sequential approach enables a range of retailing opportunities appropriate to the needs of the community.
64. Within Policy TC1 the most sequentially preferable site is a primary retail core/retail frontage (where designated) then a city or town centre. As discussed above the site can be considered to be within the town centre of Moira which does not have a primary retail core and therefore is a sequentially preferable site.
65. Within the justification and amplification of Policy TC1 it states that town centre type developments above a threshold of 1,000 square metres of gross external area which are not proposed within a town centre location or in accordance with the LDP will be required to undertake a retail impact assessment.
66. The new Supervalu will have a gross floor area of 1,364m². Whilst this is greater than the required threshold, as previously discussed it is considered that the site is not within a town centre but is the concentration of retail and commercial activities in Moira equivalent to a town centre and therefore a retail impact assessment is not required. Also, as the proposal is for the replacement of an existing retail use with a marginal decrease in gross floorspace for the retail unit only, it would not be considered necessary to provide a retail impact

assessment as the new retail unit would continue to serve an established local need in Moira.

67. The proposal therefore complies with Policy TC1 of the Plan Strategy.
68. Policy TC3 seeks to strengthen the role of Moira (one of the three primary towns within the council area) to serve a local population and offer a variety of services. Planning permission will be granted where two criteria are met.
69. The first criteria requires that the proposal is suitable in terms of scale, size, design and form and the second that the proposal does not conflict with other statutory designations such as Conservation Areas. As previously discussed, the site is outside but adjacent to the Moira Conservation Area boundary.
70. The proposed new food store will be relocated to the former police station site and along Magherahinch House lane. The building will be set back from the existing building line along Main Street. The existing building will be demolished, and two hot food units will be located in the south-west corner of the site.
71. The buildings to be replaced have a gross floor area of 1385m². The new building will have a gross floor area of 1,364m² therefore the size of the new building is comparable to what currently exists and as it is replacing an existing food store is considered a suitable retail use for this location. Additional floorspace (of 93m² per unit) will be added by the two new hot food units. These are considered as uses in a concentration of retail and commercial activities and acceptable in this location to compliment the range and choice of facilities for local residents.
72. The retail element of the new food store building has been designed to resemble a collection of smaller buildings, featuring a series of three pitched roofs parallel to Main Street with the gable elevation along Magherahinch House lane. This is considered to follow a similar pattern of development within the conservation area of eaves running parallel to Main Street and gables facing the side streets. The associated offices of the retail unit will be located in a two-story block with a pitched roof at the rear of the development.
73. The buildings along Main Street and within the area are predominantly two storeys. The eaves height of the retail element of the new food store building will be similar to the existing eaves height of the two storey buildings to the east of the site along Main Street to ensure the scale is in keeping with the character of the area and the proposal does not dominate views into or out of the conservation area.
74. The Design and Access statement submitted with the application details that chimneys are an important feature of the surrounding historic roofscape and create a distinctive pattern. The new development seeks to reflect and continue

this pattern with slight modifications by incorporating chimney features on the roof that will be used as roof-lanterns. The addition of chimneys will respect the character and appearance of the conservation area.

75. The new food store building will be finished in smooth off-white render on most exterior walls, with the corner section nearest to Main Street clad in natural basalt stone to replicate the appearance of rubble stone construction along Main Street. The section of the walls furthest from Main Street will use slightly more modern metal cladding which will match the metal standing seam roof finish. The building will also include glass and aluminium curtain walling.
76. The two hot food units will have a simple rectangular footprint with a metal standing seam pitched roof finish, metal standing seam wall cladding and white scraped texture coloured through render. This will match the design of the new food store building.
77. The existing landscaping strip along the Main Street frontage, including the existing seating bench, will be retained. Additionally, a new planted area is proposed along Magherahinch House Lane to help soften the relationship between the proposed development and the edge of the Moira Conservation Area. The set back of the new food store building will also ensure that important views in and out of the Conservation area are retained.
78. Landscaping will also be added along the front of the site, the western boundary and throughout the site to soften the visual impact on the car park. The existing boundary wall along Magherahinch House lane will be retained which will aid integration of the new building and maintain views of the site.
79. The Council's Conservation Area Officer was consulted and is content that the proposal will not impact adversely on the setting of the conservation area. This is considered in more detail in the relevant section later in the report.
80. The proposed redevelopment of the site is therefore considered suitable in terms of scale, size, design and form for this location in Moira and the proposal will respect the character and appearance of the conservation area. The proposal therefore complies with parts a) and b) of Policy TC3 of the Plan Strategy.

Access and Transport

81. Detail submitted with the application demonstrates that the access arrangements to the site will be slightly altered with the existing access to the former police station site modified slightly to be entrance only and the existing access to the

car parking exit only. Both accesses will be onto Main Street which is a protected route.

82. In accordance with Policy TRA1 the proposal will create an accessible environment for all visitors to the site. There will be level access to the buildings, dropped kerbs and tactile paving. Priority will be given to pedestrian and cycle movement with pedestrian crossings at the accesses, footpaths within the site and provision of cycle parking. Disabled parking spaces and parent and child places will also be provided. It is therefore considered that the proposal complies with Policy TRA1.
83. With regards to Policy TRA2 the alterations of the access to the public road are designed in accordance with current DfI Roads standards. DfI Roads was consulted and offers no objections subject to conditions. I have no reason to disagree with the advice offered based on a review of the submitted plans and a site inspection. Therefore, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.
84. The proposal accesses onto the A3 Main Street which is considered under Policy TRA3 as other protected routes within settlement limits. Under this policy it is stated that planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road.
85. A Transport Assessment Form has been submitted which states that 501 car-based trips over the day are currently expected based on the existing development, and this is proposed to increase to 721 trips a day based on TRICS for the new development. Whilst this is a small increase in car movements per day, it is considered that the access cannot be reasonably taken from an adjacent minor road as the access to the site already exists off Main Street, Magherahinch House lane which is directly to the north of the site would not be suitable for this amount of traffic and the building is proposed along the boundary with the lane way. As discussed above DfI Roads offer no objections to the proposal.
86. Under Policy TRA6 a Transport Assessment (TA) was submitted. This details that using the TRICS database for this land use the weekday peak period is forecast to be 08:00-09:00 and 17-1800 hours. It also details the increase in car-based trips as above and that this small increase in traffic arriving at the site during the peak periods means there will be little impact on the adjacent highway infrastructure or traffic collisions.

87. The TA sets out the car parking provision which will be considered under Policy TRA7 and that the proposal will encourage sustainable travel as the site is easily accessible by foot given its location within Moira, there are bus stops within an 80m walking distance of the site that are serviced by a variety of Translink Services and cycle parking will be provided on site to encourage visitors to cycle to and from the site.
88. Under Policy TRA7 development proposal should provide adequate provision for car parking and appropriate servicing arrangements and that the precise amount of parking will be determined according to the specific characteristics of the development and its location having regard to published standards or areas of parking restraint. Beyond areas of parking restraint, a reduced level of parking provision may be acceptable in a list of circumstances.
89. Plans indicated that 89 car parking spaces will be provided. Parking Standards sets out that for Class A1: Shops, food retail that 1 space per 14m² gross floor area is required. The floor area of the new food store is 1364m² therefore the requirement is 98 parking spaces.
90. For the hot food units, the parking requirement is 1 space per 3m² net floor area plus 1 space per 3 staff. The net floor area of each hot food unit is 40m² therefore 27 spaces are required, and the TA indicates that only 1 space is required for each unit for staff. The totally requirement for the hot food units is therefore 29 spaces.
91. The total requirement for the development as a whole is 127 spaces as per Parking Standards and the proposal is providing 89 spaces.
92. The TA has put forward the following reasons to justify the reduced level of parking provision:
 - The development is located within the centre of Moira so a large pedestrian footfall is expected as currently experienced within the existing convenience store.
 - The existing convenience store was served by only 34 car parking spaces before the demolition of the former Police Station. This meant that the parking ratio was 1 space per 28m². Under this application the car parking ratio will be 1 space per 17m² which is a substantial increase on the existing.
 - There will be an element of shared usage between the different retail units on site. Customers using the convenience store will also use the hot food units and vice versa. Typically, 20% for shared use would be appropriate for such a development.
 - The food retail units peak at lunch time and in the evening whereas the convenience store has a constant influx of customers between 11:00am

and 5:00pm. This means that when the convenience store is busiest the hot food outlets are not and vice versa. The parking demand therefore on each land use is spread throughout the day.

- As the development is located within the centre of Moira the customers can avail of the existing parking within the town. There is existing car parking on street along Main Street and there is also a public car park at Moira Demesne off Village Green which is only a short walk from the site.

93. This justification demonstrates peak parking flows are at different times and not all of the car parking is needed at the same time. It is considered based on the submitted evidence that sufficient parking will be provided that is specific to the characteristics of the proposed retail development and its location within a town centre which is accessible to pedestrians and public transport, and there are nearby public car parks. The TA has demonstrated how trips will be shared between the retail and hot food uses.
94. Disabled, parent and child spaces and electric charging point spaces will be provided at an acceptable standard.
95. It is therefore considered that the proposal will create an accessible environment and will not prejudice road safety or significantly inconvenience the flow of traffic and meets the tests associated with Policies TRA1, TRA2, TRA3, TRA6 and TRA7 of the Plan Strategy.

Historic Environment

96. The site is located on the edge of Moira Conservation Area.
97. Policy HE10 relates to new development in a Conservation Area but includes within the justification and amplification the setting of a conservation area and that new development will be expected to respect the character and appearance of the conservation area and retain important views in and out of the area.
98. Moira Conservation Area booklet, 1983, also refers that 'Development near, but not within a Conservation Area, and visually related to it should be sited and designed in size, form and materials to be in harmony with the buildings and general appearance of the Conservation Area'.
99. The Council's Conservation Area Officer was consulted and commented that:

The existing SuperValu building is set back from the Main Street and back from the established building line of the adjacent terrace properties on this side of the Conservation Area. The existing SuperValu building has a flat roof and unattractive cladded finish. The height is similar to that of the replacement Methodist Church (opposite), although of rectangular form and stepping down in height from the front to the rear (reflecting traditional plot form). It is of no

architectural or historic value and neither preserves or enhances the Conservation Area and its setting.

Conservation welcomes the design approach and use of contemporary materials with consideration given to eaves height and scale to ensure the proposal will not detrimentally impact on the listed former school at the corner of Main Street and Village Mews, the adjacent former hotel at the corner of Main Street and Magherahinch House Lane and surrounding terrace properties which contribute significantly to the character of the conservation area.

Conservation recognise that the proposed building is set back, as was the former Police Station on this site. The set back differentiates between the historic Main Street and this larger retail unit while preserving views within, into and out of the Conservation Area.

100. The Council's Conservation Area Officer has requested that the stone cladding on the front elevation of the new food store building should be chosen to complement the natural stone façade of neighbouring properties to ensure the materials and detailing of the proposal respects the characteristics and form of the Conservation Area. This will be made a condition of any approval.
101. It is therefore considered that the proposal complies with Policy HE10 of the Plan Strategy and will have no adverse impact on views in or out of Moira Conservation area.
102. There is a listed building adjacent to the site at the Old School, Main Street, Moira (Grade B2) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.
103. Policy HE9 development affecting the setting of a listed building is therefore applicable and Historic Environment Division (HED) was consulted.
104. HED had initial concerns that relocating the proposed building to the former police station site would impact upon the setting of the listed building. However, following further consultation, HED is content with the proposal on the basis that the site previously contained a large former police station building and the proposal will have no greater impact on the setting of the listed building.
105. The proposal therefore complies with Policy HE9 of the Plan Strategy and will have no adverse impact on the setting of any listed building.

Flooding and Drainage

106. The proposal includes a large area of hardstanding for parking and servicing arrangements which exceeds the 1,000 square metres in area threshold set out in Policy FLD3 and a Drainage Assessment was required. A Drainage Assessment was submitted as part of the application and DfI Rivers was consulted.

107. DfI Rivers indicates that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain including the most up to date allowance for climate change. Policies FLD 1 - development in fluvial (river) flood plains and FLD 2 - protection of flood defence and drainage infrastructure are therefore not applicable to this site.
108. DfI Rivers commented on the Drainage Assessment that 'while not being responsible for the preparation of the Drainage Assessment, 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. The Drainage Assessment 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 including allowances for climate change within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence from NI Water. If this was achieved, it would satisfy the requirement under Policy FLD 3 of LDP 2032 to provide adequate measures to mitigate the flood risk from the development to elsewhere.'
109. Consultation with NI Water has indicated that there is available capacity at the Waste Water Treatment Works and there is a public foul sewer and surface water sewer within 20m of the proposed development boundary which can adequately service this proposal.
110. It is therefore considered that the proposal complies with Policy FLD 3 of the Plan Strategy as suitable drainage will be provided and the proposal will not result in flooding of the site or exacerbate flooding elsewhere.

Noise and Odour

111. Given the nature of the development and the relatively close proximity to residential dwellings, a noise and odour impact assessment was undertaken to assess the potential impacts on local residential receptors.
112. The Noise Impact Assessment details that Cadna noise modelling was undertaken to include all relevant noise sources such as inverter units, extraction systems, patronage and HGV deliveries. Background noise monitoring was carried out at the site in relation to a previous planning application associated with the site (LA05/2022/0723/F), and the results of predicted noise levels at the closest residential receptors were compared against the existing background levels, with the potential noise impact determined thereafter. In order to assess all operating conditions, three scenarios were modelled to include daytime, night time and early morning. The results demonstrated that predicted noise levels are anticipated to be below the existing background levels for all operating scenarios.

113. In the Odour Impact Assessment, the proposed hot food/deli counter in the retail unit and the two hot food units were risk scored in order to determine the level of odour control required for the extraction systems and the results indicated that a high level of odour control will be necessary. It was recommended to install 3 stage odour abatement systems and ducting to a minimum of 1m above eaves level.
114. The report concludes that provided the mitigation measures are implemented and the odour abatement systems are installed and maintained in accordance with the manufacturer guidelines then the overall impact on local residential receptors from noise and odour is anticipated to be low.
115. The Council's Environmental Health Department was consulted and having reviewed all the supporting information, has no objections to the proposal subject to conditions which will be included on any approval to protect the amenity of neighbouring dwellings with respect to noise and odours.
116. It is therefore considered that the proposal will have no adverse impact on the amenity of the area from noise or odours.

Consideration of Representations

117. One letter of objection has been received to the proposal. The main issue of concern is the proposed hot food units when one exists on site and there are too many in the town.
118. The inclusion of hot food units on the site is considered acceptable where there is a concentration of retail and commercial activities similar to a town centre and which complements the range and choice of facilities for local residents and brings people into the town in the evenings. No potential noise or odour issues have been raised by the Council's Environmental Health Department and sufficient parking will be provided for the hot food units.

Conclusions

119. For the reasons outlined in the report, the proposal is considered to comply with the relevant policy tests set out in the Plan Strategy and will have no adverse impact on the character or amenity of the area.

Recommendation

120. It is recommended that planning permission is approved.

Conditions

121. 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 vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02 published to the portal on 13 November 2024 prior to the operation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No. 02 published to the portal on 13 November 2024 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. No other development hereby permitted shall become operational until the road works indicated on Drawing No. 02 published to the portal on 13 November 2024 have been fully completed in accordance with the approved plans.

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

5. A detailed programme of road works and any required / associated traffic management proposals shall be submitted to and agreed by the Council in consultation with DfI Roads, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

6. The rated noise levels emanating from the proposal shall be in strict accordance with the Noise Impact Assessment dated October 2024, including the sound power levels associated with external plant and equipment as indicated on Page 6 of the Noise Impact Assessment.

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

7. A 3m high acoustic barrier shall be erected surrounding the plant equipment area as indicated on Drawing No. 02 published to the portal on 13 November 2024 prior to the operational phase of the development. The barrier shall be constructed of a suitable material (with no gaps), have a minimum self-weight of at least 10 kg/m² and shall be permanently retained thereafter.

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

8. A 3m high brick wall shall be erected to the northeastern and southeastern boundaries of the development as indicated on Drawing No. 02 published to the portal on 13 November 2024 prior to the operational phase of the development. The barrier shall be constructed of a suitable material (with no gaps), have a minimum self-weight of at least 25 kg/m² and shall be permanently retained thereafter.

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

9. The hours of operation at the retail unit shall not exceed 06:00 to 23:00, and at the hot food units shall not exceed 07:00 to 23:00.

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

10. During the operational phase of the development no activity which is likely to generate excessive noise shall be undertaken outside the following hours:

- No deliveries or waste collections to the main retail unit shall be undertaken outside the hours of 07:00 to 21:00.
- Use of the kitchen extraction and ventilation system for the retail unit shall be restricted to between 06:00 to 23:00.
- No deliveries or waste collections to the hot food units shall be undertaken outside the hours of 09:00 to 21:00.

- Use of the kitchen extraction and ventilation systems for the hot food units shall be restricted to between 07:00 to 23:00.
- Use of the compactor shall be restricted to between 07:00 and 21:00

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

11. Three stage filtration and extraction system with a high level of odour control shall be installed to the retail unit and hot food units to reduce odour from all cooking outlets in line with the EMAQ document entitled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The outlet from any such ducting shall be terminated at a height not less than 1m above eaves height at a minimum discharge velocity of 10-15m/s. The three-stage filtration and extraction system shall be adequately cleaned and maintained as per manufacturer's instructions and records shall be made available to the Council's Environmental Health Department upon request. The three-stage filtration and extraction system shall be operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Council.

