



May 7th, 2025

Chairman : Alderman M Gregg

Vice Chairman : Councillor S Burns

Aldermen : O Gawith and J Tinsley

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

**Notice of Meeting**

A meeting of the Planning Committee will be held on **Monday, 12th May 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 7 April, 2025

📎 *PC 07.04.2025 - 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:

📎 *Item 1 - Schedule of Applications.pdf*

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

📎 *Appendix 1.1 LA05.2023.0064.F Corrstown Road.pdf*

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

📎 *Appendix 1.2 LA05.2023.0666.F - Committee report - Furze Road - Change of use from Day Nursery to C1 Residential Dwelling.pdf*

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

📎 *Appendix 1.3 LA05 2022 0799 DRUMCILL ROAD.pdf*















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

📎 *Appendix 1.4 LA05.2023.0950F - Bettys cafe Carryduff- Change of use from A1 shop to sui generis cafe.pdf*

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(v)	<b>LA05/2021/1007/F – Residential development consisting of one-detached dwelling, two semi-detached dwellings and eight apartments in two blocks (a total of eleven residential units) plus associated site work including sewerage treatment plant and new access onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald</b>	
	<i>Appendix 1.5(a) - LA05.2021.1007.F - Addendum report - Ferndene.pdf</i>	<b>Page 98</b>
	<i>Appendix 1.5(b) - DM Officers Report - LA0520211007F - Ferndene - Housing - Addendum - FINAL.pdf</i>	<b>Page 104</b>
	<i>Appendix 1.5(c) - Note of Site Visit on 14 May 2024 - 20211007F - FINAL.pdf</i>	<b>Page 115</b>
	<i>Appendix 1.5(d) - DM Officers Report - LA0520211007F - Ferndene - Housing - FINAL.pdf</i>	<b>Page 117</b>
(vi)	<b>LA05/2023/0932/F – Two pigeon sheds (Retrospective and amended scheme) at 21 Little Wenham, Moira</b>	
	<i>Appendix 1.6 LA05.2023.0932.F (Revised) Little Wenham (1) (1).pdf</i>	<b>Page 152</b>
<b>4.2</b>	<b>Quarter 3 Statistical Bulletin – October to December 2024</b>	
	<i>Item 2- Quarter 3 Statistical Bulletin - October-December 2024.pdf</i>	<b>Page 167</b>
	<i>Appendix 2 planning-statistics-q3-2024-25-bulletin.pdf</i>	<b>Page 170</b>
<b>4.3</b>	<b>Statutory Performance Indicators - March 2025</b>	
	<i>Item 3 - Statutory Performance Indicators - March 2025.pdf</i>	<b>Page 186</b>
	<i>Appendix 3 Lisburn_Castlereagh_March_Monthly_MI.pdf</i>	<b>Page 188</b>
<b>4.4</b>	<b>Appeal Decision – LA05/2022/0236/O</b>	
	<i>Item 4 - Appeal Decision -LA05 2022 0236o.pdf</i>	<b>Page 189</b>
	<i>Appendix 4 Appeal decision LA05 2022 0236o.pdf</i>	<b>Page 191</b>
<b>4.5</b>	<b>Appeal Decision – LA05/2022/0883/O</b>	
	<i>Item 5 - Appeal Decision - LA05 2022 0883o.pdf</i>	<b>Page 198</b>
	<i>Appendix 5 Appeal decision LA05 2022 0883o.pdf</i>	<b>Page 201</b>
<b>4.6</b>	<b>Appeal Decision – LA05/2022/0958/O</b>	
	<i>Item 6 - Appeal Decision - LA05 2022 0958o.pdf</i>	<b>Page 210</b>
	<i>Appendix 6 Appeal Decision LA05 2022 0958o.pdf</i>	<b>Page 212</b>

<b>4.7</b>	<b>Appeal Decision – LA05/2022/1058/O</b>	
	 <i>Item 7 - Appeal Decision - LA05 2022 1058o.pdf</i>	<i>Page 220</i>
	 <i>Appendix 7 Appeal decision LA05 2022 1058o.pdf</i>	<i>Page 223</i>
<b>4.8</b>	<b>Appeal Decision – LA05/2023/0174/O</b>	
	 <i>Item 8 - Appeal Decision - LA05 2023 0174o.pdf</i>	<i>Page 231</i>
	 <i>Appendix 8 Appeal decision LA05 2023 0174o.pdf</i>	<i>Page 234</i>
<b>4.9</b>	<b>Appeal Decision – LA05/2021/0946/O</b>	
	 <i>Item 9 - Appeal Decision -LA05 2021 0946o.pdf</i>	<i>Page 245</i>
	 <i>Appendix 9 Appeal decision LA05 2021 0946o.pdf</i>	<i>Page 248</i>
<b>4.10</b>	<b>Pre-application Notice (PAN) for the demolition of existing retail warehouse, erection of discount foodstore, building for leisure use, drive through café, drive through restaurant, and associated parking, landscaping and site works at former Homebase site, 3 Upper Galwally, Belfast</b>	
	 <i>Item 10- LA05 2025 0247PAN.pdf</i>	<i>Page 257</i>
	 <i>Appendix 10a - Report in relation to LA05 2025 0247PAN.pdf</i>	<i>Page 259</i>
	 <i>Appendix 10b LA05 2025 0247PAN ApplicationForm.pdf</i>	<i>Page 262</i>
	 <i>Appendix 10c LA05 2025 0247 PAN Site Location Plan.pdf</i>	<i>Page 268</i>
<b>4.11</b>	<b>Pre-application Notice (PAN) for an application under Section 54 of the Planning Act NI 2011 to develop Phase 11 of Baronsgrange without compliance with conditions 16 and 19 of planning permission Y/2009/0160/F to provide a bus service instead of bus passes as required by condition 16 and to remove the bus gate required by condition 19 and replace it with bus infrastructure related to the new bus service at Baronsgrange development at Comber Road, Carryduff</b>	
	 <i>Item 11 - LA05 2025 0241PAN.pdf</i>	<i>Page 269</i>
	 <i>Appendix 11a - Report in relation to LA05 2025 0241PAN.pdf</i>	<i>Page 271</i>
	 <i>Appendix 11b LA05 2025 0241PAN ApplicationForm.pdf</i>	<i>Page 274</i>
	 <i>Appendix 11c LA05 2025 0241PAN - Site Location Plan.pdf</i>	<i>Page 280</i>



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

📎 *Item 12 - Notifications from an Operator in respect of intention.pdf*

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📎 *Appendix 12 - List of Notifications - May 2025.pdf*

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

📎 *Item 13 - Letter to Chief Executives - Consultation on developer contributions drafted.pdf*

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## **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):

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Date of Meeting: \_\_\_\_\_

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

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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, 7 April, 2025 at 10.00 am

### PRESENT IN CHAMBER:

Alderman M Gregg (Chair)  
Councillor S Burns (Vice-Chair)  
Aldermen O Gawith and J Tinsley  
Councillors D Bassett, P Catney, D J Craig, U Mackin, A Martin and N Trimble

### IN ATTENDANCE:

Director of Regeneration and Growth  
Head of Planning & Capital Development  
Principal Planning Officer (PS)  
Senior Planning Officers (MB, PMcF and GM)  
Member Services Officers (CR and CH)  
Mr B Martyn (Cleaver Fulton Rankin)

### Commencement of Meeting

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

#### 1. Apologies

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillor G Thompson.

#### 2. Declarations of Interest

Alderman J Tinsley declared an interest in respect of planning application LA05/2022/1167/F, as he knew the applicant and had facilitated a meeting with Planning Officers. He had not participated in any discussion or debate and remained neutral.

#### 3. Minutes of Meeting of Planning Committee held on 3 March, 2025

It was proposed by Councillor U Mackin, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 3 March, 2025 be confirmed and signed.

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LA05/2024/0734/F – Proposal to vary condition 12 of planning approval LA05/2022/0830/F, from no more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1-W6 on the proposed site plan bearing council date stamp 16 March 2022 are fully constructed

In response to comments by Councillor P Catney regarding significant changes being made to an application after public consultation had been carried out, the Head of Planning & Capital Development advised that, in respect of all major developments, Section 54 required the applicant to submit a pre-application notice and carry out further consultation. The public would have had the opportunity, before the above planning application process commenced, to know what the changes to the proposal were and what the purpose of those was. He acknowledged and accepted that, during the planning application process, information had been submitted to the Council that highlighted and explained in great detail why the changes in circumstances were required. This had been shared with Members and was part of the decision-making process. It may not have been something in front of the public but the public would have been aware of the reasons for the application and would have had the opportunity to participate in the public consultation process before the application was made. The Head of Planning & Capital Development gave an assurance that, should similar Section 54 applications come forward in the future to vary a condition, those would still require the applicant to go through the planning application process and provide the public with an opportunity to participate in the public consultation process.

#### 4. Report from the Head of Planning & Capital Development

##### 4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 2 major and 4 local applications on the schedule for consideration at the meeting.

##### 4.1.1 Applications to be Determined

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

- (i) LA05/2022/1167/F – Proposed warehouse including chilled store, cold store (Use Class B4) all fixed plant/machinery and ancillary offices/welfare facilities. Proposed food manufacturing facility (Use Class B2). Replacement HGV workshop including vehicle storage unit. Replacement commercial units with ancillary trade counters. Proposed HGV washing bay/fuel bay and bunded underground fuel storage tank, landscaping and all associated HGV parking/car parking/floodlights, site works with servicing via the existing access onto the Moira Road and Halftown Road

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

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- (i) LA05/2022/1167/F – Proposed warehouse including chilled store, cold store (Use Class B4) all fixed plant/machinery and ancillary offices/welfare facilities. Proposed food manufacturing facility (Use Class B2). Replacement HGV workshop including vehicle storage unit. Replacement commercial units with ancillary trade counters. Proposed HGV washing bay/fuel bay and bunded underground fuel storage tank, landscaping and all associated HGV parking/car parking/floodlights, site works with servicing via the existing access onto the Moira Road and Halftown Road (Contd)

The Committee received Mr A Stephens, accompanied by Mr S Warke and Mr K Somerville, 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 P Catney welcomed investment from a local firm to redevelop this site. From an environmental and economic perspective, this showed great faith in the Lisburn area. Councillor Catney was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley referred to the history of this site and the stigma attached to it and stated what better way to turn that around than by investment on the site by a local firm that was growing throughout Great Britain, Europe and Ireland, securing jobs and bringing new jobs to the area. Alderman Tinsley commended the applicant, his team and Planning Officers for the work that had gone into this application and stated that he was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor U Mackin congratulated the applicant. It was good to see the progress made by a substantial business operating in the Council area. Councillor Mackin welcomed the application;
- Councillor N Trimble stated that the proposal was a much better use of this site than what had been there previously. He was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman O Gawith stated that this application had been excellently thought through and the conditions that would apply to any permission granted were right and proper. He was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor D J Craig stated that this was a much-welcomed development of this site. He welcomed the fact that there would be improvements to the road junction. Councillor Craig was glad to see a local firm doing well and planning to do even better in the future and was in support of the recommendation of the Planning Officer to approve planning permission; and

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- (i) LA05/2022/1167/F – Proposed warehouse including chilled store, cold store (Use Class B4) all fixed plant/machinery and ancillary offices/welfare facilities. Proposed food manufacturing facility (Use Class B2). Replacement HGV workshop including vehicle storage unit. Replacement commercial units with ancillary trade counters. Proposed HGV washing bay/fuel bay and bunded underground fuel storage tank, landscaping and all associated HGV parking/car parking/floodlights, site works with servicing via the existing access onto the Moira Road and Halftown Road (Contd)
- the Chair, Alderman M Gregg concurred with comments made by other Members. This application was to be welcomed in the local area and, whilst he had had some concerns regarding flooding, the mitigations in place had allayed those fears. The Chair was in support of the recommendation of the Planning Officer to approve planning permission.

### 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.

- (ii) LA05/2021/0360/F – Proposed infill dwelling and garage on lands between 11 and 13 Crossan Road, Lisburn

Alderman J Tinsley left the meeting at the beginning of this item of business (10.52 am) and returned at 12.01 pm.

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

The Committee received Mr A Stephens 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 D J Craig stated that a lot of applications had fallen into the category of being applied for under one set of rules, but being judged on another. Unfortunately for the applicant, this application did not meet with new policy. Councillor Craig deemed that enough credence had been given to the planning history of the site. Having visited the site, it was clear that the gap was not large enough to accommodate 2 properties, as required under the new policy. Councillor Craig was in support of the recommendation of the Planning Officer to refuse planning permission;

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(ii) LA05/2021/0360/F – Proposed infill dwelling and garage on lands between 11 and 13 Crossan Road, Lisburn (Contd)

- Councillor N Trimble stated that, in his view, the recommendation was profoundly unfair to the applicant, given the circumstances and the timeline. There had been delays in the process and permission should have been granted before the new policy came into effect. Regrettably, however, the application did not comply with the new policy. Councillor Trimble was unsure that there was significant enough weight to allow the Committee to set aside policy. The application did not comply with COU8, which was unfair to the applicant. Should the decision be made not to grant planning permission, Councillor Trimble encouraged the applicant to refer the application to the Planning Appeals Commission;
- Councillor P Catney agreed that this situation was very difficult and he was not in support of the recommendation of the Planning Officer to refuse planning permission, given that Members were morally obliged to take account of the administrative unfairness;
- Councillor U Mackin stated that this was a finely balanced application. From a pure policy point of view, he could not disagree with the Planning Officer. However, where he did have a problem was with the planning history. In his view, there was a case of administrative unfairness which was no-one's fault, other than the process itself. The process had let the applicant down and caused problems. In May 2023 there had been email correspondence advising that the Officer recommendation would be to approve the application and that this was going to group but through circumstances that had not happened. Councillor Mackin stated that, whilst the application did not directly meet with COU8, on this occasion COU8 had to be tempered by the material consideration of internal processes. On the basis that there had been an intention to recommend approval, Councillor Mackin was not in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that the horrendous delay had caused the problem and that seemed unfair to the applicant. There had been gaps in action on both sides. In terms of COU8, he had learned that how gap sizes were measured was not laid out in policy and that may need to be looked at, at some point. As things were, this application fell on COU8 and Alderman Gawith was reluctantly in support of the recommendation of the Planning Officer to refuse planning permission. However, similar to Councillor Trimble, he too encouraged the applicant to refer the application to the Planning Appeals Commission. As he had been unable to attend the site visit, Alderman Gawith advised that he had taken the time to visit the site before reaching any decision. The Chair, Alderman M Gregg, pointed out that Members were discouraged from making solo site visits as they were not a controlled event; and
- the Chair, Alderman M Gregg, stated that this application came down to timing. There had been a number of similar applications before the Committee in the past that would have been approved under CTY8, but not COU8; the Committee had decided that the decision was issued on COU8 and the Planning Appeals Commission had agreed with the Committee. As difficult as it was, in terms of the timing and nature of this application, Alderman Gregg was in support of the recommendation of the Planning Officer to refuse planning permission.



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- (ii) LA05/2021/0360/F – Proposed infill dwelling and garage on lands between 11 and 13 Crossan Road, Lisburn (Contd)

### 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 D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor A Martin, Councillor N Trimble and Chair, Alderman M Gregg (7)

Against: Councillor P Catney and Councillor U Mackin (2)

Abstain: (0)

It was noted that, as he not been present for the entirety of consideration of this application, Alderman J Tinsley did not participate in the vote.

### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.25 pm).

Councillor N Trimble left the meeting during the comfort break.

### Resumption of Meeting

The meeting was resumed at 12.31 pm.

- (iii) LA05/2024/0775/F – Subdivision of Unit 5 and elevational changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast

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

Mr E Loughrey was in attendance to answer any Members' questions but no questions were asked.

There were no queries put to Planning Officers.

### Debate

There were no comments made at the debate stage.

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- (iii) LA05/2024/0775/F – Subdivision of Unit 5 and elevational changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast (Contd)

### 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.

### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.42 pm).

### Resumption of Meeting

The meeting was resumed at 1.33 pm.

- (iv) LA05/2020/0991/O – Site for a replacement dwelling, garage and associated siteworks 120m west of St Patricks RC Church, 23a Barnfield Road, Lisburn

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

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

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

### Debate

During debate:

- Councillor D J Craig stated that attending the site visit had been very useful. He had seen that the two gable ends were there and seen the division of the rooms. The rear wall was more or less down to the level of where the headers of the windows and door would have been – in his mind that was probably substantial. The difficulty was with the front wall elevation. Parts of it were well below where the headers for the door and windows would have been. If not for that, he would probably have gone against the Officer's recommendation. However, as things were, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that, in his view, the front elevation was so far down, there was not enough to count as a replacement. He was in support of the recommendation of the Planning Officer to refuse planning permission;

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(iv) LA05/2020/0991/O – Site for a replacement dwelling, garage and associated siteworks 120m west of St Patricks RC Church, 23a Barnfield Road, Lisburn (Contd)

- the Chair, Alderman M Gregg, stated that the site visit had been very useful to put into context the 80% as a substantial figure that had been given by the Planning Appeals Commission, as had clarification that 80% of all walls were required to be intact. He agreed with Councillor Craig that the gables and rear wall were acceptable, but the front wall did fall short. The figure of 84% provided by the applicant was more than generous, given what had been witnessed on site. Alderman Gregg considered that the front wall fell well below 80% and was in support of the recommendation of the Planning Officer to refuse planning permission; and
- Councillor P Catney stated that he would have liked to support this application simply because of the out-of-the-way site, beyond the Church that was over 250 years old. It would have been good to have someone living on down the lane because of the ongoing antisocial behaviour. However, it had been demonstrated by Officers that what remained was less than 80%. Councillor Catney 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 D Bassett, Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith, Councillor A Martin, Alderman J Tinsley and Chair, Alderman M Gregg (8)

Against: (0)

Abstain: Councillor U Mackin (1)

(v) LA05/2024/0513/F – Proposed residential development comprising 9 dwellings (1 detached and 8 semi-detached) including all other associated site works (change of house type to plots 39-45 of Planning Approval reference LA05/2023/0292/F) and lands to the south of Mealough Road, west of Saintfield Road, approximately 64 metres northeast of 9 Mealough Rise and 65 metres northeast of 32 Mealough Drive, Carryduff

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

The Committee received Mr T Stokes, accompanied by Mr J Fraser and Mr J Anderson, to speak in support of the application and a number of Members' queries were addressed.

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- (v) LA05/2024/0513/F – Proposed residential development comprising 9 dwellings (1 detached and 8 semi-detached) including all other associated site works (change of house type to plots 39-45 of Planning Approval reference LA05/2023/0292/F) and lands to the south of Mealough Road, west of Saintfield Road, approximately 64 metres northeast of 9 Mealough Rise and 65 metres northeast of 32 Mealough Drive, Carryduff

A number of Members' queries were responded to by Planning Officers. During questions to Planning Officers, Councillor S Burns requested legal advice in respect of how to deal with the two Section 76 Agreements that would relate to this application, should planning permission be granted.

#### "In Committee"

It was proposed by Councillor S Burns, seconded by Councillor D Bassett and agreed to go 'into committee' to consider this matter. Those members of the public and press in attendance left the meeting (3.00 pm).

Legal advice was provided by the Legal Advisor in respect of the two Section 76 Agreements.

#### Resumption of Normal Business

It was proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed (3.06 pm).

#### Debate

During debate:

- Councillor D J Craig stated that he would generally be sceptical about the offsetting of responsibilities from one particular site as it would normally be done for financial reasons rather than social reasons. However, he could clearly see the merits of it in this case with regard to delivering more low cost housing. The overall delivery for the entire Carryduff area was incredibly attractive. The argument that, if there were to be tenants with less mobility and less ability to drive, which would be necessary for anyone living in this area, should be taken into account. Councillor Craig was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley referred to the gain of 6 additional affordable housing units, which was a benefit. There was also the argument that the proposed location was closer to the main facilities that the public would use, such as shops and bus routes. Alderman Tinsley was content with the movement of affordable housing from one site to the other and was in support of the recommendation of the Planning Officer to approve planning permission;

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- (v) LA05/2024/0513/F – Proposed residential development comprising 9 dwellings (1 detached and 8 semi-detached) including all other associated site works (change of house type to plots 39-45 of Planning Approval reference LA05/2023/0292/F) and lands to the south of Mealough Road, west of Saintfield Road, approximately 64 metres northeast of 9 Mealough Rise and 65 metres northeast of 32 Mealough Drive, Carryduff (Contd)
- Councillor U Mackin stated that he too had been sceptical about the changes with this application. However, he was content that affordable housing was not being totally abandoned on the Mealough site as there would still be 9 units. Overall, the gain in affordable housing was to be welcomed to meet the needs of that market in the Carryduff area. Councillor Mackin was in support of the recommendation of the Planning Officer to approve planning permission;
  - Councillor P Catney stated that he was in support of the recommendation of the Planning Officer to approve planning permission. It was good to see working between housing providers to get more social housing in an area where it was much needed. In response to his comments regarding looking, in the future, at streamlining Section 76 options to ensure more social housing, the Chair, Alderman M Gregg, that that would be a matter for consideration in the development of the next Local Development Plan;
  - Alderman O Gawith stated that he was in support of the recommendation of the Planning Officer to approve planning permission. This application would provide more social and affordable housing; however, he remained cynical about why the developer would be willing to do this and it was a shame that all the units originally planned for Mealough could not have continued as well as those in this application; and
  - the Chair, Alderman M Gregg, stated that he liked to see the total number of units being considered when looking at affordable housing elements. That was somewhere where the Committee and Officers failed earlier on when the new Local Development Plan was coming forward. He was glad to see that the total units here exceeded the minimum 20% requirement. He also welcomed that this was a gain as far as social housing was concerned in Carryduff and was something that was not part of the affordable housing element in Mealough. It did address the broader need of housing requirements within the greater Carryduff area. Alderman Gregg was in support of the recommendation of the Planning Officer to approve planning permission. He hoped that promises came to fruition and that Officers monitored the Mealough site and kept a close eye on the density of this site.

