



July 1st, 2025

Chairman : Alderman J Tinsley

Vice Chairman : Councillor G Thompson

Aldermen : O Gawith and M Gregg

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 7th July 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*

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3.0 Minutes of the Planning Committee Meeting held on 2 June, 2025

For Approval

📎 *PC 02.06.2025 - Draft Minutes for adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📎 *Item 1 - Schedule of Applications.pdf*

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- (i) LA05/2022/0821/F - Proposed mixed use development comprising housing (46 units) and 13 employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works at a site to the north of 60 Rathfriland Road and south and west of 52 Rathfriland Road, Dromara, Dromore

📎 *Appendix 1.1 LA05 2022 0821F Rathfriland Road final.pdf*

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- (ii) LA05/2024/0302/F - Replacement dwelling and garage and associated site works at 54 Creevytenant Road, Ballynahinch

📎 *Appendix 1.2 LA05 2024 0302F DM Officer report 54 Creevytenant Road.pdf*

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- (iii) LA05/2023/0568/O – Site for dwelling on lands beside and SE of 155A Magheraknock Road, Ballynahinch

📎 *Appendix 1.3 LA05.2023.0568.O - DM Officer Report - Beside 155A Magheraknock Road FINAL MB.pdf*

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- (iv) LA05/2020/0560/F - Proposed change of use from office/showroom to a gym facility at 96 Carryduff Road, Temple

📎 *Appendix 1.4 la052020.0560.F 96 Carryduff Road Final.pdf*

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4.2 Statutory Performance Indicators - May 2025

For Noting

 *Item 2 - Statutory Performance Indicators - May 2025 draft.pdf* **Page 108**

 *Appendix 2 Lisburn_Castlereagh_May_Monthly_MI.pdf* **Page 110**

4.3 Appeal Decision – LA05/2022/0538/O

For Noting

 *Item 3 - Appeal Decision -LA05 2022 0538o draft.pdf* **Page 111**

 *Appendix 3 Appeal Decision LA05 2022 0538o.pdf* **Page 113**

4.4 Appeal Decision – LA05/2023/0438/O

For Noting

 *Item 4 - Appeal Decision -LA05 2023 0438o draft.pdf* **Page 120**

 *Appendix 4 Appeal decision LA05 2023 0438o.pdf* **Page 122**

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

For Noting

 *Item 5 - Notifications from an Operator in respect of intention Draft.pdf* **Page 143**

 *Appendix 5 - List of Notifications - July 2025.pdf* **Page 145**

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

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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*

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LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 2 June, 2025 at 10.02 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors P Catney, U Mackin, A Martin and G Thompson

PRESENT REMOTELY:

Councillor 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.

Councillor N Trimble joined the meeting remotely at 10.03 am.

1. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of Councillors D Bassett and D J Craig.

2. Declarations of Interest

Alderman O Gawith declared an interest in respect of planning application LA05/2024/0823/F, given that his community group looked after the garden beds shown as part of the application. He stated that he would leave the Council Chamber during consideration of this application.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2024/0753/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

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3. Minutes of Meeting of Planning Committee held on 12 May, 2025

It was proposed by Councillor A Martin, seconded by Alderman J Tinsley and agreed that the minutes of the meeting of Committee held on 12 May, 2025 be confirmed and signed.

At this stage, the Chair, Alderman M Gregg, stated that the Principal Planning Officer, Ms R Heaney, had returned to work but had since taken up a secondment opportunity within the Department for Infrastructure's Planning and Public Transport Group. He thanked her for her service to the Council over the last 10 years and looked forward to welcoming her back in the future.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 1 major and 4 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

Alderman O Gawith left the meeting at this point (10.08 am).

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

- (i) LA05/2023/0823/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

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

There were no registered speakers for this application.

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

Debate

During debate:

- Alderman J Tinsley stated that he had had concerns regarding parking, but he had received an explanation. By and large, the economic development here for a local business to invest a lot of money to build brand new premises and two hot food units was welcomed. Alderman Tinsley was in support of the recommendation of the Planning Officer to approve planning permission;

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- (i) LA05/2023/0823/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 (Contd)
- Councillor P Catney stated that he too welcomed the investment but there would be a price to pay. He stated that there were severe traffic problems at the minute coming from the direction of the roundabout and there were already lengthy tailbacks at times. Councillor Catney was not in support of the recommendation of the Planning Officer to approve planning permission;
 - Councillor N Trimble concurred with comments made by Alderman Tinsley and would be supporting the application. What was proposed, although not up to the targets in terms of parking spaces, was better than what was currently in place. Separation of entry and exit would be a huge improvement for road safety; and
 - the Chair, Alderman M Gregg, also concurred with Alderman Tinsley. He had had some concerns in respect of parking but the explanation provided by Officers and the proposal of separating vehicle entry and exit had eased his concerns. He was glad to see that movement of the HGV had been demonstrated and that Officers were content with that. This proposal was an improvement to what was on site currently and Alderman Gregg considered the people of Moira and the wider area would welcome its completion. He was in support of the recommendation of the Planning Officer to approve planning permission.

Vote

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

In favour: Councillor S Burns, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble and the Chair, Alderman M Gregg (7)

Against: Councillor P Catney (1)

Abstain: None (0)

Alderman O Gawith returned to the meeting at this point (11.03 am)

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

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

There were no registered speakers for this application.

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

A Member's query was responded to by the Head of Planning & Capital Development.

Debate

During debate:

- Alderman J Tinsley stated that this proposal would be a great addition to the park, which was well-used and had great facilities for community groups, gardening groups, school groups etc. He commended Officers for the application presented to the Committee and welcomed it;
- Councillor G Thompson stated that this proposal presented a great opportunity for the community to use the park in a different way. It was much needed and she commended Officers on the excellent report. Councillor Thompson was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman O Gawith stated that he was delighted to see this application come to fruition and thanked Officers for getting it to this stage. He looked forward to seeing it in reality; and
- Councillor P Catney welcomed this application.

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.

- (iii) Planning Application 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 responded to.

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

Debate

During debate:

- Alderman J Tinsley stated that, given that following the site visit it had been deemed by Officers that a dwelling could be accommodated within the existing curtilage and there was no argument for the replacement to be in the front paddock area, it was difficult to go against the recommendation of the Planning Officer to refuse planning permission; and

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(iii) Planning Application 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 (Contd)

- Alderman O Gawith stated that, having attended the site visit and given that the application was a dwelling for family, it would seem that the common curtilage would be acceptable. He could see no reason to disagree with 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.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.42 am).

Resumption of Meeting

The meeting was resumed at 11.51 am.

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

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

The Committee received Alderman J Baird, accompanied by Mr Johnson, 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.

Debate

During debate:

- Councillor U Mackin welcomed that the third and fourth reasons for refusal had been withdrawn. He did not agree with the second refusal reason relating to the focal point. He stated that there was no townland or place called Bailliesmills; therefore, Bailliesmills itself was the focal point. It was a cluster of dwellings that, up until about 30-40 years ago, had a post office. In relation to the mill that had been referred to, the mill house was still there although the mill itself, the water wheel, had been removed. It had been the subject of a change of use application a number of years ago and was now a dwelling. Councillor Mackin contended that the location itself was the

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

focal point because it was a settlement, a community of people. Translink bus route signs often mentioned Bailliesmills. The telephone exchange was still present and was one of the busiest exchanges in this part of the world. The Planning Officer had referred to another application at Bailliesmills Road, but that was a different location altogether. Standing at that location, the Masonic Hall could not be seen; however, standing at the proposed site of this application, the Masonic Hall could be seen, as well as the Church behind. Councillor Mackin stated that policy did not mention distance. It referred to a focal point, defined as a social community building, and the Masonic Hall was such a building and was in regular use. He was content that the application did comply with COU2 and was not in support of the recommendation of the Planning Officer to refuse planning permission; and

- Councillor N Trimble stated that the difficulty with this application was that there was not really a settlement limit. The settlement did exhibit the essential characteristics of a defined settlement. The site looking to be rounded off was bound on every single side. It seemed a bit of a wasted space at the moment and there was currently no great agricultural use. Councillor Trimble stated that the only refusal reason was predicated on the lack of a focal point and he was undecided at the moment. Policy stated that the application had to be associated with a focal point, not situated right beside it. Councillor Trimble was not familiar with the area and was unsure how linked the Masonic Hall was to the dwellings. If this application was not approved and the site remained undeveloped, it remained of no, or very limited, use in any way. Councillor Trimble was curious to hear the views of other Members. He did not deem there to be any negative consequences of approving this application.

At this point, Councillor A Martin proposed that the application be deferred for a site visit to take place in order to determine the location of the Masonic Hall within the cluster, as well as the telephone exchange and former post office. This was seconded by Alderman O Gawith. A further discussion took place, during which the Head of Planning & Capital Development addressed a number of Members' queries. On a vote being taken, the proposal to defer the application for a site visit was declared 'lost', the voting being 4 in favour, 4 against, 1 abstention and the Chair subsequently using his casting vote.

The debate continued at this stage:

- Alderman J Tinsley stated that, given that the former post office and mill were now dwelling houses and were 400 metres away, the cluster argument weakened. He understood what Councillor Mackin had said that the area was a cluster but, purely on policy, a focal point was a social community building. Even the telephone exchange was a business, not a community building. Alderman Tinsley was in support of the recommendation of the Planning Officer to refuse planning permission;

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(iv) Planning Application LA05/2024/0186/F – Proposed dwelling within an existing cluster on land 60 metres south of 162 Old Ballynahinch Road, Lisburn (Contd)

- Alderman O Gawith stated that, having read the report, he had been in support of the recommendation of the Planning Officer to refuse planning permission; however, having listened to comments by Councillor Mackin, he was not clear enough to know whether or not the Officer's recommendation was the correct one. Alderman Gawith would be abstaining from the vote; and
- the Chair, Alderman M Gregg, concurred with comments by Alderman Tinsley. The historical buildings referred to by Councillor Mackin were now houses in the cluster. Issues raised by Councillors Mackin and Trimble probably could be addressed in the next stage of the Local Development Plan. As it stood now, this was a development in the countryside, there was no focal point in Alderman Gregg's opinion that could be looked at to fulfil COU2. The Masonic Hall was much too far away and he doubted it could be seen from this site. Given the context of the PAC decision outlined by the Planning Officer, Alderman Gregg deemed the Masonic Hall could not be cited as a focal point. He welcomed the fact that NH2 and NH5 had been withdrawn from the refusal reasons but he did not consider the application to meet with COU2 and 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 A Martin, Alderman J Tinsley, Councillor G Thompson and the Chair, Alderman M Gregg (5)

Against: Councillor P Catney, Councillor U Mackin and Councillor N Trimble (3)

Abstain: Alderman O Gawith (1)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.47 pm).

Resumption of Meeting

The meeting was resumed at 1.33 pm.

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- (v) Planning Application 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

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

The Committee received Ms E Heath to speak in support of the application and a number of Members' queries were responded to.

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

Debate

During debate:

- Councillor N Trimble stated that, unfortunately this was not the only application that, under the previous policy, may have been approved but under the currently policy it not quite fit. From the drawings provided in the Officer's report and the document provided by Ms Heath, there were a lot of ancillary buildings at no.20 that had been discounted. Councillor Trimble considered that to be a little bit heavy-handed by Planning Officers. The previous policy was that the gap could accommodate up to two; the current policy required that it accommodate two. Councillor Trimble did not consider that the gap could accommodate two dwellings that respected the character of development in the surrounding area. In his view, current policy did not permit this application; and
- the Chair, Alderman M Gregg, concurred with Councillor Trimble. Whilst the Committee may empathise with the applicant, it was bound by policy. Alderman Gregg 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.

4.2 Statutory Performance Indicators – April 2025

Members were provided with information in relation to statutory performance indicators for April 2025. It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that this information be noted.

4.3 Appeal Decision – LA05/2021/1150/F

It was proposed by Councillor A Martin, 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.

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

It was proposed by Councillor P Catney, seconded by Councillor A Martin 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.

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

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

5. Any Other Business

5.1 Review of Planning Policies
Councillor U Mackin

Councillor U Mackin referred to planning policies, in particular COU2 and COU8, which he stated were pretty tight in terms of interpretation. He asked when the opportunity would arise for reviewing policies. The Head of Planning & Capital Development advised that the Local Policies Plan was the next stage in a two part process. Officers were currently gathering evidence for that and the Council was still in accordance with its timetable, with the earliest draft being available in mid 2026 and going out to public consultation. The first that the Local Policies Plan would be examined would be 2028, unless more resources were provided to allow it to be examined more quickly. The Adopted Plan Strategy could be changed at any time but that would require going back through the process of gathering evidence, the consultation process and further independent examination.

The Head of Planning & Capital Development advised that one element of the Plan Strategy that had not been found to be sound at independent, ie. Sprucefield and outlined steps currently being taken to address that.

The normal timeframe for review of policy was after 5 years but Officers did have an obligation to monitor how policies were operating. There was some evidence in respect of that and the Head of Planning & Capital Development stated he would bring a report to the Committee to inform Members on how policy was operating for infill development or for dwellings in clusters, in terms of the numbers of applications received and the number approved and refused.

The Head of Planning & Capital Development stated that now may not be the time to review policy. He referred to the fact that COU8 had been tested through the courts and the outcome was awaited.

The Head of Planning & Capital Development noted comments by Councillor N Trimble and the Chair, Alderman M Gregg, that it would be beneficial to engage with Members through a number of workshops in relation to any policies they considered required further work.

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5.2 Application for New Cemetery at Dundrod
Alderman J Tinsley

In response to a query by Alderman J Tinsley regarding a fresh application that had been submitted for a new cemetery at Dundrod, the Head of Planning & Capital Development stated that information, particularly of an environmental nature, should not be of a vintage of 8-10 years old and the report should relate to the development that was proposed now, not something that had gone before. The Planning Officer who was allocated this application would look at this in more detail.

5.3 Thanks to Chair
Alderman O Gawith

Alderman O Gawith referred to the fact that this was the last meeting of the Planning Committee before the Annual Meeting when a new Chair would be appointed. He thanked Alderman Gregg for this chairmanship of the Committee for the past 2 years. Councillor N Trimble concurred with these sentiments.

5.4 Thanks from Chair
Alderman M Gregg

This being his last meeting as Chair, Alderman M Gregg, thanked Members of the Committee for their time over the past 2 years and for the quality of their questions to Officers. He thanked Planning Officers for the preparation and delivery of application reports to the Committee. He also thanked the Director, Head of Planning & Capital Development, Legal Advisor, Member Services Officers and the Vice-Chair, Councillor S Burns.

On behalf of Officers, the Head of Planning & Capital Development thanked the Chair, Alderman M Gregg, and the Vice-Chair, Councillor S Burns, for their commitment and contribution to the Committee. He also thanked other Members, noting that the Planning Committee was a challenging one.

5.5 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee would be held on Monday, 7 July, 2025.

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 2.37 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	07 July 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 three local applications, all of which have been Called In: <ol style="list-style-type: none"> LA05/2022/0821/F -Proposed mixed use development comprising housing (46 units) and 13 employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works at a site to the north of 60 Rathfriland Road and south and west of 52 Rathfriland Road, Dromara, Dromore Recommendation – Approval LA05/2024/0302/F -Replacement dwelling and garage and associated site works at 54 Creevytenant Road, Ballynahinch Recommendation – Refusal LA05/2023/0568/O – Site for dwelling on lands beside and SE of 155A Magheraknock Road, Ballynahinch Recommendation – Refusal LA05/2020/0560/F - Proposed change of use from office/showroom to a gym facility at 96 Carryduff Road, Temple Recommendation - Refusal The above referenced applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.

2.0	<u>Recommendation</u> <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	<u>Finance and Resource Implications</u> <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	<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>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	<p>Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

Appendices:	<p>Appendix 1.1 – LA05/2022/0821/F</p> <p>Appendix 1.2 - LA05/2024/0302/F</p> <p>Appendix 1.3 – LA05/2023/0568/O</p> <p>Appendix 1.3 – LA05/2020/0560/F</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	7 July 2025
Committee Interest	Major Application
Application Reference	LA05/2022/0821/F
District Electoral Area	Downshire East
Proposal Description	Proposed mixed use development comprising housing (46 units) and 9 no. employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works
Location	Site to the north of 60 Rathfriland Road and south and west of 52 Rathfriland Road Dromara Dromore
Representations	Nine
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeds two hectares. The proposal also requires a legal agreement to secure the delivery of affordable housing at this location.
2. This application is presented to the Planning Committee with a recommendation to approve as it is considered it is in accordance with the requirements of the mixed use designation in the local development plan and details submitted in support of the application demonstrates that the proposed development will provide for residential and employment uses in the ratio of approximately 50% each across the total site area.
3. The proposal also complies with Policy ED1, ED8 and ED9 of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy) in that the detail submitted demonstrates that the proposed employment use does not prejudice the continued operation of any existing employment uses and that the general criteria for new economic development uses are met.
4. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 of the Plan Strategy. The layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will

not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.

- 5. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
- 4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
- 5. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
- 6. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new accesses will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
- 7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
- 8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment submitted in support of the application demonstrates that the proposed development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
- 9. Furthermore, it is considered that the proposed development is in accordance with Policy HE 9 of the Plan Strategy in that the development if permitted will not have an adverse impact on the setting of the existing listed building.
- 10. The proposed development complies with policies FLD1, 2, 3 and 5 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to serve the proposal.

Description of Site and Surroundings

Site Context

- 11. This 4.09 hectare site is located at the southern end of Dromara Village.

- 12. The topography of the land within the site is relatively flat throughout and apart from the existing boundary screening the site contains no other notable landscape features, hedgerow or trees.
- 13. The site is bound to the south and east by hedgerow, to the north by existing residential development (Woodvale) and to the west by the River Lagan.

Surrounding Context

- 14. Located to the south of the site at 60 Rathfriland Road is a grade B2 listed building known as Slate Quarry House which was constructed circa 1833.
- 15. The site is set at the edge of the settlement with open countryside extending beyond the site to the south and west. To the east, the site is bound by the Rathfriland Road, with open countryside beyond.

Proposed Development

- 16. Proposed mixed use development comprising 46 residential units and 13 employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works
- 17. The application is supported with the following documents:
 - Design and Access Statement.
 - Pre Application Community Consultation.
 - Planning and Supporting Statement.
 - Preliminary Risk Assessment.
 - Drainage Assessment.
 - Heritage Impact Assessment.
 - Archaeological Programme of Works.
 - Transport Assessment.
 - Noise Assessment.
 - Landscape Management Plan.
 - Light Impact Assessment.
 - Outline Construction Environmental Management Plan.

Relevant Planning History

18. The relevant planning history is as follows:

Application Reference	Description of Proposal	Decision
S/2004/1026/O	Farm retirement dwelling	Allowed on appeal
LA05/2019/0533/O	Site for mixed-use development comprising residential and Industrial/Business Units	Approved 23 July 2020

19. As the period for submission of approval of reserved matters for application LA05/2019/0533/O is time expired no weight is attached to the planning history and this proposal is assessed on its own merits.