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

12. To prevent possible blockages and flooding of adjacent properties any foul water from kitchens or food preparation areas shall pass through a fat and grease trap of adequate design before discharge to the public sewer network. The fat and grease trap shall be adequately cleaned and maintained as per manufacturer's instructions.

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

13. The materials of the retail unit as indicated on Drawing nos. 05A and 06A published to the portal on 23 January 2025 shall be as detailed below:

- Roof metal standing seam, colour grey
- PPC'd aluminium flashing, colour grey;
- Rainwater goods to be cast aluminium, colour grey;
- All doors and windows to be colour grey;
- Stone cladding to consist of a natural stone to complement the colour and texture of stone on neighbouring properties
- Vertically cladded timber fencing to have a painted finish.

Reason: To ensure that the form, materials and detailing of the development respect the characteristic form of the Conservation Area.

Site Location Plan – LA05/2024/0823/F



SITE LOCATION
1:1250 @ A4

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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	2 nd June 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2024/0186/F
Date of Application	7 th March 2024
District Electoral Area	Downshire East
Proposal Description	Proposed dwelling within an existing cluster
Location	60 metres south of 162 Old Ballynahinch Road, Lisburn
Representations	None
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 considered to be contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster is not associated with a focal point such as a social/community building.
4. The proposal is also considered to be contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law.
5. Lastly, the proposed development is considered to be contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to result in unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

Description of Site and Surroundings

Site

6. The application site is located 60 metres south of No. 162 Old Ballynahinch Road, Lisburn.
7. It is an irregular shaped parcel of land which appears to currently be in use for agricultural purposes and was not occupied by any buildings at the time of site inspection.
8. Vehicular access to the application site is achieved via a private laneway which is situated to the west of Old Ballynahinch Road and which also serves a few residential dwellings.
9. The northern boundary of the application site is predominantly defined by mature Laurel hedgerow. The eastern boundary is primarily demarcated by post and wire timber fencing. The southern boundary is generally defined by mature trees. The western boundary is demarcated by mature conifer trees and mature conifer hedgerow.
10. In relation to topography, the application site sits at a lower level to the existing properties to the north, east and west. The site itself tends to decrease in gradient from the eastern boundary in a westerly direction, levelling out towards the western boundary.

Surroundings

11. The application site is neighboured by a few residential dwellings to the north, east, south and west.
12. The wider locality as a whole is rural in character and the land predominantly agricultural in use, characterized by drumlin topography.
13. The application site falls wholly within the open countryside, outwith of defined settlement limits.

Proposed Development

14. Full Planning permission is sought for a proposed dwelling within an existing cluster of development.

Relevant Planning History

15. There is no planning history associated with the application site. The application below was granted for two dwellings immediately adjacent and to the east of the site.

Reference Number	Description	Location	Decision
S/2013/0298/F	Proposed two dwellings and garages	Site between 162 and 166 Old Ballynahinch Road Lisburn	Permission Granted

Consultations

16. The following consultations were carried out:

Consultee	Response
DAERA Water Management Unit	No Objection
NI Water	No Objection
DfI Roads	No Objection
LCCC Environmental Health	No Objection
DfI Rivers	No Objection

Representations

17. No representations have been received to date in relation to the proposal following the statutory neighbor notification and advertisement (publicity) process.

Local Development Plan

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

Plan Strategy 2032

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

‘Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 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.’

20. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the extant Lisburn Area Plan. Draft BMAP remains a material consideration.
21. The site is located within Green Belt in the Lisburn Area Plan (2001).
22. In draft BMAP (2015), the application site is located in the open countryside, outwith any defined settlement limit.
23. 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.
24. 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

25. The proposal is for new residential development 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.'

New Dwellings in Existing Clusters

26. The proposal is for a single dwelling within an existing cluster. 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.'*

Integration and Design of Buildings in the Countryside

27. 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

28. 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

29. The proposal includes a septic tank and soak away. 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

30. The proposal will use an existing access which is onto a Protected Route. Policy TRA2 – Access to Public Roads states:

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

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

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation

of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.'

Access to Protected Routes

31. Policy TRA3 – Access to Protected Routes states;

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

Motorways and High Standard Dual Carriageways – All locations

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

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

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

Other Protected Routes – Outside Settlement Limits

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

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

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

Other Protected Routes – Within Settlement Limits

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

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

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

Car Parking and Servicing Arrangements in New Developments

32. The proposed development will require parking in accordance with prevailing standards. 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 street car parking*
- d) where shared car parking is a viable option*

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

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

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

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

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

Natural Heritage

Species Protected by Law

33. Despite using an existing access the proposed development will include removal of vegetation and there is a watercourse adjacent to the site. 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

34. 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.'

Flooding

Development in Fluvial (River) Flood Plains

An area of surface water zone was identified within the application site.
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.*

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

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

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

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

Regional Policy and Guidance

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

36. Paragraph 3.8 of the SPSS 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.'

37. It is stated at Paragraph 6.78 of the SPSS 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.’

Development Control Advice Note 15 – Vehicular Access Standards

38. 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

Policy COU2 – New Dwellings in Existing Clusters

39. Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy states that Planning permission will be granted for a dwelling at an existing cluster of development provided **all** (my emphasis) the criteria (5 elements) are met.
40. Criterion (a) of Policy COU2 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 side structures) forming a close grouping of buildings, of which at least three are dwellings.
41. No concept plan was supplied by the agent with the application to explain why this is a cluster of development and how the requirements of policy COU2 are met.
42. However, it is contended that there is a cluster of development which essentially lies to the northern side of Bailliesmills Road and to the eastern side of Old Ballynahinch Road between the crossroads (Old Ballynahinch Road/River Road/Bailliesmills Road) and the stone bridge on Old Ballynahinch Road which crosses over Ravernet River.
43. This is comprised of No. 156 Old Ballynahinch Road (dwelling), No. 158 Old Ballynahinch Road (dwelling), No. 160 Old Ballynahinch Road (dwelling), No. 162 Old Ballynahinch Road (dwelling), No. 164 Old Ballynahinch Road (dwelling), Complete Fleet Solutions (commercial business), No. 164A Old Ballynahinch Road (dwelling), No. 164B Old Ballynahinch Road (dwelling), No. 166 Old

Ballynahinch Road (dwelling), No. 55 Bailliesmills Road (dwelling), No. 55A Bailliesmills Road (dwelling), No. 55B Bailliesmills Road (dwelling), No. 55C Bailliesmills Road (dwelling), No. 55D Bailliesmills Road (dwelling) and No. 57 Bailliesmills Road (dwelling).

44. There are also ancillary buildings associated with some of the aforementioned dwellings/buildings.
45. It is accepted that this close group of buildings incorporates four or more established buildings of which at least three are dwellings. From the information at hand and from what was observed at site inspection, it is also concluded that this close grouping of buildings lies outside a farm. Criterion (a) has been met.
46. Criterion (b) of Policy COU2 requires that a cluster appears as a visual entity in the local landscape. The Justification and Amplification text associated with Policy COU2 defines a visual entity in the local landscape as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.
47. Whilst it is considered that the close grouping of building described above does not appear as a visual entity on approach from the western side of Bailliesmills Road, or when travelling in a northern direction along Old Ballynahinch Road, or on approach from River Road, due to the undulating topography and screening from trees and hedgerow it is considered that the grouping does appear as a visual entity when travelling in a southerly direction along Old Ballynahinch Road from the hill section outside No. 152 Old Ballynahinch Road. On balance it is accepted that Criterion (b) has been met.
48. Criterion (c) of Policy COU2 prescribes that the cluster is associated with a focal point such as a social/community building. The Justification and Amplification text of Policy COU2 defines a focal point 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 within the cluster.
49. As noted previously, the application submission was not accompanied by a concept plan etc. and no indication has been provided by the agent as to what they consider to be the focal point associated with the cluster.
50. Having conducted a site inspection, there are no social/community buildings within the close grouping of buildings which define a different built form and use to the rest of the buildings in the cluster.
51. On 1st May 2025 in the request to 'call in' the application, it was suggested by the applicant that the proposal is associated with 'focal points of interest at Bailliesmills old mill, the Crossroads, numerous businesses surrounding the

crossroads. Also in the locality are the oldest purpose built Masonic hall in Ireland and the Presbyterian Church and Church Hall.'

52. No evidence of Bailliesmills old mill or the numerous businesses surrounding the site has been provided to demonstrate these are social/community buildings which define a different built form and use to the rest of the buildings in the cluster. There is one business adjacent to the site at Complete Fleet Solutions Recovery Service. However, no evidence has been submitted to demonstrate this premise is a focus point for the local community and not only used by those who require its service and therefore it is not considered as focal point under Policy COU2.
53. The location of the cluster of development at a crossroads is no longer a requirement within policy and therefore being located at a crossroads does not define a cluster of development under Policy COU2.
54. The Masonic Hall is located on Old Ballynahinch Road 434 metres south of the site and 310 metres from the nearest building considered as part of the group of buildings. This is too far removed with intervening vegetation to be considered as a focal point associated with the grouping of buildings for the purposes of Policy COU2. The suggested Presbyterian church and church hall are located even further south, over 625 metres from the grouping of buildings.
55. Therefore, it is considered that there is no cluster of development at this location as it is not associated with any focal point for the purposes of policy and Criterion (c) has not been complied with.
56. Criterion (d) of Policy COU2 requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
57. The application site benefits from a suitable degree of enclosure provided by the existing boundaries described above. The application site is bound to the west by No. 55B Bailliesmills Road and by No. 57 Bailliesmills Road to the south. Therefore, it is accepted that the identified site provides a suitable degree of enclosure, and it is bound on at least two sides with other development in the cluster. Thus, Criteria (d) has been complied with.
58. 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.
59. As the application site is essentially enclosed on all sides by existing properties within the close grouping of buildings, it is perceived that the site could be absorbed into a cluster through rounding off and consolidation and it would not significantly alter the existing character of the open countryside, nor would it

visually intrude into the open countryside through the creation of ribbon development. It is considered that Criterion (e) has been met.

60. As not all of the criteria of policy COU2 are met, it is considered that the proposal is contrary to policy, in that the close grouping of buildings is not associated with a focal point, such as a social/community building and is not a cluster.

Policy COU15 - Integration and Design of Buildings in the Countryside

61. The proposed 1.5 storey dwelling is linear in form with a 1.5 storey rear return. The proposed dual pitched dwelling would present a ridge height of circa 8.4 metres above finished floor level (FFL) with an underbuild of 0.3 metres. The proposed dwelling would occupy a footprint of approximately 152 square metres. A centrally positioned 1.5 storey dual pitched storm porch would project circa 1.2 metres outwards from the front elevation of the proposed dwelling. Two external chimney breasts are proposed, and a single chimney stack (serving an integral chimney breast) is also proposed. The proposed window openings would primarily be of a vertical emphasis.
62. The proposed schedule of external finishes includes; smooth render (left for painting) and grey colour 'Z' stone (as indicated) for the external walls, blue/grey flat concrete roof tiles, black UPVC rainwater goods and black UPVC double glazed window units.
63. A detached garage is also proposed. This would occupy a footprint of circa 49 square metres, and it would present a dual pitched ridge height of approximately 5.8 metres above ground level. The proposed schedule of external finishes would be akin to the proposed dwelling, except the proposed window units would be white UPVC.
64. Taking the location of the application site, which is centrally located within a close grouping of buildings, the existing mature vegetation in the vicinity, and taking the existing/proposed ground levels of the application site in the context of neighbouring ground levels (positioned at a lower ground level to the existing dwellings to the east) and the scale of the proposed dwelling into account, it is accepted that the proposed development would not be a prominent feature in the landscape.
65. It is contended that the proposed dwelling would cluster with the existing neighbouring dwellings to the north, south, east and west of the application site.
66. Taking the existing/proposed ground level of the application site in the context of the scale of the proposed dwelling into account, it is perceived that the proposed dwelling would blend with the existing mature trees (particularly those to the south

of the application site) within the immediate vicinity and the existing buildings which neighbour the application site.

67. It is acknowledged that the application site benefits from existing mature natural boundaries to the south and west, as well as those to the north. It is not contended that any of these would require removal to accommodate the proposed scheme. It is noted that Building on Tradition guidance advises that two or three existing natural boundaries should be in situ for the purposes of integration. The application site therefore benefits from such. In addition, it is noted that the existing dwellings in situ in close proximity to the north, south, east and west of the application site would also provide a degree of enclosure for the proposed scheme.
68. Whilst it is acknowledged that new landscaping is proposed to the eastern boundary of the application site, taking the above into account it is not perceived that the development proposal would rely primarily on the use of new landscaping for the purposes of integration.
69. The design of the proposed dwelling has been detailed above. Whilst there are a number of features which are not considered to be in compliance with Building on Tradition guidance, such as the double storey front porch and the two proposed external chimney breasts, it is noted that there is an existing dwelling in situ at No. 160 Old Ballynahinch Road of a similar design. In light of this, the design of the proposed dwelling is considered to be acceptable in this instance.
70. In terms of proposed ancillary works, it is noted that the proposed vehicular access would be relatively short, and it would be taken from the existing private laneway in situ. This access would lead almost directly onto an in-curtilage area for the parking/turning of private vehicles. No large suburban style sweeping driveways have been proposed. Taking the existing and proposed ground levels into account, it is not perceived that an unacceptable degree of cut and fill (excavation) would be required to accommodate the proposal. No retaining walls have been proposed as part of this scheme. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be acceptable. Taking the nature of the proposed ancillary works into account, it is perceived that the same features which would aid with the integration of the proposed dwelling could also aid with the integration of the proposed ancillary works.
71. Taking all of the above into account, all the criteria of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy are met for the reasons set out above.

Policy COU16 - Rural Character

72. For the reasons outlined above, it is accepted that a dwelling could be accommodated on the application site without appearing as unduly prominent in the landscape.
73. For the reasons outlined above, it is considered that a dwelling on the application site could cluster with an established group of dwellings.
74. The traditional pattern of settlement exhibited in this particular area is primarily composed of single dwellings within their own individual plots in close proximity to each other. It is therefore considered that the proposal would respect the traditional pattern of settlement exhibited in this area.
75. The application site is located wholly within the open countryside. There are no defined settlement limits in close proximity to the application site. Therefore, it is not perceived that the development proposal would mar the distinction between a settlement and the surrounding countryside or otherwise result in urban sprawl.
76. It is noted that the application site is contained within an existing cluster of buildings and the proposal would not add/create a ribbon of development. As noted above, the design of the proposed dwelling is considered to be acceptable in this instance. In light of the above, it is considered that the proposed development scheme would not present an adverse impact on the rural character of the area.
77. In relation to residential amenity taking the proposed ground levels into account, in the context of neighbouring properties and the existing and proposed landscaping, there are no concerns with regards to potential overlooking of any neighbouring property to an unreasonable degree from any ground floor window of the proposed dwelling. It is acknowledged that two first floor window units, which would serve habitable rooms, are proposed to the front elevation of the proposed dwelling. It is noted that there would be a separation distance of circa 47 metres from these and the closest neighbouring sitting out area (at No. 162 Old Ballynahinch Road) at the closest point. This is considered to be more than a satisfactory separation distance to mitigate against potential overlooking to an unreasonable degree. There are also no concerns with regards to these proposed window units and overlooking to an unreasonable degree of No. 164A Old Ballynahinch Road or its main sitting out area as they would be at an oblique angle. Only one first floor window unit which would serve a habitable room is proposed to the eastern elevation of the proposed dwelling. This proposed window would be a secondary window unit serving Bedroom 2. It is noted that this window would be located circa 28 metres and 35 metres from the main sitting out areas to the rear of the existing dwellings in situ at No. 164A Old Ballynahinch Road and No. 164B Old Ballynahinch Road respectively. These are contended to be satisfactory

separation distances to minimize potential overlooking/loss of privacy to an unreasonable degree. There are no concerns with regards to the proposed first floor windows to the rear elevation as these are at an oblique angle to the existing dwelling/main sitting out area of No. 164B Old Ballynahinch Road and the mature trees to the rear and separation distance would prevent any potential overlooking to the existing properties to the south. There are also no concerns with regards to potential overlooking to an unreasonable degree to the existing property at No. 55B Bailliesmills Road due to the mature large band of vegetation to the western boundary of the application site. Taking the above into account, there are no concerns with regards to overlooking/loss of privacy to any neighbouring property to an unreasonable degree.

78. The proposed dwelling would occupy a relatively central position within the application site, and it would generally sit at a lower ground level to the neighbouring properties. Taking this, the distance from neighbouring dwellings and existing large mature boundary vegetation into account, there are no concerns with regards to potential overshadowing/loss of light to any neighbouring property to an unreasonable degree.
79. Taking the central position of the proposed dwelling within the application site into account, there are also no concerns in respect to potential overhanging into any neighbouring property.
80. LCCC Environmental Health were consulted and in their final consultation response of 21st January 2024, LCCC Environmental Health note that they have no objection to the proposed development. They do however acknowledge that there is a large hedge on land outside the ownership of the applicant which runs along part of the south and western boundary of the site.
81. LCCC Environmental Health note that this hedge may cause a loss in amenity at the proposed development as a result of a loss of light. They note that the hedge may be subject to a complaint and subsequent remedial action under the High Hedge Legislation. This would however be applied as an informative to any approval. It is not perceived that the Council's Planning unit could sustain a refusal reason with regards to this.
82. Taking the above into account, it is considered that the proposal would not adversely impact on residential amenity.
83. NI Water, DAERA Water Management Unit and LCCC Environmental Health were all consulted as part of the processing of the application, and each responded with no objection in principle to the proposed development. Therefore, there are no concerns with regards to the impact of the provision of necessary services on the environment or character of the locality.