### 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, on the basis that it would be subject to a Section 76 Agreement and the modification of the existing Section 76 Agreement.

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### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.25 pm).

Councillor D Bassett left the meeting during the comfort break.

### Resumption of Meeting

The meeting was resumed at 12.31 pm.

- (vi) LA05/2023/0623/F – Proposed housing development consisting of 13 dwellings (5no. detached and 8no. semi-detached) with garages and associated site works plus pumping station. Existing dwelling No.39a Gravelhill Road to be demolished (amended plans) at 39a Gravelhill Road, Lisburn

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

There was no-one registered to speak in respect of this application.

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

### Debate

There were no comments made at the debate stage.

### Vote

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

## 4.2 Statutory Performance Indicators – February 2025

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

## 4.3 Appeal Decision – LA05/2018/0862/F

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig 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 Appeal Decision – LA05/2019/1077/F

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

#### 4.5 Appeal Decision – LA05/2022/0980/O

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

#### 4.6 Appeal Decision – LA05/2022/1103/F

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

#### 4.7 Appeal Decision – LA05/2023/0087/O

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

#### 4.8 Pre-application Notice (PAN) for a proposed mixed use development comprising retail units, 67 residential units, with access arrangements, car parking, amenity space, landscaping and all other associated site works at 24 Antrim Street, Lisburn

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

#### 4.9 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.

In response to comments by Alderman J Tinsley regarding a telecommunication pole having been erected on a constituent's property which was blocking sightlines, the Head of Planning & Capital Development asked that he pass details to the Enforcement Team in order that a conversation could be had with the appropriate operator, if necessary.

#### 4.10 Letter to Chief Executive in respect of Planning Fee Regulations

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that the planned uplift in planning fees be noted.

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#### 4.11 Local Development Plan 2032 Quarterly Update

It was proposed by Councillor A Martin, seconded by Alderman O Gawith and agreed that the update on progress with the Local Development Plan be noted.

#### 4.12 Enforcement Quarterly Update

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that the planning enforcement update in respect of the caseload be noted.

Alderman J Tinsley paid tribute to the hard work of the Enforcement Team.

### 5. Any Other Business

#### 5.1 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee would be held on Monday, 12 May, 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 4.17 pm.

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Chair/Mayor



<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Decision
<b>Subject:</b>	Schedule of Planning Applications to be Determined
1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>The following applications have been made to the Council as the Local Planning Authority for determination.</li> <li>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.</li> <li>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.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>The applications are presented in accordance with the current scheme of delegation. There are six local applications. One of the local applications is presented by way of exception and four have been Called In and one previously deferred. <ol style="list-style-type: none"> <li>LA05/2023/0064/F -Two storey replacement dwelling on a farm with garage on Lands 120m south of 4 Corrstown Road, Upper Ballinderry, Lisburn Recommendation – Refusal</li> <li>LA05/2023/0666/F – Change of use of Day Care Nursery (Class D1(b)) to Residential Dwelling (Class C1(a)) at the former Little Crickets Day Care, 2 Furze Road, Glenavy, Crumlin. Recommendation – Refusal</li> <li>LA05/2022/0799/O – Site for replacement dwelling with retention of old dwelling as domestic store on lands 25 metres east of 16 Drumcill Road, Lisburn. Recommendation - Refusal</li> <li>LA05/2023/0950/F – Retrospective change of use from Class A1 Shop to Cafe for the sale of food or drink for consumption on the premises at Unit 1 Emerson House, 14b Ballynahinch Road, Carryduff. Recommendation – Refusal</li> </ol> </li> </ol>

	<p>e) LA05/2021/1007/F – Residential development consisting of one-detached dwelling, two semi-detached dwellings and eight apartments in two blocks (a total of eleven residential units) plus associated site work including sewerage treatment plant and new access onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald. Recommendation – Approval</p> <p>f) LA05/2023/0932/F – Two pigeon sheds (Retrospective and amended scheme) at 21 Little Wenham, Moira. Recommendation – Approval</p> <p>2. The above referenced applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>For each application the Members are asked to make a decision having considered the detail of the Planning Officer’s report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>Decisions may be subject to:</p> <p>(a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review</p> <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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 <b><u>or</u></b> 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 - LA05/2023/0064/F</p> <p>Appendix 1.2 - LA05/2023/0666/F</p> <p>Appendix 1.3 - LA05/2022/0799/O</p> <p>Appendix 1.4 – LA05/2023/0950/F</p> <p>Appendix 1.5(a)(b)(c)(d) – LA05/2021/1007/F</p> <p>Appendix 1.6 – LA05/2023/0932/F</p>

## Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	12 May 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2023/0064/F
Date of Application	16 January 2023
District Electoral Area	Killultagh
Proposal Description	Two-storey replacement dwelling with garage on a farm
Location	Lands 120 metres south of 4 Corrstown Road Upper Ballinderry, Lisburn, BT28 2NH
Representations	None
Case Officer	Kevin Maguire
Recommendation	Refusal

### Summary of Recommendation

1. This application is categorised as a Local Application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called-In.
2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. In addition, the proposal is contrary to Policy COU3 of the LCCC Plan Strategy in that the proposal for an off-site replacement dwelling and it has not been adequately demonstrated why the proposal could not be sited within the established curtilage of the existing dwelling and that if approved it would have a visual impact significantly greater than the existing building.
4. In relation to integration and rural character the proposal would be contrary to Policy COU15(b) and (g) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would not be sited to cluster with an established group of buildings and ancillary works would not integrate with surroundings.

5. Furthermore the proposal is contrary to Policy COU16 (b), (e) and (h) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would not be sited to cluster with an established group of buildings, would have an adverse impact on the rural character of the area and the impact of ancillary works would have an adverse impact on rural character.

## Description of Site and Surroundings

### Site

6. This site is located at lands approximately 120 metres south of 4 Corrstown Road, Upper Ballinderry, Lisburn and is a small irregular parcel of land measuring approximately 0.3 hectare in size. A new access is proposed off Corrstown Road.
7. The application is to replace an existing two-storey detached farmhouse at No. 4 Corrstown off site. The current dwelling has a single storey storm porch to front with mono-pitched roof. The dwelling has pitched roof (grey slate) external wall finishes are dash render and brown brick. There is an outbuilding attached to the southeast gable of the dwelling.
8. The proposed site is a parcel of agricultural land sited to the southeast of the existing dwelling and farm holding. The north-western, south-western boundaries of the site are undefined, as is the west boundary of the proposed access road. The north-eastern boundary (rear) is defined by a mixed species hedgerow approximately 1.5 metres in height with an agricultural gate located in the eastern corner providing access to agricultural lands. The southeastern boundary is defined by a large mature hedgerow approximately 2 to 3 metres in height. The proposed access is defined by a mature mixed species hedgerow approximately 1.2 metres in height.
9. The site is relatively level with contours falling slightly towards the public road to the south.

### Surroundings

10. The site is located in the open countryside outside of any defined settlement development limit and is characterised by gently rolling landscape with large, detached dwellings and associated groups of farm buildings.
11. The existing two-storey detached farm dwelling at No 4 Corrstown Road is sited beside a farm complex and agricultural buildings, mainly of portal frame construction clad in block and corrugated iron sheeting.

12. There is a single storey bungalow further to the southeast at No. 2A and a larger two-storey dwelling with an ornate entrance across the Corrstown Road to the south west.

### Proposed Development

13. The application is for an off-site replacement dwelling with a garage on a farm. The proposed dwelling is two-storey with a smooth render finish on the principal elevations and side return of whinstone. The building has a traditional pitched roof with low profile black tiles and black uPVC rainwater goods.
14. The dwelling is to have a finished floor level of 51.855 which is consistent with and comparable to the existing ground levels of approximately 51.56 a short distance to the south and 50.43 near the proposed entrance on the public road.
15. The proposed site plan does not indicate any proposed planting however notes existing landscaping to be retained. The drawing also proposes a 1.2 metre d-rail fence along the proposed access road and around the main part of the site.
16. The application proposes a new laneway and access onto Corrstown Road.
17. Supporting information provided in respect of this application includes the following;
  - Biodiversity Checklist
  - Bat survey

### Relevant Planning History

18. There is no planning history associated with the application site.

### Consultations

19. The following consultations were carried out:

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

## Representations

20. No representations have been submitted in relation to this proposed development.

## Local Development Plan

21. 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

22. 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.*

23. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the LAP. Draft BMAP remains a material consideration.
24. The site is located outside of any defined settlement limits and in the open countryside in both the LAP and draft BMAP.
25. This application is for a replacement dwelling in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
26. 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.*

27. 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.*

28. 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.*

29. The strategic policy for Housing in the Countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in the Countryside states that

*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.*

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

### **Development in the Countryside**

#### COU1 Development in the Countryside

31. As this application is for development outside of a defined settlement development limit policy COU1 – Development in the Countryside states that:

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

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

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

#### Policy COU3 Replacement Dwellings

34. This policy states that:

*‘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.*

*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'.*

#### Policy COU15 Integration and Design of Buildings in the Countryside

35. Policy COU15 states that:

*'In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and 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’.*

### Policy COU16 Rural Character and other Criteria

36. This policy states that:

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

*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**

37. Foul sewage is proposed to be directed towards a septic tank and Policy WM 2 - Treatment of Waste Water states:

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

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

## Access and Transport

38. A new access and lane are proposed onto the Corrstown 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’.*

39. The justification and amplification states:

*‘Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department’s Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999).*

*Where an existing access is available the Council will generally expect this to be used, unless there is an opportunity to provide a more acceptable access arrangement. Where an existing access is to be used, but is sub-standard, a condition requiring its improvement prior to the commencement of the development will be imposed’.*

## Natural Heritage

### Policy NH2 – Species Protected by Law

40. An existing dwelling is to be replaced, and species surveys are submitted as part of the application process. Policy NH2 states that:

*‘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.*

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

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

#### Policy NH5 – Habitats, Species or Features of Natural Heritage Importance

41. Policy NH5 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.

42. 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.

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

#### **Regional Policy and Guidance**

44. 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.*

45. 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.*

46. 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.

47. This proposal is for a replacement dwelling outside of a settlement limit as defined in the LAP and draft BMAP. Paragraph 6.73 of the SPPS outlines the type of residential development that is acceptable in the countryside and states that in relation to replacement dwellings:

*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.*

### **Retained Regional Guidance**

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

#### Building on Tradition

49. 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.

50. 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.

51. 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).

52. 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.

53. With regards to waste water treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be

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

## Assessment

### Development in the Countryside

#### Policy COU1 – Development in the Countryside

54. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
55. The proposal is for a replacement dwelling. Therefore, the principle of development falls to be assessed against the requirements of policy COU3.
56. Policy COU1 also states that any proposal for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 – COU16.

### Replacement Dwellings

57. The first step of the policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
58. The application site does not include any existing buildings and the proposal relates to the replacement of a dwelling to the north west of the site at No. 4 Corrstown Road.
59. It was apparent from site visit that the dwelling to be replaced is currently occupied. However, from an external inspection of the property this would be



considered as a replacement opportunity based on the observation that it exhibited the essential characteristics of a dwelling as outlined within Policy COU3 of the LCCC Plan Strategy:

- Doors/ window openings of domestic scale

There are windows and doors, with windows fully glazed within the property

- Chimneys or internal evidence of chimneys or fireplaces

There are existing rendered chimneys to the ridge of the building with attached TV aerals.

- Internal walls defining individual rooms

From the outside looking through the ground floor windows there are internal walls within the existing structure with a number of individual rooms visible.

60. Within Building on Tradition in addition to above it notes includes further general criteria when assessing whether the proposal qualifies as a replacement opportunity:

- *It exhibits the essential characteristics of a dwelling;*

The building does appear to exhibit the essential characteristics of a dwelling including the form, position of doors and windows, chimneys, and internal finishes.

- *Is not listed or otherwise judged to make an important contribution to the heritage, appearance or character of the locality;*

The building is not listed or located close to any listed structure which could have an impact upon that structure. It is not considered that the development would make an important contribution to the area.

61. In examination of the planning history no records were discovered to suggest that this dwelling has been previously replaced. The dwelling as is exhibits the essential characteristics of a dwelling would therefore comply with the first step of the policy test.
62. The proposal does not relate to a dwelling which has recently been destroyed, through accident or a fire, and it is considered that the dwelling would not constitute a non-listed vernacular dwelling as it is of modern design and construction
63. With regards to the general criteria the new dwelling is proposed on land approximately 120 metres to the south east of No 4 Corrstown Road with a new access running directly from Corrstown Road to the south.

64. The policy states under Criterion a) that:

*‘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’.*

65. As noted, the proposed dwelling is an off-site replacement and therefore is not considered to be located within the established curtilage. In considering the existing dwelling there is private amenity space to the rear of the dwelling measuring over 160 square metres in size which opens into a more overgrown piece of land adjacent and to the south east of the dwelling and outbuilding. In this regard it is not considered that the established curtilage dwelling would be so restricted so as not to be able to reasonably accommodate a modest sized dwelling, and therefore exception a) (i) is not engaged.

66. In relation to the exceptions noted in a) (ii) following request the applicant submitted supporting evidence as to the reasons for the proposed dwelling not being sited within the established curtilage. A summary of the points made are as follows:

- the existing dwelling is a narrow, rectangular shape, and so the existing curtilage would not accommodate a modest dwelling built in a more regular shape
- The proposed siting would not cause disturbance to existing hedgerows with exception of small section of hedgerow at access point
- There would be safety and amenity benefits from not using existing curtilage as this is adjacent a working farmyard and related traffic from adjoining agricultural buildings. A number of the operations and routes between buildings and areas of land have been identified in the supporting evidence.
- Impact of using existing curtilage on potential future childminding services at the new dwelling.

67. Regarding the shape of the existing and proposed dwellings as well as its impact on the existing curtilage, it is considered that any replacement dwelling should be designed to take account and utilise the characteristics of the existing site and not designed based simply on the needs for a specific size of dwelling.

68. Guidance with BoT states paragraph 5.3.1 that:

*‘The most common offence is to introduce a new house that is simply too big for the site and bears no relationship to the scale of the traditional buildings that are retained. Skilled designers are trained in the assessment of scale in the design process. The key message is that a buildings size must be relative to its surroundings’.*

69. In relation to disturbance to hedgerows at the existing site, in addition to the removal of the existing dwelling, the proposed dwelling would not necessarily require the removal of any vegetation, depending on specific siting and orientation. In addition, it is contended that there are other sites off the existing curtilage but much closer to the existing dwelling and associated farmyard which could accommodate the dwelling and involve no more vegetation removal than what has been shown under the current proposal and would be cluster/integrate with the existing buildings.
70. The safety and amenity benefits detailed within the supporting evidence has been noted, however no details have been provided to demonstrate a clear health and safety impact from the agricultural operations that would impact adversely on those living or visiting a new dwelling at the existing site.
71. Whilst it is suggested that a childminding service may be operated as homeworking from the new dwelling this cannot be taken into consideration in this case as no childminding service is operated and there is no evidence of adverse risk to children visiting the property.
72. In respect to the consideration above, it is considered that the proposal would not meet the exceptions under a) (ii) of Policy COU3.
73. In relation to Criterion b) the overall size of the proposed dwelling would be comparable to the dwelling it is proposed to replace. However, given its proposed siting away from the established curtilage and the existing cluster of farm buildings it will have a significantly greater visual impact than the dwelling at No 4 currently, which is clustered with the existing farm buildings and intervening vegetation does not result in any long range views, with only glimpses as you pass the existing entrance. In that respect, given the size of the proposed dwelling and this particular siting it would be likely to create a visual impact significantly greater than the existing building and would also be contrary to Criterion b).
74. In respect of Criterion c), it is accepted that the proposed design of the dwelling uses a simple form, design and materials to integrate with the surrounding landscape. The pitched roof is consistent with other dwellings in the area. The materials would not be out of keeping with those used in other similar dwellings in the immediate area of the site. On balance the solid to void ratio is acceptable given the set back and limited public views of the dwelling. Overall, it is therefore considered that the proposal would meet the requirements under Criterion c).

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

75. The dwelling is to be sited on a relatively flat area of ground and given the retention of existing vegetation along the north east and south east, as well as

the set back from the road, it is not considered that it would not be prominent in the landscape and would comply with criterion a).

76. Criterion b) requires a new building to be sited to cluster with an established group of buildings. The site is separated by approximately 80 metres from the closest buildings on the farm and 120 metres from the existing dwelling. When travelling along Corrstown Road there will be a clear gap between the proposed site and existing buildings to the northwest. When travelling in a northwest direction, along the Corrstown Road, the vegetation to be retained along the length of the proposed access road would prevent the dwelling being sited to cluster with the existing farm buildings. The existing dwelling is clustered with and adjacent to the existing farm buildings and forms a nucleated group of buildings, with the proposed dwelling separated visually as well as by distance from the existing cluster. It is therefore considered that the dwelling as proposed would not be sited to cluster with the existing buildings.
77. The proposed site is set back from the public road and the site has two strong boundaries to the northeast and south east. As noted, the site is relatively flat with a small level difference between the road and the main part of the site, with further row of trees outside of the site further to the north east providing an additional backdrop. On balance it is therefore contended that the proposal would comply with criteria c) and d). In addition, the proposal would not rely primarily on new landscaping for integration, with no proposed planting provided in the current plans. The proposal would not be contrary to criterion e).
78. As has been noted above, the application proposes a replacement dwelling two-storey in height with a finish of render and stone, a pitched roof with dark low-profile tiles, and an appropriate solid to void ratio with windows generally exhibiting vertical emphasis. Based on the site and taking account of the other developments, particularly dwellings, in the area it is contended that the design of the proposal would be acceptable and comply with criterion f).
79. The application appears to propose minimal ancillary works associated with a new dwelling at the site with the exception of the new access proposed onto the public road. While this new access does follow the existing field boundary the policy justification and amplification states that:  
  
*‘wherever possible, access should be taken from an existing laneway and, as far as practicable, run unobtrusively alongside existing hedgerows or walls, complemented by additional landscaping’.*
80. As noted previously it has not been adequately demonstrated why the development is sited such a distance from the main curtilage, with the access to the existing dwelling and farmyard providing an option by providing a spur to a new laneway which would link up with a new dwelling, avoiding the need for an additional access onto the public road. In addition, it is expected that a section of hedgerow either side of the new entrance will need to be removed,

however the drawings submitted do not clearly indicate this so there is uncertainty in relation to the extent.

81. The proposed site does not include any large deviations in site level therefore there would be no need for any substantial retaining walls or site levelling. Overall, given the provision of the new access and the reasons outlined earlier in the report it is contended that the proposal would fail criterion g).
82. Taking all the points into consideration, the proposal would not meet all the necessary requirements of Criteria b) and g) of policy COU15.

#### Rural Character and other Criteria

83. Policy COU16 relates to all dwellings outside of settlement development limits and includes a number of criteria which each application has to be assessed against and meet.
84. As noted above, the dwelling is to be sited on a relatively level parcel of ground bounded on a number of sides by existing vegetation and therefore would not be unduly prominent in the landscape.
85. As stated in paragraph 75 the proposed dwelling is sited a distance from the existing dwelling and associated farm buildings and on this basis would not meet this Criterion b).
86. The proposal includes a dwelling set back from and facing the public road, and is accessed through a laneway which follows an existing hedgerow. Based on other dwellings in the area the proposal would not fail criterion c).
87. In relation to criterion d) the site is not close to any settlement development limit and therefore would not mar the distinction between a settlement and surrounding countryside or result in urban sprawl.
88. The approval of a dwelling at this site and provision of a new access onto the public road is likely to result in the build-up of development when viewed from Corrstown Road. This is in comparison with if the dwelling had been sited within the current curtilage of No 4 or been sited to cluster with the existing dwelling or farm buildings further to the northwest. On that basis the proposal would result in an impact on rural character and fail criterion e).
89. The site is a distance from existing dwellings, with the closest being No 2A which is approximately 65 metres and separated with existing hedgerows, so this would be unlikely to impact on private amenity or fail criterion f).
90. The application relies on non-mains sewerage provision through use of a septic tank. The site plan shows a Klargestar Biodigester with discharge to the field ditch. Environmental Health were consulted and have no objections subject to the septic tank being sited as shown on the plans. NIEA Water Management Unit have also been consulted and have raised no objections, referring instead

to standing advice which details that the application will be required to apply for discharge consent prior to occupation. The proposal would therefore comply with Criterion g).

91. As noted under Policy COU15, while the proposed access does follow the natural boundary it is considered that as the existing curtilage or more preferable site closer to curtilage and farm buildings could have been developed instead, it is contended that the existing access could have been utilised and the proposed access is not therefore in keeping with the rural character of the area. Criteria h) is not met as the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on the rural character of this part of the open countryside.
92. In relation to the road safety considerations of the new access, DfI Roads have been consulted and are content with the access in terms of a roads safety perspective and would therefore comply with Criterion i).
93. Overall, the proposal would fail to adequately meet criteria b), c), e) and h) of Policy COU16.

### **Access Movement and Parking**

94. The P1 Form and plans submit indicate that the proposal is to use a new access to a public road which involves a new driveway coming off Corrstown Road.
95. Given the scale of the development a Transport Assessment form or Transport Assessment was not required for this application and DfI Roads have not identified any concerns in relation to the principle of using this access. 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 a new access at this site would not prejudice road safety or significantly inconvenience the flow of vehicles.