Consultations

20. The following consultations were carried out: [needs amended]

Consultee	Response
DfI Roads	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Water Management Unit	No objection
Natural Heritage	No objection
HED Historic Monuments	No objection
DfI River Agency	No objection
Housing Executive	No objection

Representations

21. Nine letters of objection have been submitted in respect of the proposal. The following issues have been raised:

- Flooding/Sewage
- Natural Heritage
- Existing infrastructure
- Road safety and impact of additional traffic
- School provision
- GP provision
- Loss of a view

Environmental Impact Assessment (EIA)

22. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
23. An EIA determination was carried out and it was concluded that the scale and nature of the proposal means that it is not likely to cause any significant adverse environmental impacts. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

24. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is over two-hectares in size.
25. On this basis the Applicant was required to engage in pre-application community consultation (PACC).
26. A Pre-Application Community Consultation report [dated June 2022] has been submitted in support of the application. It provides a record of the consultation that have taken place to inform interested parties of the application proposals.
27. The format of the report is in accordance with the Development Management Practice Note and contains the relevant information required.
28. An in-person Pre-Application Community Consultation (PACC) was not required at this time under the Coronavirus Amendment Regulations; however a dedicated webpage was live from 16 August 2021 until 15 September 2021.
29. Information about the application site and details of the proposed development were displayed on the website along with details of how attendees could provide comment, as well as the next steps in respect of the planning process.
30. The report states that one telephone call was held with a local resident and the topics to discussed included proximity to existing dwellings, flood risk, cost of the new dwellings and the next steps in the planning process.

31. An email was also received by the design team requesting further information in relation to the proposal. A copy of the site plan was emailed to them.
32. The report concludes that no written or verbal comments were made on the presented public consultation material. The scheme was not amended to take account of the comments received as part of the consultation process.

Local Development Plan

Local Development Plan Context

32. 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.
33. 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.

34. As a consequence the Plan Strategy and the Lisburn Area Plan (LAP) 2001 is the statutory development plan for the area. However, draft BMAP remains a material consideration.
35. The site is located outside the settlement limit of Dromara in the Lisburn Area Plan (2001).
36. Within draft BMAP, the lands are located within the development limits of Dromara. The lands are zoned for Employment/Industrial Use within the context of designation DA04.
37. At the BMAP public inquiry a representation (3544) was lodged in opposition to the employment zoning. This representation sought provision for a mixed-use

development with a 60/40 split in favour of residential development being recommended.

38. The PAC in its consideration of the representations, reported that a 50/50 split would be more appropriate and their report recommended that the zoning (DA04) be changed.
39. This recommendation was subsequently included in the updated revision to BMAP in 2014 as designation DA05. Significant material weight is attached to the inclusion of this site in the settlement of Dromara and to its designation as a site for mixed use development as this representation was considered through a process of public inquiry and was unchallenged.
40. The detail submitted with the application details that the mix of uses comprised is 46% employment, 50% residential and 4% Riverside buffer.
41. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

42. This site is located within a designation split between employment and residential use, and the following strategic policies in the Plan Strategy apply. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed-Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
 - b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
 - c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
 - d) *provide Class B1 Business within the strategic mixed-use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*
33. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

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

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

48. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 06 – Protecting and Enhancing the Environment states that:

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

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

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

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

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*

- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

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

The Plan will support development proposals that:

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

51. New industrial units are proposed at this location. The following operational policies in Part 2 of the Plan Strategy therefore apply.

Economic Development

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

Class B1 Business

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

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

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

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

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

- 53. Policy ED8 Development Incompatible with Economic Development Uses states that:

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

- 54. Policy ED9 General Criteria for Economic Development states that:

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

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does not harm the water environment*
- f) *it does not create a noise nuisance*
- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
- j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*
- l) *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- m) *it is designed to deter crime and promote personal safety*
- n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*
- o) *it meets the requirements of Policy NH1.*

Housing in Settlements

55. New housing is proposed at this location. The following operational policies in Part 2 of the Plan Strategy therefore apply.

56. Policy HOU1 - New Residential Development applies and states that:

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

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

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

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

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

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

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

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

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

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

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*

- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

59. The Justification and Amplification states that:

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

60. It also states that:

Accessible Accommodation

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

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

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

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

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

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

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

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

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

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

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

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

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

63. The site is more than 2 hectares in size. Policy HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning states that

A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving:

- a) *50 dwellings or more*
- b) *the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans*
- c) *housing development on any other site of 2 hectares or more. For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.*

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

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

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

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

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

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

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

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

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

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

65. The Justification and Amplification states that:

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

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

Affordable Housing – affordable housing is:

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

c) *Intermediate housing for rent,*

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

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

Historic Environment and Archaeology

45. The site is within an area of high archaeological potential therefore the impact on archaeological remains is considered. Policy HE4 Archaeological Mitigation states:

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.

46. The Justification and Amplification states that:

The preservation in situ of important archaeological remains is always to be preferred to excavation. There will however be occasions when the Council through consultation with DfC Historic Environment Division may decide that the significance of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify their physical preservation in situ and that the development should proceed with excavation. In such cases developers will be required to prepare and carry out a programme of archaeological works using professional archaeologists and working to a brief agreed by the Council through consultation with DfC Historic Environment Division. An offer to facilitate excavation by developers will not justify a grant of planning permission for development which would damage or destroy archaeological remains whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

Areas of Archaeological Potential

There are areas within settlement limits, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. These will be referred to as areas of archaeological potential within the Local Policies Plan.

47. The site is adjacent to a B2 listed building known as Slate Quarry House which is of special architectural and historic interest therefore the impact of the development affecting the setting of a listed building is considered.

48. 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.*

49. The Justification and Amplification states that:

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, 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.

Natural Heritage

67. Given this is a large site the potential impact on the natural environment is considered. 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 the, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

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

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

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

woodland.

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

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

Access and Transport

69. The P1 Form indicates that there will be two access points serving the site. The first will be a new access from the main Dromara Road and the second will be through the existing Woodvale development.

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

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

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

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

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

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

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

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

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

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

Policy TRA7 – Car Parking and Servicing Arrangements 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.

Flooding

72. Given the size of the site and the number of residential units proposed, a drainage assessment is required in support of the proposal.

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

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

74. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states that: *Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.*

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

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

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

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

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

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

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

76. The site is within the inundation area of the Begney Lough Reservoir Policy FLD5 therefore applies and it states that

New development will only be permitted within the potential flood inundation area of a controlled reservoir as shown on DfI Flood Maps NI if:

a) it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or

b) where assurance on the condition, management and maintenance regime of the relevant reservoir(s) is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.

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

- *Essential infrastructure;*
- *Storage of hazardous substances; and*
- *Bespoke accommodation for vulnerable groups.*

Replacement Building(s): where assurance on the condition, management and maintenance of the relevant reservoir(s) is not demonstrated, planning approval will be granted for the replacement of an existing building(s) within the potential flood inundation area of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the proposed development or elsewhere.

Regional Policy and Guidance

Regional Policy

77. 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.

78. As this proposal is for new Industrial use / units in a settlement it is stated at paragraph 2.1 of the SPPS that:

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

79. Paragraph 3.6 of the SPPS states:

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

80. 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 interest of acknowledged importance.

81. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

82. Paragraph 6.81 of the SPSS states that:

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

83. Paragraph 6.84 of the SPSS states that:

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

84. Paragraph 6.89 of the SPSS states that:

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

85. Paragraph 6.91 of the SPSS states that:

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

86. Paragraph 6.97 of the SPPS states that:

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

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

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

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

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

90. 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.

91. 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.

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

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

93. Paragraph 6.132 of the SPPS further states that:

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

Retained Regional Guidance

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

Creating Places

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

96. The guide is structured around the process of design and addresses the following matters:

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

97. Paragraph 7.16 provides guidance on separation distances stating:

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

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

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for

use by families. An area less than around 40 square metres will generally be unacceptable.

Parking Standards

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

100. Paragraph 4.10 states that:

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

Assessment

Planning and Economic Development

Economic Development in Cities and Towns

101. The site is within an area designated for employment and significant weight is attached to the employment designation included in the last revision to BMAP - DAO5 – Employment / Industry Lands south of Woodvale Rathfriland Road.
102. It is considered that the development of a mixed-use scheme in general accordance with the concept will accord with the policy requirements of ED1 and the local development plan which provides for a mixed-use development.
103. The 9 industrial units of varying sizes are located in one L shaped building on the southern boundary of the site and each unit has its own door access. The longer portion of the building measures approximately 107m x 20m and the attached smaller element measure approximately 53m x 20 metres. The building has a maximum height of 8.6 metres.
104. The building is to be constructed off Red/Brown Clay Facing Brick Walls and anthracite Grey Kingspan Insulated Cladding Panels as indicated on the elevational drawing. The roof has a gentle pitch to it and is to be constructed from anthracite Grey Kingspan Insulated Cladding Panels. Each unit is to have a steel roller shutter door and a steel faced pedestrian door.
105. Together the 9 units will form a small business park and the agent has stated that the scale and nature of the units have been carefully balanced to provide

variety whilst responding to local demand for smaller starter accommodation units.

106. A B2 and B4 employment use is proposed on land designated for employment use in the Local Development Plan. The buildings are consistent with the scale and nature of those that you would expect to see at an edge of settlement location. The policy criteria of Policy ED1 is considered to be satisfied for the reasons outlined above.

Development incompatible with Economic Development Uses

107. Turning to policy ED 8 regarding development incompatible with Economic Development Uses. Consultation has been undertaken with Environmental Health with regards to the potential for noise, nuisance and disturbance and human health.
108. Environmental Health were consulted and initially requested additional information.
109. A number of amendments were made to the Noise Impact Assessment (NIA) addressing all the comments raised by Environmental Health.
110. In a final response from Environmental Health dated 7 January 2025 it was stated that they had no objections to the proposal subject to conditions provided. I have no reason having read the noise impact assessment, addendum report and reviewed the comments of the consultee to disagree with the advice and accept that the proposed mitigation addresses the impact the proposed development will have on neighbouring uses. It is compatible with the established and proposed uses adjacent to and in front of this part of the site.
111. It is considered the proposal meets the requirements of policy ED8.

General Criteria for Economic Development

112. In respect of the requirements of policy ED9. As described above under ED1 and ED8, it is considered that the proposed development, as designed is compatible with economic development uses. As such criteria (a) is satisfied.
113. The proposal as designed does not harm the amenity of nearby residents providing the conditions proposed are implemented and conditions are adhered to as previously noted. The requirements of criteria (b) are satisfied.
114. The proposal does not adversely affect any features of natural heritage or built. This is addressed in more detail later in the report and it is concluded that criteria (c) is met.
115. The majority of the site is not located within an area of flood risk however a small pocket of the site on the north east boundary is within the floodplain. This section of the site is however located adjacent to the River Lagan and will remain undeveloped.

116. A drainage assessment is also submitted which sets out how the engineered drainage solution will alleviate any surface water drainage issues. This is further detailed under the consideration of flooding later in this report. The requirements of criteria (d) are met.
117. Criteria (e) of policy requires that the development does not harm the water environment. NIEA Water Management were consulted and stated, Water Management Unit has considered the impacts of the proposal on the surface water environment and based on the information provided is content with the proposal. The requirements of criteria (e) are met.
118. Criteria (f) of the policy states that any proposal will be approved as long as it does create a noise nuisance. As stated above in a final response from Environmental Health dated 7 January 2025 it was stated that EHO had no objections to the proposal subject to conditions. The requirements of criteria (f) are met.
119. In respect of Criteria (g), NI Water has been consulted and have no objections. There is capacity in the network to deal with foul sewage. This criterion is met.
120. In respect of criteria (h), (i) and (j) DfI Roads have been consulted and are content with the proposal in terms of vehicular traffic movements.
121. As detailed under the relevant section below, adequate arrangements are made for access arrangements, parking and manoeuvring areas.
122. The proposal has been designed with a movement pattern provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. This is again detailed in the relevant sections below.
123. In respect of criteria (k) and (l) the site layout, insofar as it related to the business units, is designed to a high quality. The finishes are considered appropriate in this setting.
124. The access road is simple in design being an taken form the main the main Rathfriland Road. The parking is also laid to the front of the factory with dedicated HGV access and parking within the site.
125. Landscaping has been provided and this will aid to limit views into the overall development. Due to the location of the factory public views are limited. No storage areas are proposed within the site. With the information supplied and landscaping proposed being conditioned the proposal meets criteria (k) and (l) of the policy.
126. The site is secured by a wall of varying heights around its perimeter. A steel gate to be located at the entrance of the site is also proposed. This is all to deter crime and promote personal safety in line with the policy criteria (m).
127. Criteria (n) is not engaged as the site is not located in the countryside.

128. The site also is not located in an area of international significance in landscape or natural heritage grounds. Criteria (o) is not engaged.
129. This is a mixed-use scheme designation is attached to the land for the purpose of securing the orderly development of the land for both employment and housing in line with the Development Plans Strategic policies 08 (Housing in Settlements) and Policy 11 (Economic. Development.
130. To ensure that employment part of the development is developed at the same time it is recommended that a condition is attached to the planning permission requiring 1) that the first dwelling not to be occupied until the access arrangements and underground services required for the employment units are constructed; and 2) that no more than 40 residential units are occupied until the 9 employment units are completed and available for occupation.

New residential development

Policy HOU 1 – New Residential Development

131. The proposed residential component of the development is comprised of 46 residential units. The policy tests associated with Policy HOU1 are met as the site lies within the settlement limit of Dromara and housing is an integral part of the missed use designation.

Policy HOU3 - Site Context and Characteristics of New Residential Development

132. The application site fronts onto the Rathfriland Road, directly adjacent to the north of the site are established residential properties located in Woodvale. These residential properties include a mix of house types located on medium sized plots.
133. The dwellings vary in size and design but are typical of a suburban residential setting.
134. The form and general arrangement of the buildings are characteristic of those found in the local context.
135. The plot sizes and general layout is consistent with and comparable with other built development in the general vicinity of the site.
136. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and that the established residential character of the area would not be harmed by either the form or scale of development proposed.
137. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties within the development or properties adjacent to the development.

138. The separation distances between the proposed dwellings within the development is acceptable and would minimise any overlooking from the existing properties.
139. The buildings are not dominant or overbearing and no loss of light would be caused.
140. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
141. With regard to criteria (b), the proposal is located near to a Grade 2 Listed Buildings (Slate Quarry house). Historic Environment Division have been consulted with the proposal and a result of mitigation measures they have no objection to the proposal. This is dealt with in more detail further in the report Therefore it is considered that the proposal would not have a negative impact on any archaeology or the historic environment.
142. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

143. There are number of different house types proposed and all the dwellings are two-storey. A sample description of the some of the dwellings is outlined below.
144. House type 1 is a 3-bed detached semi-detached dwelling with a ridge height of approximately 8.2 metres. The materials proposed for this house type include red/brown clay facing brick and smooth render blockwork, black concrete slate effect roof tiles, white UPVC double glazed windows and black/grey aluminium guttering and cast aluminium downspouts.
145. House type BR 676 is a row of three 3 bed townhouses with a ridge height of approximately 8.2 metres. The materials proposed for this house type include red/brown clay facing brick and smooth render blockwork, black concrete slate effect roof tiles, white UPVC double glazed windows and black/grey aluminium guttering and cast aluminium downspouts.
146. The materials proposed for all the dwellings are acceptable for the site on the edge of a village.
147. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
148. The development on the site does not conflict with surrounding land uses. The proposal is well separated from adjoining residential development at Woodvale with the closest back-to-back separation distance being approximately 18 metres. The buildings are not dominant or overbearing and no loss of light would be caused.

149. Given the difference in levels throughout the site it is considered that the position of the dwellings and the difference in height between the existing and proposed buildings that the separation distances of 18 and 20 metres at these site are acceptable. These separation distances are in accordance with the guidance in Creating Places.
150. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all either face towards the main Rathfriland Road, or the internal service roads. In curtilage parking spaces are provided for each unit throughout the scheme.
151. Each unit has its own private amenity space, a small area to the front and an area to the side/rear of the unit. The lawn areas in front of the proposed buildings are designed to ensure the frontages are not dominated by hardstanding and car parking.
152. The houses are designed to current building control requirements to be provide accommodation that is wheelchair accessible for persons with impaired mobility.
153. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
154. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
155. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Dromara. Criteria (c) is met.
156. The private outdoor amenity space across the development varies, from 67 square metres to 275 square metres in size. The average throughout the site is approximately 118.5 square metres.
157. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site layout detail drawing. There is a mixture of fencing and boundary walls and metal rails. These are considered to be acceptable for this type of development in the urban context.
158. Landscaped areas are proposed as part of the overall development. The landscaping plan submitted with the application demonstrates that a number of existing trees are to be retained along the boundaries as appropriate and that the proposed open spaces would be grassed with trees planted within.
159. The eastern boundary of the site runs adjacent to the River Lagan and along the edge of the settlement development limit. Buffer planting is proposed at a depth of 10 metres for the majority of the boundary but drops to 8 metres for a short distance at part of the boundary.

160. The landscaping proposals are accompanied by a written landscape management plan that details the maintenance programmes proposed to allow the proposal to visually integrate with its surroundings and develop a quality planting scheme that will reduce visual intrusion and enhance the development as a whole.
161. It is advised that this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of the proposal to this location.
162. For the reasons outlined above, criteria (b) is considered to be met.
163. Criteria (d) is in relation to the proposed density of the development. The proposal is for 46 units on a site which measures approximately 1.4 hectares. This equates to a density of 25 dwelling per hectare and is in line with the policy which states that a density of 20-25 dwellings per hectare is suitable within the Settlement Development Limits of Villages and Small Settlements. Criterial (d) is therefore met.
164. The proposed development will provide a residential density in keeping with the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the area. The average unit size exceeds space standards set out in supplementary planning guidance.
165. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
166. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
167. Provision can be made for householder waste storage within the driveways for each other unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

HOU 5 Public Open Space in New Residential Developments

168. The detail submitted with the application demonstrates that there are two areas of open space to be provided throughout the site. These areas of open space are positioned so that all properties can access the areas easily. The agent has also demonstrated that 2908 square metres of open space is provided which equates to more than 15% of the total site.
169. Not more than 100 dwellings are proposed as part of this development therefore an equipped children's play park is not required in line with Policy HOU5.

170. That said Dromara Play Park is located less than 400 metres away from the site on the Rathfriland Road and is therefore within easy walking distance from the proposed development.

Policy HOU6 – Design Concept Statements, Concept Masterplans and Comprehensive Planning

171. Figure 6 of the Design and Access Statement provides detail in relation to considerations associated with the Concept Plan approved under the previous outline approval LA05/2019/0533/O.
172. The layout remains largely the same as that approved under the previous approval and it is accepted that the proposal does not impact adversely on the residential layout of the proposed buildings in the adjacent development.
173. For the reasons outlined, the policy tests associated with HOU6 are met.

Policy HOU10 - Affordable Housing

174. Policy HOU10 requires a minimum of 20% of the proposed residential development is affordable housing. In the context of the proposed scheme, this equates to 10 units.
175. The agent details on the site layout plan that 10 affordable 3-bed semi-detached dwellings are to be provided throughout the site. These are located at sites 6, 7, 8, 25, 26, 32, 33, 44, 45, 46.
176. This provision will be subject to a Section 76 planning agreement and the affordable housing requirement should be phased to be delivered in tandem with the occupation of housing within the overall development. To ensure the provision is met in full no more than 30 of the private residential units shall be occupied until the affordable housing units are constructed and available for occupation.
177. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

178. A Bio Diversity checklist and Preliminary Ecological Assessment (PEA) was submitted by GGA associates in support of the application. NED acknowledge that reference has been made to ecological surveying on site completed in 2019 in support of the Outline application for the site (LA05/2019/0533/O), however updated surveys of the site have been conducted in October 2021 and following a recent walk over of the site little has changed.
179. In their initial response NED had stated that:

NED acknowledge that the application site consists largely of a single, arable field, however NI Priority Habitat is present on the site in the form of hedgerow, present to the southern boundary of the site, and the River Lagan, present to the west.