84. As described above, it is perceived that the proposed ancillary works would integrate with their surroundings and there are no concerns with regards to their impact on rural character.
85. The proposed scheme would avail of an existing unaltered vehicular access to the public road. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 15th May 2024, DfI Roads offer no objection to the proposed development. The access is not sub-standard and there is no loss of hedgerow.
86. Taking all of the above into account, all the criteria of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy are met.

Access and Transport

Policy TRA2 - Access to Public Roads

Policy TRA3 – Access to Protected Routes

Policy TRA7 - Car Parking and Servicing Arrangements in New Developments

87. As per the detail submitted on the application form, the proposed development would avail of an existing unaltered vehicular access to a public road (Old Ballynahinch Road). It is noted that there is an existing private laneway in situ, which currently serves the dwellings at No. 164, No. 164A and No. 164B Old Ballynahinch Road and Complete Fleet Solutions Recovery services business. Access to the application site would derive from this private laneway. It is contended that the proposal would not constitute intensification of the use of an existing access onto a public road as there are already several dwellings/premises, as mentioned, that utilize this access.
88. An area for the in-curtilage parking and turning of private vehicles within the application site has been indicated.
89. It is acknowledged that Old Ballynahinch Road is a designated Protected Route.
90. Visibility splays of 2.5 metres x 100 metres and 2.4 metres x 100 metres have been indicated to the north and south of the entrance respectively. It is therefore not considered to be a sub-standard access.

91. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 15th May 2024, DfI Roads offer no objection to the application, subject to the inclusion of 4no. stipulated informatives with any approval.
92. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, there are no concerns with regards to the proposed scheme insofar as it pertains to Policy TRA2, Policy TRA3 and Policy TRA7 of the Lisburn and Castlereagh City Council Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

93. The detail submitted with the application (Application Form and Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by soak away and foul sewage is to be disposed of via septic tank.
94. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 21st January 2024, they offer no objection.
95. DAERA Water Management Unit provided a response on 9th May 2024 which refers the Planning unit to Standing Advice which would be included on any approval.
96. NI Water were also consulted as part of the processing of the application. In their final consultation response of 8th May 2024, they offer no objection to the proposal. Informatives would be included with any approval.
97. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Waste Water.

Natural Heritage

Policy NH2 – Species Protected by Law

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

98. The application site was not occupied by any buildings at the time of site inspection. Therefore, the proposed scheme would not require the demolition of any building/structure in order to facilitate the proposed scheme.
99. The application site benefits from existing natural mature boundaries to the north, south and west. It is perceived that these could be retained by way of condition with any approval.
100. A copse of mature trees are present to the south/south west of the application site.
101. A watercourse is also present abutting and within the immediate vicinity of the application site.
102. It was noted that the application submission had omitted the inclusion of a NI Biodiversity Checklist. In light of the above, this was subsequently requested from the agent in March 2025. The agent submitted a NI Biodiversity Checklist which was not completed by an accredited Ecologist. It was noted that 'No' was selected in response to each question of the checklist. Having conducted a site inspection this was not considered to be an accurate reflection of the site context. DfI Rivers had already acknowledged that there is an undesignated watercourse adjacent to the western boundary of the site and Spatial NI Maps also identify a watercourse/ditch abutting the southern boundary of the site. Both of these are within 50 metres of the application site. As noted, a copse of mature trees are located to the south of the site. Both of these elements would engage questions in the NI Biodiversity Checklist. The Council's Planning unit reverted back to the agent and requested that the NI Biodiversity Checklist be completed by an accredited Ecologist in order to make a full assessment. However, this was never forthcoming.
103. Subsequently, the Council are not in a position to determine whether or not the proposed scheme would have a detrimental impact on features of natural heritage importance.
104. Taking all of the above into account, it is contended that the proposal is contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law. It is considered that the proposed scheme is also contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to

result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

Flooding

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

105. An area of Surface Water zone was identified within the application site.
106. Subsequently, DfI Rivers were consulted as part of the processing of the application.
107. With regards to Policy FLD1 – Development in Fluvial (River) Flood Plains, in their final consultation response DfI Rivers note that the application site is within a low area and an historic undesignated watercourse is indicated adjacent to the western boundary. DfI Rivers note that a site visit could not establish this historic watercourse which may have been altered previously. It was also noted by them that there is a low marsh area immediately outside the southern boundary.
108. DfI Rivers acknowledge that the agent has not established or investigated the historic undesignated watercourse as previously advised, however as mitigation to any flood risk the drawing submitted (Proposed Levels) indicates an increase and raising of the proposed floor level from 68.40 to 68.75. DfI Rivers state that it should be brought to the attention of the applicant that the responsibility for the mitigation measures proposed and implementation of the proposed flood risk measures rests with the developer and their professional advisors.
109. With regards to Policy FLD2- Protection of Flood Defence and Drainage Infrastructure, DfI Rivers acknowledge that a working strip has now been indicated along the western boundary on the plans. They note that the working strip is shown on a site layout drawing that will be included in any Planning decision notice to enable enforcement of the provision of the working strip. DfI Rivers note that they request that the working strip is protected from impediments, land raising or any future development by way of a Planning condition. Access to and from the maintenance strip should be available at all times.
110. In relation to Policy FLD3 – Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains, DfI Rivers acknowledge that the NI Flood Maps indicate an area of predicted pluvial flooding within the site. They note that although a Drainage Assessment is not required by the policy the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner to eliminate flood risk to the proposed development and elsewhere.

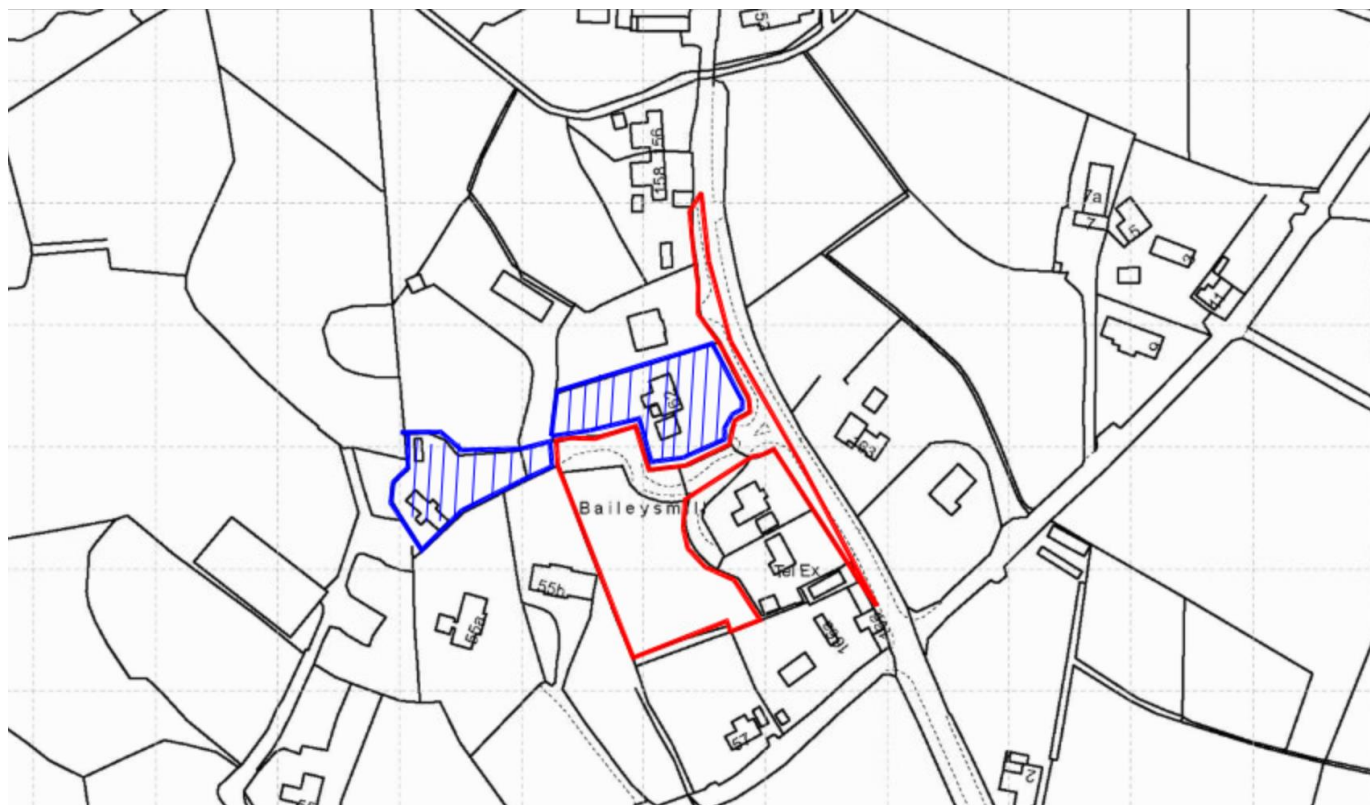
111. DfI Rivers acknowledge that Policy FLD4 and Policy FLD5 are not applicable to the application site.
112. DfI Rivers provide a series of informatives to be included with any approval.
113. Taking all of the above into account, there are no concerns with regards to the development proposal insofar as it pertains to Policy FLD1, Policy FLD2 or Policy FLD3 of the Lisburn and Castlereagh City Council Plan Strategy.

Conclusions and Recommendation

114. The recommendation is to refuse Planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU2, NH2 and NH5 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

115. 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 COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster is not associated with a focal point such as a social/community building.
 - The proposal is contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law.
 - The proposal is contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to result in an unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	2 nd June 2025
Committee Interest	Council Application
Application Reference	LA05/2024/0753/F
Date of Application	20 th August 2024
District Electoral Area	Downshire West
Proposal Description	Proposed Community Hub building
Location	Site 180 metres Northwest of 37 Demesne Grove, Moira
Representations	None
Case Officer	Barbara Hanna
Recommendation	Approval

Summary of Recommendation

1. The application has been referred to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee as this is a Council application.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposal is in accordance with the requirements of policy CF01 and exception is demonstrated to policy OS1 of the Plan Strategy.
3. The building is designed to a high standard and no detriment is caused to amenity or biodiversity for the reasons outline in the report. The development does not impact of the setting of the Demesne or any historic buildings. The parking requirements are met from the use of existing car parks within the Demesne. There have been no representations received in respect of this application.

Description of Site and Surroundings

Site

4. The application site is located within the grounds of Moira Demesne between the playpark and the sports pitches. It consists of a grassed area to the southeast of the existing changing pavilion which is also included within the site.
5. The site is accessed via the main entrance to Moira Demesne off Main Street, Moira.
6. There are no definitive boundaries to the site as it is part of a larger area of existing open green space. The land in which the shed is proposed is gently sloping to the southwest.

Surroundings

7. Moira Demesne is bound by agricultural fields to the northeast and northwest. There are residential properties to the southwest (Hedingham, Castle Avenue and Torwood) and to the southeast (Village Green, Village Court, Rawdon Court Mews and Demesne Grove).

Proposed Development

8. Full planning permission is sought for Community Hub building.
9. The application is also supported by a:
 - Biodiversity Checklist and accompanying Ecological Statement; and a
 - Supporting Statement

Relevant Planning History

10. The relevant planning history associated with the site is listed below.

Reference Number	Description	Location	Decision
S/2012/0420/F	Environmental improvement works to Demesne, including replacement of toilet block (pavilion), removal of former disused caravan site building, new gates, tennis court, multi use games area, car park realignment, new planting, street furniture, trim trail, interpretation, CCTV and improvement works to footpaths	Moira Demesne Main Street Moira	Permission Granted 17/01/13
S/2014/0031/F	Construction of a multi-use games area with rebound sports wall at goal ends.	Moira Demesne Main Street Moira.	Permission Granted 18/06/14

LA05/2016/0209/F	Proposed change of use from Education room to Coffee shop within the existing Moira Demesne Pavilion	Moira Demesne Pavilion Main Street Moira	Permission Granted 07/06/16
LA05/2019/1248/F	The proposal is to replace the existing section of boundary wall between Moira Demesne, Main Street, Moira, and Demesne Grove, off Main Street, Moira which had to be removed due to safety concerns (Retrospective approval required for demolition of wall)	Moira Demesne Main Street Moira BT67 0LQ	Permission Granted 22/06/20
LA05/2023/0885/NMC	Non material change application to planning approval LA05/2019/1248/F- change from salvaged red brick to a new red multi rustic brick to match existing size, colour, texture and built in the same bond used on the existing demesne wall, with top of the wall finished using mounded mortar to match existing	Moira Demesne, Main Street, Moira, BT67 0LQ	NMC Granted 17/06/24

Consultations

11. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC Environmental Health	No objection
Historic Environment Division (HED)	No objection
NI Water	No objection

Representations

12. There have been no representations received during the processing of the planning application.

Local Development Plan

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

Plan Strategy 2032

14. 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.

15. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the LAP. Draft BMAP remains a material consideration.
16. Under the LAP and Draft BMAP the site is situated within the Settlement Development Limits of Moira and within an areas of Existing Recreation and Open Space, a site of Local Nature Conservation Importance, a Local Landscape Policy Area and an Historic Park, Garden and Demesne.
17. As explained above, this application is for a Proposed Community Hub building.
18. The following strategic policies in Part 1 of the Plan Strategy apply.
Strategic Policy 01 Sustainable Development states that:

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

19. 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.

20. Strategic Policy 10 Education, Health, Community and Culture

The Plan will support development proposals that:

- (a) *Meet an identified need for services and facilities across the Council area*
- (b) *Cater for expansion of existing facilities to meet the anticipated needs of the community in terms of health, education, community and cultural services.*

21. Strategic Policy 17 Open Space, Sport and Outdoor Recreation

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

22. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains

The Plan will support development proposals that: a) protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character b) protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential c) promote the highest quality of design for any new development affecting our historic environment.

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

Community Facilities in Settlements

24. This is full application for a proposed Community Hub building within the settlement development limits of Moira.

25. 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.*

Justification and Amplification

For the purpose of this policy Community Facilities are those defined in Part D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

Open Space

26. This is full application for a proposed Community Hub on existing 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 community benefits²⁴ that decisively outweigh the loss of the open space.

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

a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality

b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility.

Historic Environment and Archaeology

27. The application site falls within the consultation zone of a Northern Ireland Sites and Monuments Record (NISMR). It is within Moira Castle Demesne and in proximity to the location of Moira Castle and fortification.

28. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

29. Policy HE2 - The Preservation of Archaeological Remains of Local Importance states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

30. Policy HE4 – Archaeological Mitigation states that:

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

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

31. Policy HE5 - Historic Parks, Gardens and Demesnes of Special Historic Interest states that:

The Council will not permit development which would lead to the loss of, or cause harm to, the overall character, principal components or setting of historic parks, gardens and demesnes of special historic interest. Where exceptionally, planning permission is granted this will be conditional on the accurate recording of any features of interest which will be lost as a result of the development.

Species Protected by Law

32. It states within Policy NH2 Species Protected by Law that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

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

National Protected Species

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

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

Habitats, Species or Features of Natural Heritage Importance

33. A biodiversity checklist was volunteered as part of this application along with an accompanying ecological statement. There are no annotations on the drawings

that indicate any hedgerow or trees are to be removed as part of the proposed development.

34. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

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

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

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

Access and Transport

35. The proposal does not involve any alterations to the existing access onto a public road but is new development that is required to meet the parking standard.
36. Policy TRA 7 – 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 standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

- a) where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) where the development is in a highly accessible location well served by public transport*

- c) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) where shared car parking is a viable option*
- e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

38. Paragraph 2.1 of the SPSS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. It states that the:

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.

39. Paragraph 3.8 of the SPSS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless

the proposed development will cause demonstrable harm to interests of acknowledged importance.

40. Paragraph 4.11 of the SPPS states that:

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

41. 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.

42. Paragraph 4.12 of the SPPS states:

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

43. 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.

44. Paragraph 6.182 of the SPPS further states that:

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

45. 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.

46. Paragraph 6.199 of the SPPS acknowledges that the Government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits.

47. Paragraph 6.213 of the SPPS states that:

planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to water sports.

48. It also advises that:

relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

Assessment

CF01 Necessary Community Facilities in Settlements

49. The proposed Community Hub building is positioned within Moira Demesne which is identified as an existing area of Recreation and Open Space within the settlement development limits of Moira. The proposed use falls within a Class D1 (Community and Cultural use) of The Planning (Use Classes) Order (Northern Ireland) 2015.

50. There is a general presumption in favour of community facilities in town centres. Moira is classified as a town in the settlement hierarchy but has no town centre designation or boundary. For this reason, the Demesne is an acceptable location for a community facility and criteria a) of policy CF01 is met.

51. It is further stated in the justification and amplification of the policy that:

The need to provide local community facilities will be assessed by the Council in consultation with relevant bodies. Where such a need is identified it will be stipulated as a Key Site Requirement in the Local Policies Plan and it will be a requirement that the developer provides for this need as an integral part of the development. Any provision considered necessary will relate fairly and reasonably in scale and kind to the impact of the development proposed.