### **Waste Management**

96. Foul sewage is proposed to be directed towards a septic tank. Policy WM 2 - Treatment of Wastewater states that 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.
97. As noted in Paragraph 96 the site plan indicates a Klargestor Biodigester with discharge to the field ditch. Environmental Health were consulted and have no objections subject to the septic tank being sited as shown on the plans. NIEA Water Management Unit have also been consulted and have raised no objections, referring instead to standing advice which details that the application will be required to apply for discharge consent prior to occupation.

## Natural Heritage

98. The site is located in a rural area with vegetation on two boundaries of the site. The site plans indicate vegetation, primarily related to the proposed access, is to be removed to accommodate the new dwelling however the extent of removal for visibility splays is not clear. However, as this is for a replacement dwelling the expectation is that the existing dwelling will be removed. Given the age of this proposed dwelling, its design and location close to existing trees, there is the potential for bats, which are a protected species would be impacted upon.
99. The site is not located within a designated or protected site, and there is no known hydrological link between the site and such site, therefore it is contended the application would not be contrary to Policy NH1 of the Plan Strategy.
100. A Biodiversity Checklist was requested during the processing of the application and identified a number of priority habitats and protected/priority species which the development may potentially impact upon. The Ecological Statement completed as part of this checklist noted the presence of the existing house and stated that the structure was considered to have a '*low bat roost potential overall*', It summarised that in order to determine the likely presence/absence of protected species, specifically bats, a Bat Emergence Survey was recommended to be undertaken. Based on this document NIEA NEDs initial response noted that they would require these surveys to provide a substantive response.
101. A bat survey was duly submitted and noted that two species of bat were recorded as part of the survey however '*no bats were observed existing the property during the dusk survey*'. On this basis the report has concluded that '*bats do not currently pose an ecological constraint to the proposals*'.
102. No other species or habitat has been identified to be adversely affected by the proposals. It is therefore considered that the proposed development would also comply with Policies NH2 and NH5 of the LCCC Plan Strategy.

## Conclusions

103. The proposal is contrary to Policies COU1 and COU3 of the LCCC Plan Strategy in that the proposal is for an off-site replacement dwelling and it has not been adequately demonstrated why the proposal could not be sited within the established curtilage of the existing dwelling and that if approved it would have a visual impact significantly greater than the existing building.
104. The proposal is also contrary to policies COU15 and COU16 in that the new dwelling is not sited to cluster with the existing development, resulting in

ancillary works that do not integrate with their surroundings, and which would have an adverse impact on the rural character of the area.

### Recommendations

105. It is recommended that planning permission is refused.

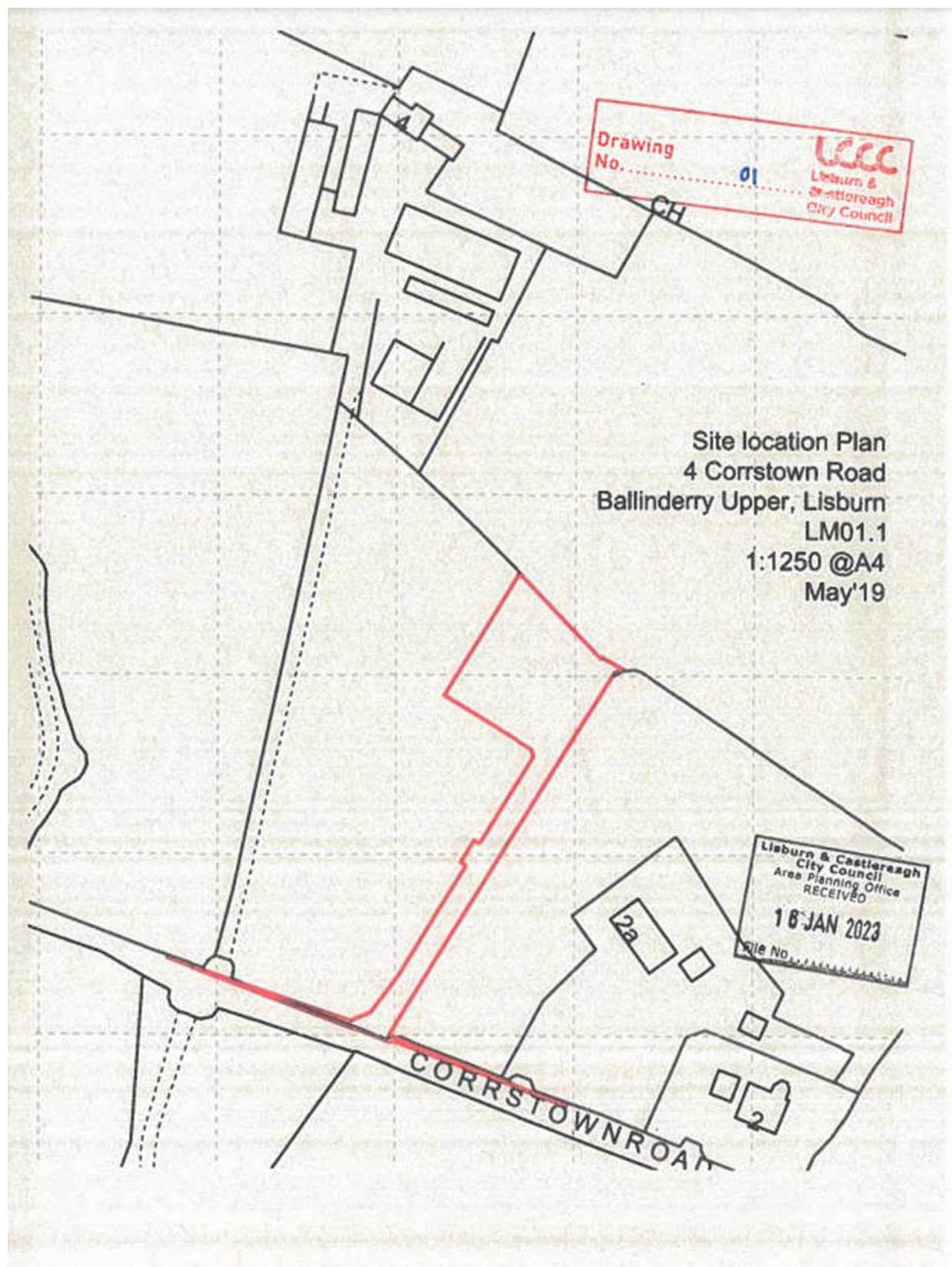
### Refusal Reasons

106. The following refusal reasons are recommended:

- The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
- The proposal is contrary to criteria (a) and (b) of Policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed replacement dwelling has not adequately demonstrated why it cannot be sited within the established curtilage of the existing dwelling, and that if approved would have a visual impact significantly greater than the existing building.
- The proposal is contrary to criteria (b) and (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would not be sited to cluster with an established group of buildings and ancillary works would not integrate with surroundings.
- The proposal is contrary to criteria (b), (e) and (h) of policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would not be sited to cluster with an established group of buildings, would have an adverse impact on the rural character of the area and the impact of ancillary works would have an adverse impact on rural character.



Site Location Plan – LA05/2023/0064/F



## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	12 May 2025
Committee Interest	Local (Called In)
Application Reference	LA05/2023/0666/F
Proposal Description	Change of use Little Crickets Day Care Nursery (Class D1b) to a Dwelling (Class C1a)
Location	Little Crickets Day Care 2 Furze Road, Glenavy, Crumlin, BT29 4NF
Representations	None
Case Officer	Catherine Gray
Recommendation	<b>Refusal</b>

### 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 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.
4. It is also considered that the proposal is contrary to Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the building proposed for conversion is not a non-listed vernacular building or a suitable locally important building.

### Description of Site and Surroundings

#### Site

5. The application site is located to the southern side of the Furze Road, set back from the road and down a short laneway. It building is a large 'L' shaped single

storey building with a two-storey front porch and side extension. The building appears to have become recently vacant and was last used as a children's day nursery. .

6. The building is red brick, with some painted render and timber cladding. There is a large area to the front for car parking. Immediately around the building are sectioned off areas of play.
7. The wider site is enclosed by existing wooden and wire fencing.

### Surroundings

8. The site is situated within the countryside and the surroundings lands are primarily rural in character.
9. There is a build-up of development in the immediate vicinity of the site and the existing building is in close proximity to other domestic dwellings and Ballymacricket Primary School. Beyond this the lands are primarily in agricultural use.

### **Proposed Development**

10. This is a full application for the proposed change of use from Little Day Care Nursery (Class D1b) to Residential Dwelling (Class C1a).
11. Additional information submitted in support of the application is as follows:
  - Supporting Statement dated July 2023
  - Supporting Statement Addendum dated April 2024
  - E-mail from the agent dated 21<sup>st</sup> April 2024 providing additional information of their justification.
  - E-mail from Dalzell Property to the applicant dated 19<sup>th</sup> April 2024.

### **Relevant Planning History**

12. The planning history is a material consideration and the relevant applications are as follows:

Application Reference	Proposal	Decision
S/2006/0581/O	Construction of single storey day nursery, parking and playgrounds.	Permission Granted 19/05/2008
S/2008/0971/RM	Construction of single storey day nursery, parking and playgrounds.	Permission Granted 11/03/2009
S/2012/0325/F	Alterations and extension to existing day nursery (less than 40 square metres floor space).	Permission Granted 02/12/2014

## Consultations

13. The following consultations were carried out:

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

## Representations

14. No representations have been received in respect of this proposal.

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

17. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
18. The site is located in the open countryside in both the Lisburn Area Plan (LAP) and draft BMAP.
19. This application is for a proposed change of use from Little Day Care Nursery (Class D1b) to a residential dwelling (Class C1a).
20. 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.*

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

### **Development in the Countryside**

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

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

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

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

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

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



23. In this case the proposal is for a change of use from Little Crickets Day Care Nursery (Class D1b) to Residential Dwelling (Class C1a) and falls to be assessed against policy COU4 The Conversion and Reuse of Buildings for Residential Use.

### **The Conversion and Reuse of Buildings for Residential Use**

24. Policy COU4 The Conversion and Reuse of Buildings for Residential Use states:

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

*a) the building is of permanent construction*

*b) the conversion or reuse would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality*

*c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building*

*d) the conversion or reuse would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings*

*e) the nature and scale of the use is demonstrated to be appropriate to a countryside location.*

*Buildings of temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not be eligible for conversion or reuse under this policy.*

*Exceptionally, consideration may be given to the sympathetic conversion or reuse of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.*

25. This application also falls in to be assessed against the requirements of Policies COU15 Integration and Design of Buildings in the Countryside and COU 16 Rural Character and other Criteria of the Plan Strategy.
26. Policy COU15 - Integration and Design of Buildings in the Countryside states:

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

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

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

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

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

*A new development proposal will be unacceptable where:*

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

## Natural Heritage

The impact of the proposal on natural heritage is considered.

## Regional Policy and Guidance

### Regional Policy

28. 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.*

29. 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.*

30. 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**

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

#### **Building on Tradition**

32. It 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).*

33. 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.*



## Development Control Advice Note 15 – Vehicular Access Standards

34. 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

#### Development in the Countryside

##### The Conversion and Reuse of Buildings for Residential Use

35. Policy COU4 states that Planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building (such as former school houses, churches and older traditional barns and outbuildings) for use as a single dwelling where this would secure its upkeep and retention.
36. The existing building is not listed and does not have the characteristics of a vernacular building. The planning history shows that the building was purpose built as a day nursery and approved in 2009, with a small extension approved in 2014.
37. The existing building is not considered to be a locally important building. It is not a former school house, church or older traditional barn or outbuilding.
38. A historic building of local importance is 'a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance'.
39. It is considered that the building does not have any architectural merit or historic significance.
40. The proposal would secure the buildings upkeep and retention. The external appearance of the building is not changed. Only interior works are proposed to facilitate the change of use. However, it does not meet the first criteria within policy COU4.
41. Turning to the other criteria in policy COU 4. It is accepted that the building is of permanent construction.
42. The conversion and reuse of the building would maintain the character, design and setting of the existing building. It would not have an adverse effect on the character of the local area.

43. No new extensions are proposed to the building.
44. The conversion and reuse of the building would not unduly affect the amenities of nearby residents. The nearest residential dwelling to the proposal is approximately 70 metres away. Environmental Health have raised no objections to the proposal on the grounds of nuisance or noise.
45. The proposal would also not adversely affect the continued agricultural use of adjoining land or buildings.
46. The proposal would not adversely affect the continued agricultural use of adjoining land or buildings.
47. The nature and scale of the use is considered to be appropriate to the countryside location, in that use of the building as one dwelling house would not cause any demonstrable harm.
48. The applicant/agent is aware that the proposal does not comply with planning policy and has submitted a planning statement, an addendum to the statement and additional information in support of the application.
49. The additional information is a material consideration to be weighed in the processing of the application.
50. The agent states within the planning statement that:

*'the SPSS does not provide clarity on what is considered a locally important building and that the proposal for a change of use will not cause any demonstrable harm' and 'should be considered acceptable'.*

51. The information details that:

*'the day care opened in 2010 and closed in 2023 and that the building has been part of the landscape on Furze Road for 14 years. The building was marketed as a business for sale, but there was no interest and there was no market for rental and has resulted in vacancy'.*

52. In support of their argument, they advise that development was granted for the conversion of the Silver Eel (135 Lurgan Road, Glenavy) to a proposed creche under LA05/2017/1252/F but his permission was not enacted and has since expired. This site is approximately 3-minute drive west of the application site, and they state that the fact that the site was never developed suggests that there is no viability for commercial businesses within this area.
53. In addition to the above they state the following:

*'there are still a number of vacant commercial buildings within Glenavy village and surrounding areas, namely:*

*1. Glenavy Kitchens – previous showroom at 31a Main Street, Glenavy – still vacant.*

2. *Cabbage Patch – previous fruit and veg grocers on 42 Main Street, Glenavy – vacant and part demolished.*

3. *Vivo – previous grocers at 15 Mian Street in Glenavy, closed and let to a home furnishing company who closed.*

Whilst these lie within the Glenavy settlement and not within the rural context, vacancy still detracts from the character of the local area, and the conversion of 2 Furze Road would ensure the rural character is not impacted negatively.'

54. The supporting information details that in their opinion the change of use: 'will result in planning gain, in that there will be less vehicles accessing the site; new landscaping is proposed which will increase the sites biodiversity and improve the natural established boundaries for screening; the changes to the exterior finishes will provide a building more suited to the rural setting in line with Building on Tradition; the re-use will avoid vacancy and dereliction, which will negatively impact the character of the surrounding area.'

55. The agent also advises the following:

*'Taken from Independent Employers for Childcare 2023 survey  
- Employers for Childcare 2023 survey published in Dec'23 states that 91% of Day Nurseries in NI are making a loss or only breaking even.*

*- 4% are at immediate risk of closure with a further 41% saying they will struggle to survive over 12 months (an increase from 2 years ago)*

*- 83% of Day Nurseries saw families reducing or stopping childcare hours due to costs.*

*- With further closures in the Lisburn area (eg Birdies Feb'24) unfortunately a Day Nursery is seen as a viable business/investment in this location at this time.'*

56. The supporting information and arguments put forward have been considered and whilst it is explained that there is unlikely to be a need for a creche this does not mean that a sustainable non-residential use will not be found in the future.

57. The purpose of the policy is to find alternative uses for non-listed vernacular buildings. This is a relatively new building of modern construction. It has no architectural merit. The material considerations presented do not outweigh the provisions of policy COU4. To allow this building to be converted to a dwelling would establish a wide-ranging general precedent for the conversion of non-residential buildings. .

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

58. Policy COU15 states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate

sympathetically with their surroundings and of an appropriate design.

59. The proposal utilise an existing building with no external changes proposed. It is set back from the road and is not readily visible from many public viewpoints. It is mainly visible from Furze Road on approach from the east, however it clusters with the existing adjacent development. The development would integrate into its surroundings and all the criteria of policy 15 are met.

#### Rural Character and Other Criteria Policy

60. COU16 states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.
61. As stipulated above the proposal is for conversion of an existing building with no other external changes. It is considered that the proposal would not harm the rural character of the area and all the criteria of policy 15 are met.

#### **Additional Information**

62. After the application was called in to be determined by the Planning Committee, the agent submitted additional information for consideration in a letter received 05 March 2025.

63. The agent states the following:

*The SPPS states 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.*

*The main issue pertaining to this application is the fact that the building is not listed and is not a vernacular building. However, planning policy is not a straitjacket to be slavishly followed and would refer to an application by Stewart for judicial review [2003] NICA for your consideration. I also refer to the recent appeal decision for the proposed Park and Ride at Moira train station, appeal reference 2024/A0035, where the commissioner agreed that planning policy was not to be slavishly followed, and where material considerations related to the outcome of the appeal.*

64. The following material considerations must be weighed into the overall planning balance of the Council's decision:
  1. *The proposal would contribute to the strategic aims of the Regional Development Strategy 2035 (RDS) as the proposed change of use would result in the adaptive reuse of a relatively new building which is capable of conversion to residential. This aligns with paragraph 3.27 of the RDS which states that adaptive reuse of existing buildings creates the most sustainable form of housing.*
  2. *The application is consistent with the RDS in that the conversion from commercial to residential would result in a reduction to carbon footprint.*

*The day nursery was approved for 99 children (i.e. 1 vehicle per child), and the change of use to residential would significantly reduce the number of vehicles travelling to and from the site. The reduction in traffic would also result in reduced noise and air pollution from vehicles.*

3. *The application is consistent with the RDS, as conversion of the existing building would result in no new development and would therefore not negatively impact carbon footprint through the adaptive reuse. For example, demolition of the building would adversely impact carbon footprint due to the nature of the works and the materials deposited on site. The proposal is to simply to reuse the existing building i.e. sustainable development.*
4. *The proposal results in no new development, as we simply seek a change of use. To proposal includes new landscaping to improve and enhance the site's biodiversity, which aligns with paragraph 3.31 of the RDS.*
5. *There is no commercial need for a daycare facility in Glenavy.*

*There have been no objections to this application, and I would strongly urge the Council to reconsider their position, as the application as highlighted, contributes to the strategic aims of the RDS, and these material considerations outweigh the Policy requirements, which are being viewed as 'black and white'.*

65. The objectives of the RDS were considered when developing the policies for the Plan Strategy. The agent does not identify which objectives of the RDS the proposal is consistent with. It is stated that it aligns with paragraph 3.31 as there is a promise of substantial landscaping. Integration is not identified as a concern and no need for additional landscaping is identified.
66. This submission does not deal with the principle of development and the need to find a sustainable non-residential use for a modern purpose-built building. The policy is restrictive, and no exception is demonstrated. The objective of the policy as previously stated is to secure the use of non-listed vernacular buildings. No evidence is provided that outweighs the policy and if granted this would set a wide ranging general precedent for other modern purpose built non-residential buildings.
67. The agent refers to appeal decision reference 2024/A0035 for the proposed Park and Ride facility at Moira train station. This proposal does not sit on all fours with that decision and cannot be readily compared. The Commissioner states at paragraph 31 of the decision that:

*In the specific circumstances of this case, which are unlikely to recur, these considerations outweigh the policy failure and, in my judgment, justify allowing the appeal, subject to conditions as discussed below*

68. The Commissioner distinguishes the reasons for granting planning permission for a Park and Ride facility and that these circumstances are unlikely to recur. None of the material considerations in that case apply here. The additional

information has been considered and weighed against the policy requirements. It is considered that the information put forward does not outweigh the need to comply with planning policy.

### Consideration of Representations

69. No representations have been made on this proposal.

### Conclusions

- 70. All material considerations have been assessed, the consultation responses have been taken on board and no objections have been submitted in respect of the proposal.
- 71. It is considered that the proposal does not comply with policies COU1 and COU4 of the Plan Strategy for the reasons set out in the body of this report.

### Recommendation

72. It is recommended that planning permission is refused.

### Refusal Reason(s)

- 73. The following refusal reason(s) are recommended:
- 74. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
- 75. The proposal is contrary to Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the building proposed for conversion is not a non-listed vernacular building or a suitable locally important building.

# Site Location Plan – LA05/2023/0666/F

**ACEmap® Multi-Copy**

Printed: 14/06/2023 Customer Ref: Little Crickets  
Centre Point (Easting, Northing): 315027, 371549

Scale: 1:1,250  
Order no. ORD138296  
Plan No. 14505NE



## Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	12 May 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2022/0799/O
Date of Application	01 September 2022
District Electoral Area	Killultagh
Proposal Description	Site for replacement dwelling with retention of old dwelling as domestic store
Location	25 metres east of 16 Drumcill Road Lisburn
Representations	None
Case Officer	Michael Creighton
Recommendation	<b>Refusal</b>

### Summary of Recommendation

1. This application is categorised as a Local application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been 'called in.'
2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the overall size of the new dwelling will have a visual impact significantly greater than the existing building.
4. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the dwelling will be a prominent feature in the landscape, the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it will rely primarily on the use of new landscaping for integration.