An existing residential development is present to the north, with the PEA noting that both the north and eastern boundaries are also marked by remnant field drainage ditches. Given the presence of the River Lagan on the western boundary of the site, NED consider mitigation plans necessary to ensure no significant impact arises on this feature as a result of development/construction works. NED acknowledge the mitigation measures as noted in the Construction-Phase Mitigation (CEMP) section of the PEA (Pages 23-26) and consider that a Construction Environmental Management Plan for the site, incorporating the mitigation measures for habitats and species as noted in the PEA, must be submitted before NED can Natural Heritage conclude that significant impacts on priority habitats and priority/protected species are unlikely to occur.

180. In January 2024 an Outline Construction Environmental Management Plan was submitted at the request of NED. NED responded and stated that

NED acknowledge an amended layout for the proposal as depicted on Drawing Site Layout Plan, published to the NI Planning Portal 26/03/2024. NED are content that plans show the retention of the existing boundary hedgerow vegetation to the south of the site, as well as trees along the boundaries of the site. From the Outline Construction Environment Management Plan (OCEMP, McCreanor Company Architects, dated January 2024),

NED are content that mitigation measures have been included that will minimise pollution pathways to the River Lagan including the installation of silt fencing/bunds to the west of the site, as shown on Figure 2 – Proposed Silt Fence/Bund Location (Page 45, OCEMP). NED are also content that Drawing Site Layout Plan notes that no development including grading of lands is to take place within the identified flood plain.

Bats

181. Within the PEA the ecologist stated that the site is considered to be of low-moderate suitability for commuting foraging bats, mostly associated with the river corridor to the west. No roosting opportunities were identified during surveying, and therefore the site is considered to be of negligible suitability for roosting. NED in their response stated that:

NED consider that proposed lighting on site may significantly impact upon the foraging and commuting opportunities that the site currently provides to bats and other light sensitive species, in particular along the river corridor to

the west. NED therefore consider that a lighting plan for the development must be submitted, as a means of ensuring significant impacts will not arise to important commuting/foraging resources for light sensitive species, such as bats. The lighting plan must include an isolux drawing/horizontal illuminance contour plan showing less than 1 Lux lightspill on boundary vegetation, including the river corridor to the west.

182. The final agreed version of this lighting plan is now with NED and it is expected that they will respond positively shortly.

Otter

183. In relation to Otters, the PEA stated that there was evidence of otter utilising the river corridor and surrounding channel habitat for foraging and commuting was identified in 2019 and in 2021, however no holts or other evidence of refuges were identified. In their response NED stated that:

NED welcome the recommendation made by the ecologist regarding the use of otter-proof fencing, to be installed along the western boundary of the site, restricting access to the application site for otter that may utilise the river corridor.

NED consider that details of the use of otter-proof fencing, including a map showing proposed location, must be included in the CEMP to be submitted. Otters are also sensitive to light and the artificial lighting of the river corridor, which is currently unlit, would be likely to reduce the validity of this resource for otter.

Badgers

184. The PEA states that badger activity was identified within the application site both in 2019 and in 2021, however no setts, latrines or other evidence of territorial marking were identified. Within their response NED stated that:

NED consider that, while no setts are likely to be disturbed or impacted as a result of the proposal, badgers are likely active within and surrounding the application site, therefore NED recommend the following mitigation measures are implemented:

- *Any trenches or deep pits created within the development site that are left open overnight must have a means of escape provided, should a badger or other animal enter. This could be through the use of rough wooden planks placed within them overnight or outside construction periods. All trenches/deep pits should be inspected each morning to ensure that badgers, or other wildlife, have not become trapped.*

- *Soil mounds on site should be minimised in order to prevent badgers from excavating setts within them.*
- *Any pipes over 200mm in diameter should be capped off at night to prevent badgers from entering them and becoming trapped.*

Newts

185. The PEA notes that the drainage ditches along the northern and eastern boundaries of the site provide only marginal breeding habitat and opportunities for smooth newt. It further states that the drainage ditches are noted to lack consistent surrounding terrestrial habitat and are considered unlikely to be viable breeding locations for newts. Within their response NED stated that:

NED acknowledge that a visual inspection survey of the drainage ditches was completed in May 2019, with no newts observed. NED consider that the drainage ditches to the north and east of the application site are not of significant importance to smooth newt, given a lack of suitability for breeding and a lack of evidence to support the presence of newts, therefore do not consider significant impacts on smooth newts likely as a result of the proposal.

Birds

186. With regards to birds the PEA states that most of the existing vegetation around the site is to be retained and augmented. In their response NED stated that:

Existing vegetation on site is likely to be utilised by breeding/nesting birds, therefore NED recommend that any necessary vegetation removal, such as that associated with the visibility splays/access, should be completed outside of the bird breeding season (1st March – 31st August inclusive). NED are content that planting proposals for the site will provide foraging, commuting and refuge opportunities for birds

187. Based on a review of the detail submitted with the application and the advice received from NED, it is accepted that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species consistent with policies NH2 and NH5 of the Plan Strategy.

Access and Transport

188. The P1 Form indicates that the residential element of the development will be accessed through the adjacent Woodvale residential development and the industrial element will be accessed is to be accessed from the Rathfriland Road.

189. A Transport Assessment (TA) form prepared by Lisbane Consultants was submitted in August 2022 in support of the application.
190. It provides detail on travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site.
191. Detail submitted with the application demonstrates that the proposed development will link with existing pedestrian infrastructure in the area and tactile paving, dropped kerbs Road will be provided to assist pedestrians manoeuvring around the site.
192. The policy tests associated with TRA1 is capable of being met.
193. The Transport Assessment (TA) submitted as part of the application states that the TRICS database was used to forecast the number of vehicles generated by the proposed development. The overall figure was forecast to be 350 vehicles generated by the proposed development which equates to an additional trip every 2 minutes during the morning and evening peak hours.
194. As stated above the industrial element of the proposal is to be accessed from the Rathfriland Road via a simple priority junction. No right turning land is to be provided as the number of vehicles generated to serve the industrial element is considerably less than the threshold mentioned in DCAN 15.
195. Approximately 140 vehicles will use this new access daily and it will be designed to with current road design standards and has visibility splays in accordance with the published standards thus providing a safe means of access to the industrial site.
196. With the construction of the new access road to serve the industrial development a new footway will also be provided along the site frontage with a pedestrian crossing point to link into the existing footway on the opposite side of the Rathfriland Road providing pedestrians easy access to and from the proposed industrial element of the development.
197. The TA also indicates that due to the nature and scale of the proposed development and associated low vehicles movements likely to be generated it is not anticipated that the development will have any detrimental impact on the existing road network nor is there likely to noise or air quality issues experienced in the surrounding environment.
198. In terms of parking requirements, 61 car parking spaces, and 11 Lorry spaces are required to serve the development. In total the development is providing 66 car parking spaces and 11 Lorry spaces.
199. The TA outlines that the residential element of the proposal (46 Units) will be access through the adjacent Woodvale residential development. The residential development is accessed off the Rathfriland Road via an existing priority junction which has a ghost Island right turning lane. The existing junction has adequate capacity to cater for the additional 46 units. The internal roads within the existing Woodvale development also have adequate capacity to cater for the additional dwellings.

200. The proposed residential element of the development will have a new footway provided linking all the new properties to the existing footways within the Woodvale development and ultimately back to the Rathfriland Road providing access to Dromara Village.
201. In terms of car parking provision all dwellings have 2 in curtilage car spaces, expect the dwellings on sites 44-46 which have assigned spaces in front of them. In total 127 spaces, including visitor parking, are required and 129 are provided for.
202. Advice received from DfI Roads confirms that they have no objection subject to endorsement of PSD drawings. Based on a review of the detail and advice from DfI roads, it is accepted having regard to the nature and scale of the proposed development, that the proposal complies with Policy TRA2 and that it will not prejudice road safety or significantly inconvenience the flow of vehicles.
203. For the reasons outlined earlier in the report, the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic. The tests associated with Policy TRA7 are capable of being met.
204. The proposal continues to provide for connectivity to active travel networks and as such, policy tests associated with TRA8 continue to be met.

Historic Environment and Archaeology

205. Historic Environment Division – Historic Buildings advised that the proposed development is within close proximity to Slate Quarry, a grade B2 listed building which is of special architectural and historic interest.
206. Having considered the impacts of the proposal on the structure and advise that the proposal has no greater demonstrable harm on the setting of the listed structure under the policy requirements of paragraphs 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and HE9 (Development affecting the Setting of a Listed Building) of the Plan Strategy
207. No objection is offered subject to conditions which will ensure that an adequate landscaping buffer zone is maintained to protect the setting of the listed building.
208. Historic Environment Division – Historic Monuments has also considered the impacts of the proposal as detailed in the associated Design and Access Statement.
209. They have indicated that they are content that the proposal as presented satisfies the policy requirements of HE4 subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. The conditions recommended are acceptable as they will ensure that archaeological remains within the site are properly identified, and protected or appropriately recorded.

Flooding

210. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
211. A Drainage Assessment report was commissioned by O'Toole and Starkey Planning Consultants in support of the mixed-use development as the hard surface area had increased by 1000 square metres and more than 10 residential dwellings are proposed.
212. The assessment sought to determine details of the foul and storm drainage as well as potential sources of flooding at the site and their associated risk to life and property. The assessment will determine the suitability of the site for development in relation to flood risk.
213. The assessment advises in section 4 that foul drainage within the residential element of the scheme will be designed in accordance with NI Water regulations and that a pre-development enquiry has been sent to NI Water to ascertain connection to mains. Drainage within the industrial element will remain private.
214. With regard to storm run-off, the assessment advises that run-off from the site will be discharged into the River Lagan adjacent to the site. As there are flooding issues in close proximity to the site, the run-off will be restricted to green field run off levels. The site which measures 3.7 hectares will therefore have a controlled run of 37 l/s based on a green field rate of 10 l/s hectare.
215. A schedule 6 application has been approved by DfI Rivers for consent to discharge the controlled run off of 37 l/s accordingly.
216. The storm run-off from the site will be controlled by storing run-off in oversized pipes with the discharge being controlled using a hydro brake before being discharged into the River Lagan.
217. In relation to FLD 1, Development in Flood Plains, the DfI Rivers Strategic flood Maps show that the site is affected by the River Lagan along its western boundary and a small portion of the site is within the 1 in 100 year flood plain.
218. Detail submitted with the application indicates that section of the site that is located adjacent to the River Lagan is to remain undeveloped.
219. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. They also require that a 5-metre working strip should be proved to allow future maintenance.
220. The applicant has confirmed that a 5-metre buffer will be left adjacent to the River to enable future maintenance of this designated watercourse. Rivers Agency have stated that the proposal follows this part of the policy.

221. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk outside Flood Plains - Rivers Agency have confirmed that the surface water discharge from this relevant part of the site fits in with the overall drainage plan for the entire site.
222. All surface water discharges are attenuated and limited to green field run-off rates in accordance with the agreed schedule 6 consent discharge points. The total entire site discharge at green field run-off rate of all phases of the site is 37 l/s. DfI Rivers have no objections under this section of the policy.
223. Policy FLD 5 – The reservoir inundation maps show that the site is slightly impacted on by Begney Lough Reservoir. However this Reservoir is government owned and inspected by DfI Rivers.
224. Recent guidance released by DfI Rivers Agency in November 2019 confirmed that Responsible Reservoir Manager Status has been achieved by all the Reservoirs owned by NI Water or other Government Departments in the LCCC area and therefore development in this inundation areas need not now be restricted.
225. The maintenance of Begney Lough is the responsibility of the Rivers Agency which was assumed in 2001 as confirmed in a correspondence within the Departure for Agriculture and Rural Development.
226. The reservoir is inspected periodically by a panel engineer and the necessary maintenance works are undertaken.
227. DfI Rivers in their consultation response confirmed that “DfI Rivers are in possession that Begny Lake has “Responsible Reservoir Manager Status “and therefore has no reason to object under this policy.
228. Water Management Unit have also been consulted on the application and advise that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided has no objection.
229. NI Water were consulted in relation to the proposal and have raised no objections or concerns regarding the proposal. Ni Water confirmed that they had capacity to deal with the foul sewage and storm water.
230. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD2, 3 and 4 of the Plan Strategy.

Consideration of Representations

231. Nine letters of objection were received in opposition to the proposed development. Consideration of the issues raised in relation to the local plan context, natural heritage and traffic impacts have been addressed within the main body of the report. Below is a brief summary in relation to the point raised.

Existing/Proposed Infrastructure

- 232. Concern is expressed about the potential increase in traffic as a result of this proposal and its impact on the surrounding road network.
- 233. The Transport Assessment submitted with the application acknowledges that there will be an increase in new traffic as a result of the proposal.
- 234. However the TA details that the existing road structure has the capacity to deal with the additional traffic.
- 235. DfI Roads have been consulted in relation to the proposal and they have no objection subject to conditions.

Drainage and flooding issues

- 236. Concern is expressed in relation the capacity of the existing drainage and sewerage infrastructure to cope with such a development
- 237. Rivers Agency and Water Management Unit were consulted with the proposal and had no objection to the proposal. NIW has advised on the foul sewer capacity in the area and stated that they have capacity to deal with it at the local WWTW works.
- 238. It is therefore accepted that adequate evidence has been provided demonstrates that the proposed design will not flood adjacent lands and the drainage design is in accordance with Sewers for Adaption Northern Ireland.

Increase in Noise/Pollution as a result of the development

- 239. Concern is expressed in relation to the presence of lorries and other site traffic during the construction phase of the development that would increase noise and pollution levels.
- 240. It is not uncommon for a development site to generate noise until the development is completed. These are considered to be normal impacts in relation to the development of land the issue raised is given little weight in the assessment of this application. That said it does not remove the obligation of the developers and their contractors to be considerate neighbours and to not cause nuisance for the duration of the works.

Increase demand on GP provision and schools

- 241. The provision of GP's is an issue that needs sits outside the application process and subject to a different process of assessment by the Departments of Health and Education in consultant with the Trust, local GP practices and schools. There is no evidence of under provision and this site is inside the settlement of Dromara and considered to be a sustainable location for development due to its proximity and accessibility to local services.

Impact on Wildlife

242. Concern is expressed about the potential impact on existing wildlife. A number of ecology reports have been submitted in support of the application that demonstrate that the development will not have an adverse impact on the existing wildlife.

View will be disrupted

243. An objection has been raised that the construction of the development will result in the loss of a view for a local resident.

Whilst the right to a view is a material consideration it is not given determining weigh in this instance.

Conclusions

244. For the reasons outlined above, it is accepted that the proposal complies with the local development plan designation including the operational policies associated with HOU1, HOU3, HOU4, HOU5, HOU10, TRA1, TRA2, ED1,ED3, ED9, TRA7,HE1 and HE2, NH2, NH5 and FLD 1, FLD2, FLD3 and FLD5 for the reasons set out in paragraphs 00 to 00 of the report.
245. This recommendation is subject to a Section 76 planning agreement and the affordable housing requirement should be phased to be delivered in tandem with the occupation of housing within the overall development.

Conditions

246. The following conditions are recommended:

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

Reason: Time limit

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

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

- Prior to the first occupation of the first dwelling the access arrangements and underground services required for the employment units are constructed and

no more than 40 residential units are occupied until the 9 employment units are completed and available for occupation.

Reason: To secure the mixed-use objectives of the plan.

- All hard and soft landscape works shall be carried out in accordance with Drawing MCCA/21/126/PL-02 bearing the Council date stamped 24 June 2025 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

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

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

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

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

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

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

- No retained tree as identified on Drawing MCCA/21/126/PL-02 bearing the Council date stamped 24 June 2025 shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees
All existing trees, boundary hedging and vegetation to the listed building site boundaries shall be retained.

- All existing trees, boundary hedging and vegetation to the listed building site boundaries shall be retained.

Reason: To ensure an adequate landscaping buffer zone is maintained to protect the setting of the listed building.

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

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

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

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

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

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

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

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

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

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

- The hours of operation at the site shall not exceed 0700 – 2300 on any day of the week.

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

- A 3m high acoustic barrier, consisting of a 2m high bund and 1m high acoustic fence, shall be erected as presented on approved drawing (Proposed Open Space Landscape Management Plan published to the Consultee Hub on 19 January 2024) prior to the occupation of the residential dwellings. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 25 kg/m² and so retained thereafter.

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

- A 1.8m high brick wall shall be erected along the southern garden boundaries of residential units 4 & 5, and 20 & 21, adjacent to the internal access road, as presented on approved drawing (Proposed Site Layout Plan published to the Consultee Hub on 23 December 2024) prior to the occupation of the residential dwellings. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 25 kg/m² and so retained thereafter.

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

- Prior to occupation of the proposed dwellings, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 17 dB Rw shall be installed to all habitable rooms.

Reason: To achieve internal noise level in line with BS8233

- Prior to occupation of the proposed dwellings, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 17 dB Rw when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233

- The roller shutter doors shall be kept closed at all times, except for ingress and egress.

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

- There shall be no idling of vehicles within the commercial area of the site as indicated on approved drawing (Proposed Site Layout Plan published to the Consultee Hub on 23 December 2024) between 23:00 and 07:00 on any day.

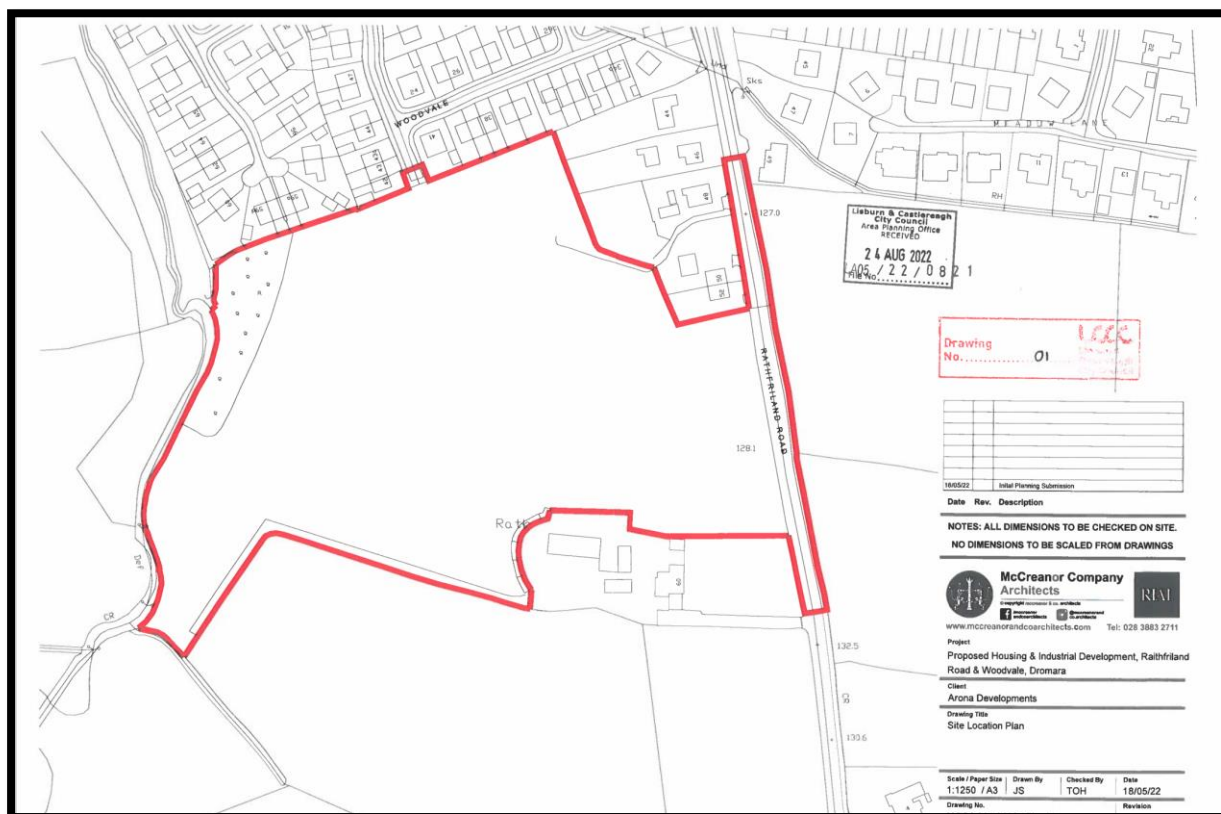
Reason: To protect the amenity of neighbouring dwellings with respect to noise

- All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed the background noise level by greater than 10 dB(A).