52. I understand the proposal has been agreed with Leisure and Community Services in consultation with stakeholders. Funding is provided by small settlement funding.

53. It is further stated in the justification and amplification that:
Necessary community facilities to serve a local need should be designed to a high standard and located to provide focal points and landmark features. The location and design of such facilities should also respect the amenities of proposed and existing housing.

54. The proposal is positioned in an existing open clearing which is presently grassed and located seven metres to the southeast of an existing changing pavilion.
55. The building is designed to be used by up to 12 people at any one time and the building will be occupied by a charity based non-profit organisation that acts as a support group.
56. The internal layout of the building consists of a single room with a sink at one end. The proposed building is rectangular in shape and measures 9.8m by 4.8m and is 47.04m² in size. It is single storey with a flat roof measuring three-metres in height.
57. The proposed finishes are annotated to match the adjacent changing pavilion. It is timber clad, and the external paint is to be the same colour and rough texture as the adjacent changing pavilion. The proposed windows and doors are anthracite grey. The proposed materials and finishes are accepted to be high quality, appropriate to the landscape setting, in keeping with adjacent changing pavilion and not considered to be out of character.
58. Views of the proposal are limited from Main Street due to screening from the mature trees within the Demesne and from the road leading into the Demesne. The proposed building is single storey in height and subordinate in scale and form to the adjacent single storey changing pavilion.
59. There will be no adverse impacts upon the amenity of neighbouring residential properties in terms of overlooking, overshadowing or loss of light. There is adequate separation distances and screening from existing mature trees within the site. The closest residential properties to the southwest are 115 metres away, the closest being within Torwood. The closest properties to the southeast are within Demesne Grove 169 metres away.

OS1 Protection of Open space

60. The new building is proposed on existing open space. There is a general presumption against the loss of open space unless one of two exceptions are met.
61. This development is small in scale and the proposal has been identified as a necessary community facility. The open space setting is important as many of the proposed activities use the outside spaces. It is my opinion that the community benefit of the development will outweigh the loss of a small area of open space in the Demense.

There is no loss of amenity for the reasons outlined earlier. The impact on biodiversity is considered later in the report in detail but it is confirmed for the purpose of concluding this assessment that there is no loss of biodiversity.

Parking

62. No new parking is proposed, and it is intended that current available parking within the Demense will be utilised. The closest areas of parking are located within the Demense adjacent to the Public Toilets with a secondary parking area also located within the demesne. There is also parking in the library carpark accessed from Main Street.
63. This is a Class D use however there is no specific parking standards for a community building. It has been indicated that there will be 5 vehicular movements associated with the development, and 12 persons will use the site at any one time. It is considered that there is adequate parking in the general vicinity of the development with good pedestrian access to the Demense.
64. For the reasons outlined above the proposal will not prejudice road safety and there is ample parking close to the proposed development Policy TRA7 has been satisfied.

Historic Environment and Archaeology

65. The application site falls within the consultation zone of a NI Sites and Monuments Record (NISMR). It is within Moira Castle Demesne and in proximity to the location of Moira Castle and fortification DOW 013:010, a site of local importance.
66. HED were consulted on this application and have responded: -

HED (Historic Monuments) note that the application site is within Moira Castle Demesne and in proximity to the location of Moira Castle and fortification, DOW 013:010, a site of local importance. HED (Historic Monuments) is content that the proposal satisfies SPPS and Lisburn & Castlereagh City LDP 2032 Plan Strategy policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Although the proposed development is small, the nearby sites are indicative of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies SPPS and Lisburn & Castlereagh City LDP 2032 Plan Strategy policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy HE 4 of Lisburn & Castlereagh City LDP 2032 Plan Strategy. The attached conditions would be appropriate in this case (L15a, b & c). Please also include the attached informatives in any decision notice.

An acceptable archaeological programme of works should include a suitable methodology for identifying and uncovering 17th century remains, including, but

not limited to, removal of topsoil in spits and metal detecting of the development area prior to, and subsequent to, topsoil removal

67. I have no reason to disagree or depart from the advice of the consultee. They have engaged fully with the policy requirements of HE1, HE2, HE4 and HE5. I agree that the policies are met in full subject to the recommended conditions being included within the decision notice.

Natural Heritage

68. A biodiversity checklist has been submitted as part of this application along with an accompanying ecological statement. It is a requirement of policy OS1 that there is no significant detriment to the biodiversity of the site as a result of the development.
69. In Part 1 - Designated Sites and Priority habitats, it has been identified that:
- The site is within 4 woodland areas and 1 wildlife site, Moira Demesne.
 - Broad-leaved woodland borders the site and scattered broad-leaved trees are present within the site boundary.
70. In Part 2 – Protected and Priority Species Checklist, it has been identified that:
- Development affects or is within 50m of broad-leaved treelines and scattered broad-leaved trees are present throughout the site
 - Development affects or is within 25m of a woodland and hedgerows
 - Protected/priority species are known to be present (2 European Hedgehogs, 1 Eurasian Badger, smooth newts previously recorded with nearby pond).
71. The ecological statement states: -
- Birds - No vegetation removal works in breeding bird season without an ecologist present.
- Bats - There were mature trees within the site boundary, however none of these trees are to be removed during the construction of the new community hub.
- Lighting - There is no proposed external lighting detailed on the submitted plans.
72. There is no indication that any hedging or trees are to be removed within the site. As such there will be no detrimental impact upon birds or bats.
73. The ecologist recommended: -

Should any trees need felling pre/during construction, these will require Bat Roost Potential surveys and checks for breeding birds.

If all trees are to be retained, then no further survey works are required, due to the location and nature of the works.

74. No trees are being felled or hedgerow removed. It is considered based on a review of the submitted information that the policy requirements of NH2 and NH5 are met. The development will not have a detrimental impact on biodiversity.

Consideration of Representations

75. No representations received.

Conclusions and Recommendation

76. For the reasons outline above, the recommendation is to approve planning permission as the proposal is in accordance with the requirements of policy CF01 and exception is demonstrated to policy OS1 of the Plan Strategy.
77. The building is designed to a high standard and no detriment is caused to amenity or biodiversity for the reasons outline in the report. The development does not impact of the setting of the Demesne or any historic buildings. The parking requirements are met from the use of existing car parks within the Demesne. There have been no representations received in respect of this application.
78. It is recommended that planning permission is approved.

Conditions

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

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

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

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

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition L15a.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition L15a. These measures shall be implemented, and a final archaeological report shall be submitted to the Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Lisburn & Castlereagh City Council.

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

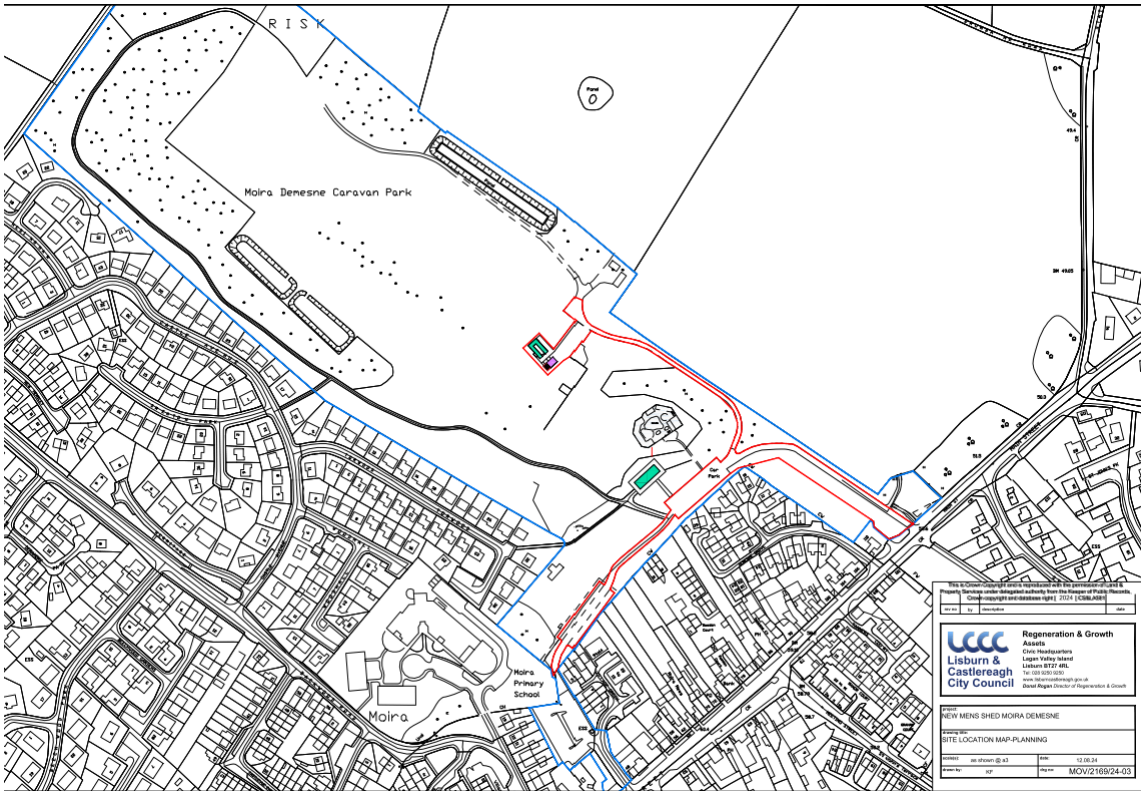
Informatives

1. The drawings and relevant information associated with this decision are available to view on the Planning Register at <https://planningregister.planningsystemni.gov.uk>
2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

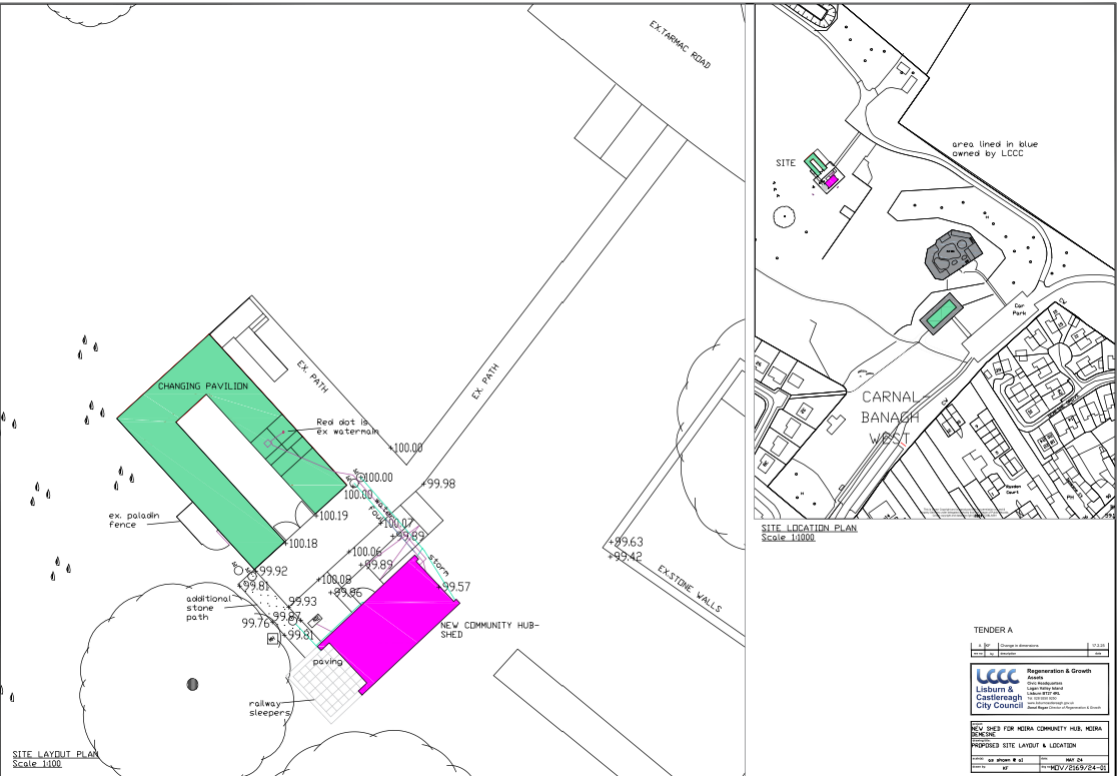
3. All construction plant and materials shall be stored within the curtilage of the site.
4. It is the responsibility of the developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.
5. NIW public sewer/s traverse the proposed development site. No construction to be made, trees planted or other obstruction permitted over this sewer, or within the permitted wayleave width. Details of which can be found within NIW guidance notes, available at the link below. A diversion may be necessary. No development shall commence until the applicant has demonstrated to the satisfaction of the council, that NIW are content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves . The applicant is advised to obtain a records map from NIW and establish the exact location of the infrastructure within the site, and how it may affect the proposal. Further Consultation with NIW Developer Services developerservices@niwater.com is required at an early design stage. Further information, guidance notes and applications can be downloaded from NIW website at <https://www.niwater.com/services-for-developers/homeowners/close-proximity/sewer/>.
6. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016
7. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.
8. All services within the development should be laid underground.
9. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.
10. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.
11. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

12. Where the sewers within the proposal serves two or more properties the developer must enter into an Agreement for Adoption of Sewers under Article 161 of the above Order. Sewers must be designed to meet the criteria as set out in the current Sewers for Adoption Northern Ireland specification. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised by NI Water.
13. If your proposal is for more than 1 property it may be eligible for the provision of a public watermain. Single property if accessed directly from a public road / area. For multiple properties each must have an individual supply direct from the proposed public watermain under Article 76 of the above order.
14. For single properties where there is no sewer NI Water provide an annual septic tank desludge/emptying service. Further information is available by contacting Waterline on 03457 448800 or waterline@niwater.com . Desludge/emptying request is also available via NIW Self Service Portal at <https://digitalservices.niwater.com/desludge-open>.
15. Upon receipt of this statutory consultation and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or waterline@niwater.com. Alternatively, guidance notes and application forms are available to download from NI Water website at <https://www.niwater.com>
16. If during the course of developing the site the developer uncovers a pipe not previously evident, NI Water should be contacted immediately via Waterline 03457 440088. NI Water will carry out an investigation, and, provide guidance and direction in respect of any necessary measures to deal with this issue.
17. Please refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.
18. Please allow sufficient time in advance of the commencement of site works for the agreement of the archaeological programme of archaeological work (POW) document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence to undertake the required archaeological work. For guidance on the preparation of the programme of archaeological work please contact the relevant HED Historic Monuments Planning Team casework archaeologist:
Tel: 02890 823100
Email: HEDPlanning.General@communities-ni.gov.uk

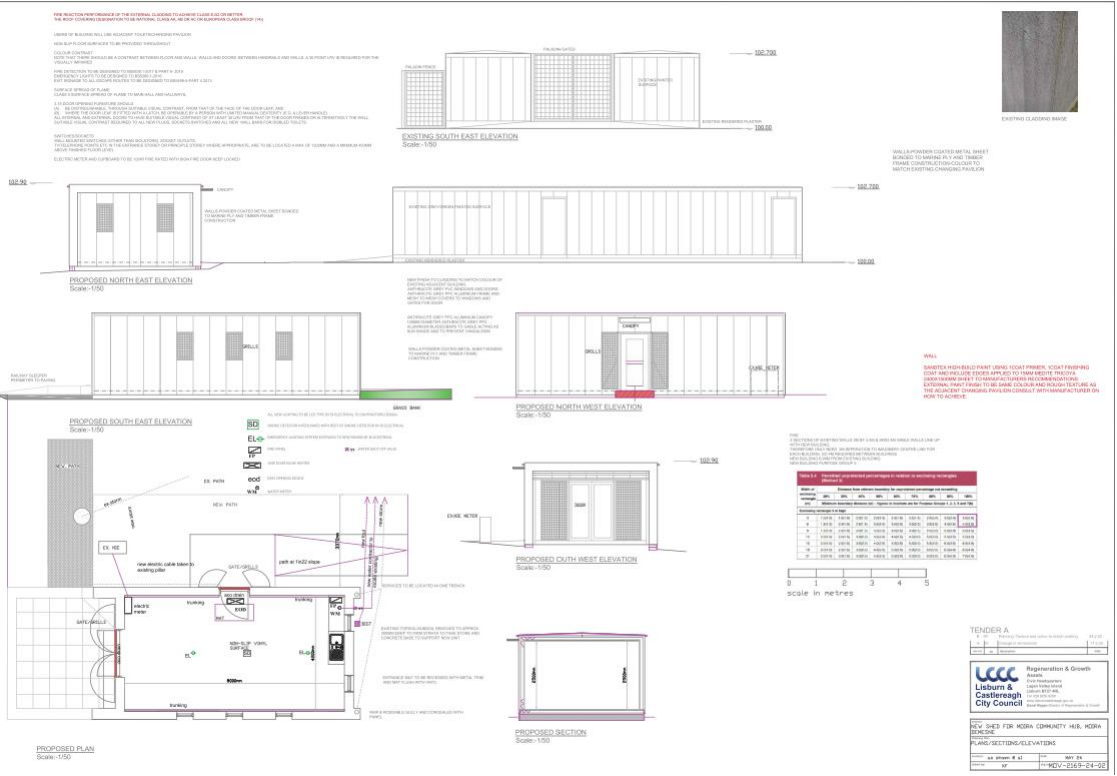
Site Location Plan – LA05/2024/0753/F



Site Layout Plan



Elevations and Floor Plan



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	2 June 2025
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2022/0799/O
Proposal Description	Site for replacement dwelling with retention of old dwelling as domestic store
Location	25 Metres east of 16 Drumcill Road, Lisburn
Representations	None
Case Officer	Michael Creighton
Recommendation	Refusal

Background

1. This application was included in the Schedule of Applications for consideration by the Committee at a meeting on 12 May 2025. The recommendation was to refuse planning permission.
2. Following a presentation by officers and having heard representations on behalf of the applicant, members agreed to defer consideration of the application to allow for a site visit to take place.
3. A site visit took place on 26 May 2025. A separate note of this site visit is provided as part of the papers.