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

## Description of Site and Surroundings

### Site & Surroundings

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

## Proposed Development

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

## Relevant Planning History

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

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

## Consultations

17. The following consultations were carried out:

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

## Representations

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

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

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

*The Plan will support development proposals that:*

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

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

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

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

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

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

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

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

### **Replacement Dwellings**

27. Policy COU3 – Replacement Dwellings states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Rural Character and other Criteria**

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

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

*A new development proposal will be unacceptable where:*

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

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

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

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

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

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



### *National Protected Species*

*Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.*

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

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

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

### **Waste Management**

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

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

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

### **Access and Transport**

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

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

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

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

Justification and amplification

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

## **Historic Environment and Archaeology**

### **The Preservation of Archaeological Remains of Local Importance and their Settings**

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

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

## **Regional Policy and Guidance**

### **Regional Policy**

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

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



37. Paragraph 3.8 of the SPPS states:

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

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

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

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

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

### **Retained Regional Guidance**

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

### **Building on Tradition**

41. Paragraph 5.1.3 of Building on Tradition states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

## Assessment

### Replacement Dwellings

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

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

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

### **Development in the Countryside**

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

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

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

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

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

### **Waste Management**

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

### **Access and Transport**

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

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

### **Natural Heritage**

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

### **Historic Environment and Archaeology**

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

### **Consideration of Representations**

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

### **Conclusions**

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

### **Recommendations**

94. It is recommended that planning permission is refused.

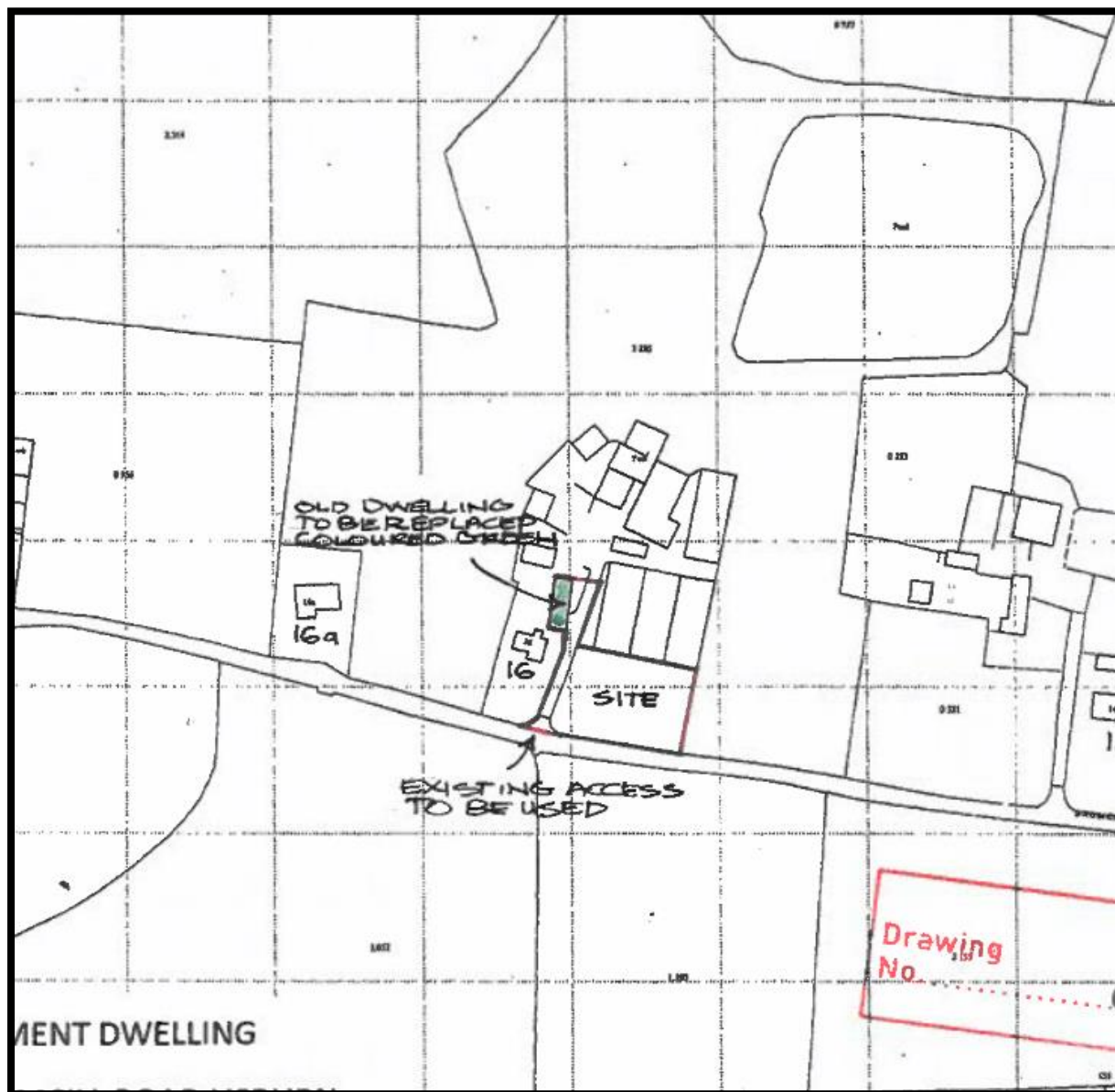


**Refusal Reasons**

95. Refusal reasons:

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

Site Location Plan – LA05/2022/0799/O



## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	12 May 2025
Committee Interest	Local (Called In)
Application Reference	LA05/2023/0950/F
Proposal Description	Change of use from retail unit to cafe for the sale of food or drink for consumption on the premises (Retrospective)
Location	Unit 1 Emerson House, 4B Ballynahinch Road, Carryduff, Down, BT8 8DN
Representations	Twenty-four
Case Officer	Catherine Gray
Recommendation	<b>Refusal</b>

### 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 as this retrospective proposal is contrary to policy WM2 Treatment of Wastewater in that the applicant has failed to demonstrate that there is an alternative and viable non mains solution for the treatment and disposal of wastewater from the operation of this use.

### Description of Site and Surroundings

#### Site

3. The application site is located to western side of the Ballynahinch Road, Carryduff. It is one of the ground floor corner units within what is known as Emerson House.
4. Emerson House has a mixture of retail, and offices uses. Access to the site is from the Ballynahinch Road.
5. The existing parking area associated with Emerson House consists of parking to the front and rear of the building. The parking and this is shared with the

other businesses at Emerson House (14B Ballynahinch Road) and also the adjoining property (14A Ballynahinch Road) which is currently occupied by McCalls Tiles and Bathrooms.

### Surroundings

6. The site is situated Carryduff Town Centre and there are a mixture of retail/commercial and office development in the local vicinity of the site. Beyond this the area is mainly residential in character and comprised mainly of suburban housing development.

### **Proposed Development**

7. This is a retrospective application for a change of use from a Class A1 shop to café for the sale of food or drink for consumption on the premises.

### **Relevant Planning History**

8. The relevant planning history is as follows:

<b>Application Reference</b>	<b>Site address</b>	<b>Proposal</b>	<b>Decision</b>
Y/1990/0378	14A Ballynahinch Road, Carryduff	Extension to shop to provide staff room and storage area	Permission Granted 18/11/1990
Y/1992/0014	14A Ballynahinch Road, Carryduff	Construction of additional floor to existing building to accommodate nursing clinic	Application Withdrawn 01/07/1992
Y/1994/0084	14B Ballynahinch Road / 21 Hollygate Park, Carryduff	Provision of store to 14B Ballynahinch Road and extension to elderly persons' home at 21 Hollygate Park	Permission Granted 31/08/1994
Y/2003/0363/A	Northern Bank, 14A Ballynahinch Road, Carryduff	1 No. shop sign, 1 No. projecting box and 1 No. freestanding sign	Consent Granted 03/09/2003
Y/2005/0458/F	14 Ballynahinch Road, Carryduff	1 shopsign, 1 projecting sign and 1 autobank surround	Permission Granted 30/11/2005

Y/2008/0340/F	14b Ballynahinch Road, Carryduff	Erection of 2 No. penthouse suites on second floor	Permission Granted 30/03/2009
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## Consultations

9. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
LCCC Environmental Health	No objection
NI Water	Object
DAERA Water Management Unit	Object

## Representations

10. A total of 24 letters of objections have been received from 10 objectors on the proposal raising the following concerns:
- Neighbour notification
  - Parking facilities
  - The proposal is already in operation
  - Loss of business
11. A number of councillors have also expressed concern about the proposed development on behalf of their constituents. The concerns raised in the objections are considered in detail below.
12. One letter of support is received and a trade body 'Food to Go' has also lobbied on behalf of the applicant. A councillor has also expressed support for the proposed development on behalf of the applicant.

## Local Development Plan

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

## Plan Strategy 2032

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

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

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

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

15. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Carryduff Local Plan. Draft BMAP remains a material consideration.
16. Within the Carryduff Local Plan the application site is located within the Settlement Development Limit.
17. Within draft BMAP the application site is located within the Settlement Development Limit of Carryduff and within the town centre boundary. Significant weight is afforded to the town centre designation in draft BMAP as this was not objected to during the Public Inquiry and carried through to the final draft in 2014.
18. The proposal as previously stated is for a retrospective change of use from a shop to Cafe for the sale of food or drink for consumption on the premises. A café is a sui generis use. The last retail use of the premises was as a hardware shop and decorating centre (Carryduff Hardware).
19. As this is a town centre use the strategic policy for Sustainable Development (Strategic Policy 01) 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.*
20. The strategic policy for Supporting Sustainable Economic Growth (Strategic Policy 04) states:

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

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

### **Town Centre, Retailing and Other Uses**

22. This is a retrospective application for a sui-generis use and retail activity in the Town Centre of Carryduff.

23. Policy TC1 Town Centres, Retailing and Other Uses states:

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

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

24. Policy TC3 Town Centres states:

*The Plan seeks to strengthen the role of the three primary towns, Carryduff, Royal Hillsborough and Moira, which serve a local population and offer a variety of services. Planning permission will be granted for retail and other town centre uses where all of the following criteria are met:*

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

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

25. The Justification and Amplification of Policy TC3 states:

*Retail, leisure and business uses will be promoted within existing town centres. Promoting town centres as the principal locations for retailing and leisure, with a mix of employment, entertainment, cultural, bars, cafes and restaurants which complement the range and choice of facilities for residents, contributes to the night-time economy and supports tourism. All proposals must be of scale appropriate to the location and take account of any designations potentially conflicting with the proposed development.*

## Historic Environment

26. The application site is within a buffer zone of an archaeological site and monument – DOW 009:028 – a Rath.
27. Policy HE2 The Preservation of Archaeological remains of Local Importance and their Settings states:

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

## Access and Transport

28. The application site is located within the town centre and the proposal is to utilise the existing access and car park located adjacent to the building.
29. Policy TRA1 Creating an Accessible Environment states:

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

*a) facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*

*b) user friendly and convenient movement along pathways and an unhindered approach to buildings*

*c) priority pedestrian and cycling movement within and between land uses*

*d) ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

*Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees. Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.*

*Submission of a Transport Assessment Form (TAF)<sup>32</sup> and a Design and Access Statement may also be required to accompanying development proposals.*

30. An existing access is used and this gives rise to an assessment of whether it is used more intensively. 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.*

31. The Ballynahinch Road is a protected route. 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.*

32. The development shares parking with other businesses. Policy TRA7 Car Parking and Servicing Arrangements in New developments states:

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

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

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

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

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

*Car parking proposals should include an appropriate number of reserved*

*electric charging point spaces and their associated equipment. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.*

## **Waste Management**

33. Wastewater is directed to an existing combined sewer with limited capacity. Policy WM2 Treatment of Waste Water states:

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

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

34. The justification and amplification of policy WM1 states:

### *Wastewater Treatment Facilities*

*Due to their nature and scale many WwTWs have the potential to cause a significant impact on the environment and on the amenity of local communities. As a result they are often located in the countryside away from residential development. Odours, quality of discharge and visual impact are important considerations in determining new development proposals.*

### *Non-Mains Sewage Provision*

*Where connection to mains sewage is not possible, either because of the location of development or the capacity of existing WwTWs, sufficient information on the means of sewage treatment must be submitted for consideration.*

*In areas where a pollution risk is identified development relying on non mains sewage disposal will only be permitted in exceptional circumstances.*

## **Regional Policy and Guidance**

### **Regional Policy**

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

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

36. 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.*

37. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

### **Retained Regional Guidance**

38. Whilst not policy, the following guidance documents remain a material considerations:
39. Page 28 of the Supplementary Planning Guidance Planning Guidance (SPG) of the LCCC Plan Strategy entitled C: A Vibrant Place – Growing our City, Town Centres, Retailing and Other Uses provides guidance on proposed Restaurants, Cafés and Fast Food Outlets. It states that

*When dealing with the planning issues that arise concerning applications to establish restaurants, cafés and fast food outlets and sets out the criteria which the Council will take into account when determining such proposals. Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises is excluded from any class specified in the Planning (Use Classes) Order (Northern Ireland) 2015 and use for the retail sale of hot food is explicitly excluded from Class 1 (Shops) of the Schedule to the Order.*

*Therefore the construction of, or conversion of an existing building to a restaurant, café or fast food outlet is a material change of use that requires express planning permission. Although many of the planning considerations applicable to a fast food outlet apply equally to a café or restaurant, a change of use of part of either of these premises to incorporate a ‘carry-out’ facility also requires planning permission.*

*However, if the ‘carry-out’ facility is only of a very minor nature and obviously ancillary to the main use of the premises, planning permission will not normally be required. Any test of whether a use is ancillary to another is a matter of fact and degree, and each case has to be determined on its particular merits. However, in practice two principal criteria have emerged in terms of assessing if an activity is ancillary.*

*Firstly, a severability test, i.e. can the ancillary use practically and viably operate on its own were the primary use of the premises to cease, if it could*

*then the use is very unlikely to be ancillary as there is no clear linkage or dependency.*

*Secondly, an environmental impact test can be used to examine the outward effects of the use, in terms of the appearance of the premises, the amenity of the surrounding area or neighbourhood traffic conditions.*

*If it could be shown that there would be a significantly greater impact following from the introduction of the alleged ancillary activity, then it is unlikely it could be described as ancillary.*

## Assessment

### Town Centres, Retailing and Other Uses

40. The proposed use of a café is a sui generis use within The Planning (Use Classes) Order (Northern Ireland) 2015. This is classified as an 'other use' that is acceptable in town centres where there is no primary retail core or frontage.
41. There is no designated primary retail core and retail frontage within Carryduff, and the proposal then falls to category b) following a sequential approach and is within the town centre. This is the first tier of preference as a location for this type of use in Carryduff. The proposal is in accordance with policy TC1.
42. Policy TC3 requires proposals for retail and other town centre uses to meet two criteria. With respect to criteria a), the proposal is a small scale cafe within an existing mixed-use building with a previous retail use.
43. The proposal makes use of the existing floorplate and building is not altered externally. The size, scale, form and appearance of the café is acceptable for Carryduff town centre.
44. With respect to criteria (b), the proposal does not conflict with other statutory designations.
45. The justification and amplification of policy TC3 promotes town centres as the principal locations for mixed use development including, cafes as they complement the range and choice of facilities for residents, contributes to the night-time economy and support tourism.
46. The use of this building as a café meets all of those objectives. It is also accepted that scale of development is appropriate to the location and that account is taken of any designations potentially conflicting with the proposed development. It is considered that the proposal complies with policy TC3.

## Access and Transport

47. The application form details that the proposal would utilise an existing access for vehicular and pedestrian use and does not require the construction of a new access onto the public road. It is argued by the application that there is no intensification of the use of the access and that it does not need to be improved
48. The application form also states that there are 57 vehicle parking spaces currently on the site in total. It is argued by the applicant that there is adequate parking to serve the development based on parking surveys.
49. The applicant further noted that the location is within the Town Centre of Carryduff and has good public transport links and a sizable population within walking distance of the site.
50. The applicant argues there is level access into the unit and there is existing provision of dropped kerbs and tactile paving that would be utilised. The existing external layout associated with the unit is considered to be disabled user friendly and convenient movement along pathways to the proposal would be unhindered.
51. It is further argued by the applicant that there is also ease of access to car parking reserved for disabled, there are two disabled spaces in very close proximity to the entrance doorway of the unit. And there are good transport links in close proximity to the site.
52. Insofar as the policy deals with accessibility this is an accessible location for vehicular and pedestrian users. It is also accessible by public transport and cycling and for these reasons it is considered that the proposal complies with Policy TRA1 Creating an Accessible Environment.
53. In respect of the parking arrangements and compliance with policy TRA7 from site inspection a total of 57 parking spaces were observed comprised of the car park to the rear which 31 spaces and the car park to the front which has 26 spaces.
54. The Parking Standards stipulate that for a Sui Generis use of a restaurant inside a settlement requires 1 space per 5 square metres Net Floor Area, 1 lorry space when greater than 500 square metres Gross Floor Area and cycle provision of minimum 2 per unit is required.
55. Paragraph 19 in the Parking Standards provide guidance on Interpretation of the parking standards. Both the gross retail and floorspace explain what ancillary areas are to be included and the net retail floorspace makes no reference to these. It is interpreted that they would therefore be excluded as it is quite specific what is to be included.
56. The net area, going on what retail net includes, would be where customers can go, so that would not include production or storage space and would include restaurant sitting area/sales.

57. The proposal has a Net Floor Area of 72 square metres which equates to 14 parking spaces in keeping with the parking standards.
58. DfI Roads advise that the parking requirement taking account of the previous use of 94 square metres as non-food retailing (calculated at 1 space per 20 square metres is 5 spaces). is 9 spaces additional spaces.
59. DfI Roads in their first consultation response dated 09/02/2024 advised that they offer no objection to this development proposal.
60. Further to site inspection, consideration of the proposal and concerns raised by third party objectors, the Council asked the agent for information to demonstrate there was adequate parking provision associated with the proposal.
61. Objections have been raised to the proposal with concerns regarding the parking provision and the impact of the proposal on the adjacent businesses and other properties in the vicinity. The objections are from neighbours and SW Consultancy on behalf of retailers and residents from the Carryduff Community.
62. SW Consultancy has submitted an objection dated 18<sup>th</sup> June 2024 which includes their own parking study and findings.
63. It details that the café and bistro has been operational since March 2024 generating significantly higher levels of traffic and parking demand than the previous use. It states that increased demand has created issues with the shared access and shared parking to the detriment of existing businesses and local residents. And that no additional car parking has been proposed by way of mitigation.
64. SW Consultancy undertook a two day parking review and it states that it found that many customers were unable to access the the main car park due to high levels of car parking demand generated by Bettys Café.
65. The report presents a comparison of existing parking arrangements compared with Bettys Café. It states that Carryduff Hardware (previous use) of 94 square metres floor area for non-food retail has a requirement of 94 sqm @1:20 with 5 spaces needed, against Bettys Café of 94 sqm for restaurant inside development limit has a requirement of 1 space per 3sqm with 31 spaces needed.
66. It states under potential parking issues that it is reasonable to assume that a large increase in customer demand, generated by a change in land use from a hardware shop to a café would have disproportionate impact on localised parking demand, particularly within the main car parking area of Emerson House. There calculations suggests an additional car parking demand of 26 spaces.
67. The report also details that they disagree with the figures presented on the application form with regards to staff numbers, visitor/customer vehicles and persons attending. It states that the vehicle and person figures provided in the planning application are misrepresentative, inaccurate and underestimated.
68. SW Consultancy carried out its own parking review on Friday 25<sup>th</sup> May and Saturday 26<sup>th</sup> May 2024. For the purpose of the assessment they have ignored illegal car parking events in assigned parking spaces. Of the 26 spaces available in the main

car parking area 3 are assigned to SPAR and 3 are assigned to McCalls Tile and Bathroom, leaving 20 parking spaces for other users. Of the 20. spaces 2 are mobility impaired spaces.

69. It noted that the existing SPAR, based on the floor area of the store should have many more than the 3 assigned spaces and that the manager of this SPAR and post office has objected to the application noting loss of footfall due to lack of convenient parking availability since the café opened.
70. It identifies that is not desirable for customers to park to the rear of Emerson House in the unmarked parking area, primarily by Emerson House staff and less convenience for convenience shoppers, including SPAR customers.
71. The report details that based on their assessment undertaken there is intensification of use compared with approved use at Emerson House, that there is significant increase car parking demand of a shared car parking area since the introduction of Bettys Café to the detriment of all other users. It also reports that there is increased footfall as a result of this proposal.
72. It was identified that the main car park was full and overcapacity for long periods weekday and Saturday, resulting in overspill, potentially resulting in illegal and displaced car parking trips. The lack of available car parking in the main car parking area is to the detriment of other businesses.
73. The issues identified are likely to contribute to driver frustration and the potential for pedestrian and vehicular conflict. That the figures provided in the P1 form are underestimated, that no additional car parking is proposed, and the development does not comply with any reasonable assessment of parking standards.
74. On consideration of the above evidence/information, it is noted that the figures put forward by SW Consultancy when calculating the correct parking provision required as per the Parking Standards is incorrect. SW Consultancy has calculated the parking provision at 1 space per 3 square metres however the correct parking standard is 1 space per 5 square metres.
75. It is also noted that the report details that there is parking provision for Emerson House to the front and rear of the property however the parking survey only details the car park at the front, even though it acknowledges that the parking associated with Emerson House is to the front and rear of the property.
76. DfI Roads consultation response dated 23/07/2024 states that they understand that a parking survey has been requested by The Council, and to re-consult with this information becomes available.
77. MRA Partnership has submitted a supporting statement/rebuttal (dated 6<sup>th</sup> August 2024) of the third party submission by SW Consultancy and includes the following points to be considered:

*The starting point for parking is 14 spaces, which then reduces down to account for the various reductions permissible within the policy, which includes:*

*- Highly accessible locations well served by public transport – this town centre*



*location has many households and businesses within walking distance, with bus stops within 100m served by frequent bus routes. There are footways and a controlled crossing connecting the Belfast bound services.*

*- Close to existing parking where it is demonstrated that there is spare capacity – the SWC parking surveys undertaken whilst the café is open confirms the car park is larger than the demand for parking.*

*- Town centre schemes where shared parking arrangements will arise – this café will be used by office workers and customers of the adjoining retail units as well as other businesses and residents within walking distance.*

*- Small scale development which do not generate significant demand 0 this scheme is less than 100sqm, schemes less than 500sqm do not even require a full Transport Assessment Form to be completed.*

*It is evident that this application is consistent with Policy TRA7 given the scale, location and characteristics of the development, as well as the post operations parking surveys by SWC.*

In conclusion they comment that the parking surveys presented by SWC confirm the parking demand does not exceed parking supply, therefore there is no need for additional parking to support this small café. It has been noted that car parking on Franklin Park is wrongly attributed to the café. Cars have been parking in this location long before the café opened.