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

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Section 16 of LDP 2032, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100-year event including an allowance for climate change and urban creep.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	7 July 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2024/0302/F
Date of Application	17 April 2024
District Electoral Area	Downshire East
Proposal Description	Replacement dwelling and garage and associated site works
Location	54 Creevytenant Road, Ballynahinch
Representations	None
Case Officer	Michael Creighton
Recommendation	Refusal

Description of Site and Surroundings

Site & Surroundings

1. The application site is located at lands No.54 Creevytenant Road, Ballynahinch and is vacant hard cored land with mature hedgerow and trees on all boundaries.
2. The site sits at a higher level to the nearby road by approximately two metres and is accessed via an existing entrance in the north-west corner.
3. The site has a large rock face to its south and beyond is an agricultural field, to the north-east is an agricultural field and to the south is a dwelling at No.52 Creevytenant Road. The land surrounding is primarily in agricultural use with a dispersed settlement pattern along Creevytenant Road to the south and north of the site.

Proposed Development

4. This is a full application for a replacement dwelling.

Relevant Planning History

5. The application site planning history states -

Reference Number	Description	Location	Decision
S/2008/0200/F	Replacement dwelling & garage	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Withdrawn
S/2011/0826/F	Replacement dwelling and garage	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Approval 26/07/2012
LA05/2015/0505/F	Amend access approved under S/2011/0826/F to make access & exit safer in that it would be at the brow of the hill where reasonable visibility can be had both ways, where before the access was to the west of the brow & hence visibility was dangerous to the east where traffic was not visible until a short distance from access.	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Approval 29/04/2016
LA05/2017/0120/F	Replacement dwelling and garage (renewal of S/2011/0826/F)	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Approval 21/05/2018 Expired 14/05/2023
LA05/2023/0200/F	Renewal of LA05/2017/0120/F for a replacement dwelling and garage	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Submitted 22/02/2023 Under consideration
LA05/2024/0284/CLOPUD	Construction works in the course of implementing permission for a replacement dwelling under LA05/2017/0120/F	54 Creevytenant Road, Ballynahinch, BT24 8UJ	Not certified Application Required 25/11/2024

- 6. The planning history on this site shows that permission was first granted for a replacement dwelling under S/2011/0826/F. This permission was renewed twice including an alternative access, a further application made to renew the planning permission remains undecided.
- 7. A certificate of lawfulness was not certified in November 2024 as the works appeared only to amount to the discharge of the pre commencement conditions rather than building works required to lawfully commence the development. The period of time to appeal the certificate has expired. Therefore, the previous history on the site has no significant material weight in the processing of this application. No commencement of any development on site has been certified.

Consultations

- 8. The following consultations were carried out:

Consultee	Response
NI Water	No objection
Rivers Agency	No objection
NIEA WMU	No objection
LCC Environmental Health	No objection
DfI Roads	No objection

Representations

- 9. To date there has been no representations received in relation to this application.

Local Development Plan

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

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

Plan Strategy 2032

11. It is stated at 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.

12. In accordance with the transitional arrangements the existing Local Development Plan is the Lisburn Area Plan 2001 (LAP) and draft BMAP remains a material consideration.

13. In both LAP and draft BMAP (2015) this site is identified as being located in the open countryside. No other plan designations apply.

14. 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.*

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

16. 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.

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

Replacement Dwellings

18. 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

19. 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

20. 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

21. As the existing building is purportedly being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. However, there are no buildings on site and the site is described as vacant. Natural Heritage policies are not engaged.

Waste Management

22. 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

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

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

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

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

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.

Regional Policy and Guidance

Regional Policy

24. 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.

25. 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

26. 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.

27. 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

28. Whilst not policy, the following guidance document remains a material consideration:

Building on Tradition

29. 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.

30. 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.

31. 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).

32. 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.

33. 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

34. The proposal is described as a site for a replacement dwelling and the first step of the policy test normally 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.

35. It was observed from the site inspection that any structures that once stood on the site had been demolished and the site cleared. As there are no buildings on the site which represent a replacement opportunity the proposed development fails the first test.

36. The agent has stated that:

'The building was only demolished because in the act of implementing the planning permission the discharge of the negative sight line condition made the building unstable. This is a result of the requirement to remove the retaining wall to the road for visibility splays and the fact the ground atop which the house sat behind this wall is substantially higher than the Creevytenant Road. This was not a matter considered by any previous planning application – although it clearly should have been.'

37. The agent has also stated in a submission dated 22March 2024 that:

in 2022 a chartered Health and Safety specialist provided a report on the condition of the building to be replaced. This report states that the building was unstable and needed to be demolished to prevent any danger to road users and construction workers on site.

The actual report did not use those actual words rather

I suggest to you that it is also extremely high risk to those that work or travel adjacent to the building. I recommend you make this building safe as soon as possible. Total demolition is the most practical solution given the nature of the building and relationship with the road. I do not recommend you permit any other workers to enter the building in the interim period.

38. This evidence of commencement development and the health and safety reasons for demolishing the building are noted and the material weight to be afforded to the planning history and the condition report are considered as part of this assessment.

39. It is understood from the submitted evidence that the building was demolished in January 2023 prior to planning permission LA05/2017/0120/F expiring on 14 May 2023. No evidence has been provided to demonstrate that building works were carried out before this date to secure the planning permission and a CLOPUD was not certified. This was also not appealed and the time period for making an appeal is now expired. Consequently, no material weight is attached to the planning history as the development was not commenced. As there is no fallback position the balance of the policy tests are not assessed.
40. The policy does provide for the replacement of a dwelling that has been recently destroyed. It is stated by the agent that the building was unstable, and the dwelling was demolished for health and safety reasons.
41. Officers understand from the supporting documents that the demolition was carried out primarily to allow the access and visibility standards to be met for the proposed development. The applicant did not then go on to carry out any building works to secure the development before the permission time expired. There was no evidence of imminent risk of collapse given the number of renewals of planning permission that had been granted over a 10-year period previous to this application. The building was destroyed to facilitate development that subsequently did not take place. It was not by accident or fire and this part of the policy test is not met.
42. The agent has provided a planning appeal decision - 2021/A0093 - which relates to a demolished dwelling within the settlement limits of Dunmurry. The planning appeal has been considered, but while there are some similarities the planning appeal was for development within the settlement limit which a different policy context and is assessed against different criteria. The site under consideration in this application is within the countryside where a specific series of tests are to be met that don't apply to development in settlements. No weight is attached to the appeal decision attached and it cannot be used as precedent for this proposal.

Development in the Countryside

43. The proposed development is deemed to fail with policy COU15 criteria a) and B) of the Plan Strategy. This is due in that the principle of development failing to meet the policy test of COU3. Therefore, any new dwelling would be considered prominent in the landscape. Also, there are no other buildings to cluster with Criteria b also fails. As remaining details of the proposed dwelling are as previously submitted under previous applications. The site does have natural features and the boundaries are established. While some would need reinforced with additional planting. A dwelling and ancillary works could integrate without reliance on substantial landscaping the remaining criteria under Policy COU15 are satisfied.
44. The proposed development is deemed to fail Policy COU16 in terms of Criteria A), and B). This is again due in that the principle of development failing to meet the policy test of COU3. Therefore, any new dwelling would be

considered prominent in the landscape. Also, there are no other buildings to cluster with Criteria b also fails. A dwelling in this location could respect the pattern of development not marring any distinction between a settlement due to its location and would not have any adverse impact on the character of the area. A dwelling would not adversely impact on residential amenity all services can be provided, and ancillary works would not have an adverse impact while access to the public road is acceptable.

Waste Management

45. In terms of wastewater, the application proposes that the foul sewage from the dwelling would utilise a septic tank. NI Water were consulted have not indicated any objection to the proposal

Access and Transport

46. The P1 Form and plans submit indicate that the proposal is to use an existing access to Creevytenant Road.
47. DfI Roads have not identified any concerns in relation to the principle of using this access. 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.

Consideration of Representations

48. Not applicable.

Conclusions

49. 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

50. It is recommended that planning permission is refused.

Refusal reasons

51. The following conditions as recommended:
1. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council's Plan Strategy; in that it is not a type of development which in principle is considered to be acceptable in the countryside.

2. The proposal is contrary to Policy COU3 of the Lisburn and Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
3. The proposal is contrary to Policy COU15 criteria a) and b) of the Lisburn and Castlereagh City Councils Plan Strategy, in that if built the dwelling would be a prominent feature in the landscape and not cluster with an established group of buildings.
4. The proposal is contrary to Policy COU16 criteria a) and b) of the Lisburn and Castlereagh City Councils Plan Strategy, in that if built the dwelling would be a prominent feature in the landscape and not cluster with an established group of buildings.

Site Location Plan – LA05/2024/0302/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	7 July 2025
Committee Interest	Local (Called In)
Application Reference	LA05/2023/0568/O
Proposal Description	Site for dwelling
Location	Beside and SE of 155A Magheraknock Road, Ballynahinch
Representations	One
Case Officer	Catherine Gray
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to refuse.
3. It is recommended that planning permission is refused as the proposal is contrary to Policy COU1 Development in the Countryside of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is acceptable in the countryside
4. The proposal is contrary to Policy COU2 New Dwellings in Existing Clusters of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not located at an existing cluster of development and cannot be absorbed into the existing cluster through rounding off and consolidation.
5. The proposal is contrary to Policy COU8 Infill/Ribbon Development of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would add to an existing ribbon of development along the Magheraknock Road.

6. The proposal is contrary to criteria (i) of Policy COU16 Rural Character and other criteria of the Lisburn and Castlereagh City Council Plan Strategy, in that access to the public road cannot be achieved without prejudicing road safety or significantly inconveniencing the flow of traffic.
7. The proposal is contrary to Policy TRA2 Access to Public Roads of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal would prejudice road safety or significantly inconvenience the flow of vehicles and also conflicts with Policy TRA3 Access to Protected Routes as it is not demonstrated that access cannot reasonably be achieved from Back Road rather than the Magheraknock Road which is a protected route.

Description of Site and Surroundings

Site

8. This site is located on a relatively flat grassed area with a small block-built building to the eastern corner of the site the northeastern side of the Magheraknock Road, Ballynahinch.
9. The southwestern boundary abuts the public road and there is a grass verge and mature hedgerow and is also where the access is from to the site. The southeastern boundary is defined by a mature hedgerow. The northeastern boundary is undefined. The northwestern boundary is partially undefined and partially defined by a wall and agricultural gate.
10. The building within the site is a small rectangular shaped building of block construction with a corrugated tin roof, and there are two door openings, one north western elevation and one to the northeastern elevation.
11. Adjacent and north of the application site there is a derelict single storey dwelling. North of this again is the dwelling house of 155A Magheraknock Road.
12. An existing access serves the application site, the outbuildings to the rear, the adjacent dwelling of 155A Magheracknock Road and an older dwelling that was previously replaced but was not demolished.

Surroundings

13. The site is located within the countryside and the surroundings are rural in character. The surrounding lands are mainly in agricultural use, with residential dwellings and farm outbuildings dispersed throughout the landscape.

Proposed Development

14. This is a full application for a dwelling.

Relevant Planning History

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

Reference Number	Address	Description	Decision
S/1989/1281	197 Magheraknock Road, Ballynahinch	Replacement dwelling	Permission Granted 13/02/1990
S/1990/0673	197 Magheraknock Road, Ballynahinch	Replacement dwelling and garage	Permission Granted 25/10/1990
LA05/2023/0625/F	155 Magheraknock Road, Ballynahinch	Renovation and extension to existing dwelling	Application Withdrawn 30/04/2025
LA05/2023/0634/F	Approx. 35m SE of no. 155A Magheraknock Road, Ballynahinch	Conversion of existing barn into dwelling with extension	Permission Granted 30/04/2025

16. It is noted that planning approval granted under application LA05/2023/0634/F for the barn conversion is immediately behind the proposed development.

Consultations

17. The following consultations were carried out:

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

Representations

18. One representation has been received on this proposal raising the following concerns (summarised):

- Breach of policy COU2;
- Impact on Rural Character; and
- Breach of policy COU8.

19. The concerns raised are considered further below.

Local Development Plan

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

Plan Strategy 2032

21. 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.

22. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.
23. The site is located within Green Belt in the Lisburn Area Plan.
24. In draft BMAP, the application site is located in the open countryside, outside any defined settlement limit. The Magheraknock Road is designated as a protected route in both LAP and draft BMAP. No other Plan designation apply.
25. 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.*
26. The proposal is for a single dwelling. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

27. 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.

28. The supporting documentation argues this is an application for a dwelling in a cluster and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU2, COU15 and COU16 of the Plan Strategy.

New Dwellings in Existing Clusters

29. 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.’*

Infill/Ribbon Development

30. The proposed dwelling is also along the Magheraknock Road frontage at the end of a ribbon of development. Policy COU 8 – Infill/Ribbon Development states:

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

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

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

31. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

32. 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

33. 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

- 34. A non-main wastewater solution is required, and a private package treatment plant is proposed.
- 35. Policy WM 2 - 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

- 36. The proposal involves the intensification of the use of an existing access onto the Magheraknock Road, which is a Protected Route.
- 37. Policy TRA2 – Access to Public Roads states:

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

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

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

38. The justification and amplification states:

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.

39. 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.

Regional Policy and Guidance

Regional Policy

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

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

41. Paragraph 3.8 of the SPPS states:

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

Retained Regional Guidance

42. Whilst not policy, the following guidance document remains a material consideration:

Building on Tradition

43. Whilst not policy, and of lesser weight as a guidance document, the SPPS states that regard must be had to this guidance in assessing the proposal. This guidance notes at paragraph 4.1.0 that

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

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

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

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

44. The PPS 21 referred to above within Building on Tradition has now been replaced by the COU policies in the Plan Strategy.
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.

Development Control Advice Note 15 – Vehicular Access Standards

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

The Department’s Planning Policy Statement 3 “Development Control: Roads

Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

New dwellings in existing clusters

47. 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.
48. 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.
49. The agent has submitted a concept plan indicating what they perceive to be the extent of the cluster of development and the focal point / community building linked with the grouping of buildings.
50. The submitted concept plan indicates that the cluster of development consists of development to the eastern side of the Old Ballynahinch Road and Magheracknock Road (the Masonic Hall and outbuilding located at the corner of where the Back Road and Old Ballynahinch Roads meet, the dwelling and outbuildings at 4 Back Road, the dwelling and outbuilding at 6 Back Road, the dwelling at 8 Back Road, the dwelling at 8A Back Road, the dwelling and outbuilding at 10 Back Road, the dwelling and outbuilding at 10B Back Road, the dwelling and outbuilding at 189 Old Ballynahinch Road, the Hall, the dwelling and outbuilding at 195 Old Ballynahinch Road, the dwelling at 10A Back Road, the dwelling at 12 Back Road, the farm building located in the agricultural field between 195 Old Ballynahinch Road and 155A Magheracknock Road, the dwelling house at 155A Magheracknock Road, the derelict dwelling adjacent to the application site, the outbuilding to the rear of the application site and the outbuilding situated to the eastern corner and within the application site), the dwelling house and associated outbuildings at 188 Old Ballynahinch Road, the dwelling house at 190 Old Ballynahinch Road, and Cargacreevy Presbyterian Church, the dwelling house and outbuilding of number 1A Cargacreevy Road, the dwelling at 1B Cargacreevy Road, the dwelling and outbuildings at 1C Cargacreevy Road, the dwelling and outbuilding at 1 Cargacreevy Road, the dwelling at 3 Cargacreevy Road, the dwelling and outbuildings at 5 Cargacreevy Road, the dwelling house at 7 Cargacreevy Road, the dwelling and outbuilding at 2 Cargacreevy Road, the dwelling and outbuilding at 4 Cargacreevy Road, the dwelling and outbuilding at 6 Cargacreevy Road and the dwelling and outbuilding at 8 Cargacreevy Road.
51. It is agreed that there is a cluster of development at this location however what it is comprised of is considered to be different to that which is set out in the

preceding paragraph for the following reasons.

52. To fulfil the first part of criterion (a) the cluster of development must lie outside of a farm. The cluster of development is outside of a farm and this is verified in consultation with DAERA.
53. The second part of criterion (a) stipulates that the cluster must consist 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.
54. It is the officers observation having visited the site that the cluster is much smaller and comprised of the Masonic Hall located at the corner of where the Back Road and Old Ballynahinch Roads meet, the dwelling at 4 Back Road, the dwelling at 6 Back Road, the dwelling at 8 Back Road, the dwelling at 8A Back Road, the dwelling at 10 Back Road, the dwelling at 10B Back Road, the dwelling at 189 Old Ballynahinch Road, the Hall, the dwelling at 195 Old Ballynahinch Road, the dwelling house at 188 Old Ballynahinch Road, the dwelling house at 190 Old Ballynahinch Road, and Cargacreevy Presbyterian Church, the dwelling house at 1A Cargacreevy Road, the dwelling at 1B Cargacreevy Road, the dwelling at 1C Cargacreevy Road, the dwelling at 1 Cargacreevy Road, the dwelling at 3 Cargacreevy Road, the dwelling at 5 Cargacreevy Road, the dwelling house at 7 Cargacreevy Road, the dwelling at 2 Cargacreevy Road, the dwelling at 4 Cargacreevy Road, the dwelling at 6 Cargacreevy Road and the dwelling at 8 Cargacreevy Road.
55. Based on these observations it is advised that while there is a cluster of development close to the application site it is too far removed and not considered to be part of the cluster of development. Criteria a) of policy COU2 is not met for this reason.
56. For completeness consideration is given to the rest of the criterion within policy COU2.
57. Criterion (b) of Policy COU2 requires that the 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.
58. It is accepted that a cluster of development as described above does appear as a visual entity when viewed from different public viewpoints along the Old Ballynahinch Road, the Cargacreevy Road and where these two roads meet but the site is not part of that cluster. Criteria (b) is not met,
59. Criterion (c) of Policy COU2 requires the cluster to be 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.

60. It is considered that the cluster has two focal points, the Cargacreevy Presbyterian Church and the hall on the opposite side of the Old Ballynahinch Road. At least one of these buildings can be seen from the site but the link to the cluster is broken by significant and mature landscaping between the site and the closest building in the cluster. Criteria (c) is not met,
61. 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.
62. The application site is enclosed on two sides by existing development. To the northeast and to the rear of the application site there is an existing barn/outbuilding and to the north and adjacent the application site there is a derelict dwelling house but these are not buildings in the cluster Criteria (d) is not met,
63. 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.
64. It is considered that the proposal would not be easily absorbed into the existing cluster through rounding off and consolidation as it is too far removed to be read as part of the cluster. Criteria (e) is not met,
65. Taking all of the above into account, it is considered that the proposal is contrary to Policy COU2 in that the proposed development is not located at an existing cluster of development and cannot be absorbed into the existing cluster through rounding off and consolidation. For this reason, the requirements of policy COU 1 is also not met.
66. The proposal is also assessed against the requirements of policy COU8 as the site has a frontage to Magheraknock Road.