Further Consideration

4. The Head of Planning & Capital Development showed Members the site location plan and placed the proposed development in the context of the buildings surrounding the site.
5. Members then viewed the site from different vantage points along the Drumcill Road. Allowing the members to consider whether the new building will have a visual impact significantly greater than the existing building.

6. Members were reminded that the building was being replaced as the site was contended to be too restricted to accommodate a modest sized dwelling. They observed the relationship between the existing building and the red brick dwelling fronting the road at No.16 Drumcill Road.
7. Members then observed a prefabricated building set to the side and rear of the building to be replaced. It would appear to have been in place for many years without the benefit of planning permission. There is a paved area to the front and enclosed yard to the rear of this building. Again, the juxtaposition and relationship between No.16, the building to be replaced and the prefabricated building was observed.
8. Historical maps and aerial photos have been examined but provide no clarity on the extent of the curtilages of the three buildings. Members were also concerned that the building to the side and rear was unauthorised and queried whether this should be considered as part of a justification for locating the building off-site.
9. There is no planning history for the prefabricated structure nor has a CLEUD been certified. Whilst an applicant should not benefit from unauthorised development the building is there, and it cannot be removed by virtue of the time it has been in situ. It is a material consideration in the assessment of whether the building should be replaced off-site because the curtilage is too restricted.
10. Criteria a) of the general criteria for all replacement dwellings states:
 - a) *the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
11. It was observed from the site visit that the building proposed for replacement was vacant and boarded up. There was also an admission from the applicant that the adjacent agricultural buildings were no longer used for agriculture. The need to convert another building to a store at this location is unnecessary and there is no reason why the existing could not be demolished and replaced in situ.
12. The unusual context created by the erection of a prefabricated building looking directly into the curtilage of two other dwellings is not a good reason to replace the dwelling off-site. The observation on site was the three buildings shared a curtilage and that it was not clear which building owned the space between the back of No.16, the dwelling to be replaced and the unauthorised prefabricated building.

13. There is no reason why this situation could not prevail if the dwelling was replaced in situ. It was also observed there was also room in the yard adjacent to the gable of the existing dwelling being replaced to create a private area for the use of a new modest sized dwelling.
14. Senior officers having observed the building in its context and consulted with the case officer and it is agreed to withdraw paragraph 52 of the main report. The curtilage of the dwelling is not so restricted that it could not accommodate a modest sized dwelling. Criteria a(i) of the policy is not met.
15. The balance of the advice in the main report in respect of criteria a) (ii) is unchanged. It is not shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Conclusion and Recommendation

16. The purpose of the site visit was to afford Members an opportunity to visit the site and observe the proposed development in its context.
17. The advice previously offered that planning permission should be refused is not changed. The reasons for refusal are updated to reflect the updated advice in this addendum report.
18. This addendum should be read in conjunction with the main DM Officer's report presented to the Committee on 12 May 2025.
19. Refusal reasons are as follows:
 1. Refusal reasons:
 - A The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not acceptable in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the curtilage is so restricted that it could not accommodate a modest sized dwelling resulting in the overall size of the new dwelling having a visual impact significantly greater than the existing dwelling due to its offsite location.
 - The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be a prominent feature in the landscape, 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 and it will rely primarily on the use of new landscaping for integration.

- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be unduly prominent in the landscape, and will have an adverse impact on the rural character of the area.

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	12 May 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2022/0799/O
Date of Application	01 September 2022
District Electoral Area	Killultagh
Proposal Description	Site for replacement dwelling with retention of old dwelling as domestic store
Location	25 metres east of 16 Drumcill Road Lisburn
Representations	None
Case Officer	Michael Creighton
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 contrary to Policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the overall size of the new dwelling will have a visual impact significantly greater than the existing building.
4. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be a prominent feature in the landscape, 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 and it will rely primarily on the use of new landscaping for integration.

5. Lastly, proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be unduly prominent in the landscape, it will result in urban sprawl, and it will have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site & Surroundings

6. The application site is located 25 metres east of 16 Drumcill Road, Lisburn and is accessed via an existing access off Drumcill Road.
7. This access also serves several other buildings to the north of No.16, including the building to be considered for replacement, which is immediately north of this dwelling.
8. The site where the dwelling is proposed to be located is generally flat and bounded to the nearby road by a 1 metre high ranch style fence which marks the site along the road to the east where it meets a hedgerow. The fence continues along the road to the access and along the laneway to a group of agricultural buildings which sit to the rear of the site.
9. The site appears to be used as a paddock field for grazing animals. The field is open to views when travelling in either direction along the Drumcill Road.
10. The building proposed for replacement is set behind No.16 and its gable end wall faces the access to the site. The building has chimneys along the ridge and dormer windows on its east facing elevation. It is finished in a pebble dash render and flat roof slates.
11. The site is located within the countryside and the local area has dispersed rural dwellings on roadside plots. There are agricultural fields and agricultural buildings dispersed throughout the area.

Proposed Development

12. This is an outline application for a replacement dwelling.
13. A site location plan has been submitted; no design details have been submitted as the application is for outline permission. A map showing the preferred location of the replacement dwelling has been supplied.
14. The following documents are submitted in support of the application.
 - Supporting statement
 - NI Biodiversity Checklist

Relevant Planning History

15. The application site has no relevant planning history for a replacement dwelling
16. The planning history for the lands adjacent to the site are also checked and the following applications are listed but not directly related to the the proposed replacement dwelling.

Reference Number	Description	Location	Decision
S/2013/0126/F	Retention of existing dwelling and associated siteworks in association with existing farm business and proposed alteration/improvements to existing access and lane	Land to the rear of 16 Drumcill Road, Mullaghcarton, Lisburn, BT28 2TG	Approved

Consultations

17. The following consultations were carried out:

Consultee	Response
NI Water	No objection
NIEA NED	No objection
NIEA WMU	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection
Historical Environment Division	No objection
NI Water	No objection

Representations

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

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

21. In accordance with the transitional arrangements the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
22. In LAP and draft BMAP (2015) this site is identified being located in the open countryside.
23. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

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

24. The following operational policies in Part 2 of the Plan Strategy also apply.
25. The proposal is for a replacement dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

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

Replacement Dwellings

27. Policy COU3 – Replacement Dwellings states:

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

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

Non-Listed Vernacular Buildings

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

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission

has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

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

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

Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances in accordance with Planning Policy HE8.

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.*

Habitats, Species or Features of Natural Heritage Importance

30. As the existing building is being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.

31. NH2 Species Protected by Law European Protected Species states:

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- 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.

32. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known: a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

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

Waste Management

33. A private package treatment plant is proposed and Policy WM2 - Treatment of Wastewater 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

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

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

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

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

Justification and amplification

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

Historic Environment and Archaeology

The Preservation of Archaeological Remains of Local Importance and their Settings

35. There is a Rath approximately 140 metres northwest of the site. Policy HE2 – The Preservation of Archaeological Remains of Local Importance and their Settings states:

‘Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.’

Regional Policy and Guidance

Regional Policy

36. 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.

37. Paragraph 3.8 of the SPPS states:

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

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

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

39. 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

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

Building on Tradition

41. Paragraph 5.1.3 of Building on Tradition states that:

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

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

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

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

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

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

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

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

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

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

45. With regards to wastewater treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland)

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

Assessment

Replacement Dwellings

46. The first step of the policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact as set out in the Plan Strategy (2023).
47. The proposed redline encompasses the dwelling to be replaced and the site where the new dwelling is to be located. An inspection of the property has determined that the property would be considered as a replacement opportunity based on the essential characteristics as outline within Policy COU3.
48. There are windows and door openings of domestic appearance within the property. The building has two dormer windows on the east facing elevation which sit within a slate roof. There are 2no. existing brick chimney stacks to the ridge of the dwelling.
49. From the external appearance of the structure, it would be my planning judgment that the building exhibits the characteristics of a dwelling.
50. Within Building on Tradition supplementary guidance document, it notes further general criteria when assessing whether the proposal qualifies as a replacement opportunity.
51. The building does appear to exhibit the essential characteristics of the dwelling. The structure is not listed or otherwise considered to make an important contribution to the heritage, appearance or character of the locality.

52. With regards to the general criteria for all replacement dwellings, it is considered that the proposed replacement dwelling which is not to be sited within the established curtilage of the existing building, would be acceptable in this instance. It would be my planning judgment that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling and would therefore meet criterion a).
53. Criterion b) requires that the overall size of the new dwelling must not have a visual impact significantly greater than the existing building.
54. The agent has submitted a drawing showing where the proposed dwelling is to be located. The site is part of a larger group of buildings which includes No.16 Drumcill Road, the building proposed to be replaced and several other buildings including agricultural buildings. This group as a whole stretches approximately 115 metres north of Drumcill Road. The site on which the dwelling is to be replaced is a rectangular shape and located next to the Drumcill Road. The dwelling to be replaced is located in a central location within the site and there are only partial views of the building when travelling east and west along Drumcill Road.
55. The dwelling to be replaced has a rectangular footprint and is set back from the road by approximately 40 metres. There is an existing dwelling, no.16, to the south of the dwelling to be replace and agricultural buildings to its east. The dwelling to be replaced is sited amongst a cluster of existing buildings with limited views other than partial views of the east and west elevations.
56. The agent proposes to locate the new dwelling on a roadside paddock field to the south of the agricultural buildings. The roadside boundary of this field is a 1 metre high ranch style fence and so the entire paddock field is open to views.
57. The dwelling to the south of the building to be replaced is set back from the road by approximately 25 metres and its front garden is flat and open, with ranch style fencing marking the boundaries. This allows open views of the site where the dwelling is to be built when travelling in either direction along Drumcill Road.
58. The proposed location of the dwelling to be built as a replacement is open to views in either direction along the nearby road, the proposed dwelling would have a visual impact significantly greater than the existing building.
59. The proposed replacement dwelling therefore fails to comply with criteria b) of the policy.
60. Criterion c) relates to the design of the replacement dwelling which should be of a high quality appropriate to its rural setting. Whilst details of the design and materials to be used have not been provided as part of this application, it is contended that design details could be provided as part of any further reserved matters or full application and this criteria is capable of being met..

61. With all things considered it is my planning judgement that while the building proposed for development is deemed suitable for replacement, the location of the proposed dwelling is not acceptable and would have a visual impact significantly greater than the existing building.
62. The proposed replacement dwelling therefore fails to comply with criteria b) of the policy COU3 and as the proposal fails this, it also fails COU1.

Development in the Countryside

63. The location of the proposed dwelling as discussed would not meet the criteria b) of COU3 in that the dwelling would have a visual impact significantly greater than the existing building. It would also be my planning judgment that a dwelling built on the location proposed would be a prominent feature in the landscape as the site is open to views travelling in either direction along the Drumcill Road. The proposal fails to meet criteria a) of COU15.
64. Criterion b) requires the new building to be sited to cluster with an established group of buildings. The location of the proposed dwelling would allow it to be clustered with an established group of buildings. Agricultural buildings to the north of the site and a dwelling to the west.
65. The site is flat and the existing buildings which the dwelling would cluster with would provide a backdrop, with a few mature trees along the western boundary providing a slight amount of natural integration. The dwelling could blend with the features of the site and would meet criteria c).
66. The site is bounded to the road by a ranch style fence, to the west by a ranch style fence and partly by mature trees and there are agricultural buildings to the north. The eastern boundary is undefined. The dwelling will require an eastern boundary and a northern boundary to separate the curtilage from the agricultural buildings. There are no natural boundaries other than the group of trees to the northwest corner of the site. As a result, any dwelling will appear as prominent on this site and a significant amount of enclosure would need to be introduced allow the dwelling to be integrated into the landscape. It would rely on substantial mature new landscaping for any degree of integration. The proposal fails to meet criteria d) and e) of COU15.
67. Criteria f) relates to whether the proposed design of the building is appropriate for the site and its locality and has already been considered under Policy COU 3 given that this is for a replacement dwelling. As this is an outline application no design details have been provided at this stage.
68. In terms of ancillary works the development proposes the use of an existing unaltered vehicular access to the public road.

69. Given this situation it is unlikely that there would be need of significant ancillary works including the use of retaining walls. Based on this assessment, it is contended that the proposals would meet Criterion g).

After assessing this proposal, it is considered that the proposal would fail to meet criteria a), d) and e) of COU15 of the Plan Strategy. **Policy COU16 - Rural Character states that:**

70. It is acknowledged that the existing building is partially visible from the Drumcill Road as there are slight views when travelling east and west for short periods. However, the building to be replaced is clustered within a group of existing buildings and integrated into the existing built environment.
71. The dwelling proposed is to be located on a roadside plot which is open to views when travelling in either direction along the nearby road and will be visible for approximately 120m along the road.
72. Therefore, these matters have been considered in the preceding section and for the same reasons the proposal fails to meet criteria (a).
73. The location of the proposed dwelling while being set in a prominent location, it will cluster with existing buildings to the rear of the site and so criteria (b) is met.
74. Criterion c) relates to whether the proposal respects the pattern of settlement exhibited in that area. The dwelling proposed is not to be located over the footprint of the dwelling it will replace. The dwelling is to be sited on a roadside plot which as discussed will be open to views when travelling along the nearby road. This said, the pattern of existing development along the Drumcill Road holds this pattern as a feature, with several dwellings along the road sharing roadside plots, the closest being the dwelling immediately to the west of the site. The proposal meets this criterion.
75. The application is not close to any defined settlement limit but the dwelling proposed will be located on a site which would start a ribbon of development along this section of the Drumcill Road. Visually read with the existing buildings I would be my planning judgement that this dwelling would result in urban sprawl.
76. As it has been assessed that the proposed dwelling will be a prominent feature in the landscape and will require and rely on new planting to integrate, the dwelling will have an adverse impact on the rural character of the area. On this basis the proposed dwelling does not meet Criterion e).
77. With regards to residential amenity, the application site is located approximately 20 metres from the nearest residential property. It is considered that the proposal would not result in an adverse impact to residential amenity.

78. On review of details provided on the P1 Form, it is concluded that that water supply is to be connected to mains, drainage via soakaway and foul sewage to be disposed of by a septic tank. The application is for a replacement dwelling therefore there is no reason to believe that consent to discharge will not be forthcoming. It is noted from the domestic consent public register that there has previously been a consent given at this site. In terms of other necessary services, it is considered that these could be provided at the site without adversely impacting the environment of character of the area and would comply with criterion g).
79. This application relates to outline permission, therefore not all details relating to the access have been provided. It is noted from the application form that the intention is to utilise the existing unaltered access which should not impact on the rural character in the area. In addition, DfI Roads have been consulted and offer no objection to the proposed development. On this basis the application is likely to comply with both criteria h) and i).
80. After assessing this proposal, it is considered that the proposal would fail to meet criteria a), and e) of COU16 of the Plan Strategy.

Waste Management

81. In terms of wastewater, the application proposes that the foul sewage from the dwelling would utilise a septic tank. The application is for a replacement dwelling and from records the site already has consent to discharge in relation to the existing dwelling.
82. Standing advice for single dwellings from NIEA (DAERA) notes that they do not need to be consulted in a number of circumstances including where it relates to 'an application for a replacement dwelling and existing consent is in place'. On this basis, it is unlikely that the proposal would be contrary to Policy WM2 Treatment of Wastewater in the LCCC Plan Strategy which mainly deals with non-mains sewer provision.
83. Furthermore, NI Water were consulted on this application and in their consultation, response have not indicated any objection to the proposal and or that there are any capacity issues at the receiving Wastewater Treatment Works (WwTW). On this basis it is contended that this policy is met.

Access and Transport

84. The P1 Form and plans submit indicate that the proposal is to use an existing unaltered access to a public road via Drumcill Road.
85. Given the scale of the development a Transport Assessment form or Transport Assessment was not required for this application and DfI Roads have not identified any concerns in relation to the principle of using this access.

86. Based on a review of the information submitted and advice from DfI Roads it is considered that the proposed complies with Policy TRA2 of the Plan Strategy in that that details demonstrate that the use of this access will not prejudice road safety or significantly inconvenience the flow of vehicles.

Natural Heritage

87. The application was supported with a Biodiversity Checklist completed by the agent. The proposed development seeks to retain the dwelling to be replaced and so there is no demolition as a part of this proposal.
88. It is also noted that there is to be no vegetation removed or disturbed as a part of this proposal. It would be my planning judgement that with the proposal and the NI Biodiversity checklist there will be no impact on any natural features, including protected species and habitats.
89. Natural Environment Division have been consulted and offer no objections.
90. In considering the ecological assessment undertaken and the nature of this outline planning application, I am content that the application would meet the requirements as set out in Policies NH2 and NH5 of the LCCC Plan Strategy.