Parking policy supports this proposal given the town centre location and available shared parking supported by a large residential catchment and good bus connectivity. On the basis of the surveys completed to date, it has been demonstrated that this application satisfies Policy TRA7, and, as per the initial DfI Roads response, is suitable for approval.

78. Further to the above, SW Consultancy submitted another representation dated 21<sup>st</sup> August 2024 advising that they disagree with the applicant's consultant in response to the Parking Study submitted and elaborates on points of concern with regards to the parking and its impact on adjacent businesses.
79. DfI Roads were re-consulted on the additional information and representations. DfI Roads consultation response dated 02/09/2024 states that they have considered all objection representations to the development proposals including the Parking Study information submitted by SW Consultancy. DfI Roads also considered the rebuttal information submitted by the MRA Partnership. Para.2 of the MRA Parking Rebuttal document makes specific reference to 'representative surveys being completed if it is deemed necessary by DfI Roads'.
80. In view of the above, DfI Roads considers the application unacceptable in its present form. Should The Council be minded progressing the application towards approval, DfI Roads require the following points to be addressed: Provide on-street parking surveys with specific criteria to be followed.
81. SW Consultancy submitted further representation in the form of a copy of comments dated 30<sup>th</sup> September 2024 addressed to DfI Roads for consideration in which they consider the points raised in the DfI Roads consultation response dated 2<sup>nd</sup> September 2024.

82. DfI Roads consultation response of 2<sup>nd</sup> October 2024 states the following:

*'Having considered the most recent objection response from SW consultancy uploaded on to the Public Planning Portal by Lisburn/Castlereagh Planning Service on the 30<sup>th</sup> September, DfI Roads retains its position contained in previous consultation response dated 2<sup>nd</sup> September 2024.*

83. MRA Partnership submitted information dated 3<sup>rd</sup> October 2024 on behalf of the applicant / agent in the form of a parking survey for consideration.
84. Nine surveys were submitted, undertaken over 4 days in September – Thursday 19, Friday 20<sup>th</sup>, Friday 27<sup>th</sup> and Saturday 28<sup>th</sup>. It details that these were taken between 9am and 3pm to cover off all the potential busy times for a café – breakfast, morning coffee, lunch and afternoon tea. The kitchen closes at 5pm.
85. The survey was undertaken by drone and on each survey picture is shown the date, time and location, with the second image being showing the vacant spaces highlighted and the number of vacant spaces noted beneath each survey. Their opinion is that the survey demonstrates that there is sufficient parking to accommodate this change of use.
86. The survey takes on board the car parking associated with Emerson House that is located to the front and rear of the building.
87. It details that on Thursday 19/09/2024 at 09:14 there were 30 vacant spaces, at 10:18 there were 20 vacant spaces, and at 11:08 there were 24 vacant spaces. On Friday 20/09/2024 at 12:07 there were 15 vacant spaces, at 13:05 there were 13 vacant spaces, at 14:04 there were 24 vacant spaces and at 14:56 there were 17 vacant spaces. On Saturday 28/09/2024 at 12:27 there were 28 vacant spaces and at 13:25 there were 32 vacant spaces.
88. On 7<sup>th</sup> October DfI Roads provided consultation response advising the following:
- 'DfI Roads has considered all objection letter uploaded by Lisburn/ Castlereagh Council on to the Public Planning Portal up until 07<sup>th</sup> October 2024. Having considered the additional information – Car Parking Surveys dated 3<sup>rd</sup> October 2024, submitted by MRA Partnership on behalf of the applicant and uploaded on to the Planning Portal by Lisburn/Castlereagh Planning Service on the 4<sup>th</sup> October 2024, DfI Roads offers no objection to this development proposal and we retain our position as indicated in our consultation response dated 9<sup>th</sup> February 2024.'*
89. DfI Roads offer no objections to this development proposal.
90. Further to DfI Roads comments SW Consultancy submitted another representation for consideration dated 21<sup>st</sup> November 2024. In this submission the writer highlights and re-iterates their previous concerns and highlights their opinion and the data previously put forward for consideration.
91. In this submission SW Consultancy highlight what relevant guidance and policies in their opinion should be considered. They also comment that DfI

Roads should explain in detail how they weighed the evidence up and assessed against policy and guidance so that Council planners and third parties can understand how DfI Roads reached their position. And states that it should not fall to a 3<sup>rd</sup> party objector to outline the relevant guidance to DfI Roads.

92. DfI Roads are a statutory consultee in the planning process and are the authority on road safety and transportation issues. The advice provided has been taken on board and weighed against the evidence submitted to the planning application.
93. The Council have carefully evaluated all the evidence, that includes all the information provided in all the representations, along with the information provided by the applicant/agent and weighed it against the policies and also taken on board the advice provided by DfI Roads of which the Council has not given disproportionate reliance on as SW Consultancy alludes to.
94. The information provided by the applicant/agent, along with the information provided by the objectors has been weighed against the policies and the advice provided by DfI Roads has also been taken on board.

The Council does not accept that the proposal represents an intensification of parking use compared with the previous use of a hardware store, . The evidence in the form of parking surveys demonstrates that there was adequate parking available in the existing car parks at Emerson House without the need to provide more parking spaces. The requirements of policy TRA7 are met in full.

95. As there is adequate parking and the access arrangements are designed to service the car parking for Emerson House it is also accepted that no intensification of the use of the access. DfI Road have not identified that the operation of the cafe had prejudiced road safety or inconvenienced the flow of vehicles on Ballynahinch Road. As a consequence, there is no conflict in terms of the protected route. The requirements of policy TRA2 and TRA3 are met in full.

## **Waste Management**

### Policy WM2 Treatment of Waste Water

96. It is proposed that foul and surface water will be disposed of via the combined mains sewer on the Ballynahinch Road.
97. NI Water recommend refusal and in their consultation response they detail that there is a public foul sewer within 20 metres of the proposed development boundary but that an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties.
98. NI Water state that the applicant was advised to consult directly with NI Water and to submit an application for a Wastewater Impact Assessment.

99. On 15<sup>th</sup> February 2024 the agent was advised by the Council of the NI Water comments and asked to provide a response/solution to address the concerns raised.
100. On 22<sup>nd</sup> February 2024 the agent advised that the applicant had submitted a Wastewater Impact Assessment with NI Water.
101. On 11<sup>th</sup> July 2024 the agent confirmed that an application was made by WSC Consulting on behalf of the applicant with NIW in February 2024. They advised that NI Water responded with a high-level assessment on 15<sup>th</sup> May 2024 indicating Storm Water Offsetting must be completed by the applicant.
102. On 31<sup>st</sup> July 2024 the agent advised that the information requested for NI Water takes longer to provide as the applicant is currently working with WSC Consulting to find a Storm Water offset solution that is acceptable for NI Water and that the applicant is currently undertaking a percolation test on a driveway within an area identified by NI Water.
103. On 1<sup>st</sup> October 2024 the agent advised that with regards to NI Water storm water offset, a site has been identified by the applicant and they are planning to remove an existing tarmac driveway and lay a permeable paving draining to a soakaway on site. The solution site was recently surveyed by the company surveyed the wrong drainage system to the rear of the property.
104. A second CCTV survey was being completed to assess the drainage to the driveway leads to the combined system. It is also advised that the findings from this would be submitted to NI Water this week and a copy will also be sent to Planning for confirmation.
105. On 23<sup>rd</sup> January 2025 NI Water advised the following:  
  
*A new connection is possible when;*  
  
*1) the developer completes storm water offsetting*  
  
*2) when the upgrades of Knockbracken CSO and Mill Road West CSO have been completed. (Knockbracken is currently on the ground and Mill Road is due to start). However, they are due to complete on the capital schemes in later 2026 (a new connection will be available then).*
106. On 30<sup>th</sup> January 2025, the agent was advised that the Planning Office had spoken to WSC Consulting to understand if both the storm water off setting and upgrading of the Knockbracken CSO and Mill Road West CSOs were required. Mr Calvert advised that there is intensification of the wastewater system as a consequence of the development.
107. The flow increased from 0.05ml/s to 0.13 ml/s, but when the offsetting at Annvale Avenue is undertaken that there is no longer any intensification. He did not deal with the reasons why the Knockbracken CSO and Mill Road West CSO works improvements were required.

108. He was asked to clarify what the applicants position is in relation to the need for the storm water offsetting at Annavale Avenue and/or the upgrades to the Knockbracken COS and Mill Road CSO.

109. In response to the above request, on 11/02/2025 he advised the following:

*Further to NI Water consultation response dated 06/02/24, a Wastewater Impact Assessment application was issued to NI Water and they came back with their Initial Findings letter in which they stated: This assessment is based on **1 commercial unit with a peak flow of 0.04 l/s**. Connection will be possible subject to the developer undertaking some measure of storm water offsetting. This is where storm water is removed from the existing NI Water foul/ combined. In this instance, a **minimum of 2 times the proposed peak foul flow in storm water must be removed** from the wastewater network. The offsetting location must be upstream of the identified issues within the network.*

*To allow the scheme to move forward as quickly as possible investigations were undertaken at Annavale Avenue which is within the drainage catchment identified by NI Water in their initial findings letter. This solution noted that a section of the roof from the property was discharging into the foul sewer within the dwelling and then into the NI Water combined / foul sewer to rear of the commercial units beside 1 Annavale Avenue.*

*The applicants proposed storm water offsetting solution at Annavale Avenue provides a **peak flow removal from the NI Water foul infrastructure of 1.0 l/s, which is 3.4 times the foul peak flow** compared to the required 2 times flow stated by NI Water and therefore could be considered to as betterment.*

*We are unable to provide detailed analysis of the issues at the Knockbracken CSO, as this information is held by NI Water, but we can make the comment that the removal of a stormwater flow greater than their requirement, and the fact that the removal area is associated with a residential property meaning it has a Population Equivalent value, this must be betterment in terms of NI Water's Formula A calculations associated CSO's and in particular the Knockbracken CSO. Works to upgrade Knockbracken CSO is currently underway and due for completion in June 2025.*

*Therefore, this solution complies with the requirements of NI Water's WWIA Initial Findings letter requirements and in fact has planning gain as it also in line with LCCC's Supplementary Planning Guidance in terms of the usage of SuDS.*

*The applicant plans to engage with NI Water to ensure their solution fully comply's with all statutory requirements to achieve a sustainable solution that will only benefit Carryduff as a whole if this approach was taken for all new connections to the waste water system.*

110. On 10<sup>th</sup> February 2025, NI Water advised that this proposal for a change of use from a shop to a café for the sale of food or drink for consumption on the premises will result in a significant intensification of foul sewage discharge when compared with previous use (hardware shop).

111. They advise that on 19/04/2024 a Wastewater Impact Assessment application was received for this proposal and that Solutions Team is processing this application and that there has been detailed discussions with the applicants' agents and has recently met with representatives on site.
112. NI Water advised that on 05/02/2025, the Solution Engineer Report (SER) was issued which states that it is currently not possible to recommend a developer delivered solution that would permit a connection for the proposed development in advance of NI Water completing upgrades to Knockbracken River Combined Sewer Overflow (CSO) and Mill Road West CSO.
113. They advise that NI Water are currently completing the upgrade to Knockbracken River CSO, and as a result of DfI recently providing additional funding to NI Water, the upgrade works to the Mill Road West CSO are planned to be delivered in PC21 with an estimated completion date in late 2026.
114. They also stated these downstream CSO's were designed to overflow to a watercourse in storm conditions and are consented by the Environmental Regulator the Northern Ireland Environment Agency. The Drainage Area Plan Model (which has been validated and signed-off by our Environmental Regulator NIEA) has confirmed that both these CSO's are operating in breach of their Water Order Consents and the watercourse into which both discharge in storm conditions provides 'Inadequate Watercourse Dilution'. As a result of this NI Water has designed this sub-catchment as 'Closed' and will only permit new connections to developments with (i) extant planning and (ii) like for like or reduced foul discharge (evidenced by calculations) compared to previous use where the previous business has been in operation within the past 5 years. This current proposal does not meet any of these criteria.
115. They advised that the storm water off-setting is only part of the solution. Whilst it creates hydraulic headroom within the existing wastewater network, it does not address the Inadequate Watercourse Dilution. By off-setting storm flow with foul flow the discharge from the offending Combined Sewer Overflows in storm conditions will have an increased biological loading thereby exacerbating the Inadequate Watercourse Dilution issue. That is why NI Water cannot recommend approval in advance of the completion of the upgrades to both Knockbracken River CSO and Mill Road West CSO upgrade schemes.
116. It concludes by stating that NI Water is recommending refusal of this proposal until the issues outlined in the SER are satisfied.
117. NI Water also requested on 10<sup>th</sup> February that as the proposal has an environmental impact that the Councils Planning Department should issue a statutory planning consultation to NIEA Water Management Unit.
118. Water Management Unit were subsequently re-consulted.
119. On 12<sup>th</sup> February 2025 the agent provided a copy of the Solution Engineer Report (dated 5<sup>th</sup> Feb 2025) and their response to its contents.
120. In response to the Solution Engineer Report the agent advised that

- ‘ *the applicant believes their SuDS solution at 1 Annavale Avenue is a much better solution to that recommended by NI Water and could alleviate the current problems experienced by both NI Water and DfI Rivers.*’ The applicant requests that ‘*the Council consider the merits of their approach to providing a much more sustainable solution and thus could be implemented without the need for any upgrades to local NI Water infrastructure*’.
121. Water Management Unit returned their latest consultation response and advised that they had considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment.
  122. In their explanatory note they advised that Water Management Unit is concerned that the sewerage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Newtownbreda Waste Water Treatment Works (WWTW).
  123. NI Water advised that it is not currently possible to recommend a developer delivered solution that would permit a connection for the proposed development in advance of NI Water completing upgrades to Knockbracken River Combined Sewer Overflow (CSO) and Mill Road West CSO.
  124. The downstream CSO’s are designed to overflow to a watercourse in storm conditions and are consented by the Environmental Regulator the Northern Ireland Environment Agency. Both these CSO’s are operating in breach of their Water Order Consents and the watercourse into which both discharge in storm conditions provides ‘Inadequate Watercourse Dilution’. As a result of this NI Water has designated this sub-catchment as ‘Closed’ and will only permit new connections to developments with (i) extant planning and (ii) like for like or reduced foul discharge (evidenced by calculations) compared to previous use where the previous business has been in operation within the past 5 years. This current proposal does not meet any of these criteria.
  125. The stormwater off setting is only part of the solution. Whilst it creates hydraulic headroom within the existing wastewater network, it does not address the Inadequate Watercourse Dilution. By off-setting storm flow with foul flow the discharge from the offending Combined Sewer Overflows in storm conditions will have an increased biological loading thereby exacerbating the Inadequate Watercourse Dilution issue. That is why NI Water cannot recommend approval in advance of the completion of the upgrades to both Knockbracken River CSO and Mill Road West CSO upgrade schemes.
  126. It is considered that based on the information submitted and taking on board the advice from the planning applicant, NI Water and Water Management Unit, the proposal is contrary to policy WM2 Treatment of Waste Water in that, it has not been demonstrated that connection to the public sewerage system is possible, or that the proposal would not cause significant risks of detrimental effect to the environment, detrimental impact on existing properties and create a pollution problem.

## Historic Environment

127. The application site is within a buffer zone surrounding an archaeological site and monument – DOW 009:028, which is a Rath located at Queensfort, north of Frankhill Park, to the other side of the Ballynahinch Road from the application site.
128. The proposal is for change of use and does not involve any excavation. It is considered that it would not harm any archaeological sites and monuments and complies with policy HE2.

## Consideration of Representations

### Neighbour notification

129. The objector states that Eight South business received no neighbour notification. This business is not notifiable as it does not have a common boundary with the application site.

The Council has fulfilled its statutory obligations with regards to neighbour notification and Eight South are not prejudiced as they are aware of the development and submitted letters of objection

### Parking facilities

130. The view is expressed that there is inadequate parking provision to facilitate the development. The car park associated with the neighbouring business called Eight South has become an overflow facility to which they have had to hire their own parking attendant to police their car park. There is not enough car parking to facilitate the existing businesses of Emerson House never mind adding another business.

The existing situation is unsustainable. The view is also expressed that the information put forward by the agent is incorrect with regards to the figures relating to the parking. The neighbouring streets are being turned into a car park for Bettys café. Car parking along adjacent streets is blocking people driveways.

The lack of car parking is having an impact on the adjacent businesses who are losing out as people are put off because of the lack of parking facilities. The view is expressed that the car parking does not meet the Parking Standards. SW Consultancy has submitted objections alongside their own parking survey that details that there is not enough car parking facilities to accommodate the proposal, and express concerns in relation to safety, access and parking. Photos have also been provided by adjacent business detailing the parking situation at different times of the day.

Through the processing of the application, DfI Roads have been consulted numerous times for comment, taking on board the additional information in the representations and from the agent. DfI Roads offer no objection to the development proposal and it is considered that the proposal complies with the



Parking Standards for the reasons set out in detail earlier in this report.

The proposal is already in operation

131. The representations detail that the proposal opened for business in March 2024 and therefore is operating illegally. This application is being dealt with as a retrospective proposal and the business is operating at their own risk. An enforcement case is opened and being actively pursued.

Loss of business

132. The view is expressed that there has been a loss of business to a number of the adjacent businesses, less footfall and customer count since the proposal became operational. This proposal is in accordance with the requirements of policy TC1 and TC3. Whilst it is recognised there is more competition for parking in front of Emerson House this is not sufficient justification to refuse the application on the grounds of competition. This is a material consideration of limited weight.

## Conclusions

133. All material considerations have been assessed; the concerns raised in the representations have been taken on board along with the advice provided in all the consultation responses.
134. For the reasons outlined above, it is considered that the proposal does not comply with Policy WM2 of the Plan Strategy in that the applicant has failed to demonstrate that there is an alternative and viable non mains solution for the treatment and disposal of wastewater and that this solution if approved would not create or add to a pollution problem.

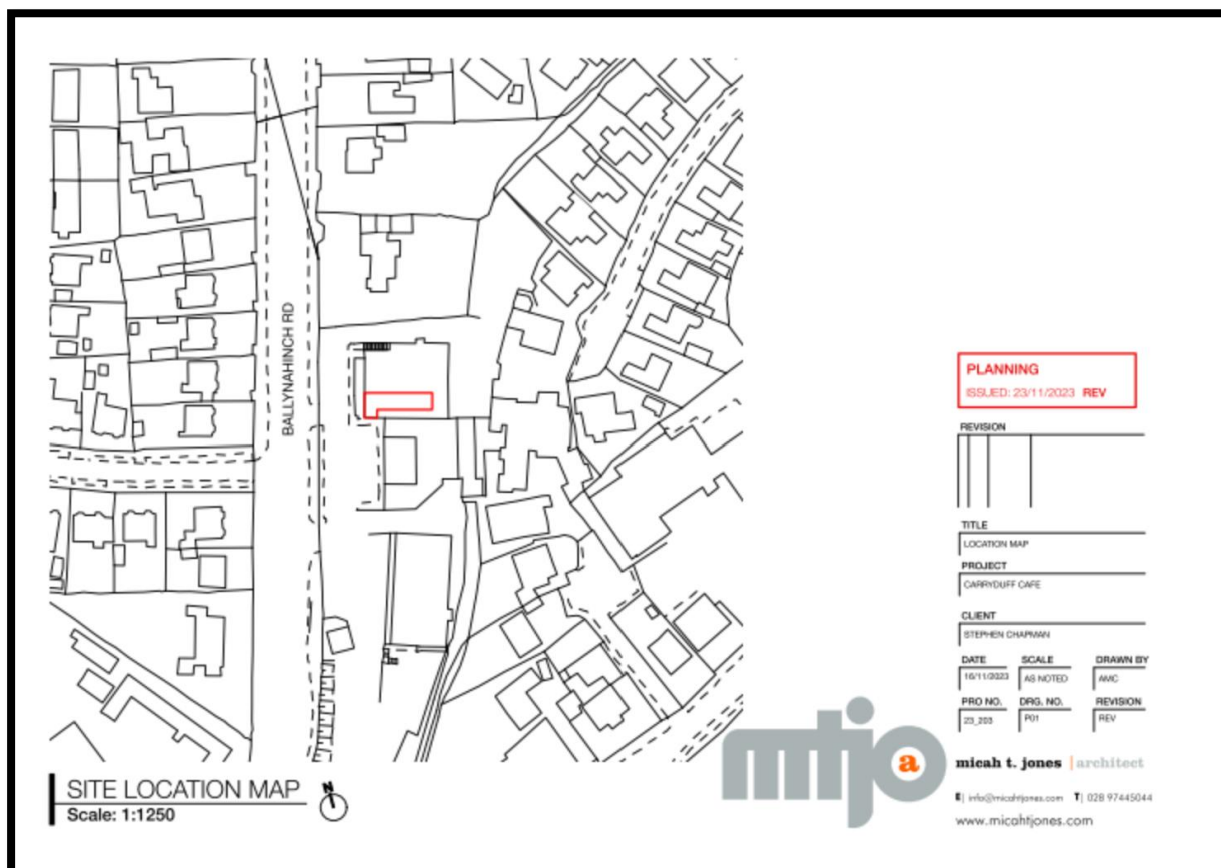
## Recommendation

135. It is recommended that planning permission is refused.

## Refusal Reason(s)

136. The following refusal reason is recommended:
- The proposal is contrary to policy WM2 Treatment of Wastewater in that this retrospective proposal is contrary to policy WM2 Treatment of Wastewater in that the applicant has failed to demonstrate that there is an alternative and viable non mains solution for the treatment and disposal of wastewater from the operation of this use.