Infill/Ribbon Development

67. Policy COU8 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development.
68. Policy COU8 also states that 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.
69. The submitted site context analysis plans outlines what the agent considers to be a substantial and continuously built-up frontage. It also provides an analysis of the frontage's widths and plot sizes for the buildings along the eastern side of the Magheraknock and Old Ballynahinch Road adjacent to and north of the site.

70. While it is accepted that there is there are two buildings fronting a road and beside one another forming a ribbon the site is not bound on the southern side by other development in the ribbon and no gap exists. To place a new building in this site would extend a ribbon of development along the Magheraknock Road.
71. For the reason outlined above, it is considered that the proposal does not comply with COU8, and therefore also policy COU1.

Integration and Design of Buildings in the Countryside

72. It is considered that the proposal of a dwelling on the application site although it is roadside would not be a prominent feature in the landscape. The site is relatively flat in nature; it has a backdrop of an existing barn/outbuilding and an adjacent derelict dwelling house.
73. The proposal would be sited to cluster with an established group of buildings, namely the existing building within the site to the eastern corner, the existing barn set in behind the site, northeast of it and the derelict dwelling house adjacent and north of the site.
74. A dwelling could easily blend with the existing landform and there is a backdrop of existing buildings.
75. The site has three established boundaries that would provide a suitable degree of enclosure for the building to integrate into the landscape.
76. The proposal would not rely primarily on new landscaping for integration.
77. As the proposal is for outline permission, no details are provided with regards to a design. However, a dwelling could be designed appropriate to the site and its locality and in keeping with Building on Tradition.
78. Any ancillary works should not have a negative impact and integrate with their surroundings.

Rural Character and Other Criteria

79. It is considered that the proposal would not be unduly prominent in the landscape, for the reasons outlined above. And as discussed above the proposal is sited to cluster with an established group of buildings.
80. It is considered that the proposal would respect the traditional pattern of settlement exhibited in the area in that the majority of the dwellings in the surrounding area are roadside plots.
81. The proposal is not located adjacent to a settlement limit and would not mar the distinction between a settlement and the countryside, and it would not result in

urban sprawl.

82. It is considered that the proposal would not have an adverse impact on the rural character of the area.
83. As the proposal is for outline permission, there is no design at this stage, however a dwelling could be easily designed to not have an adverse impact on any neighbouring dwelling. The neighbour's private amenity space is far enough removed from the application site to ensure that a dwelling on the site would not have a negative impact on residential amenity.
84. All of the proposed services are provided underground or from existing overhead lines along the road adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
85. While all the other criteria of policy COU 16 are met the advice of DfI Roads is accepted and it is agreed that the requirements of criteria (i) are not met. A safe access to the public road cannot be achieved without prejudicing road safety or significantly inconveniencing the flow of traffic. The reasons for this are set out in more detail below under the heading of Access and Transport.

Waste Management

86. The P1 form details that water connection would be through the public mains, that the storm water would be disposed off via an existing watercourse and that the foul would be disposed of via a package treatment plant.
87. Environmental Health, Water Management Unit and Rivers Agency were consulted and offer no objection. The onus is on the applicant to ensure that all other regulatory consents are in place.
88. Having considered the advice of the consultees that the proposal would not create or add to a pollution problem or create or add to flood risk. The proposal complies with policy WM2.

Access and Transport

89. The P1 form details that the proposal is to utilise an existing unaltered access to the public road (Magheraknock Road). The Magheraknock Road is a Protected Route.
90. Policy TRA3 makes provision for certain scenarios where access onto a protected route is accepted. In this case the proposal falls outside settlement limits. Policy states that 'planning permission will only be granted for a development proposal in a limited number of circumstances as described earlier in the report.

91. The proposal is not for a replacement dwelling therefore criteria 1 is not applicable, the proposal is not for a farm dwelling and criteria 2 is not applicable. Criteria 3 is therefore applicable.
92. As discussed above, the proposal is not acceptable in principle for development in the countryside and it has not been demonstrated that access can be achieved from an adjacent minor road, the Back Road. Criteria 3 is not met.
93. Policy TRA2 Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
 - a) 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.
94. DfI Roads advise that the existing access is insufficient for an intensified vehicular access onto a public road with such a volume and speed of traffic. Having visited the site and observed the traffic I would agree with the assessment of the consultee. The access is substandard the requirements of policy TRA2 are not met as the development would prejudice road safety.
95. It is considered that the proposal also conflicts with Policy TRA3 Access to Protected Routes. The applicant owns land which bounds Back Road and it is not explained why an access could not be taken from the minor road.
96. It has also not been 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. As detailed in preceding paragraphs this is not a form of development that adds to an existing cluster of development and creates a quality environment. The access is substandard for the number of dwellings proposed and will compromise road safety.

Consideration of Representations

97. The concerns raised in the objection are considered below:

Breach of policy COU2

98. The view is expressed the site is on a farm in breach of COU2 (a) and that there is a gap in the development at this cluster and therefore the farm cluster is not continuous with the existing cluster further along Magheraknock Road. This representation is dealt with in the substance of the report at paragraphs 47 to 65

Impact on Rural Character

99. The view is expressed that this proposal if approved would impact rural character. This representation is dealt with in the substance of the report at paragraphs 79 to 85.

Breach of policy COU8

100. The view is expressed that the proposal would extend a ribbon of development and visually intrude into the countryside in breach of policy COU8. This representation is dealt with in the substance of the report at paragraphs 67 to 71.

Conclusions

101. For the reasons outlined above, it is considered that the proposal does not comply with policies COU1, COU2, COU8, COU16, TRA2 and TRA3 for the reasons set out in the report at paragraphs 47 to 96

Recommendations

102. It is recommended that planning permission is refused.

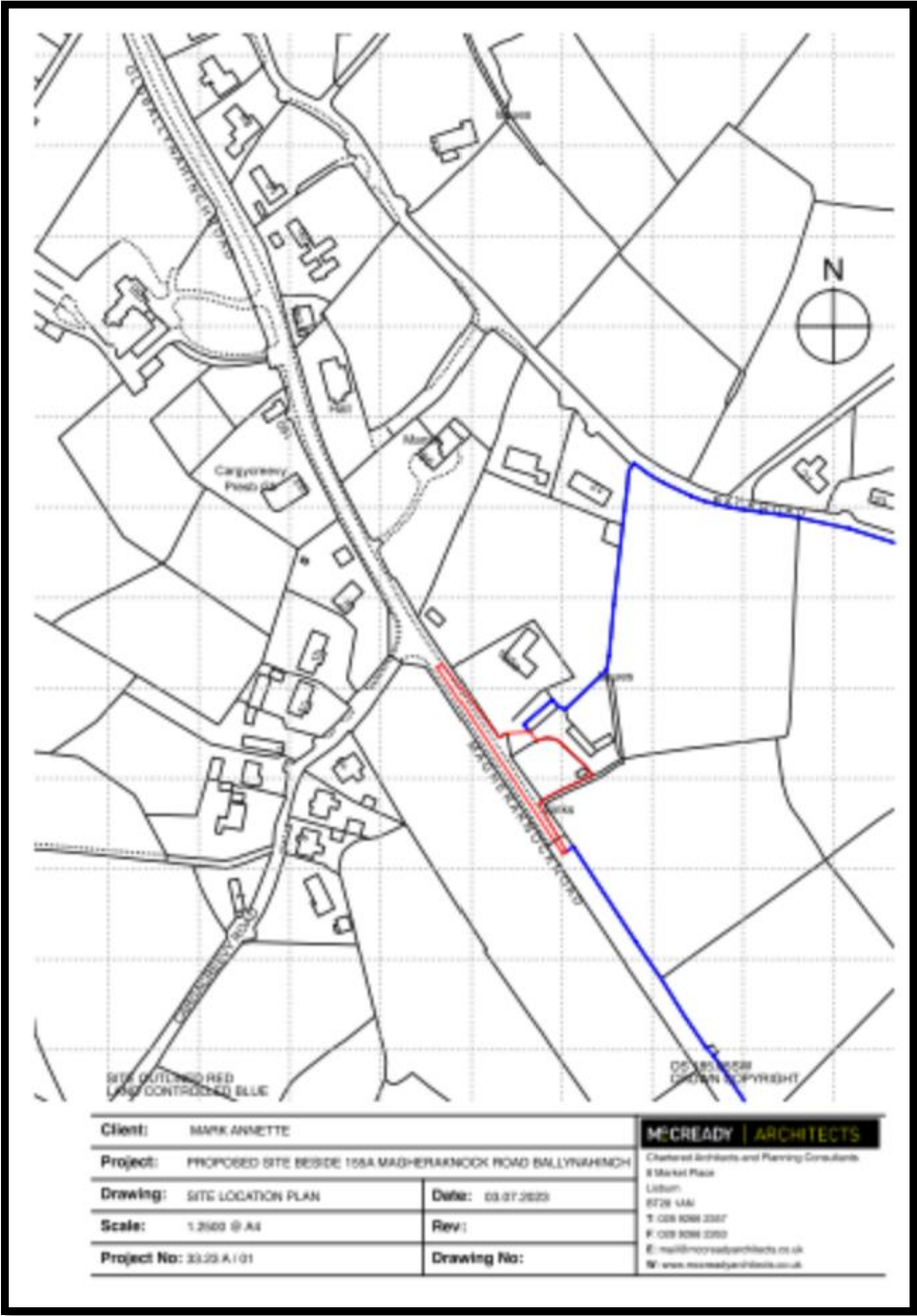
Refusal Reason(s)

103. The following refusal reason(s) are recommended:

- The proposal is contrary to Policy COU1 Development in the Countryside 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 New Dwellings in Existing Clusters of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not located at an existing cluster of development and cannot be absorbed into the existing cluster through rounding off and consolidation.
- The proposal is contrary to Policy COU8 Infill/Ribbon Development of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would add to an existing ribbon of development along the Magheraknock Road.
- The proposal is contrary to Policy COU16 Rural Character and other criteria of the Lisburn and Castlereagh City Council Plan Strategy, in that access to the public road cannot be achieved without prejudicing road safety or significantly inconveniencing the flow of traffic.
- The proposal is contrary to Policy TRA2 Access to Public Roads of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal would prejudice road safety or significantly inconvenience the flow of vehicles and also conflicts with Policy TRA3 Access to Protected Routes.
- The proposal is considered to be contrary to policy TRA3 Access to Protected Routes of the Plan Strategy as it is not demonstrated that the proposal cannot reasonably achieve a new access from Back Road.

Site Location Plan – LA05/2023/0568/O



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	7 July 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2020/0560/F
Date of Application	22 July 2020
District Electoral Area	Downshire East
Proposal Description	Proposed change of use from office/showroom to a gym facility
Location	96 Carryduff Road, Temple
Representations	None
Case Officer	Callum Henderson
Recommendation	Refusal

Description of Site and Surroundings

1. This site is rectangular in shape enclosed on all sides by two-metre-high paladin fencing,
2. A two-storey rendered building sits in the centre of the site with a large hard standing area to the front, side and rear.
3. The building is linked to and adjoins a car sales business, with an external sales and parking to the front, side and rear.
4. Beyond the site there are fields to the north and scrubland to the rear (east) of the site.

Surroundings

5. The settlement of the Temple is approximately 100 metres to the south with the Temple roundabout further south along the A24.

Proposed Development

6. Full permission is sought for a change of use from a showroom/office to a gym (retrospective) There are no external changes proposed to the building which was formerly used as offices.

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2013/0427/F	Proposed upgrade of existing commercial premises to replace existing sub-standard garage workshop, car sales, service area with a car showroom, service area and office block	96 Carryduff Road, Temple, BT27 6YL	Approved 8 th April 2014
S/1978/0093	New showroom, extension to existing workshop and parking area	96 Carryduff Road, Temple, BT27 6YL	Withdrawn 25 th December 1978

Consultations

8. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection
DFI Roads	No objection
NI Water – Strategic Applications	No objection
NIEA – WMU	No objection

Representations

9. No representations were received in respect to the application.

Local Development Plan

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

Plan Strategy 2032

11. It is stated at 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.

12. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.
13. The application site is in the open countryside in both LAP and Draft BMAP. The A24 Carryduff Road is a protected route. No other designation applies.
14. This application is a sui-generis non-residential use within the open countryside. The strategic policy for sustainable development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 Sustainable Development states:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.
15. The operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

16. 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 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. 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.

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

The justification and amplification section states:

The countryside is a unique resource in terms of its landscapes, cultural heritage, nature conservation and biodiversity. It is home to our agricultural industry and rural communities, providing a recreational and tourism asset. However, there has been an accelerating pressure for development throughout the countryside, in particular new dwellings. It is recognised this development

pressure must be balanced against the needs of rural communities, as such these operational policies are considered appropriate to facilitate sustainable development in the countryside.

17. COU15 Integration and Design of Buildings in the Countryside

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.*

18. COU16 Rural Character and Other Criteria

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

A new development proposal will be unacceptable where:

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

Access, Movement and Parking

19. This is a retrospective application for a gym. 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)³² and a Design and Access Statement may also be required to accompany development proposals

20. An existing access to the public road is used. TRA2 Access to Public Roads states that:

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

- a) 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.

21. The A24 Carryduff Road is a protected route. TRA3 Access to Public Roads states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes, access for this proposal is

taken from Carryduff Road, classed as an 'Other Protected Route' and is outside any settlement limit.

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.

Regional Policy Context

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

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

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

24. It states that:

The 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.

25. Paragraph 3.6 of the SPPS states:

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

26. Paragraph 3.8 of the SPPS states:

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

27. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

28. This application is for the change of use from a Class A1 use on the ground floor and sui generis use on the first floor, to a sui generis Personal Fitness Studio on the ground floor and a social wellness hub, of which are both a sui generis use.

29. 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.

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

31. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts.

Assessment

32. This is an application for a change of use from a former showroom and office to a gym at lands at 96 Carryduff Road. There are no external changes proposed to the building and the gym is currently operating with the change of use

considered to be retrospective. The proposed use which is not specified within any class in the Schedule is therefore a sui generis use.

Development in the Countryside

33. As noted above, the site is outside any settlement limit and within the open countryside.
34. Changes in use are treated in the same way as new development and a change of use from an office to a gym, is not considered to fall within any of the exceptions set out in policies COU11 to COU14. This is not farm diversification, agricultural and forestry development, a necessary community facility in the countryside and lastly the conversion and reuse of buildings for non-residential use.
35. The only remaining non-residential use permitted in the countryside, as outlined in policy COU1, would be petrol filling stations and roadside service facilities which is considered in policy TC6. This policy is not considered apply to this change of use to a gym.
36. No exception to policy is demonstrated by way of supporting evidence and no other material considerations are presented by the applicant to be weighed in the planning balance. Consequently, the proposal for a change of use to a gym in what is open countryside is not considered to benefit from any provisions within Policy COU1 – Development in the Countryside and is therefore considered in principle to be an unacceptable use in the countryside.

Access, Movement and Parking

37. Policy TRA2 states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access, onto a public road where it will not prejudice road safety or significantly inconvenience the flow of vehicles and in addition to this the proposal should not conflict with Policy TRA3 Access to Protected Routes.
38. The parking and access provisions are set out in Drg No 7 with a date stamp of 11 December 2020. In consultation with DfI Roads, they offered no objection subject to the conditioning of adherence to said plans. It is considered that the proposal is in compliance with Policy TRA2 in that it will not prejudice road safety or significantly inconvenience the flow of traffic.
39. The access is to be taken from a protected route, specifically, the Belfast to Clough route, Carryduff Road, classed as an 'Other Protected Route'. Policy TRA3 generally restricts access on to such routes. However, the proposal is considered to qualify from criteria iii) of 'Other Protected Routes – Outside Settlement Limits', which states that permission will only be granted for a development proposal 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.

40. This proposal is for a change of use only, with the existing building having an existing access onto the Carryduff Road. In consultation with DfI Roads, they offered no objection to this use in consideration of access and parking. I agree from my observations on site that there is no evidence that the access is more intensively used. It is therefore considered that the proposal is in accordance with the requirements of policy TRA3.

Consideration of Representations

41. No representations were received in respect of the application.

Conclusions

42. All material considerations have been assessed and having considered the nature of the proposal against all the relevant planning policies and the consultation responses, it is considered that the application is not an acceptable type of non-residential development in the countryside and is contrary to policy COU1 – Development in the Countryside.

Recommendations

43. It is recommended that planning permission is refused.

Refusal Reasons

1. The proposal 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.

Site location plan LA05/2020/0560/F



Committee:	Planning Committee
Date:	07 July 2025
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of May 2025.
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 was 52.3 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.
4. Our continued focus on reducing the number of older applications means a good foundation is established to allow the Council to return to good performance with an overall improvement against the statutory target in the incoming business year. More applications were decided than received again this month and for the year to date the Unit has processed 140 planning applications to decision which is 52 more than the 88 received.
5. The performance against statutory target for major applications for May 2025 was 119.2. Members should note however that two of the three applications were processed within the 30-week statutory timeline. 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

	<p>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>6. Enforcement is reported separately on a quarterly basis but for completeness Members are advised that the Councils remain on target to achieve the statutory target of processing 70% of cases within 39 weeks.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the May 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 – May 2025
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Statutory targets monthly update - May 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	1	1	27.4	100.0%	50	81	47.6	17.3%	29	11	87.3	36.4%
May	3	2	119.2	50.0%	38	59	52.3	20.7%	20	14	88.9	50.0%
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	4	3	27.4	66.7%	88	140	48.0	18.7%	49	25	82.8	44.0%

Source: NI Planning Portal

Notes:

- 1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures
- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".
- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	07 July 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2022/0538/O

1.0 **Background**

1. An application for a proposed farm dwelling on lands adjacent to and south of 9a Pothill Lane, Lisburn refused planning permission on 26 September 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 14 January 2025.
3. The procedure followed in this instance was by way of written representation and Commissioners site visit. The site visit took place on 07 May 2025.
4. The main issues in the appeal were whether a development opportunity had been sold off the holding and that the means of access to the site was safe.
5. In a decision received on 13 May 2025 the Commission confirmed that the appeal was allowed.

Key Issues

1. Initially the Council considered that the proposal was contrary to the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) Policy COU 1 titled 'Development in the Countryside' and criteria b) of policy COU 10 "Dwellings on Farms" in that it had not been demonstrated that no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.
2. The appellant provided evidence including statutory declarations as part of their statement of case to explain that no opportunities had been sold off the holding. Consequently, the Council withdrew its reasons for refusal.
3. This left only the third-party objections to the access arrangements to be dealt with. The Commissioner noted that the Department for Infrastructure (DfI) Roads had offered no objection in principle to the proposal and recommended conditions requiring the width of the laneway to be six metres for the first ten metres. The third parties argued that this requirement prejudiced road safety, conflicted with the requirements of earlier planning permissions and would also result in the loss of five trees undermining the stability of an embankment.
4. The Commissioner agreed with the advice of the statutory consultee that a six metre width and ten metre set back was sufficient to maintain road safety and that as none of the field boundary trees were to be felled or lopped the third-

	<p>party's objection that there was a risk to the stability of the bank was not sustained.</p> <p>5. In terms of the lessons learned from this appeal. Information not previously in front of officers and the Planning Committee meant that the reasons for refusing this application could no longer be sustained and were withdrawn as part of the written submissions. This emphasises the need for applicants to provide up-to-date accurate information early in the application process to ensure that time is not wasted subsequently in having to address the issues at appeal.</p> <p>6. That said, the intention to provide this information by way of clarification was highlighted to the Council at the earliest opportunity by the applicant in the appeal process. For this reason, no costs were sought by the Council.</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 <u>or</u> 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 <u>or</u> 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 – LA05/2022/0538/O
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Lisburn & Castlereagh City Council
Local Planning Office

By Email

Our reference: **2024/A0105**
Authority
reference: **LA05/2022/0538/O**
14 May 2025

Dear Sir

Re:

Appellant name: Mr. Trevor Malcolmson

Description: Proposed farm dwelling

Location: Adjacent to and south of 9a Pothill Lane, Lisburn

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly
PACWAC Admin Team



Appeal Decision

Planning Appeals Commission
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114

Appeal Reference:	2024/A0105
Appeal by:	Trevor Malcolmson
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed farm dwelling
Location:	Land adjacent to and south of 9A Pothill Lane, Lisburn
Planning Authority:	Lisburn & Castlereagh City Council
Application Reference:	LA05/2022/0538/O
Procedure:	Written representation with Commissioner's site visit on 7 th May 2025
Decision by:	Commissioner Carrie McDonagh, dated 13 th May 2025

Decision

1. The appeal is allowed, and outline planning permission is granted, subject to the conditions set out below.

Preliminary Matter

2. Initially the Council considered that the proposal would be contrary to the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) Policy COU 1 titled 'Development in the Countryside' and Policy COU 10 "Dwellings on Farms" criterion b) in that it had not been demonstrated that no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application. The appellant then provided as part of their statement of case to this appeal additional information relating to 18 Pothill Lane (replacement dwelling approved under S/2009/1213/0 and S/2014/0214/RM). In their rebuttal, the Council state this satisfactorily demonstrates that the dwelling had not been sold off on 8th September 2017 from the farm to which the application relates (ID No. 604237) and belonged to a different farm (ID 615677) owned by the appellant's wife. Consequently, the proposal complies with Policy COU 10 (b) and Policy COU 1. The Council withdrew their two reasons for refusal. Therefore, the only matter remaining for consideration is the issues raised by the third parties' during the course of the application.