Historic Environment and Archaeology

91. There is a Rath approximately 140 metres northwest of the site. However, due to the separation distance and intervening buildings and vegetation, it is my planning judgment that the proposal will have no impact on the setting of the rath. HED were consulted and had no objections. The requirements of policy HE2 are met.

Consideration of Representations

92. Following the statutory advertisement and neighbour notification (publicity) process, no letters of objection or representation have been received.

Conclusions

93. For the reasons outlined above, the proposed development fails to satisfy the requirements of policies COU1, COU3, COU15 and COU16 of the Plan Strategy.

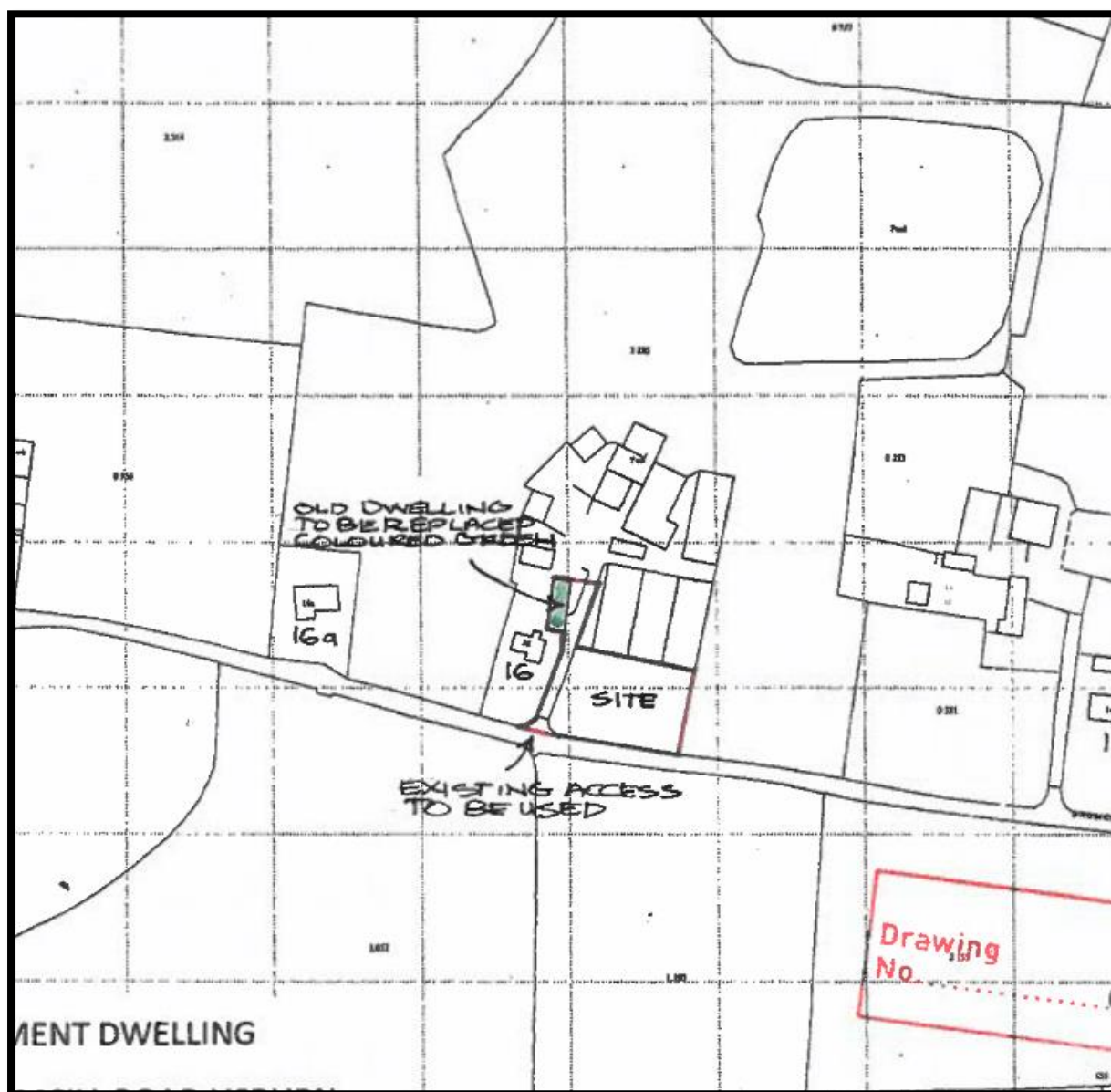
Recommendations

94. It is recommended that planning permission is refused.

Refusal Reasons

95. Refusal reasons:

- A The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not acceptable in the countryside.
- The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the overall size of the new dwelling will have a visual impact significantly greater than the existing building.
- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be a prominent feature in the landscape, 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 and it will rely primarily on the use of new landscaping for integration.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be unduly prominent in the landscape, and will have an adverse impact on the rural character of the area.



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Visit held at 3.37 pm on Monday, 19 May 2025 at Land 25m East of 16 Drumcill Road, Lisburn****PRESENT:**

Alderman M Gregg (Chair)

Alderman O Gawith

Councillors S Burns, A Martin and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Senior Planning Officer (PMcF)

Member Services Officer (CR)

Apologies for non-attendance were submitted by Alderman J Tinsley and Councillors D J Craig, U Mackin and G Thompson.

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

LA05/2022/0799/O – Site for replacement dwelling with retention of old dwelling as domestic store on land 25 metres east of 16 Drumcill Road, Lisburn

This application had been presented for determination at the meeting of the Planning Committee held on 12 May, 2025. The Officer recommendation had been to refuse the application on the basis that the new building would create a significantly greater visual impact than the building that was to be replaced. The Committee had agreed to defer consideration to allow for a site visit to take place.

Members viewed the site location plan. The Head of Planning & Capital Development pointed out the dwelling that was to be replaced off-site and retained as a domestic store. He further indicated that the proposed location of the new dwelling was a paddock in front of two former agricultural buildings.

He explained the reason given for the proposed replacement dwelling being off-site was that the curtilage of the existing property was so restricted that it could not accommodate a reasonably sized dwelling. Members walked along the road frontage in both directions and observed the site in the context of the roadside vegetation and other buildings in the backdrop.

The Head of Planning & Capital Development advised that the agent had explained that, coming from the east, the trees on the roadside restricted the views of the building to the immediate context of the boundary fence along the site frontage. To assist Members, the Head of Planning & Capital Development advised with reference to the site location plan the approximate position of the proposed dwelling in the context of the other buildings adjacent to behind site.

In response to a query in respect of whether the off-site location would create an infill opportunity when viewed from the east he clarified the extent of the western boundary and confirmed there was from the red brick building to be replaced that there was a gap and then another building. The red line did not extend anywhere beyond the fence line.

Members walked onto the site and observed the existing building that was to be replaced. Following Members' comments in respect of the extent of the curtilage of this property, the Head of Planning & Capital Development agreed that historical aerial photographs would be reviewed in an attempt to assist in determining the extent of the original curtilage.

The Head of Planning & Capital Development indicated to Members a number of unauthorised buildings that had been erected without planning permission, one of which had been subject to enforcement located to the north of the site. This particular building had a planning history of application, appeal (which was refused by the PAC) and then a further application which resulted in the building being retained.

Members observed a second unauthorised building immediately adjacent to the side and rear of the dwelling to be replaced. The Head of Planning & Capital Development explained that the agent had described this building as ancillary living accommodation for the red brick dwelling on the road frontage. The Senior Planning Officer indicated that it was immune from enforcement by virtue of the time it had been in place.

A few Members queried whether the unauthorised building should be taken account of when considering the principle of off-site replacement.

The Head of Planning & Capital Development stated that, Members having inspected the site, an additional report would be prepared for consideration by the Planning Committee in respect of the unauthorised buildings.

There being no further business, the site visit was terminated at 4.02 pm.

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	2 nd June 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2023/0012/F
Date of Application	10 th January 2023
District Electoral Area	Lisburn & Castlereagh
Proposal Description	One and a half storey dwelling with detached double garage
Location	Land 60 metres south of 20 Magheradartin Road, and 75 metres northwest of 22 Magheradartin Road, Royal Hillsborough
Representations	None
Case Officer	Sinead McCloskey
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 contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Magheradartin Road as the site is not a small gap sufficient to accommodate two dwellings within an otherwise substantial and continuously built up frontage whilst respecting the existing pattern of development. It is not in accordance with the existing plot width and plot size required to accommodate two dwellings.
4. The proposal is contrary to criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, not respect the traditional pattern of settlement exhibited in the area and would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

- 5. The application site is located within an agricultural field on the western side of Magheradartin Road. The field bounds the road but is accessed via the land to the north within the curtilage of the adjacent dwelling at No. 20 Magheradartin Road. The levels of the site gradually fall in a western direction. There is a dilapidated barn located in the northeastern corner of the site.
- 6. The eastern boundary alongside the road, consists of a one-metre grass verge, a two to four metre high hedge with some ten to twelve metre high trees interspersed throughout. The southern boundary of the site consists of mature vegetation of between two to four metres in height and taller trees of approximately ten to twelve metres. The western boundary of the site is not defined. The northern boundary consists of mature trees twelve to fifteen metres in height.

Surroundings

- 7. The application site is adjacent to the residential dwelling at No. 20 Magheradartin Road and several outbuildings to the north. To the south there is a dwelling at No. 22 Magheradartin Road and a detached garage.
- 8. The area is rural in character and the land predominantly agricultural in use, characterized by undulating topography.

Proposed Development

- 9. Full Planning permission is sought for a new one and a half storey infill dwelling with detached double garage.
- 10. A Biodiversity Checklist and Ecological Statement were provided in support of the application.

Relevant Planning History

- 11. The planning history for the site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2019/0756/O	Proposed infill dwelling and garage	Adjacent to and south of No. 20 Magheradartin Road Hillsborough BT26 6LY	Permission Granted 12 th November 2019

Consultations

12. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
NIEA Water Management Unit	No objection
NI Water	No Objection
LCCC Environmental Health	No Objection
DFI Rivers	No Objection
NIEA Natural Environment Division	No objection

Representations

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

Local Development Plan

14. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of

the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

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

‘Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption, the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 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.’

16. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
17. The site is located within Green Belt in the Lisburn Area Plan (2001). In draft BMAP (2015), the application site is in the open countryside, out with any defined settlement limit. No other designation applies.
18. 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.
19. 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

20. The proposal is for a dwelling 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

21. The proposal is for a dwelling to infill a gap in a road frontage. There is a previous history of approval for an infill dwelling at this site. 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

22. 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

23. 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 Wastewater

24. A septic tank and soak away are proposed to serve the dwelling. Policy WM2 - Treatment of Wastewater 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

25. A new access is proposed to Magheradartin Road for the dwelling. 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

26. Hedgerow is proposed to be removed from the road frontage to facilitate the access and 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

27. 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

- 28. The SPPS was published in September 2015. It is the most recent regional 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.'

- 29. 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.'

- 30. 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.'

- 31. 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.'

- 32. The following retained regional guidance documents remain material considerations:

Building on Tradition

- 33. 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.*

34. 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.’

35. 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

36. 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

Preliminary Matter

- 37. The application form makes reference to a planning application that had previously been approved on the site (LA05/2019/0756/O) on the 12th November 2019 for an infill dwelling.
- 38. This application for planning permission was received on the 3rd January 2023 and made valid on the 10th January 2023 outside of the time period for submission of approval of Reserved Matters. The last date for submission was 11th November 2022.
- 39. The Department for Infrastructure directed the Council in June 2023 to adopt the draft Plan Strategy of the Lisburn and Castlereagh City Council Local Development Plan.
- 40. The draft Plan Strategy included a new policy for infill development and all planning applications in process at the time the Direction was issued were now subject to the requirements of policy COU8.
- 41. Following adoption of the Lisburn and Castlereagh City Council Plan Strategy on 26 September 2023, the retained planning policies in PPS21 were replaced in full. As this application is made after the period for approval of reserved matters time expired, the planning history is of no material weight. This proposal is considered afresh against the policies of the Plan Strategy.

Development in the Countryside

Policy COU8 – Infill/Ribbon Development

- 42. This proposal is for infill development. The initial consideration is whether the proposal would create or add to a ribbon of development.
- 43. 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.'

44. This proposal engages ribbon development as there are more than two buildings beside one another. Located on one side is an existing dwelling and detached garage at No. 22 Magheradartin Road and on the other two outbuildings and a dwelling at No. 20 Magheradartin Road to the north. All of the buildings front Magheradartin Road.

The issue of exception

45. 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.
46. 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.
47. The first step in determining if an exception exists is whether there is an otherwise substantial and continuously built-up frontage 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.
48. Travelling in a northerly direction along Magheradartin Road lies No. 22 Magheradartin Road (*Building 1*) to the south-west side of Magheradartin Road. This dwelling is a single storey detached dwelling with associated detached domestic garage to the side. To the other side of the application site, No. 20 Magheradartin Road (*Building 2*) is a single storey detached dwelling. Within the curtilage of this property there are two single-storey, domestic outbuildings and a three-sided corrugated iron wood store.
49. Continuing further along the Magheradartin Road, it veers in a north westerly direction, where the dwelling at No. 18 Magheradartin Road (*Building 3*) is located. This is a chalet one and a half storey dwelling. No. 16 Magheradartin Road is located just beyond, but there is a field between the curtilages of the two

properties so this dwelling is discounted as a qualifying building within a substantial and built up frontage.

50. Excluding the domestic ancillary buildings is a requirement of policy COU8 and all the domestic buildings within the curtilages of the three residential dwellings at Nos. 22, 20 and 18 Magheradartin Road are excluded.
51. The first part of the exceptions test of Policy COU8 has not been met as there is not a substantial and continuously built-up frontage on the ground consisting of four or more buildings.
52. However, for completeness the proposal will be assessed against all remaining elements of this policy.
53. The second step in the process of determining whether an infill opportunity exists is to identify if the gap site is small. For the purpose of policy that is a gap *'sufficient to accommodate two dwellings.'*
54. Policy COU8 relates to the gap between road frontage buildings. The gap width is measured between the two closest buildings either side of the application site.
55. In this instance, this is the gap between the garage at No. 22 Magheradartin Road and an outbuilding associated with the dwelling at No. 20 Magheradartin Road. This gap measures circa 70 metres building to building.
56. The existing plot widths of No. 22, No. 20 and No. 18 are approximately 20 metres, 95 metres and 60 metres respectively. This equates to an average existing plot width in the frontage circa 58 metres.
57. The guidance offered by Building on Tradition would indicate that in the instance of this particular frontage, the gap would need to equate to approximately 116 metres to be of sufficient size to accommodate two dwellings. It is noted that this application is for a single dwelling only, which Policy COU8 precludes.
58. Taking this into account, it is considered that the second step in the process of determining whether an infill opportunity exists has not been met, in that there is not a small gap sufficient to accommodate two dwellings.
59. The third element 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.
60. 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.'

61. In relation to design, this is a full application and as such design details have been provided for assessment. It should be noted that the previous approval on this site was an outline application with a condition attached stating that the ridge height should not be more than six metres above finished floor level.
62. The proposed dwelling is one and a half storey with a ridge height of 8.1 metres. It is of linear form, with a single storey porch projection to the front and a single storey rear return. The window openings are predominantly of vertical emphasis with two integral chimney breasts, on a gable and the rear return, with chimney stacks positioned to the end of the respective ridgelines. The proposed schedule of external finishes includes sand/cement render (painted off-white) natural slate roof finish, dark grey UPVC casement windows and heritage style rainwater goods. There is a detached garage also proposed with a square shaped footprint of simple form with a dual pitched roof and external finishes to match the host dwelling.
63. The single storey dwelling at No. 22 is typical of 30 to 40-year-old dwellings often found in the countryside. The dwelling at No. 20 is also single storey but looks significantly older. The dwelling at No. 18 is a storey and a half of simple rural form and also appears to be of more recent construction. The proposed dwelling is of a similar design to this dwelling and as such it is acceptable in the context of the other buildings in the frontage. The additional 2.1 metres in height is not significant and would not make the building appear out of character with the other buildings.
64. The proposed dwelling would occupy a footprint of approximately 153 square metres which is a similar footprint to the existing dwellings in the frontage. Taking this into account, there are no concerns about the development proposal respecting the existing pattern of development in the frontage in terms of size and scale of the proposed dwelling.
65. With regards to plot size, No. 22, No. 20 and No. 18 Magheradartin Road have approximate plot sizes of 0.12 hectares, 0.27 hectares and 0.39 hectares, with the average plot size being 0.26 hectares. The application site has a plot size of approximately 0.29 hectares which is similar to the average plot size and in the middle of the range of plot sizes. However, the proposal is only for one dwelling and not two in accordance with the policy. Dividing the plot into two would result in two individual plot sizes in the region of 0.15 hectares each which is at the lower range of plot size. When considered in the context of the other plots in the frontage as a whole this is not in keeping with the plot sizes along this part of the Magheradartin Road.