# Site Location Plan – LA05/2023/0950/F



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	12 May 2025
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/1007/F - Addendum
District Electoral Area	Castlereagh East
Proposal Description	Residential development consisting of a detached dwelling, two semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and 1 no new access onto Comber Road (Amended Proposal)
Location	Land to rear of 7-23 Ferndene Park, Dundonald
Representations	Fifty-nine
Case Officer	Catherine Gray
Recommendation	<b>Approval</b>

### Background

1. This application was presented to Committee for determination on 03 June 2024 with a recommendation that planning permission should be granted subject to the requirement for a Section 76 planning agreement for the delivery of three affordable housing units.
2. It was discovered during the processing of the Section 76 agreement that the applicant did not have a clear title for all the lands in the application boundary.
3. The proposal was subsequently amended and the part of the site comprising two detached dwellings was removed. The total number of residential units now proposed is eleven.
4. The reduced scheme is presented to the Committee for determination. The original reports are appended and should be read alongside this addendum report.

## Further Consideration

### Differences between the previous proposal and the amended proposal

5. The original scheme proposed that was approved by the Committee in June 2024 was for 13 residential units on two separate sites with their own access from the Comber Road but connected by a footpath. As previously explained above the site to the left-hand side comprised of two residential units was removed from the proposal and the portion of land to the right-hand side comprised of three dwellings and two apartment blocks with four apartments in each block was retained and not amended.
6. DfI Roads have not identified any concerns in relation to the amended detailed layout and requested that final amended PSD drawings be prepared. The internal road layout will not change and will not affect the layout of the proposed buildings.
7. The affordable housing requirement for eleven residential units was also not changed and the applicant still was agreed to meet an affordable housing obligation of three residential units.

### Consideration of additional representations

8. Additional representations have been received since the proposal was last considered by the Planning Committee. The application was advertised and neighbour notified to take account of the proposed changes to the scheme.
9. The points of objection raised are considered below:

#### Access, traffic, congestion and road safety

10. Concern is raised that the proposal would result introduce two new accesses onto an already busy road creating additional pressure and increased volume of traffic ana close to the busy junction where the Comber Road / Grahamsbridge Road meet. Concern is raised about the result traffic movements and road safety. Concerns are also raised about parking and parking overspill. Concern is also raised about the content of the transport assessment information.
11. The amended scheme reduced the number of accesses proposed onto the Comber Road to one access. This is a reduced proposal and the impact on the road network considered to be less. It was identified in the original report that the Comber Road is a Protected Route in a settlement. The proposal had been previously assessed against the requirements of policies TRA2, TRA3 and TRA7 of the Plan Strategy and the advice previously offered in respect of those policy requirements remains unchanged. The access is provided to a safe standard and there is still adequate parking for the number of residential units proposed.

12. Overdevelopment / density

13. Concern is expressed that the number of dwellings is excessive and that there is an increased density on the site.
14. The proposed density remains in accordance with policy HOU4 of the Plan Strategy. The proposal is not considered to be overdevelopment and the advice offered in the original report remains unchanged.

Character of the area / scale of development / inappropriate accommodation

15. A is expressed that the inclusion of apartment blocks is out with the character of the area and about the scale of the development. The view is expressed that the use of precedents on the Upper Newtownards Road and Millmount Village do not answer the question of landscape character on the Comber Road, and states further does one precedent of poor design validate being allowed elsewhere.
16. Apartments are not precluded in a sub urban area or in established residential areas that are primarily comprised of detached and semi-detached dwellings. The advice offered in the original planning report that sets out the reasons why apartments are an acceptable form of development at this location remains unchanged.

Design

17. Concern is raised about the closeness of the building adjacent to the footpath and the planning committee's concerns on overlooking not 272 Comber Road have not been addressed.
18. The submitted site sections and site layout details how the proposal sits in relation to the existing adjacent development and the Comber Road. The proposal is accepted in the context of a urban setting where buildings face one another on opposite sides of a street. The impact of the building on the dwelling opposite was considered and the advice in the original report remains unchanged.

Overlooking

19. Concern is expressed about overlooking into the private gardens neighbouring properties. The impact of the developments on occupied dwellings neighbouring the site was considered and the advice in the original report remains unchanged.

Social housing provision

20. The view is expressed that on social housing provision, that the intent of the developer is purely to comply with social housing numbers for the total number of residential units proposed.
21. The applicant offers three units as affordable housing which is required to comply with policy HOU10. There is no requirement to provide the affordable

housing as social rented accommodation or at a number significantly more than the minimum requirement of 20%. The advice in the original report remains unchanged.

#### Revised proposal and reasons for it.

22. The view is expressed that the revised application should not be validated.
23. This is a reduced proposal for residential development. The form, layout and design of the buildings are not changed. As the reduced proposal remains within the scope of the original proposal it is correct to have accepted and processed the amended application.

#### Ecology/natural heritage

24. Concern is expressed that site clearance has been undertaken and the impact that the proposal has on ecology. The integrity of the ecology survey is questioned in that there is a failure to consider the impact on any TPOs or other protection afforded to existing trees along the Comber Road.
25. Planning permission is not required to clear a site, and the onus is on the developer/landowner to ensure they meet all statutory requirements with regards to biodiversity and wildlife. A biodiversity checklist and preliminary ecological appraisal has been submitted in support of the application.
26. NIEA Natural Environment Division raised no concerns and provided some standard conditions for inclusion on any decision notice. The clearance works were anticipated in the reports and do not impact adversely on any heritage features. The advice in the original report in respect of natural heritage remains unchanged.

#### Accuracy of plans.

27. Concern is expressed that the cross sections, layout plans and elevations do not accurately reflect the position of the existing surrounding properties.
28. The submitted plans have been assessed, and it is considered that they are adequate to assess the impact of the proposed development on the existing neighbouring properties as well as those proposed. There was no need to request any new plans and the advice in the original report in respect of the impact this proposal has on neighbouring properties remains unchanged.

#### Maintenance

29. The view is expressed that specific proposals for the future maintenance of the proposed development needs to be provided by the developer including details of how this responsibility will transfer to future owners / tenants of the development and how this will be dealt with through freehold / lease agreements.
30. Future maintenance of the proposed development other than the landscaped areas is not a material planning consideration to be weighed in the planning

balance. The maintenance of any of any rented accommodation is a private matter between the developer and any future residents.

#### Restrictions on views

31. The view is expressed that there would be a restriction views from Ferndene Park.
32. The right to a view is not a material planning consideration that is given determining weight. The impact of the proposal on the amenity of existing residents was previously considered. The buildings are set at a lower level than the existing development to the rear and considered to be acceptable in an urban context. The advice in the original report in respect of amenity remains unchanged.

#### Removal of shrubs at 7 Ferndene Park

33. Concern is expressed about existing shrubs and trees at the rear of the fence to number 7 Ferndene Park and the question is asked if there are any plans to remove their shrubs or trees.
34. The proposal for housing to the rear of 7 Ferndene Park has been removed from the application and this objection no longer needs to be considered.

#### Protection of the open stream

35. The question is asked what is happening with the open stream.
36. The impact of the proposal on the existing stream has been considered as part of the application process and advice offered by DfI Rivers Agency has been accepted. No adverse impact is identified and the development next to the watercourse is removed from the amended proposal

#### Change to the red line and amended application

37. The view is expressed that the reduction in the scheme is welcomed however the question is asked for it to be confirmed that this has been correctly administered as it is noted that the application reference number remains unchanged. It is further noted that there has been no explanation as to why the access and development to the east of the site has been removed.
38. The red line of the application can be reduced through the processing of a planning application as it was discovered as part of the title review that the applicant did not have clear title for all the land. For this reason, part of the proposal with withdrawn. The application has been properly administered, and this is dealt with at paragraphs 22 and 23 of this report.

#### Consultations with Rivers Agency and NI water seem to be inconclusive

39. Concern is expressed that the consultations with Rivers Agency and NI Water do not seem to be inconclusive. The view is expressed that the development requires further connections to the sewage system in the area that is widely

understood to be at capacity in terms of both network and treatment capacity.

40. Rivers Agency have raised no objection to the proposal with no outstanding issues. No need for mitigation was identified in terms of flooding. NI Water advised that they raised no objections to the proposed development. The drainage is dealt with by way of planning condition The advice set out in the original report in respect of flooding, sewerage and drainage issues remains unchanged.

#### Location of water pipes

41. The view is expressed that water pipes within the existing site have not been clearly identified.
42. There is no requirement for the developer to show where the existing water pipes are on the submitted plans. NI Water have been consulted and have raised no objection to the proposal.

#### PPS 3 – Access, Movement and Parking

43. The view is expressed that the proposal does not comply with PPS 3 Access, Movement and Parking.
44. PPS 3 has been superseded by operational policies within the Plan Strategy. No road safety of adverse impact on traffic progression is identified. The advice set out in the original report in respect of transport and traffic issues remains unchanged.

#### PPS 7 – Quality Residential Environments

45. The view is expressed that the proposal does not comply with PPS 7 Quality Residential Environments.
46. PPS 7 has been superseded by operational policies within the Plan Strategy. The proposal is considered to comply with the HOU policies within the Plan Strategy. The advice set out in the original report in respect of transport and traffic issues remains unchanged.

### **Conclusion and Recommendation**

47. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 13<sup>th</sup> April 2024 and in conjunction with the addendum report presented to Committee on 03 June 2024. Both are appended to this report for ease of reference.
48. The advice remains unchanged that this proposal is approved subject to a Section 76 agreement requiring the developer to provide a minimum of three residential units as affordable housing. The affordable housing units should be developed prior to the occupation of the seventh unit.



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/1007/F - Addendum
District Electoral Area	Castlereagh East
Proposal Description	Residential development comprised of three detached dwellings, two semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road.
Location	Land to rear of 7-23 Ferndene Park, Dundonald
Representations	Forty-seven
Case Officer	Rosaleen Heaney
Recommendation	<b>Approval</b>

### Background

1. This application was presented to Committee for determination in April 2024 with a recommendation that planning permission should be granted as the layout and design of the proposed buildings create a quality residential environment.
2. Following a presentation by officers and having listened to representations from the applicant (via their planning consultant) and a third party objector, Members agreed to defer consideration of the application to provide Members with an opportunity to visit the site to better understand the potential for overlooking from the proposed apartment blocks into the gardens of a pair of semi-detached dwellings located on the opposite side of the Comber Road.

### Further Consideration

#### Observations from Site Visit

3. Members were provided with an opportunity to observe the existing topography of the site, the relationship between the existing and proposed buildings on the boundaries of the site, the proposed access arrangements from the Comber

Road, the location of a new sewage treatment works and the extent of the new footpath to be developed along the front of the site.

4. Members also observed the location of the proposed apartment blocks in relation to the garden of the dwellings at 272 Comber Road. The height of the proposed buildings, finished ground and floor levels and the position of the fenestration on each floor was described to allow the Members to understand the relationship to the buildings on the opposite side of road.

Further submission by applicant team following deferral

5. In a submission from the applicant team received on 09 May 2024 the following statements are made:

*Dominance*

6. None of the properties in Ferndene Park or Ferndene Mews will be overlooked by the proposal.
7. The separation distances from the proposed apartments at sites 8 to11 to the dwelling at 272 Comber Road is approximately 19 metres. The separation distance to the side garden of the same property is approximately 25 metres.
8. The rooms within apartment block 8 to11 are arranged with only one habitable room with windows on the front elevation on the first floor facing the road. It is further stated that the proposed development will not have a detrimental impact on the dwelling at 272 Comber Road for the following reasons:
  - The ground floor will be screened by hedging and planting;
  - Only one room is at issue i.e. first floor living/kitchen of proposed apartment however there is a separation distance of over 19 metres to the dwelling at 272 Comber Road.
  - Separation distance to side garden of this dwelling is over 25 metres. There are no frontage gardens to 272 -278 Comber Road;
  - Significant planting is proposed to the frontage of the proposed buildings at sites 8-11;
  - Finished floor level is 23.5 metres for the apartments at sites 8-11, with the footpath level immediately to the front of 272 measured at 21.03 metres, a difference of 2.47 metres over 19 metres distance will not create overbearing. This is not therefore overdominance;
  - Busy Comber Road separates the two buildings – the busyness of the road is a material factor;
  - The relationship is offset, it is not direct;
  - No corner windows in the proposal, only two upper floor windows from one habitable room over 19 metres away;
  - It is a typical urban arrangement;
  - Frontage trees could be retained by condition;
  - Nothing in planning policy or guidance bars such an arrangement. “Creating Places” is guidance, it is not planning policy. In any event it allows for differing circumstances and arrangements such as this.

### *Character*

9. The applicant team disputes the claim made by third parties that the site is semi-rural as the site is wholly within the designated settlement limit and benefits from two previous planning approvals for housing. It is confirmed that the proposed density falls within density band (d) as set out in Policy HOU4 of the Plan Strategy.
10. A table showing average density information for adjacent developed lands is provided. The applicant team note whilst a higher density is proposed, it does match the density of sites adjacent to the site and at 29 dwellings per hectare, falls within the density band range (d) of HOU4 which provides for 25 – 35 dwellings per hectare.

### *Parking, Access and Protected Route*

11. The submission confirms that parking requirements have been calculated in accordance with parking standards with an extra two spaces provided. Access gradients as shown on drawings have been agreed with DfI Roads and the detail submitted with the application demonstrates that there are no other accesses available to serve the development and two access have been previously approved.

### *Dimensions*

12. In relation to the concerns expressed at the April meeting of the planning committee in relation to the dimensions of the proposed development, it is explained that each of the blocks has 4 apartments and that they have been designed to look like the detached and semi-detached properties elsewhere in the scheme.
13. Detail of the retaining wall to the front of the apartment blocks is provided. The note advises as follows:
  - Footpath is 2 metres wide
  - Boundary wall is 1 metre high
  - Distance from boundary wall to front of apartments at sites 4 -7 is 2.914 metres and at sites 8-11 is 2.394 metres
  - There will be planting to the rear of the boundary wall
  - Set back from the edge of the footpath to the front of the proposed apartments is between 4.632 metres at 8-11 and 4.914 metres at sites nos. 4-7. Given the almost 5 metres set back from the kerb line, the intervening wall and vegetation, the blocks will not appear over dominant on the roadside.
14. Visuals are provided showing examples of other buildings that have been permitted close to the roadside.

### *Planning History*

15. The response note from the applicant team confirms that there is no significant change in circumstances since earlier permissions were granted.

*Drainage*

16. A waste-water impact assessment has been submitted to NI Water to identify how the development proposal could be connected to the main sewer. The note advises that NI Water provided a solution engineering report to the applicant team on 19 December 2023 which offered a technical solution within the drainage catchment and confirmed specific criteria to be met. This solution was not technically viable due to shallow levels of sewer proposed to connect. A number of other options have been identified and discussions are ongoing with NI Water in relation to an alternative solution.
17. Clarification is provided that in the event that a solution cannot be agreed, a site specific waste water treatment plant to serve the overall development will be provided. Consent to treated effluent discharge from such a plant will not be provided until confirmation is received from NI Water that mains connection cannot be agreed.

Further Assessment

18. The relationship between the proposed apartments and the pair of semi-detached dwellings on the opposite side of Comber Road is not considered in the main officer's report.
19. It is stated at paragraphs 7.11 and 7.12 of the Creating Places document that:
  - 7.11 Dwellings should be designed to present an attractive outlook onto existing and proposed roads, with windows designed to permit informal surveillance, whilst at the same time allowing residents to preserve their privacy from overlooking.*
  - 7.12 Layouts that include dwellings and apartments facing onto the rear garden spaces of other dwellings (or that back onto the fronts of other dwellings) should be avoided. Such layouts generally provide an unsatisfactory relationship between dwellings, even where dual aspect designs are employed, and can adversely affect privacy, reduce safety and be detrimental to the quality, character and appearance of the development as a whole.*
20. The two apartment blocks are designed to present an attractive outlook onto the Comber Road with windows fronting that provide passive surveillance consistent with the advice at paragraph 7.11 of the Creating Places document.
21. The apartment block at sites 8 to 11 has a front to side relationship to the garden of 272 Comber Road which is distinguishable from the advice at paragraph 7.12 which states that apartments facing onto rear gardens spaces of other dwellings should be avoided.
22. The side garden to 272 Comber Road is open to public view from the footpath and road and not screened with a fence or hedgerow. The construction of a building on the opposite side of the public road approximately 13.5 metres away

will impact on amenity of the garden but not to the extent that it would justify a refusal of permission for the following reasons.

23. It is stated at paragraphs 7.16 and 7.17 of the Creating Places document in relation to privacy that:

*7.16 Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites.*

*7.17 Great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development is proposed on green-field sites or in lower density areas, good practice indicates that a separation distance of around 30m should be observed or, alternatively, consideration given to a modified design. Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary.*

24. There is no guidance written that deals with the front to side relationship described above. The separation distance from the new building is however more than 10 metres from the common boundary in accordance with the guidance at paragraph 7.16 and close to 15 metres in the context of the guidance at paragraph 7.17.
25. Given that the garden to 272 Comber Road is completely open to public view it is accepted on balance that the separation is adequate from the apartment block at sites 8-11 the amenity and privacy of the residents of the dwelling at this address will not be impacted to the degree that a significant loss of amenity would occur.

### Recommendation

26. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 13 April 2024. Our advice and recommendation remains unchanged. The recommendation to approve planning permission remains subject to a section 76 Agreement.
27. Additional conditions are recommended in relation to the proposed drainage solution.

## Conditions

28. The following conditions are recommended:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

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

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. The gradient of the access road determined for adoption shall not exceed 2% (1 in 50) over the first 7.5m outside the Comber Road boundary. The gradient of the private access road shall not exceed 2% (1 in 50) over the first 10m outside the Comber Road boundary.

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

6. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp 03 JAN 2024.

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

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

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

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

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls, or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

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

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

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

10. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No 22-175-DR-102 rev E bearing the Area Planning Office date stamp...06 DEC 2023...to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

12. If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

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

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

14. Prior to the commencement of any of the approved development, the applicant must demonstrate to the Council how any out of sewer flooding, emanating from the surface water drainage network in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. The development shall be carried out in accordance with the drainage design.

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.

15. Prior to works commencing on site, all existing trees and hedgerows shown on Drawing Number 03F, date stamped 15 Feb 2023, by the Planning Office, as being retained shall be protected by appropriate fencing. No retained tree shall be cut down, uprooted, or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect Northern Ireland Priority Habitat hedgerow and to retain the biodiversity value afforded by existing trees.

16. No construction works, including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil, shall take place within 10m of the watercourse on site.

Reason: To minimise the potential impact of the proposal on the watercourse.

17. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing



by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a. Construction methodology and timings of works; including details for construction of the proposed culvert;
- b. Pollution Control and Contingency Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil / fuel, concrete mixing and washing areas and the watercourse on site;
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Water Quality Monitoring Plan;
- e. Environmental Emergency Plan;

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

18. All hard and soft landscape works shall be carried out in accordance with Drawing No. 15E bearing the Council date stamped 26<sup>th</sup> June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

20. None of the dwellings hereby approved shall be occupied until works for the disposal of sewerage have been provided on the site, to serve the development permitted in accordance with details to be submitted to and approved by the Council.

Reason: To ensure that adequate drainage infrastructure is available.

21. No development hereby approved shall be commenced until details of a sewerage connection to serve the development hereby permitted have been submitted to and approved in writing by the Council in consultation with NI Water. The information to be submitted to the Council should include details of the siting, drawings and specifications of the sewerage

connection and arrangements for its management and maintenance.

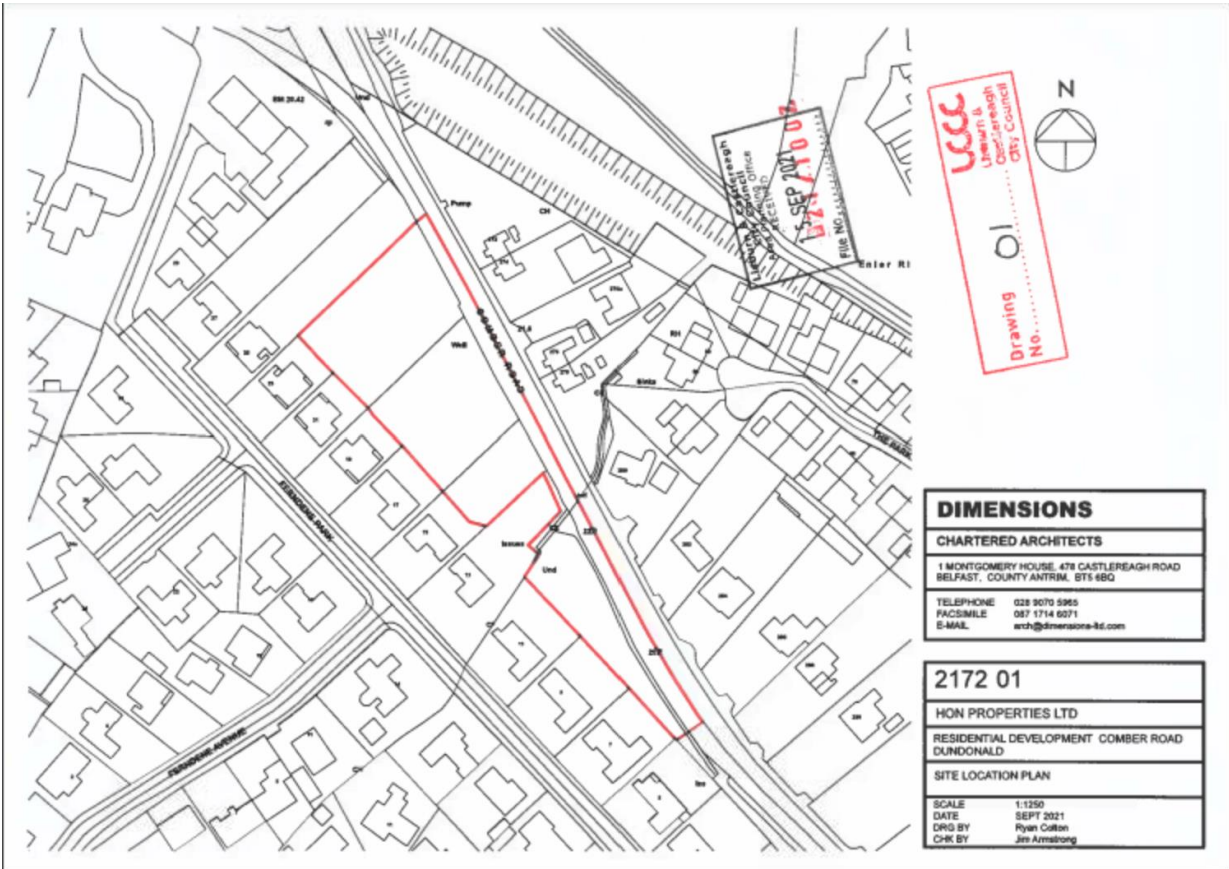
Where a packaged sewage treatment plant is proposed, details of how the development hereby approved is eventually to be connected to the public system is also to be provided.