Reasons

3. The main issues in this appeal are whether the proposal would prejudice road safety or have an unacceptable adverse impact on biodiversity.
4. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an application, regard must be had to the Local Development Plan

(LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise. In September 2023, the Council adopted the PS which sets out the strategic policy framework for the Council area. Pursuant to the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP), and the PS read together.

5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area in which the appeal site is located. In it the site falls within the greenbelt. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted although in some circumstances it can be a material consideration. In it the appeal site is also located within the greenbelt. As the operational policies now contained in the PS make no distinction between green belts and the remainder of the countryside, the greenbelt designations in both the LAP and the dBMAP 2004 are of no consequence in the appeal. There are no other provisions in the DDP that are material to the determination of the appeal. The appeal should be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.
6. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual appeals and transitional arrangements are set out in it. Paragraph 1.11 of the SPPS states that where a Council adopts its PS, existing policy retained under the transitional arrangements shall cease to have effect in the district of that Council. As the Council has now adopted the PS, previously retained policies set out in the Planning Policy Statements (PPSs) have now ceased to have effect within this area. Regional guidance in Development Control Advice Note 15: Vehicular Access Standards (DCAN15) continues to apply.
7. The appeal site is located along Pothill Lane, a private laneway which takes its access from Old Ballynahinch Road and serves up to 10 dwellings. The appeal site is within undulating landscape and is situated some 300m from the public road. The proposed site is screened from the public road due to the undulating topography and is sited to cluster with the existing farm buildings. The site forms part of a farm complex and larger agricultural field with its rear southern boundary currently undefined. The eastern site boundary is defined by a mature hedgerow with a water course beyond. The adjacent agricultural buildings and heavy vegetation defines the northern boundary, and the western side is defined by the post and wire boundary fence with the adjacent dwelling (No. 9a). The wider area is agricultural in character, with farm buildings and individual dwellings set back within fields.
8. Policy TRA 3 "Access to Protected Routes" is applicable as the site accesses via Pothill Lane onto the Old Ballynahinch Road (A49), a protected route. It requires that the Council control the level of use of existing accesses onto protected routes other than in specific circumstances, including a farm dwelling which makes use of an existing access. Policy TRA 2 "Access to Public Roads" permits the intensification of use where a) it will not prejudice road safety or significantly inconvenience the flow of vehicles. Policy NH5 titled "Habitats, Species or Features of Natural Heritage Importance" seeks to prevent development that

result in the unacceptable adverse impact on, or damage to known priority habitats and species is also relevant because of the alleged removal of protected habitats to facilitate the required visibility splays.

9. Department for Infrastructure (DFI) Roads offer no objections in principle to the proposal and provided conditions requiring the width of the laneway to be 6 meters for the first 10 meters from the edge of the carriageway (Old Ballynahinch Road). The third parties' argue that this requirement prejudices road safety and conflicts with the requirements of earlier planning permissions in which DFI required a 8 metre width for the first 16.5 metres back from the edge of the carriageway. In the evidential context of this appeal, I make no comment on what works have been implemented or which permissions remain live other than to note that the planning history provided also sought to maintain a smaller visibility splay of 2.4m x 140m compared to the 4.5m x 147m now required and therefore other aspects of the geometry requirements are not on all fours with this appeal.
10. At my site visit, I found the vehicles on the Old Ballynahinch Road to be fast moving, with a steady stream of traffic throughout my visit. The significant width of the grass verge on approach from the Lisburn direction (left side of exit) made it easy to see a vehicle waiting at Pothill Lane and notwithstanding the proximity of the crest of the hill and undulations in the road, any stationary vehicle waiting to turn into the access lane would be clearly visible over the full length of the required splays. Again, on approach from the other direction, the flat grass verge (right side on exit) and roadside hedge which is set below road level allow for a reasonable view of the oncoming traffic when exiting Pothill Lane onto Old Ballynahinch Road. Although the Old Ballynahinch Road felt narrower due to the vegetation on the inside of the verge, I found it possible to see over the entire length of the required splays and therefore if a car is waiting to enter or exit from Pothill Lane, it would be clearly visible to oncoming traffic. The available width of the flat grass verge on the left-hand side of Pothill Lane on exit allowed me to pull in alongside the field gate, leaving sufficient space for a vehicle turning in from Old Ballynahinch Road to pass a car waiting to exit the lane. While care must be taken on exit because of the steep gradient towards Old Ballynahinch Road, on the basis of my observations, I agree with the advice of the statutory consultee that a 6 metre width and 10 metre set back is sufficient to maintain road safety.
11. Negative conditions can be applied requiring that no development shall take place until the works required to provide the upgrade of the entrance onto Old Ballynahinch Road have been carried out. If the appellant cannot secure the agreement of all owners, he could not commence any development on the site. If he was to attempt to commence any development in contravention of the condition, the third party would be in the best position to inform the Council who could then take the appropriate action in accordance with the Planning (NI) Act 2011. As such, I consider that a negative condition could be imposed to provide for a safe access width and this matter would not warrant the withholding of planning permission. The third parties' road safety concerns are not sustained.
12. The third parties also alleged that the required visibility splay to the right on exit (the southern splay) necessitates the removal of the 5 trees, prejudicing the stability of the roadside verge. Based on my observations, a hedgerow is on the bank and will only require topping for maintenance at a level consistent with the carriageway. The section of the hedgerow along the southern edge of Pothill

Lane (close to the sign and areas where bins are stored for collection) will likely require removal of a short length. Whilst the third parties' Figure 1: Topographical Survey shows the southern visibility splay crossing through the nearest tree trunk; all the field boundary trees were subsequently mapped as part of the Preliminary Ecological Appraisal (PEA). It is reflected in the geometry within Dwg. No 05/A "Site Block Plan- Southern Sight Splay" which shows that the tree trunks are outside the southern visibility splay. As none of the field boundary trees identified are to be felled or lopped the third party objection that there is a risk to the stability of the bank is not sustained.

13. The trees with a moderate Bat Roost Potential were also identified in the PEA. Natural Environment Division have no objections to the proposal. On the basis that no trees are to be removed Policy NH5 Habitats, Species or Features of Natural Heritage Importance" is not offended as the proposal will not result in an unacceptable adverse impact on, priority habitats and species. For the reasons set out above, the third parties' biodiversity objections are not sustained.
14. As the proposal complies with the LDP and the Council has withdrawn their reasons for refusal the appeal succeeds, subject to the conditions below.
15. It is necessary to impose the standard time limit for commencement of development as set out in Section 62 of the Act. The design and layout of the proposed dwelling will be the subject of reserved matters applications to ensure the dwelling integrates into the landform, including the levels to properly assess the development and safeguard the amenities of neighbouring occupiers. A suitable 10m buffer is required to maintain the biodiversity of a stream to the south of the site. A condition is necessary to ensure that the required entrance standards are put in place prior to commencement of development to provide a safe vehicular access onto a protected route. In-curtilage parking is to be provided in the interests of road safety. A condition is also necessary to ensure the provision, establishment and maintenance of a high standard of landscape including by demarcation of the proposed access from Pothill Lane to ensure the separation of the adjacent agricultural buildings.

Conditions

1. Except as expressly provided for by conditions 2, 3, 4 and 5 the following reserved matters shall be as approved by the planning authority – the siting, design, external appearance of the dwelling and garage and the means of access from Pothill Lane.
2. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
3. Visibility splays of 4.5 metres by 147 metres shall be laid out in both directions on Old Ballynahinch Road and the shared access at a minimum of 6.0 metres wide for the first 10.0 metres off the public road before any building operations commence as shown on drawing Nos. 04/A, 05/A, 06/A and 07/A bearing the date stamp 17th November 202 and thereafter shall be permanently retained.

4. Before the dwelling is occupied, provision shall be made within the site for 3 car parking spaces and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall be permanently retained.
5. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme providing for:
 - The protection and retention of all trees and hedgerows along the site's northern and eastern boundaries;
 - all new boundaries along the south of the site and the continuation of the existing access from Pothill Lane to be defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside;
 - the location, numbers, planting distances, species and sizes of trees and shrubs to be planted within the site.The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development and allowed to grow. Trees or shrubs dying, removed, or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
6. A suitable buffer of 10m shall be maintained between the location of all construction works (including storage of oil/fuel, concrete mixing and washing areas, storage machinery/material/spoil etc.) and all watercourses.
7. Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
8. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on PJ Design drawings stamped received by Lisburn and Castlereagh City Council on 17th November 2022:

- Drawing 01/B "Site Location Plan" at 1:2500 scale.
- Drawing 02/B "Site Block Plan" at 1:1000 scale.
- Drawing 03/B "Site Block Plan - Proposed Site" at 1:500 scale.
- Drawing 04/A "Site Block Plan – Northern Site Splay" at 1:500 scale.
- Drawing 05/A "Site Block Plan – Southern Site Splay" at 1:500 scale.
- Drawing 06 "Aerial photo – Northern Site Splay" at 1:500 scale.
- Drawing 07 "Aerial photo – Southern Site Splay" at 1:500 scale.

COMMISSIONER CARRIE MCDONAGH

List of Documents

Planning Authority: - Lisburn & Castlereagh City Council

“A1” Statement of Case and Appendices

“A2” Rebuttal Comments

Appellant: - Turley Ltd on behalf of Trevor Malcolmson

“B1” Statement of Case and Appendices

“B2” Rebuttal Comments

Committee:	Planning Committee
Date:	07 July 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2023/0438/O

1.0 **Background**

1. An application for a dwelling and detached garage on lands adjacent and north of 60 Mill Road, Carryduff was refused planning permission on 21 October 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 26 November 2024.
3. The procedure followed in this instance was by way of written representation and Commissioners site visit. The site visit took place on 13 March 2025.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the open countryside and its effect on the rural character of the area.
5. In a decision received on 21 May 2025 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The appellant presented a case that the proposed development was a dwelling in a cluster. The Commissioner highlighted that criterion b) of Policy COU2 required that the cluster appears as a visual entity in the local landscape and concluded when viewed from both the northern and southern surrounding vantage points the curvature of Mill Road at this location also served to dispel any impression of there being a collective group of buildings that presented as a visual entity in the local landscape.
2. The appellant asserted that a longstanding, prominent and frequented vehicle recovery business at this location provided an essential service and was a notable local landmark within the rural landscape. The Commissioner concluded the building and its wider site was not visually significant by virtue of its relatively inconspicuous set back position behind a dwellinghouse. Additionally, the Commissioner considered that the business provided a service to those who require it unexpectedly, namely when they break down, rather than a service/facility in which customers and the local community would typically avail of its services as and when they choose. As no evidence was provided that this premises was a focus for the community around it the Commissioner concluded that the existing business was not a focal point in this instance. There was no cluster for the purposes of the policy and criterion c) of COU2 was not met.

3. The Commissioner was not persuaded that the policy COU16 reason for refusal was sustained as ribbon development is properly assessed under Policy COU8 and there was an absence of any further reasoning as to why the proposal would harm rural character in general.
4. In terms of the lessons learned from this appeal. The Commissioner applied a very broad meaning to what might constitute a focal point but was clear that it must be demonstrated that it must serve as a focus for the community. A business in the open countryside was not in its own right a focal point.
5. The appeal further highlights the need, where appropriate, to include reasons for refusal specific to policy COU 8 if the Council are concerned that the development will add to or create a ribbon of development.

2.0 **Recommendation**

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

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

4.1	Has an equality and good relations screening been carried out?	No
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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 updating the committee on a decision by the PAC and EQIA is not required.</p>	
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4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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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 updating the committee on a decision by the PAC and RNIA is not required.</p>	
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Appendices:

Appendix 3 – Appeal Decision – LA05/2023/0438/O



Appeal Decision

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Appeal Reference:	2024/A0084
Appeal by:	Mr Gary Hanna
Appeal against:	The refusal of outline planning permission
Proposed Development:	A dwelling and detached garage
Location:	Adjacent and North of 60 Mill Road, Carryduff, Belfast, BT8 8HL
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2023/0438/O
Procedure:	Written representations and Commissioner’s site visit on 13 March 2025
Decision by:	The Commission, dated 21 May 2025

The Commission has considered the report by Commissioner Ellison and accepts her analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the first and second reasons for refusal have been sustained and are determining.

Decision – the appeal is dismissed.

This decision is based on the following drawings:

Drawing No.	Title	Scale	Date refused
01	Location Map	1:2500	21 st October 2024
02	Site Plan	1:500	21 st October 2024

ANDREA KELLS
Chief Commissioner

PLANNING APPEALS COMMISSION

THE PLANNING ACT (NORTHERN IRELAND) 2011

SECTION 58

Appeal by Mr Gary Hanna

against the refusal of outline planning permission for a dwelling and detached garage adjacent and north of 60 Mill Road, Carryduff, Belfast, BT8 8HL.

Report

by

Commissioner Hannah Ellison

Planning Authority Reference: LA05/2023/0438/O

Procedure: Written Representations

Commissioner's Site Visit: 13th March 2025

Report Date: 14th May 2025

1.0 **BACKGROUND**

- 1.1. Lisburn and Castlereagh City Council received the planning application on 23rd May 2023. By notice dated 21st October 2024 the Council refused permission giving the following reasons:
 1. **The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.**
 2. **The proposal is contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster is not associated with a focal point such as a social/community building.**
 3. **The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it would, if permitted, add to a ribbon of development along the Mill Road, Carryduff.**
 4. **The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it would, if permitted, have an adverse impact on the rural character of the area by virtue of the addition to a ribbon of development along the Mill Road, Carryduff.**
- 1.2. The Commission received the appeal on 22nd November 2024 and advertised it in the local press on 11th December 2024.
- 1.3. No representations were received from third parties during the appeal process. One letter of objection was received by the Council during the processing of the planning application.

2.0 **SITE AND SURROUNDINGS**

- 2.1 The appeal site comprises a grassed field located on the eastern side of Mill Road. It is bound on three sides by mature trees, hedging and a post and wire fence. Its southern boundary consists of a blockwork wall. Access to the site is taken from a field gate onto Mill Road.
- 2.2 Bounding the site to the north is the entrance to No.58 Mill Road, denoted by security gates and walls. The dwelling and outbuilding at No.58 are set back from the road on land which appears to be slightly lower. Immediately to the south of the appeal site is the dwelling at No.60 Mill Road and its detached outbuilding to the rear.
- 2.3 On the opposite side of Mill Road is a stretch of predominantly single storey dwellings which are positioned close to the road with mature vegetation to the front and sides of each plot. On turning the bend along this part of Mill Road, when travelling in a northerly direction, the dwelling at No.57 Mill Road is present, with the industrial buildings and forecourt/hardstanding areas associated with Carryduff Recovery, a vehicle recovery business, set behind it.

- 2.4 The immediate locality is rural in character and is largely characterised by expanses of clearly defined fields which are interspersed with single dwellings and groupings of built form, which include other commercial businesses.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The site is located within a field to the north of the dwelling at No.60 Mill Road. A low hedgerow and post and wire fence form the roadside boundary. There is also an agricultural field gate accessing the site along this boundary. The southern boundary consists of a block wall, forming the common boundary with the adjacent dwelling. The post and wire fence continues along the northern and eastern boundaries, with mature trees and vegetation also located here. The access laneway to the dwelling to the northeast at No.58 Mill Road runs parallel to part of the northern boundary. The site is mostly flat however levels begin to fall in a north easterly direction towards the rear.
- 3.2 The dwelling located to the south of the site at No.60 Mill Road, is a single storey dwelling with a detached garage to the rear. The dwelling to the north east at No.58 appears to be two storey, but with only fleeting views of it through the surrounding vegetation it is difficult to confirm. Opposite the site there is a row of several dwellings, side by side, consisting of both single storey and storey and a half. To the rear of one of these dwellings, No.57, there is a large single storey industrial shed associated with Carryduff Recovery Business. The site is located within the countryside and the surrounding area is rural in character.
- 3.3 Section 6(4) of the Planning Act (NI) 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. The Lisburn and Castlereagh Plan Strategy was adopted by resolution of the Council on 26 September 2023. In accordance with the transitional arrangements, the development plan is the Plan Strategy (PS) and the Belfast Urban Area Plan. Draft BMAP remains a material consideration. The site is located in the countryside in the Belfast Urban Area Plan. In draft BMAP (2004) this site is also identified as being located in the open countryside. There are equivalent policies in the PS to the regional policies described in the BUAP and draft BMAP. It is the planning policy that is in place at the point at which the decision is made that has determining weight.
- 3.4 This appeal is for a proposed new dwelling and detached garage in an existing cluster and it falls to be assessed against the requirements of Policies COU1, COU2 and COU16 of the PS.
- 3.5 The SPPS and Policy COU1 of the PS make provision for a range of types of residential development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The proposal, as submitted, is not considered to be an acceptable type of development in the countryside, and as such it fails to meet the provisions of the SPPS and Policy COU1 of the PS.

- 3.6 Regarding the second reason for refusal, several criteria are set out within Policy COU2, which all must be met for any proposal to be considered acceptable under this assessment. This proposal fails to meet criterion (c) of this policy, but for completeness, the proposal has been assessed against the policy in its entirety.
- 3.7 The proposal is found to comply with criterion (a) as it is determined that the appeal site is located within an existing cluster of development. It can be seen that there is a dwelling located to the north and one to the south of the site, at Nos.58 and 60 Mill Road. Opposite the site there are five roadside dwellings and an industrial unit: Nos.71, 69, 67, 65 and 57 Mill Road (Carryduff Recovery is also located at No.57). All these dwellings and the industrial unit form an existing cluster of development as they are deemed as a close grouping of buildings.
- 3.8 In term of criterion (b), the cluster of development appears as a visual entity in the local landscape. This is apparent travelling both northern and southern bound along this part of Mill Road and indeed from the site itself, where the dwellings and the industrial unit form a collective body of buildings that are separated from the countryside.
- 3.9 The proposal is thought [sic] to meet criterion (d) of Policy COU2 in that the appeal site is bound to the north and the south with other development in the cluster, notably No.58 to the north and No.60 to the south. Furthermore, two of the site boundaries contain mature vegetation and trees. It can therefore be said that the identified site provides a suitable degree of enclosure.
- 3.10 It is also thought [sic] that the final criterion in this policy is met, criterion (e). The development of the site can be absorbed into the existing cluster through rounding off and consolidation. The site is situated centrally in the existing cluster and as such its development would not significantly alter the existing character of the cluster or visually intrude into the open countryside through the creation of ribbon development. Due to its location, it will however add to an existing ribbon of development along Mill Road, but this is not considered under this assessment, but rather Policies COU8 and COU16. It is however observed that this appeal offends other policies, COU8 and COU16, in that the proposal would add to a ribbon of development.
- 3.11 However, the proposal fails to meet criterion (c) of this policy in that the cluster is not associated with a focal point such as a social/community building. The justification and amplification text of Policy COU2 states 'A focal point is defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster'. The existing cluster is defined only by the surrounding dwellings and the industrial building which is in use as a recovery business. Social/community use is within Use Class D – Community, Recreation and Culture of The Planning (Use Classes) Order (Northern Ireland) 2015, whereas the recovery business falls within Class B – Industrial and Business Uses. There is no social or community building and therefore focal point within the cluster of development associated with this proposal that is visually significant, and which defines a different built form and use to the rest of the buildings within the cluster.