66. In terms of widths of existing plots as discussed above, the existing plot widths of No. 22, No. 20 and No. 18 are approximately 20 metres, 95 metres and 60 metres respectively. This equates to an average existing plot width in the frontage of circa 58 metres. The application site has a plot width of approximately 64 metres. However, as previously stated the proposal is only for one dwelling and not two in accordance with the policy. Plot widths of circa 32 metres each which is again towards the lower range, is at odds with the average existing plot width in the frontage.
67. Furthermore, the existing dwellings are all linear in form with an average front elevation of circa 18 metres. The width of the appeal site at the point where development follows the existing building line, measures 40 metres (approximately). Whilst it can be said that two dwellings with an average length of 18 metres could fit side by side it would result in a cramming effect, with inadequate separation distances between dwellings and an undesirable quality residential environment that is at odds with the development characteristics of this part of countryside. Taking the above into account, two dwellings side by side could not be accommodated within the appeal site in a manner that would respect the existing pattern of development in terms of siting.
68. 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 and is too small to accommodate two dwellings.
69. 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.
70. Standing facing the application site, it is considered that there is no visual linkage between Nos. 20 and 18 Magheradartin Road due to a stand of mature conifer trees along the boundary between No. 20 and No. 18 and the bend of the road.
71. Taking all of the above into account, it is advised that the proposal does not satisfy the exceptions test of Policy COU8 for the reasons outlined. It is considered that the proposal would add to a ribbon of development along Magheradartin Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

72. The design of the proposed dwelling and garage has been described above.
73. Taking the siting and design of the proposed dwelling/garage into account in the context of the large mature natural tree lined boundary to the north and south, the road trajectory and surrounding vegetation, it is advised that the proposed dwelling would not be a prominent feature in the landscape.

74. It is considered that the proposed scheme would cluster with the existing buildings in situ at Nos, 22 and 20 Magheradartin Road.
75. It is considered that the proposed dwelling/garage would blend with the existing landform and trees to the northern and southern boundaries of the application site.
76. Natural boundaries are in situ to the north, south and east (roadside) boundaries of the application site. It is acknowledged however that part of the roadside boundary would require removal to facilitate the access and the necessary visibility splays.
77. Building on Tradition guidance advises that two to three natural boundaries should be in situ for the purposes of integration, and it is noted that two boundaries are to be retained in full as part of the proposal, with part of the roadside boundary also retained. It is also contended that the proximity of the neighbouring buildings, especially those to the north, would provide a degree of enclosure to assist with the integration of the buildings into the landscape.
78. Whilst it is acknowledged that new landscaping (to the remainder of the roadside boundary and to the west) 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.
79. The house type proposed is of simple traditional rural form and it is acknowledged that the proposed design is akin to the existing dwelling in situ at No. 18 Magheradartin Road. The design has been assessed against Building on Tradition guidance and is acceptable in terms of its form, layout and external appearance.
80. In terms of the proposed ancillary works, a new vehicular access provides access/egress from/to Magheradartin Road to/from the application site. This access would lead directly onto a short driveway which would run almost parallel and adjacent to the southern boundary of the application site. A small area of hard standing which would accommodate the in-curtilage parking/turning of private vehicles is proposed to the front of the dwelling and garage. No large suburban style sweeping driveway has been proposed, nor ornate entrance features.
81. Taking the existing and proposed ground levels of the application site into account, no excessive cut and fill (excavation), nor large retaining walls would be required. No large retaining walls are proposed as part of the scheme. Taking the above into account, it is advised that the proposed ancillary works would integrate with their surroundings.
82. Taking all of the above into account, the proposal as submitted is in accordance with Policy COU15.

Policy COU16 - Rural Character

83. For the same reasons outlined above, it is considered that the proposed scheme would not be unduly prominent in the surrounding landscape.
84. As noted above, it is accepted that the proposed development would cluster with the established group of existing buildings in the immediate vicinity.
85. The proposed development would however add to a ribbon of development along Magheradartin Road for the same reasons described earlier in the report in terms of addressing the requirements of policy COU8. The proposal would not respect the existing pattern of settlement exhibited in the area.
86. The application site is located wholly within the open countryside, out-with any designated settlement limit. 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.
87. As noted, the proposed development would add to a ribbon of development. It is therefore considered that it would have an adverse impact on the rural character of the area.
88. 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 terms of loss of amenity in relation to potential overlooking/loss of privacy or overshadowing/loss of light to any neighbouring property to an unreasonable degree.
89. LCCC Environmental Health were consulted as part of the processing of the application and subsequently responded with no concerns in respect of a loss of amenity arising from noise or nuisance.
90. It is considered that the proposed ancillary works would integrate with the surrounding landscape. Therefore, there are no concerns with regards to the impact of the proposed ancillary works on rural character for the same reasons described earlier in the report.
91. The installation of a new vehicular access to/from Magheradartin Road is proposed as part of the scheme. DfI Roads were consulted as part of the processing of the application and they subsequently responded with no road safety or traffic impact concerns. There is no reason to disagree with the advice which has been offered and the vehicular access to the public road is considered acceptable.
92. Taking all of the above into account, it is advised that as the requirements of criteria (c) and (e) of policy COU16 are not met 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.

Access and Transport

Policy TRA2 - Access to Public Roads

93. A new vehicular access is proposed to serve the development. This new access would be located to the roadside boundary (adjacent to the eastern boundary of the application site) and would provide access to/from Magheradartin Road.
94. Visibility splays of 2 metres x 50 metres have been proposed in both directions.
95. It is acknowledged that Magheradartin Road is not a designated Protected Route.
96. In-curtilage parking/turning space for a minimum of two cars has been proposed. A domestic garage has also been proposed.
97. DfI Roads were consulted as part of the processing of the application, in their final consultation response, dated 10th May 2023, DfI Roads offer no objection to the proposal.
98. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a new vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, the requirements of policy TRA2 of the Plan Strategy are met.

Waste Management

Policy WM2 – Treatment of Waste Water

99. The source of water supply is to be from the mains. Surface water is to be disposed of by stone soakaways and foul sewage is to be disposed of via a septic tank.
100. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 23rd May 2023, they have no objection.
101. 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 be included as an informative on any approval.
102. NI Water was also consulted as part of the processing of the application. In their consultation response of 10th March 2023, they offer no objection to the proposal.

103. DAERA Water Management Unit were also consulted as part of the processing of the application. In their consultation response of 25th February 2025, they offer no objection to the proposal.
104. Based on a review of the information and having regard to the advice received from the above referenced 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

105. A NI Biodiversity Checklist and Ecological Statement was submitted as part of the application.
106. As indicated in the ecological statement and on the site plan, the proposed development would require the existing roadside hedge to be faced back with 10 to 15 metres of the central area removed to facilitate the access and the required visibility splays.
107. It is stated that the loss of this hedge will be compensated for on a like-for-like basis in another part of the site.
108. It is noted that the application site is occupied by one ruined shed with nearly the entire northern side and much of the top part of the roof collapsed and gone, with the whole of the interior open to the elements. An ecological survey found that that building has no roost features suitable for bats, it is of a thin material unsuitable for bats and it is only partially standing. This shed was therefore assessed as having negligible bat roost potential.
109. The statement concluded that no protected sites are present and no impact on protected sites is predicted. Hedges are present and some will be lost, mitigation is required. No other priority habitats are present and no impact on other priority habitats is predicted. No priority species are present other than a Starling nest. No impact on priority species is predicted as long as mitigation is followed. No further survey work is required.
110. I am therefore satisfied 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.
111. DAERA Natural Environment Division were consulted as part of the processing of the application and had no objection to the proposal, referring the Planning Authority to DAEAR Standing Advice.

112. Taking the Biodiversity Checklist and advice of DAERA into 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.

Conclusion and Recommendation

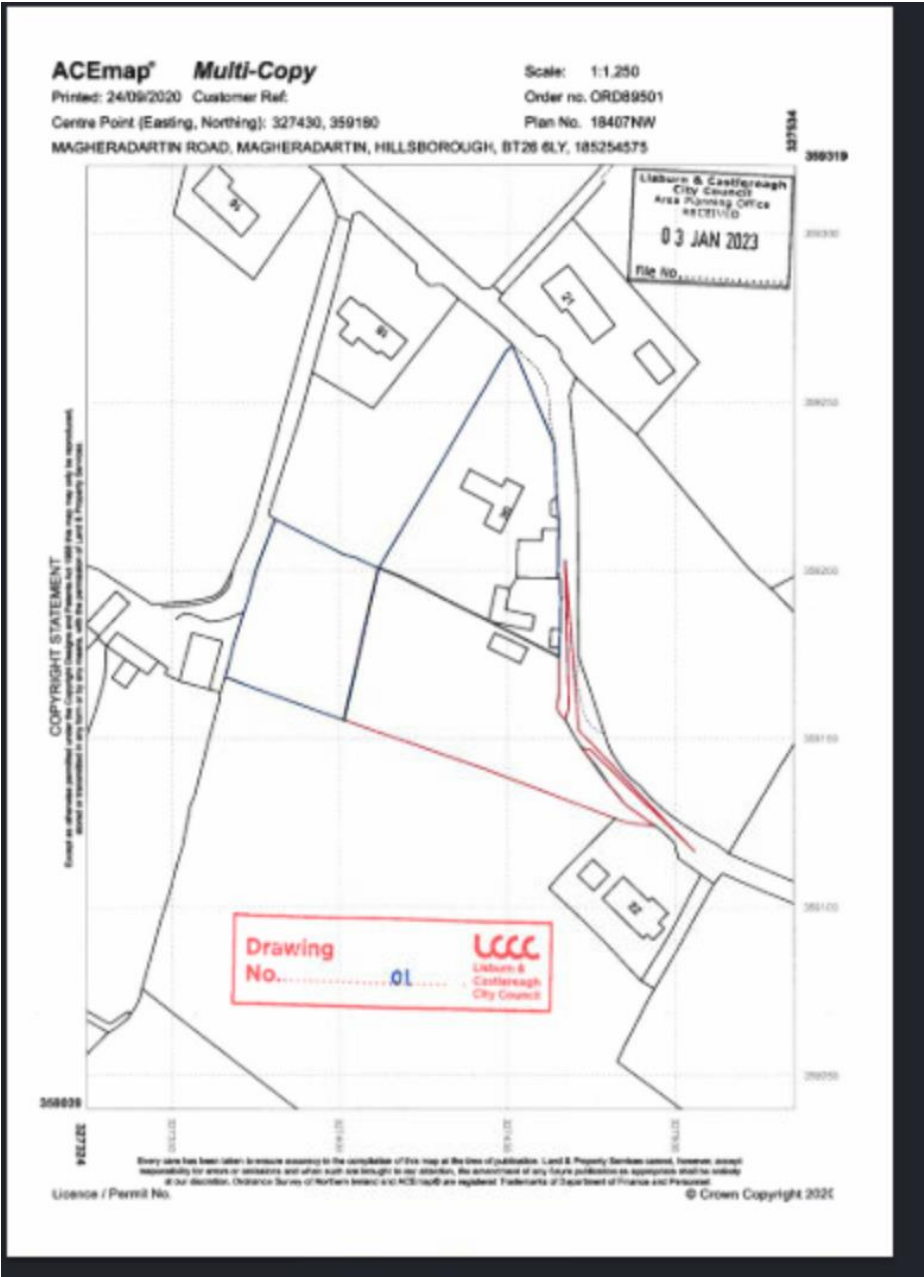
113. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

114. 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 the development, if approved, would add to a ribbon of development along this section of the Magheradartin Road as there is no small gap sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage whilst respecting the existing pattern of development and being appropriate to the existing plot width and plot size.
- The proposal is contrary to criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, not respect the traditional pattern of settlement exhibited in that area and would have an adverse impact on the rural character of the area

Site Location Plan – LA05/2023/0012/F





Committee:	Planning Committee
Date:	02 June 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – April 2025

1.0	<p><u>Background</u></p> <ol style="list-style-type: none">1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning 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. <p><u>Key Issues</u></p> <ol style="list-style-type: none">1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the monthly position for each indicator for the month of April 2025. This is the first month of the new annual reporting cycle.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 April 2025 was 47.1 weeks. There remains a focus on dealing with older planning applications and this is reflected in the average number of weeks taken to process applications this month. As highlighted in previous reports the number of applications being decided exceeds the number being received.4. Our continued focus on reducing the number of older applications principally in the first quarter of this year build on the good foundation established in the last two quarters of the previous financial year to allow the Council to return to good performance with an overall improvement against the statutory target in the incoming business year.5. The corporate performance improvement project commenced last year is continued and now encompasses all local planning applications that pre-date 31 December 2023. The target is to process 90% of all applications in this category by the end of the financial year.
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	<p>6. The performance against statutory target for major applications for April 2025 was 27.4 weeks. The statutory target is met this month but the types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes including the preparation of Section 76 planning agreements. These are being managed, and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p> <p>7. Enforcement is reported separately on a quarterly basis to the Committee but for completeness Members are advised that the target to achieve the statutory target of processing 70% of cases within 39 weeks was not met this month. This was primarily due to resourcing issues and the team are putting contingency in place to rectify this.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the April 2025 Statutory Performance Indicators.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p> <p>.</p>	

Appendices:	Appendix 2 – Statutory Performance Indicators – April 2025
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Statutory targets monthly update - April 2025 (unvalidated management information)
 Lisburn and Castlereagh

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	27.4	100.0%	45	66	47.1	17.5%	29	9	78.4	44.4%
May	-	-	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	0	1	27.4	100.0%	45	66	47.1	17.5%	29	9	78.4	44.4%

Source: NI Planning Portal

Notes:

- DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures
- 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".
- The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	02 June 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2021/1150/F

1.0 **Background**

1. An application for the erection of car valet unit, new diesel pump, new hard standing turning and parking area and two new drive thru car washes and one self-service car washing bay at Temple Filling Station, 82 Carryduff Road, Lisburn (retrospective) was refused planning permission on 05 November 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 19 December 2024.
3. The procedure followed in this instance was by way of written representation and Commissioners site visit. The site visit took place on 01 April 2025.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside; harm the amenity of nearby residents; mar the distinction between the settlement limit and the open countryside; and if it could be visually integrated into the rural landscape.
5. In a decision received on 17 April 2025 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner concluded that the development failed to meet policies COU16 and TC6 of the Plan Strategy. Insufficient justification was given for the development of the car wash facilities or why the storage unit could not be accommodated on the existing site and why there are necessary ancillary development for the petrol filling station, and that consequently, the appeal development was contrary to criterion b) of policy TC6.
2. The Commissioner further concluded that the appellant had not justified why the appeal development did not include any provision to provide electric charging points in accordance with policy TC6.
3. The Commissioner was also satisfied that the ancillary facilities would adversely impact residential amenity by reason of noise. The promise of landscaping via a condition was not sufficient to address the concerns of third parties in relation to the observed impact of large vehicles parked with their engines running and the adverse impact this had on the amenity of residents living in neighbouring properties.

	<p>4. However, the Commissioner accepted that the development had not visual intruded into the open countryside as it was located at the rear of the existing petrol station and enclosed on two sides by other development.</p> <p>5. The Commissioner applied planning judgement and, whilst not all the reasons for refusal were sustained, the appeal was dismissed. The Commissioner is entitled, having considered the evidence, to reach a different conclusion. As a consequence, there is limited learning from this appeal.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 3 – Appeal Decision – LA05/2021/1150/F
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Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2024/A0096
Appeal by:	Mr Brendan McKay
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 no self service car washing bay (retrospective).
Location:	Temple Filling Station, 82 Carryduff Road, Lisburn, BT27 6UA
Planning Authority:	Lisburn and Castlereagh City Council.
Application Reference:	LA05/2021/1150/F
Procedure:	Written representations and Commissioner's site visit on 1 st April 2025.
Decision by:	Commissioner Jacqueline McParland, dated 17 th April 2025.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant, within their statement of case, requested to amend the description of development by removing reference to the car valet unit and seeking to retain this unit for storage purposes. The Council and third parties have had the opportunity to comment on this in their rebuttals and did not object to this amendment. Whilst this appeal is for full planning permission, the drawing number 03 submitted on 8th October 2021 to the Council is entitled 'floor and elevation plans for the valet unit', with areas marked on the floor plans for valeting. The appellant has not supplied a revised drawing with his request to amend the use of this unit. However, I consider that an appropriately worded condition could be attached in the event of an approval requiring use of the unit to be used as storage ancillary to the Petrol Station with inclusion of text on the drawing saying that references to valeting in the said drawing are no longer applicable. Accordingly, this appeal decision will assess the appellant's amended proposal.