Reason: In the interest of public health.

22. Prior to the occupation of the development hereby approved the sewerage connection as approved have been installed as approved and be operational. The sewerage connection shall be managed and maintained thereafter in accordance with the approved arrangements.

Reason: In the interest of public health.

Site Location Plan – LA05/2021/1007/F



**LISBURN & CASTLEREAGH CITY COUNCIL****115****Note of a site visit by the Planning Committee held at 2:30pm on Tuesday 14th May to lands to the rear of 7-23 Ferredene Park, Dundonald, BT16 2ES****PRESENT:**

Chairperson (Alderman M Gregg)

Alderman O Gawith

Councillors S Burns, DJ Craig, U Mackin,  
A Martin and N Trimble.**IN ATTENDANCE:**

Head of Planning and Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (BF)

Apologies were recorded on behalf of Alderman J Tinsley and Councillors P Catney and G Thompson.

The site visit was held to consider the following application:

- LA05/2021/1007/F – Residential development consisting of three detached dwellings, a pair of semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road on land to the rear of 7-23 Ferndene Park, Ballymaglaff, Dundonald, BT16 2ES.

The Committee had agreed to defer consideration of the application to provide Members with an opportunity to visit the site to better understand the potential for overlooking from the proposed apartment blocks into the gardens of existing dwellings located on the opposite side of the Comber Road.

Members and officers met on the footpath opposite the site. With the aid of the site location plan, the principal planning officer outlined to Members the extent of the application site. Members also observed the break between the two parts of the site where the curtilage of 13 Ferndene Park extended to the Comber Road.

Members viewed the site and the location of the proposed apartment blocks from several locations along the Comber Road opposite the site.

With the aid of the application drawings, Members observed where the apartment blocks are proposed in relation to the garden of the dwelling at 272 Comber Road. The height of the blocks in relation to the existing and proposed ground levels and the position of the fenestration were described in relation to the garden.

With the assistance of road layout, landscaping and elevation/floorplan drawings, the Head of Planning and Capital Development and the Principal Planning Officer clarified several queries raised in respect of the general layout and arrangement of the buildings in respect of overlooking.

Members were also provided with an opportunity to observe the existing topography of the site, the relationship between the existing and proposed buildings on the boundaries of the site, the proposed access arrangements to the Comber Road, the location of a new sewage treatment works and the extent of the new footpath to be developed along the front of the site.

The site visit ended at 3:20pm.

## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	15 April 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/1007/F
District Electoral Area	Castlereagh East
Proposal Description	Residential development comprised of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks plus associated site work including sewerage treatment plant and 2 new accesses onto Comber Road.
Location	Land to rear of 7-23 Ferndene Park, Dundonald
Representations	Forty-seven
Case Officer	Catherine Gray
Recommendation	<b>Approval</b>

### 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 the application requires a legal agreement to secure the delivery of affordable housing at this location.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 of Lisburn and Castlereagh City Council 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.
3. 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 access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
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. The proposed development complies with policies FLD 2 3 and 4 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

10. The application site is located to the northeast of Ferndene Park and southwest of the Comber Road, Dundonald. It consists of two parcels of land separated by an existing stream and embankment.
11. One parcel of land sits to the rear of 7, 9 and 11 Ferndene Park and the other sits to the rear of 15, 17, 19, 21 and 23 Ferndene Park. Both parcels of land front onto the Comber Road.
12. The land is currently undeveloped and comprises of scrub land and semi-improved grassland with some boundary vegetation. Access to the site is from the Comber Road.
13. The land is at a lower level than the surrounding development and lands to the rear.

## Surrounding Context

14. The land surrounding is mainly comprised of medium to high density housing.

### Proposed Development

15. This is a full application for residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks plus associated site work including sewerage treatment plant and 2 new accesses onto Comber Road.
16. The following documents are submitted in support of the application:
- Construction Environmental Management Plan
  - Biodiversity Checklist and Preliminary Ecological Appraisal
  - Updated Preliminary Ecological Appraisal
  - Transport Assessment
  - Drainage Assessment
  - Statements from Kevin McShane Ltd in response to DfI Roads comments

### Relevant Planning History

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

Reference Number	Site Address	Proposal	Decision
Y/2007/0636/F	Land to rear of 9-23 Ferndene Park, Ballymaglaff, Dundonald, BT16 2ES	Erection of 7 dwellings, 3 detached and 2 pairs of semi-detached dwellings with 2 new vehicular accesses onto Comber Road.	Permission Granted 31/08/2012

### Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection.
DfI Rivers Agency	No objection.
Housing Executive	No objection
LCCC Environmental Health	No Objection



Consultee	Response
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection.

## Representations

19. Forty-seven representations have been received in objection to the application. The following issues are raised (summarised):

- Access, traffic and congestion and road safety
- Safety of pedestrians
- Construction phase of development
- Natural Heritage/Biodiversity/Wildlife
- Overdevelopment/density
- Drainage and Sewerage
- Character of the area/inappropriate accommodation
- Design
- Overlooking
- Neighbour notification
- Process and lack of clarity
- Value of existing dwellings/view from existing buildings
- Water/sewerage provision
- Protection of the stream
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments
- Creating Places
- Residential Amenity/Privacy and Noise

## Environmental Impact Assessment (EIA)

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
21. The site area is 0.44 hectares and does not exceed the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017 for screening. An EIA determination is not required for this proposal.

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

24. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
25. The BUAP identifies the application site as being on land within the settlement development limit of Castlereagh. In draft BMAP the site is also located within the settlement development limit of Castlereagh.
26. In draft BMAP the site is also within designation MCH 42 Local Landscape Policy Area Moat/Enler.
27. Designation MCH 42 Local Landscape Policy Area Moat/Enler states

*A Local Landscape Policy Area is designated at Moat/Enler as identified on Map No. 2a – Metropolitan Castlereagh and on clarification Map No. 2b – Metropolitan Castlereagh Local Landscape Policy Areas showing the full extent of LLPAS affecting Metropolitan Castlereagh.*

*Those features or combination of features that contributes to the environment quality, integrity or character of these areas are listed below:-*

- *Archaeological sites and monuments and their surroundings – A number of unnamed sites; an early Mesolithic occupation site in Ballymaglaff; a 17<sup>th</sup> century watermill site in Ballyoran; and the Dundonald site, which comprises a modern church (St Elizabeth's) on the site of a medieval church and graveyard, with coffin lid and possible souterrain, comprising a Motte (schedule), to the north of Moat Park, from which there are extensive views;*

- *Area of local amenity importance – The grounds of St Elizabeth's Church of Ireland, a locally important building; a graveyard to the east of the church; the landscaped Moat Park, to the northeast of a bowling green; a pond area and playground located to the west of the East Link Road; and Dundonald Primary School with the associated playing fields, pitches and tennis courts; and*

- *Area of local nature conservation interest – The Enler River and associated riverbanks.*

28. The application site is a very small portion of the lands associated with this LLPA designation.
29. It is noted that in the last revision of BMAP (that was subsequently found unlawful and quashed), the portion of land in which the application sits was removed from the Local Landscape Policy Area (Designation MCH 38 – Moat/Enler Local Landscape Policy Area in the full BMAP).
30. The portion of land is also not within a buffer zone surrounding any archaeological monuments and any development on the site would not affect the features or combination of features referenced in the LLPA designation on the neighbouring lands.
31. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

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

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

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

33. The strategic policy for 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.*

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

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

35. 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.*

36. 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.*

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

### **Housing in Settlements**

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

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

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

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

39. 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.*

40. 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.*

41. 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.*

42. 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.*

43. 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.*

44. 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.*

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

*Affordable Housing is:*

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

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

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

## **Natural Heritage**

46. 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.*

47. 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**

48. The proposal proposes two new accesses onto the Comber Road which is a protected route. 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.*

49. 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.*

50. The justification and amplification states that:

*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.*

51. 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.*

**52. 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 standards<sup>33</sup> 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**

53. There are two culverts that meet adjacent to the site. 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.*

54. The proposal is for more than 10 dwellings and more than 1000 square metres will be hardstanding. 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.*

55. A short section of a n open watercourse needs culverted to facilitate access to the site. Policy FLD4 Artificial Modification of Watercourses states:

*Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:*

- a) a short length of culverting necessary to provide access to a development site, or part thereof*
- b) where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

## Regional Policy and Guidance

### Regional Policy

56. 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.*

57. 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. It states that:

*planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue*

*social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society*

58. 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.*

59. 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.*

60. 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.

61. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

### **Retained Regional Guidance**

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

#### Creating Places

63. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
64. 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.

65. 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 metres between the rear of new houses and the common boundary.*

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

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

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

67. 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**

### **Housing in Settlements**

#### Policy HOU 1 – New Residential Development

68. This application is for 13 residential units within the Settlement Development Limit of Dundonald. The land on which the development is proposed is not zoned for any particular use. As the requirement of criteria (c) is met this is a suitable location for new residential development and the requirement of policy HOU1 is met.

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

69. The application site is undeveloped piece of land rectangular in shape consisting of two sections. It is enclosed to the south southwest and to the rear by residential development at Ferndene Park, Ferndene Avenue and New Line.



70. The application site fronts onto the Comber Road and on the opposite side of the Comber Road there are residential properties which include a mix of house types located on medium sized plots.
71. The dwellings and apartments vary in size and design but are typical of a suburban residential setting.
72. The form and general arrangement of the buildings are considered to be characteristic of those found in the local context.
73. The plot sizes and general layout is consistent with and comparable with other built development in the general vicinity of the site.
74. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and that the established residential character of the area would not be harmed by either the form or scale of development proposed.
75. 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 to properties adjacent to the development.
76. The existing development to the rear of the site of Ferndene Park is set at a higher level than the proposed development and there would be a certain degree of overlooking from the existing residential development to the proposed development, however in the urban context a degree of overlooking is considered to be acceptable. This is dealt with in more detail later in the report.
77. The separation distances between the existing and proposed development is considered to be acceptable and would minimise any overlooking from the existing properties.
78. The buildings are not dominant or overbearing and no loss of light would be caused.
79. 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.
80. With regard to criteria (b), the proposal is not within a buffer zone surrounding any archaeological monuments or near to any Listed Buildings. It is considered that the proposal would not have a negative impact on any archaeology or the historic environment.
81. 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

82. Sites 1 and 12 consists of House type A(H), detached dwellings, rectangular in shape, have 4 bedrooms and a ridge height of 6.4 metres above the finished floor level. They are one and a half storey with wall dormers to the upper floor to the front and Velux windows to the rear.
83. Sites 2 and 3 are a pair of semi-detached dwellings, house type B and C, and are one and a half storeys in height. It has a maximum ridge height of 6.85 metres above the finished floor level and each has 3 bedrooms. The windows on the first floor are wall dormers to the front and Velux to the rear.
84. Sites 4-7 and 8-11 are two blocks of apartments. Both blocks have the same design with one handed to the other. Sites 4-7 are house type D and sites 8-11 are house type D(H). Each block is two-storey, rectangular in shape with a maximum ridge height of 9 metres above the finished floor level.
85. Site 13 consists of a detached dwelling house type A. It is rectangular in shape with two floors of accommodation with the appearance of a one and half storey dwelling to the front with wall dormers on the first floor and velux windows to the rear. It is a 4-bedroom house with a proposed ridge height of 6.4 metres above the finished floor level.
86. The external material finishes for all the buildings are dark grey reconstituted slate or flat profile roof tiles; proposed off white painted/self-coloured render/stone cladding/dark grey clay facing brick to external walls; proposed black uPVC clad or black painted timber barge boards, fascia and soffits throughout; proposed double glazed self-coloured aluminium or painted timber or uPVC windows; proposed obscured glazing to windows to all bathrooms and en-suites; and proposed painted and sheeted solid core timber external doors. These are considered to be acceptable for the site and its location in the urban context.
87. 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.
88. The development on the site does not conflict with surrounding land uses. It is well separated from adjoining residential development to the rear and is situated at a lower ground level. The buildings are not dominant or overbearing and no loss of light would be caused.
89. The site layout demonstrates the positioning of the proposed units in relation to Ferndene Park to the rear. The level of the proposed site is considerably lower than the existing residential development of Ferndene Park. The site sections also detail how the proposal sits in relation to the existing adjacent residential development.
90. The proposed dwelling to site 1 is located 15.4 metres away from the property at 21 Ferndene Park at the nearest point (building to building). The proposed unit

to site 2 is located 17 metres away from the property at 23 Ferndene Park at the nearest point (building to building).

91. Creating Places guidance stipulates that a minimum of 20 metres separation distance be provided between the two-storey element of the dwelling units which back onto each other with the proposed development. Given the difference in levels, the proposed site being lower than the existing development, and the design of the proposed dwellings (not having upper floor windows to the rear), it is considered that the position of the dwellings and the difference in height between the existing and proposed buildings that the smaller separation distances of 15 and 17 metres at these site are acceptable. The separation distance elsewhere are in accordance with the guidance in Creating Places.
92. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. And in curtilage parking spaces are provided for each unit.
93. Each unit has their own private amenity space, a small area to the front and a substantial 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.
94. The house t are designed to current building control requirements to be provide accommodation that is wheelchair accessible for persons with impaired mobility.
95. 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.
96. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
97. 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 Dundonald. Criteria (c) is met.
98. The private outdoor amenity space across the development varies, with 114 square metres for site 1, 104 square metres for site 2, 90 square metres for site 3, 60 square metres of amenity space for each apartment block with the addition of the open green space to the side of site, site 12 has 58 square metres and site 13 has 109 square metres.
99. The large area of open space to the side of the site provides a visual amenity and off-sets any amenity provision which is to the lower end of the scale in terms of the guidance stipulated in Creating Places.
100. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls and pillars proposed. These are considered to be acceptable for this type of development in the urban context.

101. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping treatments to the boundaries and within the overall site. The proposal uses appropriate species of planting and it softens the visual impact of the proposal. For the reasons outlined above, criteria (b) is considered to be met.
102. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development.
103. With regard to criteria (d) the proposed density, the proposal is for 13 units on a site measuring 0.44 hectares which is not considered to be overdevelopment. This equates to a density is 29 units per hectare and is in line with policy HOU4.
104. The proposed development will provide a residential density not significantly lower 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. The average unit size exceeds space standards set out in supplementary planning guidance.
105. 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.
106. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
107. Provision is made for a designated bin storage area for the apartment blocks and 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.

#### Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 3 units.
103. The agent details on the site layout plan that units 4, 5 and 6 are designated as affordable housing units.
104. 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**

105. A Biodiversity Checklist and Preliminary Ecological Appraisal carried out by Ecolas Ecology received 15 Sept 2021 and an updated Ecological Appraisal also completed by Ecolas Ecology received 16 December 2022 is submitted in

support of the application. Also a Construction Environmental Management Plan has been submitted in support of the application.

106. The Ecological Appraisal details and concludes that:

*'The site comprises of two small field parcels dominated by dense scrub, semi-improved grassland, tall ruderal, scattered trees, hedgerows and running water. Tree clearance works had been undertaken in the past with majority of felled trees stored within the area of dense scrub to the south. A small stream is located along the north and north east boundaries of the field parcel to the south. Access will be required over the stream from the Comber Road. Works on site will see the removal of areas of dense scrub, tall ruderal and semi-improved grassland. The development within these habitats will not have a negative impact on local biodiversity. Remaining trees along the boundary of the site are to be retained and recommendations have been provided for their protection during construction works. Recommendations have also been provided for the protection of the quality of the water within the stream.*

*There is no/limited roosting provision on site for bats and habitat connectivity will remain unaffected as most of the boundary habitats will remain on site. Therefore, there will be no adverse impact on commuting and foraging bats.*

*No evidence of otter was noted within the site or along the stream corridor. The watercourse on site was assessed as sub-optimal for this species. However, recommendations have been provided to ensure that there are no adverse impacts to the local otter population downstream of the site through the protection of the water quality during site works.*

*No evidence of badger was noted on site, however, general recommendations have been provided for this species.*

*Areas of trees, hedgerows and scrub are deemed suitable for breeding birds and recommendations have been provided for timing of vegetation removal.'*

107. The above documents were sent to NIEA Natural Environment Division (NED) for consultation. They responded and advised that NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has objection to the proposed development

108. For the reasons outlined, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such the policies NH2 and NH5 of the Plan Strategy are considered to be met. The conditions recommended by NED are appropriate and this is borne out in the assessment submitted in support of the application. It is further recommended that these conditions be attached to any approved scheme.

## Access and Transport

109. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use. Two new accesses onto the Comber Road. The Comber Road is a Protected Route.
110. A Transport Assessment Form has been submitted in support of the application.
111. The application site is within the Settlement Development Limit and Policy TRA3 makes provision for a development involving direct 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 assists in the creation of a quality environment without compromising standards of road safety.
112. The application site is only accessed from the Comber Road and backs onto existing residential development with no other access points available.
113. Through the processing of the application the layout has been amended to ensure that the proposal complies with road safety standards and policy TRA2.
114. The layout plan details a 2 metre wide footpath to run along the front of the site. Both proposed accesses have proposed visibility splays of 2.4 metres by 90 metres in both directions.
115. DfI Roads have been consulted on the application and have no objection on the grounds of road safety or traffic impact.
116. The parking provision is also in accordance with the requirements of Creating Places and acceptable.
117. Based on a review of the plans and other supporting documents and having regard to the advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that an accessible environment will be created through the provision of a road and footway that can be built to the appropriate standard.
118. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that plans and documents supplied with the application demonstrate that the creation of two new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
119. The proposal is also considered to comply with policy TRA3 of the Plan Strategy in that the detail demonstrates that access onto the Comber Road is accepted in principle and also complies with policy TRA2.
120. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice

road safety or inconvenience the flow of traffic.

### **Flooding**

121. The information submitted indicates that water connection would be through the public mains, that the storm would be served by the adjacent watercourse and that foul would be served by the proposed sewerage treatment plant.
122. Facing the application site from the Comber Road there is a section of stream that is proposed to be culverted that runs parallel with the north eastern boundary of the southern parcel of land, that runs from the stream that is located between the two parcels of land.
123. A Drainage Assessment has been submitted in the support of the application. DfI Rivers Agency have been consulted on the application and have no objections.
124. A culverted watercourse known as the Ferndene Stream flows generally north east between 11 and 13 Ferndene Park. This portion is outside the red line of the application site. A further designated watercourse known as New Line Stream is found adjacent to the Comber Road and flows generally north west and its confluence with the Ferndene Stream. The watercourse from this confluence is undesignated and continues to flow north east and under the Comber Road.
125. In accordance with policy FLD2, a working maintenance strip is detailed on the site layout plan. No construction works in the form of erection of buildings is proposed within the working strip.
126. IA Flood Risk and Drainage Assessment has been submitted for consideration. Rivers Agency have confirmed that the report demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained through an online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.
127. Further assessment of the drainage network will be made by NI Water prior to adoption. Rivers Agency request that the potential risk from exceedance of the network, in the 1 in 100 year event, is managed. The advice of DfI Rivers is accepted and there is no reason to disagree with content of the submitted drainage assessment. A condition is necessary in respect of exceedance and included as part of the recommendation to approve.
128. The application proposes the culverting of a section of stream. The proposed culverting is for a short length of culverting necessary to accommodate access to the development. This is in accordance with the requirements of criteria (a) of FLD 4 and the section of culvert is agreed.
129. 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.

130. A final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction.
131. NI Water were consulted in relation to the proposal and have raised no objections or concerns regarding the proposal.
132. 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

133. Objections have been received in relation to the proposal. Consideration of the issues raised (summarised) are set out in the below:

#### Access, traffic and congestion and road safety

134. Concern is raised that the proposal would introduce two more accesses onto an already busy road creating additional pressure and increased volume of traffic and close to the busy junction where the Comber Road / Grahamsbridge Road meet. Concern is raised about any resultant traffic movements and road safety. Concern is also raised about the lack of adequate parking spaces. Concern is also raised about the content of the transport assessment information.
135. It is acknowledged that the Comber Road is a Protected Route. Policy makes provision for circumstances where new accesses are acceptable onto a Protected Route within the Settlement Development Limit. The proposal has been assessed against policies TRA 2 and 3 of the Plan Strategy and meets the relevant policy tests. Also parking provision is in line with the Parking Standards. DfI Roads have been consulted on the proposal and have no objections subject to standard conditions and informatives.