- 3.12 The appellant's supporting statement recognises that the proposal is not located at a focal point, however states that other planning approvals and appeal decisions confirm that the lack of a focal point in and of itself is not justification for the refusal of applications. They provide several examples of such and claim these set a precedent. On review of both planning applications set as examples, the case officer in each had recommended refusal as the proposals fell foul of criterion 3 [sic]. Both applications were overturned at planning committee. The examples provided are also not comparable as they are from different Council areas and have been assessed within a different policy context since Lisburn and Castlereagh City Council has adopted its PS and there is different policy criteria set out in Policy COU2.
- 3.13 The decisions made by the Planning Appeals Commission (PAC) are also not comparable as the PAC will make decisions on the basis of the prevalent planning policy at the time of the appeal and these examples are also within different Council areas. The applications listed as having been decided by the PAC had all been refused by the local authority for the same reasons.
- 3.14 It can be said that the proposal has been assessed correctly against the prevailing policy and is found to be contrary to criterion (c) of Policy COU2 as the cluster is not associated with a focal point, therefore the appeal site cannot be considered acceptable for a dwelling as it is not within a cluster of development as wholly defined in this policy.
- 3.15 In terms of the third reason for refusal, this is not an application for an infill dwelling therefore the issue of exception is not considered in this assessment as per Policy COU8. However, the policy does deal with ribbon development and as such all proposals in the countryside must be assessed against this as it is a restrictive policy which expressly states in the first instance that planning permission will be refused for a building which creates or adds to a ribbon of development.
- 3.16 The justification and amplification text of Policy COU8 states 'A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development'.
- 3.17 It is contended that the proposal would engage ribbon development along the road by virtue of the fact that there are existing dwellings on either side of the site at Nos.58 and 60 Mill Road. Ribbon development is not defined typically as the linear spread of buildings along a road or laneway [sic], and it is stated that a ribbon of development cannot be defined by numbers, although if there are two buildings fronting a road and beside one another there could be a tendency to ribboning. The policy is quite explicit in its definition of ribbon development in that it refers to buildings *fronting* a road (emphasis added).
- 3.18 The dwelling at No.60 is fronting the road. The associated garage is located to the side and rear of the dwelling. The garage partially fronts onto the Mill Road by virtue of its visibility to the side of the dwelling. The dwelling to the north of the site at No.58

is set back from the road but also fronts onto it. It can be said that the dwelling at No.58 along with the buildings within the curtilage of No.60 front onto the Road, with both the dwelling and garage at No.60 visually linked when travelling along the Mill Road. The proposal is found to engage ribbon development along the road by virtue of the fact there are more than two buildings fronting the road beside one another. A dwelling located within the appeal site, immediately to the north of the dwelling and garage at No.60, would add to this ribbon of development and therefore the proposal fails to comply with Policy COU8.

- 3.19 The planning statement provided by the appellant refers to Policy CTY8 – Ribbon Development however Policy CTY8 has since been superseded with Policy COU8 of the PS. The proposal is found to be contrary to this policy as the site is not within a substantial built-up frontage as there is not a line of 4 or more qualifying buildings along this part of the Mill Road, and the proposal is for one dwelling whereas a small gap sufficient to accommodate two dwellings is required by policy.
- 3.20 In terms of the fourth reason for refusal, the proposal offends criterion (e) of Policy COU16 as the introduction of a new single dwelling, which is unacceptable in principle, would have an adverse impact on the rural character of the area as the proposal would add to an existing ribbon of development along Mill Road.
- 3.21 The following conditions are suggested without prejudice:
- Submission and approval of reserved matters;
 - Approval of siting, design, external appearance, access and landscaping;
 - Submission and approval of floor level details;
 - Submission of plan indicating the access;
 - Provision and retention of parking spaces;
 - Removal or alteration of features affecting access;
 - Submission and approval of landscaping scheme;
 - Implementation of hard and soft landscape works; and
 - Retention of natural screenings of the site.
- 3.22 In respect to the third party objection received during the planning application stage, the following concerns were raised:
- There are flaws in the planning application documentation, namely relating to the answers given regarding matters of land ownership and on-site vehicle parking provision;
 - The dwelling house and garage at No.58 Mill Road are not visible from the road and are not part of a single visual entity that constitutes a cluster. The buildings lie low in the landscape, are set well back and out of sight from the road, and are screened from view by trees, hedgerow, walls and a gate. The existing stand of mature trees and established hedging, which contributes positively to the rural character in this area, occurs between the appeal site and No.58;
 - The frontage of both the dwelling house and the garage at No.58 does not extend to the edge of the public road, or private laneway, they are visually separated from the road, give a visual break in the developed appearance of the locality, and are not visually linked to the dwelling house and garage at No.60 Mill Road;
 - The dwelling house and garage at No.60 Mill Road are both visually linked, and as such they have created a short ribbon. The addition of a dwelling and garage

at the appeal site would not lend itself to rounding off and consolidation but would visually add to the appearance of a ribbon. The trees and hedging provide a visual break in the landscape/development and accentuate the visual short ribbon;

- The arrangement of the existing properties also means that the proposal does not respect the existing pattern of development on the opposite side of the road, which displays a substantial and continuously built up frontage;
- The cluster has no association with any focal point;
- The visibility splays shown on the submitted plans differ from the requirements set out in DFI's response. Furthermore, the appellant does not appear to own and have control over all the land required to provide the requisite visibility splays and to ensure that they are retained free of any obstruction; and
- Mill Road is a narrow and busy country road and is used by pedestrians, cyclists, horses and riders, as well as traffic of all types. There is nothing in the landscape to suggest there is an access on this side of the road leading into the appeal site. This, along with the absence of appropriate visibility splays, would give rise to conditions which would prejudice the safety and convenience of road users.

4.0 APPELLANT'S CASE

- 4.1 The appeal site is located in the open countryside within a large cluster of predominantly residential development, approximately 1km to the north west of the settlement of Carryduff. It is located on the eastern side of Mill Road, which is a minor road connecting Mealough Road in the south to the Old Saintfield Road in the north. The site measures approximately 0.2ha and comprises a regular shaped agricultural field. It is bound to the west by Mill Road, to the north by the dwelling and outbuilding at No.58 Mill Road and to the south by the dwelling and detached garage at No.60 Mill Road. Agricultural land bounds the site to the east.
- 4.2 The site has a frontage of approximately 35m onto Mill Road and is a self-contained field parcel. The north, east and western boundaries are framed by mature hedgerows and trees and the southern boundary is defined by the block wall associated with No.60. The site is improved agricultural land and falls in level from east to west.
- 4.3 The site is located in the open countryside but falls centrally within a development cluster comprising numerous dwellings and a vehicle recovery business. The prevailing pattern of development in this location consists of undulating agricultural land with various detached dwellings and farm clusters scattered throughout. The Let's Go Hydro aqua resort is located approximately 100m to the east.
- 4.4 On 26th September 2023, the Council adopted the Plan Strategy (PS) titled Lisburn and Castlereagh Local Development Plan 2032. The purpose of the PS is to establish the strategic policy framework for the entire plan area. Under the transitional arrangements outlined in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now comprises both the Departmental Development Plan (DDP) and the PS, which must be read together.

- 4.5 For this appeal, the relevant DDP is the Lisburn Area Plan 2001 (LAP), which designates the appeal site as being outside any settlement and within the Green Belt. Policy COU1 states that development in the Green Belt will be managed in line with A Planning Strategy for Rural Northern Ireland. However, this document has since been superseded by more recent regional policy contained within the Planning Policy Statements (PPSs). Under the applicable legislation, where a conflict arises between policies in the LAP and those of the PS, the PS takes precedence. The LAP contains no policies relevant to this appeal.
- 4.6 In the draft Belfast Metropolitan Area Plan (2004) (dBMAP) the site is located in the open countryside, the Lagan Valley Area of Outstanding Natural Beauty (AONB) and the Castlereagh Slopes Area of High Scenic Value. While the dBMAP zonings may still be deemed a material consideration in certain circumstances, there are equivalent policies in the PS to the regional policies contained in the LAP and dBMAP. Furthermore, with the Council's adoption of the PS, previously retained PPS policies no longer have effect within this area. The policies contained within the PS are therefore of most relevance.
- 4.7 The planning application was submitted to Lisburn & Castlereagh City Council (LCCC) in May 2023, some 4 months prior to the adoption of the PS. We feel strongly that, had LCCC determined the application within the statutory 8 week period outlined in Section 45(1) of the Planning Act (Northern Ireland) 2011 and Article 16(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, planning permission would have been forthcoming in accordance with PPS21 policies, notably CTY8 (Ribbon Development) and CTY2a (New Dwellings in Existing Clusters). The planning statement report that accompanied the application at the time of submission back in May 2023 demonstrates the proposal's compliance with PPS21 policies CTY8 and CTY2a.
- 4.8 We contend that the refusal of the application represents unfair treatment and a failure of procedural fairness, as the proposal was fully compliant with PPS21 at the time of submission. The Council's decision to determine the application under the newly adopted LDP has resulted in an unreasonable disadvantage to the applicant. It is well established that planning applications should be assessed in a consistent and fair manner, and the application of the new policies proceeded abruptly and without any prior warning being given to the applicant. Furthermore, any undue delay in processing the application, which resulted in it falling under a more restrictive policy framework, constitutes a procedural failure that has directly prejudiced the appellant. The Planning Appeals Commission is therefore invited to consider whether the applicant has been unfairly penalised due to circumstances beyond their control and whether the previous policy context should have been given due weight in determining this application by LCCC.
- 4.9 The above notwithstanding, we acknowledge that the pertinent policy framework at the time of determination is the PS, namely policies COU1, COU2 and COU16.
- 4.10 The Council argues that the proposal is contrary to Policy COU1 as it is not an acceptable form of development in the countryside that will contribute to sustainable development. Policy COU1 acknowledges that some forms of residential development are acceptable in the countryside, provided they align with sustainable

development objectives. COU1 continues to refer to the operational policies relating to acceptable residential proposals, one of which is Policy COU2 – New Dwellings in Existing Clusters. As expanded upon below, the proposed dwelling is sustainably located within an established cluster and complies with the requirements of Policy COU2. As the proposal is an acceptable form of residential development in the countryside it therefore complies with Policy COU1.

- 4.11 Policy COU2 states that planning permission will be granted for a dwelling at an existing cluster of development provided that a set of five criteria are met. LCCC confirm that 4 of the 5 criteria have been satisfied in that the dwelling is located within a qualifying cluster of development (criterion a), the cluster forms a single entity in the landscape (criterion b), the site provides a suitable degree of enclosure (criterion d), and that the development of the site can be absorbed into the existing cluster through consolidation and rounding off (criterion e). These criteria are not disputed and do not therefore need to be revisited in this statement. The only criterion that the Council deem to have been contravened is (c), which requires the cluster to be associated with a focal point, such as a social/community building. LCCC also contend that the proposal will add to a ribbon of development in contravention of policies COU8 and COU16 (criterion e).
- 4.12 LCCC are satisfied that the proposal would integrate acceptably in accordance with all requirements of Policy COU15 and that, aside from the ribboning concerns outlined above, the proposal satisfies the remaining eight criteria of Policy COU16. Aside from perceived ribboning, LCCC are evidently therefore satisfied that the proposal would not have a detrimental impact upon rural character or upon the AONB. In addition, the proposal presents no access, drainage/flooding, archaeological or ecological/environmental concerns and there are no objections raised by the Council's statutory consultees. The pertinent concerns for consideration under this appeal therefore relate to the perceived creation of ribbon development and absence of a focal point. In the interest of concision, this statement will proceed to address these two pertinent concerns.
- 4.13 Criterion (c) of PS Policy COU2 requires the cluster to be associated with a focal point *such as* a social/community building (emphasis added). The inclusion of "such as" outlined in the policy headnote before "a social/community building" implies that this is merely an example rather than an exhaustive requirement. "Such as" indicates that while social/community buildings can serve as focal points, other types of buildings or features could also fulfil this role, such as historical buildings or landmarks, a disused church or commercial buildings. The policy wording does not explicitly preclude buildings that are not social or community based. Instead, it allows for a broader interpretation where various types of buildings could serve as focal points provided they contribute to the clustering of development in a logical and identifiable way. The phrase "such as" reinforces that a social/community building is an example rather than a requirement.
- 4.14 If the intention were to limit focal points exclusively to social or community buildings the policy would prescribe a definitive wording such as "must be a social/community building" or "only a social/community building", which is evidently not the case in this instance. In planning practice, policies are typically interpreted in a way that allows for reasonable flexibility unless there is explicit wording to restrict their scope. If the

intention were to rigidly require a social/community building, the wording would likely be more prescriptive. The existing wording leaves room for interpretation and does not impose a strict limitation.

- 4.15 In this instance, the development cluster comprises seven dwellings (and numerous associated outbuildings) together with a vehicle recovery business (Carryduff Recovery) which has been operating from No.57 Mill Road for approximately 25 years. Carryduff Recovery is a well-established commercial business and serves as a focal point within the surrounding area due to its longstanding presence, continuous operation and essential services. This business site is visible when travelling through the cluster and is a notable local landmark that contrasts with the surrounding residential development, reinforcing the presence of an established grouping of buildings. As a 24-hour vehicle recovery and transportation service, it provides a critical function for both the local community and passing motorists, making it a recognizable and frequented location. The business operates from a fixed, identifiable premises that draws regular traffic, reinforcing its role as a landmark within the rural landscape. Additionally, the nature of its services ensures a steady flow of customers, service vehicles and staff, contributing to its prominence as a hub of activity. Given that a focal point, in planning terms, denotes a central or defining feature around which development is clustered, Carryduff Recovery meets this criterion by acting as an anchor for the local area. The policy wording does not restrict focal points exclusively to social or community buildings, and in this case the commercial function, visibility and established presence of Carryduff Recovery clearly affirm its role as a legitimate focal point for the cluster. To this end, we consider that the proposed development satisfies criterion (c) of policy COU2.
- 4.16 Without prejudice to the above, numerous Local Planning Authority approvals and appeal decisions concerning proposals for new dwellings in existing clusters confirm that the absence of a focal point is not necessarily determinative, as evidenced by LA07/2015/0135/O, LA08/2015/0056/F, 2010/A0202, 2016/A0095 and 2017/A0222.
- 4.17 The committee report for LA08/2015/0056/F confirms that the cluster was not located at a crossroads or at any other focal point. Having previously been recommended for refusal, the application was returned to the planning committee with a recommendation to approve. The reason for the change of recommendation was set out in the following paragraphs of the committee report:

“The proposal has been assessed against Policy CTY2a of PPS21: New Dwellings in Existing Clusters. The assessment, which is set out below, includes consideration of a decision by the Planning Appeals Commission (PAC) which, in the opinion of Officers, is relevant to this application (PAC 2010/A0202). It is accepted that this cluster is not associated with a natural focal point, as required under Criterion 3 of CTY2a. However, given that the site is bounded on 2 sides by residential development, a dwelling on this site would cause no demonstrable harm if granted planning approval. The Strategic Planning Policy Statement at paragraph 3.8 states that ‘the guiding principle for Planning Authorities in determining planning applications is that sustainable development should be permitted, having regard to the Development Plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance’. In this case, given the nature of the cluster and limited views of the site,

it is considered that no demonstrable harm will be caused. In conclusion, while the proposal does not comply with the third criterion of Policy CTY2a, Members are advised that policy is not required to be 'slavishly' adhered to as demonstrated by the legal judgement (Lamont vs DOE) in 2014. The PAC took this view in assessing a planning appeal in 2010 (PAC 2010/A0202) in which they considered a proposal under CTY2a. The Commission considered that the overall intention of the policy was to round off and consolidate an existing cluster of development without changing the characteristics of the area. This is considered to be the case with the current proposal. Approval of a dwelling on this site would consolidate the existing cluster and respect the characteristics of the cluster. It is the Officer's opinion that, in this case, while the need for the cluster to have a focal point is not met, there will be no demonstrable harm caused and, on balance, Officers are of the opinion that the proposal should be approved."

- 4.18 A similar consideration led to the approval of LA07/2015/0135/O by Newry, Mourne and Down Council.
- 4.19 Appeal 2010/A0202 relates to a site at Curryfree Road where, again, the cluster of development was not located at a crossroads or any other focal point. The site had three other detached dwellings and their respective garages around it. The Commissioner noted: "Whilst the proposal fails the third criterion of Policy CTY2a of PPS21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing the area's character".
- 4.20 This is similar to this appeal. The appeal land represents a heavily constrained plot bound to the north, south and west by residential development and to the east by a tree line. This site offers no alternative viable use, nor does it present any other feasible development option aside from that proposed. Moreover, the proposal complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing the area's character.
- 4.21 Appeal decision 2016/A0095 also confirms: "At the hearing the Planning Authority said, because of a previous appeal decision 2012/A0120 and two recent granted planning permissions one of which is in its own jurisdiction (LA08/2015/0056/F and LA07/2015/0135/O), that if the appeal proposal met all of the other requirements of Policy CTY 2a the requirements of criterion three could be disappplied as the appeal proposal would then be comparable to those cases".
- 4.22 The appeal decision 2017/A0222, for a dwelling in the Ards and North Down Council area further affirms: "The introduction of the proposed development would lie into the cluster being sited between Nos 59 and 61 and to the rear of No 63, and it would not encroach into open countryside. The proposal meets the other five requirements of Policy 2a and can be said to comply with the overall thrust of the policy which is to round off and consolidate an existing cluster of development without changing the overall character of an area. *This being the case I do not find it a determining failing that the cluster is not located at a focal point or a crossroads.* Policy CTY 2a is met in the round and the proposed development is acceptable in principle in the countryside under this policy" (emphasis added).