Reasons

3. The main issues in this appeal are whether the proposed development would:
 - be acceptable in principle in the countryside;
 - harm the amenity of nearby residents;
 - mar the distinction of the settlement limit; and

- visually integrate into the rural landscape.
4. Section 45(1) of the Planning (Northern Ireland) Act 2011 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) 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.
 5. As the Council recently adopted its Plan Strategy (PS), in accordance with the Planning (LDP) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together. The DDP in this appeal is the Lisburn Area Plan 2001 (LAP). Within the LAP, the appeal site is outside any settlement limit and in the countryside. Any conflict between a policy contained in a DDP and those of the PS must be resolved in favour of the PS. Accordingly, the policies within the DDP is now outdated, and limited weight is given to it. There are no other provisions in the DDP that are material to the appeal proposal. Page 42 of Part 1 of the PS contains a settlement hierarchy which includes the settlement of The Temple. Accordingly, the Council have given a clear indication in its PS that it will retain a settlement limit for The Temple in the Local Policies Plan document of its LDP.
 6. In May 2017, the Court of Appeal declared that the adoption of the 2014 version of the Belfast Metropolitan Area Plan (BMAP) was unlawful. In terms of the draft 2004 version of BMAP (dBMAP), it is not a DDP or a LDP but remains a potential material consideration. In dBMAP, the settlement limit of The Temple was proposed. In dBMAP, the appeal development is located outside and adjacent to the settlement limit of The Temple. It is only its access, which already serves a petrol filling station, that is located within the settlement limit. I note all parties gave weight to the settlement limit of The Temple as designated in dBMAP. Consequently, given all of the above, I afford weight to the designation of The Temple as a settlement limit in dBMAP in this appeal decision.
 7. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) states that where a PS is adopted for the area wherein the appeal site is located, existing policy retained under the transitional arrangements shall cease to have effect in that area. This includes Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and the Planning Strategy for Rural Northern Ireland (PSRNI). The proposal falls to be considered against the provisions of the most up-to-date operational policy for the countryside as contained in the PS.
 8. The appeal site comprises of land to the east (rear) of an existing petrol filling station. The existing access to the filling station is utilised to gain access to the appeal development. Immediately adjacent to the rear of the filling station is a small shed like structure around 50msq in area. This shed is located in an existing alcove within the petrol filling station building's layout. Approximately 10 metres to the east of this shed lies a fuel pump and beyond that is a large area of concrete hardstanding marked with white lines on which six HGVs were parked. To the south of the site are two mechanical car wash machines and an area where hand washing of cars is carried out with a jet lance power washer.

9. A car sales business is located to the south of the site, which comprises of a large area of hardstanding with cars displayed for sale and an office in a large mobile building and sheds sited to the southeast of the appeal site. Agricultural land lies to the east of the appeal site, whilst several dwellings are situated directly adjacent to and north of the appeal site in a linear pattern. 1.8 metre close boarded fences demarcate the rear garden areas of these dwellings to the appeal site.
10. Policy COU1 'Development in the Countryside' of the PS 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. Policy COU1 goes on to state that 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. Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6. It further 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.
11. The appeal development comprises of the retention of the unit for storage and change of use of the land to uses ancillary to the petrol filling station. The Council state that the appeal development does not comply with Policy COU1 of the PS as it is not considered necessary for operational reasons in conjunction with the existing business of the petrol filling station nor is it considered ancillary to it. All parties are agreed that the existing petrol filling station has been established to the east of the site for over 30 years. The red line of its planning permission S/91/0870 which granted full permission includes the land on which the appeal site is located. All parties are agreed that this permission was implemented. Furthermore, planning permission LA05/2022/0809/F also granted planning permission for an extension to the shop and further carparking within the original red line of S/91/0870 beyond the settlement limit of The Temple as set out in dBMAP.
12. Whilst the Council has not indicated what Policy applies to the appeal development other than Policy COU1, the Appellant considers that the appeal development is in accordance with Policy TC6 'Petrol Filling Stations and Roadside Service Facilities' and as a consequence Policy COU1 of the PS as it is required to allow HGVs to park off the road and refuel to the rear as they cannot access the petrol pumps to the front due to the existing height of the canopy. They also argue that there is insufficient room to the front of the site to accommodate the car wash area, parking for HGVs and a fuel pump.
13. Policy TC6 of the PS states that petrol filling stations should be located within a defined settlement limit, subject to the following: a) safe and appropriate access can be achieved at the site; b) it is demonstrated there is a clear need for the facility that cannot be catered for by an existing petrol station on the same transport route; c) proposals for retail unit(s) associated with the Petrol Filling Station above a threshold of 1,000 square metres gross external area which are not within a defined settlement limit will be required to undertake a Retail Impact Assessment and/or an assessment of need. An exception may be permitted for proposals on the trunk road network in the countryside, subject to compliance with the above policy criteria and where it is demonstrated a clear need for the facility

exists that cannot be provided within a defined settlement limit. Proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

14. Policy TC6 requires development proposals to meet criteria a) to c) even if they are deemed an exception. As such, the appeal development must comply with these criteria in order to meet Policy TC6. The Department of Infrastructure (DfI) Roads in their consultation response dated 12th September 2022 raised no objections to the appeal development on grounds of safe access. I note the Council raises no concerns in this regard either. From my observations on site sufficient visibility splays are in place and accordingly criterion a) of Policy TC6 is met.
15. The existing petrol filling station is located on the A24 Belfast to Ballynahinch Road, which is a trunk road. Given my observations on site, I agree with the appellant that there is insufficient room to the front of the petrol filling station to accommodate the parking of HGVs which frequent this petrol filling station and that additional parking is necessary. I also agree that given the height of the canopy to the front of the petrol filling station that an additional fuel pump to the rear is necessary to service HGVs. However, no sufficient justification was given for the development of the car wash facilities or why the storage unit could not be accommodated on the existing site and why they are necessary ancillary development for the petrol filling station. Also, I was given no information which would demonstrate that the facilities offered through the appeal development cannot be catered for by an existing petrol filling station on the same transport route. As such I cannot deem that the appeal development in its totality is necessary ancillary development to the petrol filling station at this rural location which cannot be catered for by another existing petrol filling station on the same route. Consequently, the appeal development is contrary to criterion b). The appeal development also does not involve the creation of additional retail floorspace. Accordingly, it complies with criterion c) of Policy TC6. Furthermore, the appellant has not justified why the appeal development does not include any provision to provide electric charging points. Therefore, on this point and those detailed above the proposal is not in accordance with Policy TC6 of the PS.
16. Policy COU1 also requires development proposals to comply with Policies COU15 and COU 16 of the PS. Policy COU15 is entitled 'Integration and Design of Buildings in the Countryside' and it states that 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 be of an appropriate design. It expands to say that a new building will not be permitted if certain circumstances apply. The Council consider the appeal development fails to meet criteria 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; and g) ancillary works do not integrate with their surroundings.
17. The appeal site is located within a gap of a 'U' shape of existing development comprising of several dwellings along the Saintfield Road in a linear form of development to the north, the existing petrol filling station to the west and the car

sales complex to the south. The appeal development is not apparent on approach from the north along the A24 as it is screened by the existing petrol filling station and the dwellings immediately north of it. On approach to the appeal site from the south along the A24, the appeal development is located behind the existing petrol filling station, the car sales yard and associated buildings. There is a 1.8 metre close boarded fence to the southern boundary of the car sales complex also. Given that it is bounded by existing buildings and development on three sides and the hardstanding ends in line with the rear of the car sales complex, I am satisfied that it is clustered with an established group of buildings, and the building and its ancillary works blends with these buildings to provide a suitable degree of enclosure and backdrop. Whilst the proposal does not have any natural boundaries, it has substantial hard surfaced boundaries which exist due to the presence of other approved development immediately surrounding it, which will help it integrate at this location. It would not rely on the use of new landscaping for integration given the above physical features and only one boundary remains undefined. Accordingly, I consider the proposal is in accordance with Policy COU15 of the PS.

18. COU16 'Rural Character and other Criteria' states 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 consider the proposal would be unacceptable as it is not in accordance with criteria: b) it is not sited to cluster with an established group of buildings; d) it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl; f) it would adversely impact on residential amenity; and h) the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character. The third parties have also stated that their amenity is adversely affected by the appeal proposal due to anti-social behaviour, impact on privacy, noise and air quality, matters which also fall under criterion f).
19. As detailed above, I consider that the appeal development including its ancillary works is sited to cluster with an existing group of buildings and would not have an impact on rural character. Accordingly, criteria b) and h) are not offended. The appeal development is located adjacent to the settlement limit of The Temple as designated in dBMAP and referenced as a small settlement in the PS. The appeal development extends the existing development beyond the settlement limit of The Temple as set out within dBMAP and further into the countryside. However, I do not consider that the area of land on which the appeal development is sited has a role to play in maintaining the distinction between the urban area and the countryside given that it is surrounded on three sides by existing development. There is little visual appreciation that the land on which the appeal development is located is in the countryside when viewed from public vantage points with existing development to the foreground and background. Similarly, there is little visual appreciation of the appeal development from the public road of the A24, given the existing surrounding development. Accordingly, I consider that the appeal development would consolidate the surrounding existing development on land which does not have a role to play in maintaining the distinction of the settlement limit. Accordingly, the appeal development would be in accordance with criterion d) of Policy COU16 of the PS.

20. In relation to criterion f) of Policy COU16 the appellant submitted a noise survey dated 22nd December 2021 to the Council at the time of the application. In this survey, the predicted noise levels marginally exceeded the average noise levels at three of the nearby sensitive receptors and included values for noise for the valeting use. The appellant has also stated that vehicles are not left parked and idling with their engines running. The submitted noise survey does not consider that this may occur, and it also only considers 3 HGV movements around the rear of the premises in any one hour. However, again, whilst on site, I observed six HGVs parked on the appeal site and three movements within 20 minutes. I also observed that one HGV parked closest to the third-party properties had its engine running for around 10 minutes. This, with the jet lance car wash running together raised the noise levels significantly in comparison to when neither the engine nor the car wash was operating. The evidence from the third parties indicates that lorries parked with engines left running is a regular occurrence. Given this, along with my own observations, I consider the appellant's estimated number of HGV movements per hour and subsequent noise impacts to be low, as well as not accounting for engines remaining running during the time HGVs are on site. Consequently, even with the valeting removed from the appeal development, given all the above I cannot be satisfied that the appeal development would not adversely impact residential amenity by reason of noise.
21. The third parties also raised concerns in relation to the impact on privacy to their rear amenity areas. The parking area for the lorries is located parallel to and around 4 metres from the rear boundary fences of the residential properties along the Saintfield Road. Given the proximity and orientation of the parking spaces, a driver, whilst sitting in their vehicle would have a clear view into the rear amenity area of these gardens which would adversely impact their residential amenity. The appellant has indicated that new landscaping could be conditioned to mitigate this. However, this would take some time to become established in order to be effective and I consider that further changes to the road and parking layout would be required to accommodate this which cannot be conditioned. Accordingly, I do not consider a landscaping condition would adequately address my concerns in relation to the impact on third parties' residential amenity.
22. Whilst the third parties raised concerns relating to air quality, they did not submit any evidence to substantiate their concerns. I also note that the Council's Environmental Health Department has not raised any concerns relating to air quality. As such I do not consider the proposal would adversely affect the air quality of the area. The third parties also raised concerns relating to anti-social behaviour occurring on the site. The appellant has undertaken measures to erect a gate to prevent vehicular access outside the opening hours of the petrol filling station and signage to direct users of the parking area to in store toilets. I consider that these measures are suitable mitigating measures to address the issues of anti-social behaviour that the third parties have stated have occurred in the past on the appeal site. Nevertheless, for the reasons given above, I consider that the appeal proposal is contrary to criterion f) of Policy COU16 for the reasons stated. The Council's third reason for refusal relating to Policy COU16 and the third parties' concerns relating to residential amenity are sustained insofar as stated.
23. As the appeal development fails to meet Policies COU16 and TC6 insofar as stated, it also fails to meet the requirements of Policy COU1 of the PS. The Council's first reason for refusal is sustained.

24. As I have found that the appeal development fails to comply with Policy COU1 and Policies TC6 and COU16 insofar as stated the appeal must fail.

This decision is based on the following drawings:-

Drawing Number	Scale	Description	Date Stamped by Council
01	1:2500	Site Location Map	8th Oct 2021
02	1:250	Existing Site Plan	8th Oct 2021
03	1:50	Valet Unit Plans & Elevations	8th Oct 2021
04	1:250	Proposed Site Layout Plans & Car Washing Details	8th Oct 2021

COMMISSIONER JACQUELINE MCPARLAND

List of Documents

Planning Authority: -	“A1” Statement of Case “A2” Rebuttal
Appellant: -	“B1” Statement of Case (Inaltus Ltd.) “B2” Rebuttal (Inaltus Ltd.)
Third Parties: -	“C1” Statement of Case (Dr Buick) “C2” Rebuttal (Dr Buick) “D1” Statement of Case (Mr Gorman) “D2” Rebuttal (Mr Gorman)

Committee:	Planning Committee
Date:	02 June 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Council is notified by Openreach, of its intention to utilise permitted development rights within the Council area to install communications apparatus. 2. The installations consist of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 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.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:	Appendix 4 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
June 2025 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	DERRIAGHY CC FC, Seycon Park Playing Field, 22, Riverside, Dunmurry	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	30/04/2025
2.					
3.					
4.					
5.					

Committee:	Planning Committee
Date:	2 June 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Correspondence from DfI Climate, Planning and Public Transport Group regarding Transforming Planning - Appointed Persons, Independent Inspectors Project

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The appointed persons, independent inspectors project is a project which has the potential to facilitate the progress of Councils' Local Development Plans, in addition to speeding up consideration of any regionally significant and any Called-in planning applications in each Council area. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The project emerges from the performance improvement programme initiated by the Department for Instructure Planning Group (the Department) following concerns raised by Councils and others about the potential for considerable delays in examining Local Development Plans. Resource and capacity issues at the Planning Appeals Commission were highlighted and challenge brought in terms of the Department utilising its powers under the Planning Act (NI) 2011 to appoint independent inspectors to deliver reports and recommendations on the planning and environmental considerations of such work. 2. The update is that £3 million is secured from the Executive's Transformation Fund to allow the Climate, Planning and Public Transport Group, as the lead sponsor, to develop the project before the end of the 2028-29 financial year. 3. It also confirms that a project team is being appointed to develop detailed project plans and to progress the scheme. Alastair Beggs will lead the project on behalf of the Department. Mr Beggs outlines that at the early stages of the project they will also establish the governance and stakeholder engagement arrangements for the project. He also highlights the need for innovation and how digital reporting and AI might assist. 4. Members are advised that an officer from the Council's Planning Unit has taken up a secondment opportunity with the Group with effect from 19th May 2025. This is one of two local government appointments, and they will provide valuable insight from a local government perspective.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the update on the transforming planning - appointed persons, independent inspectors project.</p>

3.0	<u>Finance and Resource Implications</u>	
	N/A	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report providing information only. Screening not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report providing information only. Screening not required.</p>	

Appendices:	Appendix 5 - Correspondence from DfI Climate, Planning and Public Transport Group
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Climate, Planning and Public Transport



To:

Chief Executives
and Heads of Planning (Councils)

James House
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2 - 4 Cromac Avenue
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BT7 2JA
Tel: 0300 200 7830

Email: Alistair.beggs@infrastructure-ni.gov.uk

Your Ref:
Our Ref:

15 May 2025

Dear Chief Executives & Heads of Planning

RE: TRANSFORMING PLANNING – APPOINTED PERSONS, INDEPENDENT INSPECTORS PROJECT

I am writing to give you an update on the above project which has the potential to facilitate the progress of councils' local development plans, in addition to speeding up consideration of any regionally significant and called-in planning applications in your council area.

We have all had concerns about the potential for considerable delays in such work stemming from the resource issues at the Planning Appeals Commission, and in response the Department is looking to utilise its powers under the Planning Act (NI) 2011 to appoint independent inspectors to deliver reports and recommendations to the Department on the planning and environmental considerations of such work.

As part of this we made a bid to the Executive's Transformation Fund to allow us to undertake the project, and on 4th March 2025 the Minister of Finance advised that we had been successful in securing Executive agreement for £3m of ring-fenced funding for the project up to the end of the 28-29 financial year.

This funding finally allows us to develop the project, and we are currently putting together the project team to develop the detailed project plans and to progress the scheme. Uppermost in our minds at this early stage is the issue of the appropriate governance to ensure that the outcome for all stakeholders in the planning system is that of quality independent reports and recommendations being made by inspectors.

In that respect there is a lot of groundwork to be done before any independent inspectors are appointed. The project team itself sits outwith DfI's planning directorates and will be responsible to our Climate, Planning and Public Transport Group's Deputy Secretary, Judith Andrews. Their initial work will be to detail the project plan and to drive forward the establishment of the appropriate administrative protocols, guidance, procedures and monitoring arrangements. We are also keen to look at innovative ways of carrying out this work, for example the benefits of webcasting and potential use of AI.

The project team will have an experienced project manager in place to lead the work and two senior professional planners on secondment from councils will be joining the team shortly - the latter being able to give us a valuable council perspective. More staff may be brought into this intensive project development phase as required.

To assist in governance and to challenge the project to achieve its aims we have approached independent experts - very experienced senior persons in the fields of planning and appeal work - to act as critical friends. Their experience, from outwith Northern Ireland, will contribute positively to the diverse perspectives we require to make the project robust. We hope to be able to confirm their names shortly.

In terms of wider stakeholder engagement, we will keep you up to date with major developments, and in addition to any high-level engagement you think would be helpful we will reach out to you and your officials where appropriate. We have also had very positive early discussions with the community sector (Community Places) and the RTPi who represent a wide spread of public and private sector planners.

To assist project oversight the interim Public Sector Transformation Board will also be regularly briefed and engaged with on progress, and they will want in turn to engage with our independent experts and stakeholders.

I am sure you will agree that this is a positive development which will allow us to create an alternative route to allow hear and report work to progress at pace, and allow for scope to prioritise and align resources and work with the needs of the wider planning system to deliver both wider central and local governmental objectives with respect to the economy, environment and society. While we are reviewing project timelines, we hope to be able to have the process ready before the end of this financial year.

I hope this gives you an idea as to where we are at this very early stage of the project and that it reassures you that we recognise that this is a project to serve us all as stakeholders in the planning system.

Yours faithfully



Alistair Beggs
Interim Director, Projects

cc Denis McMahon
Judith Andrews
Rosemary Daly
Kathryn McFerran