- 4.23 The Council dismisses these past approvals and appeal decisions asserting that these cases are not comparable as they arise from different Council areas and policy contexts. We consider that this reasoning is flawed for several key reasons.
- 4.24 PS Policy COU2 has been in effect for less than two years, meaning its application and interpretation are still evolving. In contrast, PPS21 Policy CTY2a governed 'new dwellings in existing clusters' for over 15 years and established a well-documented body of planning decisions, both approvals and appeals, that provide a clear precedent for how similar policies have been applied in practice. These aforementioned past decisions, made under CTY2a, are material considerations because they illustrate consistent interpretations of what constitutes a "cluster" and a "focal point," both of which remain key principles under Policy COU2.
- 4.25 Furthermore, while Policy COU2 replaces CTY2a, it broadly follows the same policy approach, meaning previous decisions can inform its implementation. The principle of consistency in planning decisions is well established, and decision-makers must have regard to past determinations to ensure fairness and predictability in the planning process. Given that Policy COU2 is still relatively new, recent approvals under CTY2a provide valuable insight into how similar cases were assessed, reinforcing the argument that established precedents should carry weight in determining applications under the current policy framework.
- 4.26 Additionally, the assertion that the provided examples are not comparable because they are from different Council areas and have been assessed under a different policy context is somewhat misguided. While the PS provides new policy guidance, the fundamental test under COU2 remains whether the proposal consolidates an existing cluster in a manner that respects rural character. The proposal satisfies this requirement, as it is located within an established grouping of buildings, physically and visually associated with its surroundings, and does not constitute an isolated or sporadic form of development. The existence of a focal point remains a consideration, but not an absolute requirement, as evidenced by previous cases. The reference to precedent decisions is intended to demonstrate a consistent approach to clustering policies and to highlight that a rigid interpretation of what constitutes a focal point is not necessarily supported by wider planning practice.
- 4.27 The Council's failure to engage with the supporting evidence on precedent decisions suggests an overly rigid application of policy. Well-reasoned justifications as to why the proposed development meets the intent of COU2 has been provided. The Council's dismissal of these examples without proper engagement with their relevance undermines the robustness of its argument. Planning decisions should be informed by past precedent where applicable, and while each case must be assessed on its own merits, the Council cannot arbitrarily disregard relevant examples simply because they originate from different administrative areas.
- 4.28 In summation, we consider that the cluster is associated with a focal point and as such the proposal fully complies with PS Policy COU2. Without prejudice to this, even if the proposal was not considered to comply with this criterion this would not be fatal to the determination of this appeal because the proposal consolidates and rounds off an existing cluster of development without detriment to the rural character of the area, which is the fundamental intention and overarching thrust of the policy.

- 4.29 The Council's refusal on the grounds of ribbon development appears counterintuitive given their acceptance that the proposal serves to round off and consolidate an existing cluster of development. Ribbon development typically refers to the linear spread of buildings along a road or laneway in a manner that undermines the rural character by creating an elongated, suburban-style pattern of development. However, that is not the case here.
- 4.30 The Council's interpretation of ribbon development is based on the justification and amplification text that supports Policy COU8 and remains inherently vague and, consequently, open to interpretation. While it states that ribbon development is not strictly defined by numbers, it suggests that even two buildings fronting a road could contribute to ribboning. However, this assertion is neither absolute nor supported by a clear, measurable threshold, reinforcing the argument that each case must be assessed on its individual merits rather than through a rigid, formulaic approach.
- 4.31 A key element of the explanatory text is its emphasis on substantial gaps between buildings providing visual breaks in the developed appearance of an area. The appeal proposal does not undermine this principle as it does not result in a continuous or visually dominant stretch of development. The existing built form along this eastern side of Mill Road includes the dwellings at Nos.58 and 60 (and their respective ancillary outbuildings). There is no other built development along the eastern side of Mill Road for approximately 2km. This side of Mill Road cannot therefore conceivably be considered to be 'developed'. Evidently, the appeal site does not therefore provide a visual break in the built up appearance of the locality. Accordingly, it does not result in ribbon development through the infilling of a visually important gap site.
- 4.32 Furthermore, the explanatory text acknowledges that infilling of gaps can be undesirable in certain cases. However, it does not impose a blanket restriction on development within gaps; rather, it suggests that the key concern is whether infilling results in a harmful extension of ribbon development. In this instance, the proposal does not introduce a new or intensified pattern of development but instead consolidates an existing cluster in a manner that remains in keeping with the prevailing rural character. The appeal proposal demonstrably does not result in an unbroken linear form of development, nor does it create the type of intensification that the explanatory text seeks to prevent.
- 4.33 The proposed site is centrally located within a well-established cluster of buildings, meaning it does not contribute to the outward extension or linear sprawl of development along the road. Instead, it strengthens the integrity of the existing built form by filling a natural gap and reinforcing the sense of enclosure already created by surrounding buildings. The introduction of a single dwelling in this position cannot reasonably be considered to create ribbon development, as it does not result in an incremental linear extension of development into the countryside. Rather, it infills an undeveloped site set centrally within a comprehensive cluster in a manner that respects the existing settlement pattern and avoids the very issue the Council claims to be concerned about.

- 4.34 Furthermore, the policy intent behind ribbon development restrictions is to protect rural character by preventing visually intrusive and unplanned sprawl. A dwelling within the heart of an established cluster, rather than at its periphery, aligns with this objective by containing development within a defined grouping. By rounding off the cluster, the proposal reinforces a compact and cohesive built form, thereby reducing the perception of sporadic or unchecked rural development.
- 4.35 In light of this, we consider the Council's reasoning is flawed in this respect. If the development is genuinely considered to consolidate the cluster, it cannot simultaneously be deemed to contribute to ribbon development. These concepts are inherently contradictory. The refusal fails to acknowledge the site-specific context and the fact that the proposal aligns with policy objectives aimed at maintaining rural character by guiding development to appropriate locations.
- 4.36 The proposal does not therefore add to a ribbon of development, nor does it cause a detrimental change to, or further erode rural character. As such, it does not offend PS policies COU8 and COU16.
- 4.37 No concerns have been raised by the Council consultees although one third-party objection has been received. Comments were made by a third party relating to inaccuracies on the application form regarding land ownership. The third party further contends that the appellant does not own the land required to deliver the requisite visibility splays. The issue raised appears to concern a sliver of the indicative visibility splay along the adopted road network to the front of No.58's site access. We would contend that this is part of the adopted highway and not third party land. It is important to note that the occupants of No.58 were notified of this application and have not objected or raised any concerns.
- 4.38 Without prejudice, this is an outline application with access details reserved for subsequent approval. At this stage, the precise access arrangements are indicative and subject to further refinement. The current assessment focuses on the principle of development rather than rigidly applying detailed technical requirements that will be fully addressed in due course. Importantly, as the access details remain a reserved matter, if necessary, any specific refinements to the splay can be addressed at the detailed design stage to ensure compliance with technical requirements. The minor nature of the encroachment does not prejudice the third party, nor does it interfere with their access or use of their land.
- 4.39 Visibility splays are a practical and reciprocal arrangement in rural planning, ensuring safe access for all road users. In this instance, the existing visibility splays for No.58 already extend across the applicant's land, demonstrating that such overlap is common and necessary for safe access. It would therefore be unreasonable to apply a rigid interpretation that prevents any minimal encroachment, particularly when no physical obstruction or detriment to either party arises.
- 4.40 Given the outline nature of the application, the reserved status of access details, the minor extent of the purported encroachment and the formal notification of the adjoining landowner, there is no material planning harm or procedural irregularity that should warrant refusal on this basis. Any concern regarding third party land impact should be considered in a reasonable and proportionate manner taking into account

established practice and the overarching objectives of road safety and planning fairness.

- 4.41 To conclude, the appeal proposal fully aligns with the strategic objectives of planning policy by consolidating an existing cluster of development without altering the overall rural character of the area. The presence of a well-established commercial business, Carryduff Recovery, serves as a legitimate focal point in accordance with Policy COU2 and the proposal meets all other necessary criteria under this policy. Furthermore, established precedent decisions confirm that the absence of a traditional social or community building does not preclude compliance with this policy, particularly where no demonstrable harm arises.
- 4.42 The Council's refusal on the grounds of ribbon development is contradictory and flawed given that they accept the proposal rounds off and consolidates the cluster. The site is centrally located within the grouping of buildings and does not contribute to the outward linear spread of development. Instead, it reinforces the compact nature of the cluster and avoids the kind of visual sprawl that ribbon development policies are designed to prevent. As such, the proposal does not offend policies COU8 or COU16.
- 4.43 The proposal complies with the overarching objectives of sustainable rural development by making use of an appropriate and contained site within an established cluster. It satisfies the relevant policy tests, presents no technical or environmental concerns, and aligns with established precedents. Accordingly, the appeal should be allowed and planning permission granted.
- 4.44 There are no objections to conditions 1-7 and 9. Condition 8 refers to hard and soft landscaping works being carried out in accordance with drawing No. 02 however landscaping is a matter reserved and condition 7 also requires the submission of a landscaping scheme at the reserved matters stage. As landscaping will be dealt with in detail at a later stage, condition 8 is unnecessary and should therefore be removed.

5.0 CONSIDERATION

- 5.1 The main issues are whether the proposed development would be acceptable in principle and its effect on rural character.
- 5.2 Section 45(1) of the Planning Act (Northern Ireland) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.3 The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) has been adopted. The PS sets out the strategic policy framework for the Council area. In line with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the

Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the PS read together.

- 5.4 The adoption of the Belfast Metropolitan Area Plan 2015 was declared unlawful by the Court of Appeal in May 2017. In this case, the DDP is therefore the Belfast Urban Area Plan 2001. Draft Belfast Metropolitan Area Plan (dBMAP) 2004 may be material in certain circumstances. In accordance with the legislation, any conflict between policy contained in the DDP and that of the PS must be resolved in favour of the PS.
- 5.5 In the BUAP the site is located within the countryside. The site falls within the Green Belt and an Area of High Scenic Value. In dBMAP it is also within an Area of Outstanding Natural Beauty. No objections were raised by the Council with respect to the appeal proposal regarding these designations. Furthermore, as Green Belt policy is now outdated, having first been overtaken by regional policy for development in the countryside which were subsequently superseded by policies within the PS, there is no conflict between the DDP and the PS insofar as they relate to the proposal.
- 5.6 Regardless of when the planning application was submitted to or determined by the Council, in line with the transitional arrangements as set out in the legislation, this appeal must be considered and determined under the policies applicable at the time of the decision. Therefore, despite the arguments and concerns advanced by the appellant, as the Council has now adopted the PS previously retained policies set out in the Planning Policy Statements (PPSs) have now ceased to have effect within this area, thus the relevant policies are within the PS.
- 5.7 Policy COU1 of the PS titled '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". This policy goes on to note that details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10 and that any proposal for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 and COU16.
- 5.8 This appeal seeks outline planning permission for a dwelling and detached garage. The Council considers the appeal site to fall within an existing cluster of development and thus has considered the proposal against Policy COU2 titled 'New Dwellings in Existing Clusters', which notes that planning permission will be granted for a dwelling at an existing cluster of development provided all of criteria a-e are met. The Council considers that the proposal meets criteria a), b), d) and e).
- 5.9 The third party objector nevertheless raises concerns including that the dwelling and garage at No.58 Mill Road is not visible from the road, is not part of a single visual entity that constitutes a cluster and that the existing stand of mature trees and the hedging which occurs between the appeal site and No.58 provides a visual break resulting in a lack of visual link between the dwellinghouse and garage at No.60 Mill Road, which engages other aspects of Policy COU2.
- 5.10 Criterion b) of Policy COU2 requires that the cluster appears as a visual entity in the local landscape. The Policy COU2 justification and amplification text states "a visual

entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points". To my mind, the term "surrounding" indicates that the collective body of buildings must be viewed as a visual entity in the local landscape from vantage points outside that group of buildings.

- 5.11 When viewed from the surrounding vantage point to the north, the dwelling at No.57 and the recovery business to the rear are apparent. They are not, however, read together with the other nearby roadside buildings due to those properties being set within well vegetated plots and the changes in topography along that part of the Mill Road. In the case of No. 58, despite its entrance features at the roadside, that building is not viewed with the other buildings given its enclosing boundary vegetation together with its setback from the roadside and lower position in the landscape. From the surrounding vantage point to the south on Mill Road, only the upper extent of the gable of No. 71 is apparent, with No. 60 on the opposite side of the road barely perceptible due to mature vegetation. From both the northern and southern surrounding vantage points the curvature of Mill Road at this location also serves to dispel any impression of there being a collective group of buildings that present as a visual entity in the local landscape.
- 5.12 Whilst there are a number of buildings along this part of Mill Road that, on a 2D map/location plan, may appear to read as a cluster, this is not the case as experienced on the ground. The buildings along this part of the western side of Mill Road do not read together as a visual entity due to their linear arrangement along a lengthy section of curved road, combined with their modest scale and mature boundary treatments, which cause them to be read individually in turn when traversing past them, but not viewed together as a collective body of buildings from surrounding vantage points. Nor are they read along with Nos. 58 and 60 Mill Road for reasons given above. For these reasons there is not, in my opinion, a cluster of development that appears as a visual entity in accordance with the terms of criterion b) of Policy COU2.
- 5.13 As noted, the Council's objections in relation to Policy COU2 centre around criterion c) as it considers that the cluster is not associated with a focal point *such as* a social/community building (emphasis added). In this case, a vehicle recovery business is located to the rear of No.57 Mill Road. The Council identify the business as falling within Use Class B. It does not therefore comprise a social/community building.
- 5.14 The justification and amplification of Policy COU2 states "A focal point *is* defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster" (emphasis added). There is tension between the wording in the headnote of the policy with that in the justification and amplification text. Applying the specific wording of Policy COU2, the example of a focal point being a social/community building is not an exhaustive list thus there may be instances whereby other uses may constitute a focal point. Indeed, the reference to the focal point being a different built form and use to the rest of the buildings in the cluster within the justification and amplification text of Policy COU2 supports this assertion.

- 5.15 The vehicle recovery business includes a building of a contrasting form to the surrounding residential properties as it is of industrial scale, capable of accommodating large vehicles. There is also an extensive forecourt and other areas which provide space for the external storage of vehicles and machinery. The appellant's assertions that it is a longstanding, prominent and frequented business at this location which provides an essential service and is a notable local landmark within the rural landscape are acknowledged.
- 5.16 Despite this, the building and its wider site are not visually significant by virtue of its relatively inconspicuous set back position behind a dwellinghouse. Additionally, it seems that the business provides a service to those who require it unexpectedly, namely when they break down, rather than a service/facility in which customers and the local community would typically avail of its offerings as and when they choose. Whilst the business may serve customers from a wide area, I have been given no evidence that this premises is a focus for the community around it. Even if the business experiences high levels of activity as alluded to, the above factors lead me to conclude that the existing business is not a focal point in this instance. Notwithstanding my earlier conclusion that there is no cluster for the purposes of the policy, criterion c) of COU2 is not met.
- 5.17 The appellant contends that the proposal accords with the overall intent of Policy COU2 in that it would round off and consolidate an existing cluster of development without changing the area's character. Indeed, it is acknowledged that the Council accepts the position that the development of the site can be absorbed into the existing cluster through rounding off and consolidation.
- 5.18 In this regard, the appellant refers to several decisions by local planning authorities and the Planning Appeals Commission whereby new dwellings in existing clusters were allowed despite the lack of a focal point. The decisions relied upon concerned Policy CTY2a of PPS21: Sustainable Development in the Countryside. The similarities between the wording of PS Policy COU2 and Policy CTY2a of PPS21 are acknowledged. However, in this case the appeal proposal fails to accord with both criteria b) and c) of the relevant policy thus the examples provided, whereby the lack of a focal point was not determining, are not directly comparable and do not serve to justify the appeal proposal. The conflict with criteria b) and c) of Policy COU2 results in the proposed development failing to accord with Policy COU2 when read as a whole. Accordingly, the Council's second reason for refusal and the third party's objections are sustained.
- 5.19 Turning to the Council's third and fourth reasons for refusal, concern is raised that the appeal proposal would add to a ribbon of development along this stretch of Mill Road and, as a result of this, it would have an adverse impact on the rural character of the area.
- 5.20 Policy COU8 titled 'Infill/Ribbon Development' states "Planning permission will be refused for a building which creates or adds to a ribbon of development". The policy's justification and amplification goes on to state "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”.

- 5.21 The Council considers the existing ribbon of development along this part of Mill Road to consist of the dwelling at No.58 Mill Road and the dwelling and garage at No.60 Mill Road.
- 5.22 The dwelling at No.60 is fronting Mill Road as it is sited close to the road and is clearly orientated towards it. This dwelling also has a substantial detached garage/outbuilding. However, as it is positioned to the rear of the host dwelling and with only a limited portion projecting beyond the side elevation of No.60, it does not front onto Mill Road.
- 5.23 As noted above, the dwelling and detached outbuilding at No.58 are set well back from Mill Road behind mature landscaping, but the principal elevation of the dwelling can be said to front the road, with its curtilage extending to the edge of the public road. The justification and amplification to Policy COU8 states that “a ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning”. In this case Nos. 58 and 60, despite fronting the Mill Road, are not beside one another. There is therefore no ribbon of development, nor a tendency to ribbon arising from the positions of those buildings relative to one another. The Council’s reason for refusal is predicated on the appeal development adding to an existing ribbon of development. As there is no existing ribbon of development for the reasons given above, the Council’s third reason for refusal is not sustained.
- 5.24 Policy COU16 sets out a number of circumstances where a new development proposal will be unacceptable regarding its impact on rural character. Addition to ribbon development is not among these and is properly assessed under Policy COU8. In the absence of any further reasoning as to why the proposal would harm rural character in general, the Council’s reliance on ribbon development in its fourth reason for refusal is misplaced. The Council has not sustained its fourth reason for refusal.
- 5.25 As set out in the preamble to Part Two of the PS, the determination of planning applications must be in accordance with the provisions of the PS and its operational policies, unless material considerations indicate otherwise. As noted above, the appeal proposal does not satisfy Policy COU2. My attention has not been directed to any other policies of the PS which indicate that the appeal proposal is considered to be a type of development which in principle is acceptable in the countryside and that will contribute to the aims of sustainable development. It is noted that the appellant considers that the site offers no alternative viable use or feasible development option. Whether or not that is the case, this is not justification for permitting development that is contrary to policy in this instance. The proposal therefore fails Policy COU1 of the PS.
- 5.26 Whilst the appellant drew attention to delays in the processing of the planning application by the Council, this is a matter between the parties. Furthermore, it does not follow that planning permission would have been forthcoming had the Council assessed and determined the planning application more expeditiously and thus

assessed the proposal against the previous planning policy context prior to the adoption of the PS. I have not been presented with persuasive evidence that a case of administrative or procedural unfairness exists that would justify the granting of permission for development contrary to policy in this instance.

- 5.27 Further to the above, the third party concerns regarding the effect of the proposal on the character of the area and road safety are noted, however, given my overall conclusions, these matters are not determining. Other factors raised by the appellant, including that the proposal presents no access, drainage/flooding, archaeological or ecological/environmental concerns, no harm to the AONB and that there are no objections raised by the Council's statutory consultees, also do not outweigh the above policy objections.
- 5.28 However, for the reasons given above the Council's first and second reasons for refusal have been sustained and are determining.

6.0 **RECOMMENDATION**

- 6.1 I recommend to the Commission that the appeal be dismissed.
- 6.2 This recommendation relates to the following drawings:-

Drawing No.	Title	Scale	Date refused
01	Location Map	1:2500	21 st October 2024
02	Site Plan	1:500	21 st October 2024

List of Documents

- Planning Authority:- "A" Statement of Case and Appendices by Lisburn and Castlereagh City Council (LCCC)
- "A1" Rebuttal Statement by LCCC
- Appellant:- "B" Statement of Case and Appendices by O'Toole & Starkey Planning Consultants
- "B1" Rebuttal Statement by O'Toole & Starkey Planning Consultants

Committee:	Planning Committee
Date:	07 July 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Council is notified by Cornerstone and Openreach, of their 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>

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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 5 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
July 2025 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Cornerstone	Vodafone	Land at Saintfield Road, adj to Cairnshill park & ride, Belfast	The proposed upgrade of an existing telecommunications base station comprising the addition of 3 no antennas and ancillary development thereto.	22/05/2025
2.	Openreach	BT	31a, Lurganville Road, Moira, Craigavon	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	17/06/2025
3.					
4.					
5.					