#### Safety of pedestrians

136. Concern is raised that the number of exits on that stretch of Comber Road are already contributing to a very dangerous situation using the bus stops on both sides of the road at New Line and that any additional exists would only compound this problem. The view is expressed that there is no safe means of crossing either the Comber Road or the Old Dundonald road to access public transport. Concerns is raised about a lack of footpath for pedestrians from the New Line towards the Old Dundonald Road.
137. The proposal is not of sufficient scale to require a road crossing on the Comber Road. The proposal does however involve the creation of a 2 metre wide footpath along the frontage of the site for pedestrian use.

### Construction phase of development

138. Concern is expressed that there would be significant heavy plant machinery involves in the construction of this particular development leading to ongoing traffic disruption in a busy area. And that assessments should be carried out to ensure that there will be no damage to adjacent properties during construction.
139. Construction traffic and the impact of the construction of any development is of a temporary nature. The onus is on the developer/land owner to ensure that any construction works do not have a negative impact on any adjacent properties for the duration of the contract.

### Natural Heritage/ Biodiversity/Wildlife

140. Concern is raised about the impact of the proposal on local wildlife and on bat activity, badgers etc. The view is also expressed that the ecological survey was carried out after the land was cleared and the integrity of the ecology survey is questioned. Concern is raised that vegetation and trees have been removed. The view is also expressed that the proposal would result in a loss of a green lung that complements the greenway.
141. Planning permission is not required to clear a site and the onus is on the developer/land owner to ensure they meet all statutory requirements with regards to biodiversity and wildlife. A biodiversity checklist and preliminary ecological appraisal and an updated ecological appraisal completed by Ecolas Ecology has been submitted in support of the application. NIEA Natural Environment Division have been consulted on the proposal and have no concerns and provided some standard conditions for inclusion on any decision notice. The proposal has been assessed against the NH policies in the Plan Strategy and it is considered that the proposal would not cause any harm to any natural heritage.

### Overdevelopment/density

142. Concern is expressed that the number of dwellings is excessive and that there is an increased density on the site.
143. Through the processing of the application the number of units has been reduced from 17 units to 13 units to address concerns in relation to overdevelopment. The proposed density equates to 29 dwellings per hectare and is in line with policy HOU4 of the Plan Strategy. The proposal is not considered to be overdevelopment.

### Drainage and Sewerage

144. Concern is raised about new sewers being built close to dwellings. Concern is raised about the protection of the stream to take the storm water run-off. Concern is raised about the additional loading on the sewerage systems.
145. DfI Rivers Agency, Water Management Unit and NI Water have all been consulted on the proposal and have raised no objections.



Character of the area/ inappropriate accommodation

146. The view is expressed that the inclusion of apartment buildings is outwith the character of the area. Concern is raised that the apartments and three storey buildings are not in keeping with the area.
147. Through the processing of the application, the three storey elements of the design has been removed. Policy does not preclude apartments in an urban area and in an area of established residential use. Policy promotes the use of mixed housing, a diverse range of house types for inclusion and there are already other apartment blocks within the wider area of Dundonald. The design is also such that it has the appearance of two storey dwellings.

Design

148. Concern is raised about the closeness of the building adjacent to the existing kerb line. Concerns are also raised about the rooflines with respect to the gardens and properties in Ferndene Park and Ferndene Mews.
149. The submitted site sections and site layout details how the proposal sits in relation to the existing adjacent development and the Comber Road. The proposal is set at a lower level than the existing development to its rear and is considered to be acceptable in the urban context in which it sits.

Overlooking

150. Concern is expressed about overlooking into private amenity space and also that existing properties would overlook the proposed development.
151. The proposal has been amended throughout the processing of the application. The design of the proposed units ensures that no overlooking would be caused into any neighbours private amenity space. It is accepted that there would be a certain degree of overlooking into the proposed development from existing properties however the separation distances along with boundary treatments ensure that this is kept to a minimum and some degree of overlooking in an urban context is expected.

Neighbour notification

152. Concern is raised about the extent of neighbour notification to properties in Ferndene Mews.
153. Statutory obligations with regards to neighbour notification have been met.

Process and lack of clarity

154. The view is expressed that due process has not been followed as there was a delay in public comments being made available to view online and that plans were not visible online. The view is also expressed that there is a lack of clarity of information.

155. Due process has been followed and all representations and plans are available to view online. Through the processing of the application additional plans have been sought to provide as much information as possible to allow a full and proper assessment of the proposed development.

Value of existing dwellings/ view from existing buildings

156. Concern is raised that the proposed development would adversely affect the value of the existing dwellings. Concern is also raised about the impact of the loss of a view.
157. The value of surrounding dwellings and a loss of view are not material considerations that can be given determining weight in the assessment of the application as no evidence of actual impact is quantified.

Water/Sewerage provision

158. Concern is raised about the sewerage treatment plant, if it would be smelly, noisy or disruptive. Concern is raised that the proposal would require further connections to a system that is understood to be at capacity in terms of both network and treatment capacity.
159. The proposed treatment plant is located 15 metres away from the nearest proposed residential unit and 24 metres away from an existing residential unit. Environmental Health, Water Management Unit and NI Water have been consulted as part of the proposal and raised no objections to the proposed development and the use of a treatment plant.

Protection of the stream

160. The view is expressed that the protection of the stream north east of the site is very important.
161. The impact of the proposed development on the existing stream has been considered as part of the application process and the advice offered by DfI Rivers Agency been accepted. No adverse impact is identified that would sustain this objection.

PPS 3 – Access, Movement and Parking

162. The view is expressed that the proposal does not comply with PPS 3 Access, Movement and Parking.
163. PPS 3 has been superseded by operational policies within the Plan Strategy. No road safety or adverse impact on traffic progression is identified.

164. PPS 7 – Quality Residential Environments

165. The view is expressed that the proposal does not comply with PPS 7 Quality Residential Environments.

166. PPS 7 has been superseded by operational policies within the Plan Strategy. The proposal is considered to comply with the HOU policies within the Plan Strategy. A quality residential environment is created for the reasons outlined earlier in this report.

#### Creating Places

167. The view is expressed that the proposal is not in keeping with the separation distances stipulated in Creating Places.
168. Creating Places is a guidance document which has been considered as part of the assessment of the application. It is considered that the proposal along with the proposed separation distances is acceptable for the reasons outlined above. The guidance is not met in two locations and the reasons why this departure from guidance is acceptable is explained above.

#### Residential Amenity/Privacy and Noise

169. The view is expressed that the proposal would result in the residential amenity of nearby homes being adversely impacted by increased noise from site use, traffic, people, dogs, music and from children and teenagers. The view is also expressed that privacy would be impacted by further development.
170. This is an urban location and an existing residential neighbourhood. This is a compatible use. The development of land in settlement for housing is a sustainable use of the land and the potential for noise, nuisance and loss of amenity are mitigated by good design and the development of a layout that is in accordance with guidance and creates a quality residential environment. The reasons for this are described in detail in the report.

### **Recommendation**

171. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to the delivery of three affordable housing units in accordance with the requirements of policy HOU10 of the Plan Strategy.

### **Conditions**

172. The following conditions are recommended:

- The development hereby permitted must be begun within five years from the date of this permission.

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

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

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024.

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

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

- The gradient of the access road determined for adoption shall not exceed 2% (1 in 50) over the first 7.5m outside the Comber Road boundary. The gradient of the private access road shall not exceed 2% (1 in 50) over the first 10m outside the Comber Road boundary.

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

- No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp 03 JAN 2024. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

- Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls, or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

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

- Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges/service strips determined for adoption.

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

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No 22-175-DR-102 rev E bearing the Area Planning Office date stamp...06 DEC 2023...to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

- The development hereby permitted shall not be commenced until any highway structure/retaining wall requiring Technical Approval has been approved by the Council.

Reason: To ensure that the highway structures are designed to an appropriate standard

- If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

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

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

- Prior to the commencement of any of the approved development, the applicant must demonstrate to the Council how any out of sewer flooding, emanating from the surface water drainage network in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. The development shall be carried out in accordance with the drainage design.

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.

- Prior to works commencing on site, all existing trees and hedgerows shown on Drawing Number 03F, date stamped 15 Feb 2023, by the Planning Office, as being retained shall be protected by appropriate fencing. No retained tree shall be cut down, uprooted, or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect Northern Ireland Priority Habitat hedgerow and to retain the biodiversity value afforded by existing trees.

- No construction works, including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil, shall take place within 10m of the watercourse on site.

Reason: To minimise the potential impact of the proposal on the watercourse.

- No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a. Construction methodology and timings of works; including details for construction of the proposed culvert;

- b. Pollution Control and Contingency Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil / fuel, concrete mixing and washing areas and the watercourse on site;
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Water Quality Monitoring Plan;
- e. Environmental Emergency Plan;

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

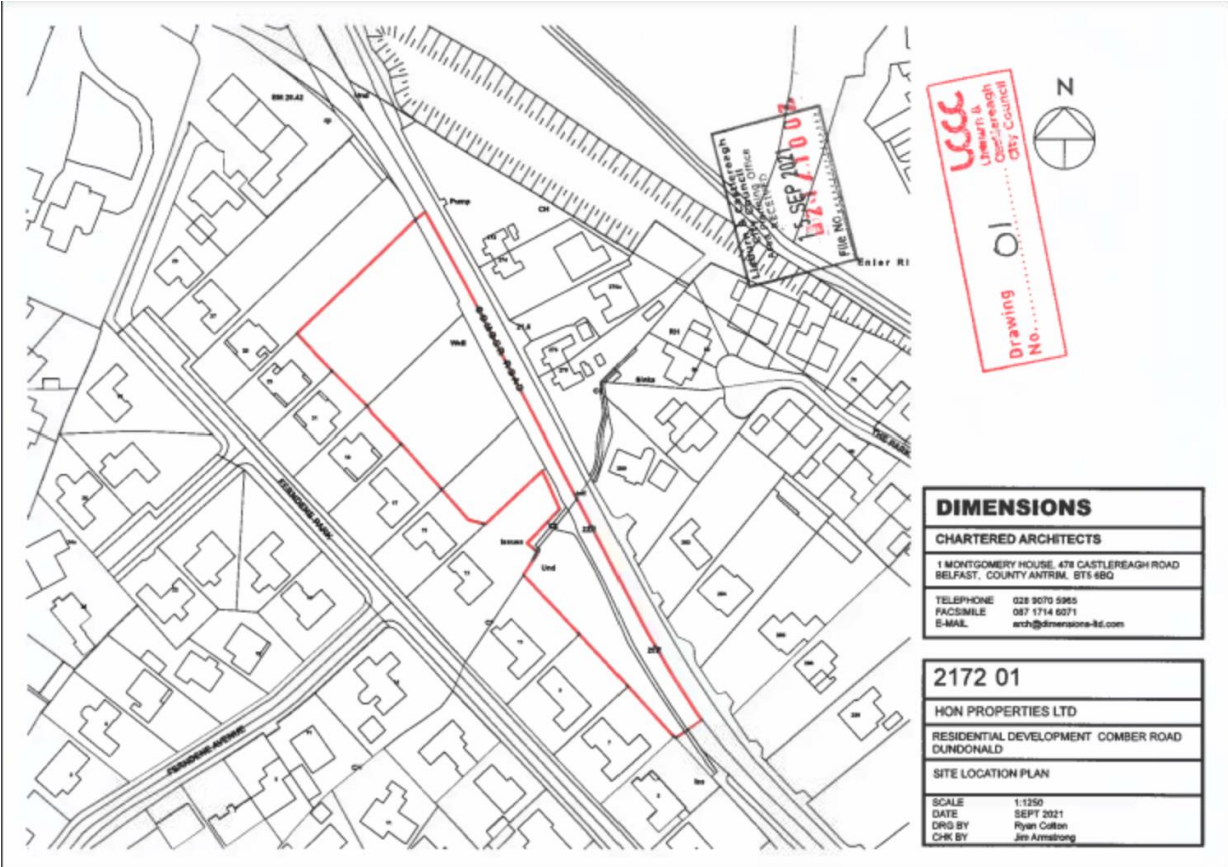
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 15E bearing the Council date stamped 26<sup>th</sup> June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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.

Site Location Plan – LA05/2021/1007/F





## Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	12 May 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2023/0932/F
Date of Application	22 November 2023
District Electoral Area	Downshire West
Proposal Description	Two pigeon sheds (Retrospective)
Location	21 Little Wenham, Moira, BT67 0NN
Representations	Eight
Case Officer	Kevin Maguire
Recommendation	Approval

### Summary of recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it previously had been called in to Planning Committee.
2. At a meeting of the planning committee on 02 December 2024 the Members agreed to defer the decision to allow for further negotiation with the applicant. Following discussion, it was proposed by Alderman J Tinsley and seconded by Alderman O Gawith that the application be deferred to allow for further negotiation around steps that could be taken to mitigate issues, e.g. raising the sheds off the ground.
3. Works were carried out to the lofts to reposition the lofts. This involved removal of one shed and ensuring the sheds are now raised off the ground by the recommended height of 500mm. One shed has been removed adjacent to the side boundary.
4. As a consequence of the works, it is now recommended that the application is approved as amended and built.
5. As this application was previously recommended for refusal and none of the third parties objectors made representations the application is returned to the planning committee to allow third parties to make representations in accordance with the protocol for the operation of the planning committee.

## Description of Site and Surroundings

### Site Context

6. The application site is comprised of the buildings and curtilage of an occupied residential property at 21 Little Wenham, Moira. The dwelling is a two-storey semi-detached dwelling with associated domestic garage with a vehicular access/driveway.
7. There is a small garden area located to the front of the dwelling and a larger irregular shaped private garden at the rear. There is a wooden terraced deck immediately to the rear elevation of the dwelling.
8. The dwelling is finished in red brick, brown roof tiles with pitched roof, white uPVC window units and white UPVC rainwater goods. The garage is of similar construction.
9. The side boundary, abutting No. 23, is defined by the existing detached garage and wooden fencing approximately 1.2 metres in height which extends to the rear boundary of the site. The rear boundary of the site is defined by a mixed species hedge approximately two-metres high. The rear side boundary with No. 19 is defined by a close boarded fence approximately 1.6 metres in height.
10. The two pigeon sheds are located in the rear garden. The buildings on the site in total measure approximately 39 square metres. The structures are of timber construction with flat or mono pitched roofs.

### Surrounding Context

11. Little Wenham is located in the settlement of Moira and the surrounding development is residential in character. The dwellings are semi-detached with red brick finish with pitched roof and brown tiles. The wider established residential area is characterized by a mix of single storey, 1.5 and two-storey detached and semidetached dwellings with in-curtilage parking.

## Proposed Development

12. Full retrospective planning permission is sought for an amended scheme for two pigeon sheds within the rear curtilage of 21 Little Wenham, Moira.

13. The 2 separate pigeon sheds when taken together result in approximately 39 square metres of floor space with flat or mono pitched roofs. The plans note that the walls are constructed of wooden panels.
14. From the site visit the larger shed (Shed 1) is painted brown with Shed 3, which is now abutting the main shed, painted blue. Each shed is accessible, to allow for internal cleaning and the care of the birds. There are also external caged areas on the front elevation of each of the two sheds which allow the birds to have access from the shed to an outdoor space.
15. The following clarification has been provided in relation to the capacity of birds with dimensions taken from submitted drawings:
  - Shed1 - 9 m x 3m (27 square metres) with a maximum height of 2.3m and 0.5m above finished ground level.
  - Shed 3 – 4.3m x 3m (12.9 square metres with a maximum height of 2.3m and 0.5m above finished ground level.
16. The applicant has advised in respect of the occupancy of the two lofts that *‘the current numbers are slightly over the 30 birds per loft, but this will be reduced through natural wastage.’*
17. The supporting statement further notes that *‘the number of birds were reduced by slaughter of surplus birds, with the total been reduced over the next few weeks by natural wastage through death and loss of flight birds’* which occurs *‘on a high loss ratio based on race distances.’*
18. The applicant has further advised that *‘the number of birds are intended to be 60 in total with one loft been used as a breeding unit for replacement stock while the other will house the racing stock as it is not good practice to mix the breeders with the racers, the breeding stock are usually limited to the loft and do not fly as much as the racing stock which reduces the number of birds in flight’.*

### Relevant Planning History

19. There is no relevant planning history for the application site.

### Consultations

20. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection

21. The Environmental Health Unit of the Council had previously identified two separate complainants relating to rodent activity, odour, dirt and noise from the keeping of pigeons.
22. The previous comments from Environmental Health have provided advice in relation to good housekeeping, rodent treatments and trimming boundary hedges and the changes to this retrospective proposal take account of the advice.

### Representations

23. There have been eight letters of objection. Five from neighboring properties and three from anonymous objectors. The initial issues raised in these submissions are as follows:
  - Visual impact of the structures in a residential neighborhood
  - Impact on amenity from the birds including noise
  - Impact on future house prices of nearby dwellings
  - Issues relating to bird waste (droppings) with the potential to attract vermin
  - Delay in receiving neighbour notification letters
24. Following works to remove one loft and to relocate another and the submission of amended plans and a further round of neighbour notification was undertaken with additional points raised:
  - How will amended plans change the historical situation of no pigeon keeping in the vicinity.
  - Sheds have been elevated further, creating an additional adverse visual impact.

### Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

27. In accordance with the transitional arrangements the Local Development Plan is the adopted Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.
28. In LAP and draft BMAP the application site is located within the settlement limit of Moira and no other designation applies.
29. This is a retrospective planning application for development within the curtilage of a dwelling which is for the use and enjoyment of the occupier of the property. 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.*

30. The following operational policies in Part 2 of the Plan Strategy apply.
31. As this development is ancillary to and within the curtilage of an occupied residential property policy HOU7 - Residential Extensions and Alterations states that:

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

*a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area*

*b) the proposal does not unduly affect the privacy or amenity of neighbouring residents*

*c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality*

*d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

*The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes.*

*Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.'*

## Regional Policy and Guidance

### Regional Policy

32. The SPPS was published in September 2015. It is the most recent Planning policy, and it is stated at Paragraph 1.5 that:

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

33. 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.

34. It states that:

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

35 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.*

36. 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.’*

37. 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.

## Assessment

### Residential Extensions and Alterations

38. This planning application seeks retrospective permission for two pigeon sheds within the rear garden of 21 Little Wenham in Moira. As noted above, this development has been altered on site and the description of development and plans updated consistent with the changes described above.

39. In terms of scale, massing and design the sheds as constructed are subordinate in scale and mass to the existing dwelling. No part of the sheds project above the existing ridgeline of the dwelling. There is also limited views of the sheds (due to their location) from public viewpoints, with only minimal long-range views of the tops of the sheds from Backwood Road travelling into Moira in a south easterly direction. The rear elevations of the dwellings provide a backdrop to the lofts.

40. Given the siting away from any public viewpoint the lofts are not considered to be incongruous and are subordinate ancillary buildings.

41. In summary, the scale, massing, design and external finish of the lofts are considered to be sympathetic to the appearance of the existing property, particularly given the limited public views, and would also be unlikely to detract

from the appearance and character of the surrounding area. On balance the development meets the policy tests outlined in criterion a) of policy HOU7.

42. In relation to privacy, the proposal is to retain lofts for the housing for pigeons. The buildings require access for maintenance and cleaning. This is an occasional activity and not of sufficient duration to impact adversely on neighbours' privacy.
43. Regarding the potential for loss of light or overshadowing the closest shed (Shed 3) is located approximately 2.5 metres away from the boundary with No. 19 Little Wenham, which is the nearest third-party dwelling, and approximately 12 metres from the rear elevation of the same dwelling. Numbers 21 (the site) and 19 Little Wenham are sited approximately one-metre higher than the ground level on which the two sheds sit. As these buildings are on lower ground and repositioned to be sited off the existing fence along the northeast boundary this means that there is not an unacceptable level of overshadowing or loss of light to the residents of the adjoining dwelling at No.19.
44. In relation to No.23 Little Wenham the separation distance from the sheds as well as the level differences and screening provided by the garage would limit any adverse impacts from overshadowing or loss of light.
45. Given use of the lofts for the keeping of animals, there is the potential to impact upon the amenity of residents living close to the application site as a result of noise and nuisance.
46. LCCC Environmental Health have been consulted and following initial consultation advised that the development had the potential to cause a loss of amenity with respect to odour, noise and pests at nearby residential properties.
47. They cited by way of evidence and to assist officers with their assessment the 'Belfast Divisional Planning Office – Development Guidance Note – The Control of Pigeon Lofts' as a guidance document that provided useful direction on the type of information required to properly assess this type of development. Following consideration of the document information was requested on the number of birds, and design of the buildings including the height raised above ground level, the building dimensions, and location of ventilation grilles, siting details and any identified flight paths.
48. This guidance note has been used as best practice in the consideration of Pigeon lofts across Northern Ireland. Whilst not policy or retained regional guidance it does provide officers with direction in considering the amenity impacts of dealing with the construction of pigeon lofts.
49. Within this document, it is stated that the pigeon loft:  
  
*'shall be located within the site of the dwelling so that the distance to adjacent residential properties is maximised. The shed should not be located at a distance of less than 5 metres from any adjacent residence (to the closest part of the dwelling house)'.*
50. It further states that in:



*‘exceptional cases this distance may be reduced where screening is used to reduce noise and smell problems’.*

51. It is contended that there is no distinguishable difference between the description of the development as sheds rather than lofts.
52. Having regard to the size, scale and maximum occupancy levels the sheds are located further down the existing garden of No. 21 towards the rear boundary and therefore further away from the closest third-party dwelling house, which in this case is No 19.
53. From the drawings and as noted in paragraph 33 the revised position for shed 3 would be located approximately 12 metres from the rear elevation of No 19. Views of the sheds from No. 23 are mostly blocked by the existing garage between the two properties.
54. The document further states that:  
  
*‘all sheds should be raised 0.5 to 1 metre above ground level (to allow for cleaning), and the highest part of the loft shall be no more than 3 metres above ground level’.*
55. From the initial site visit it was clear that due to the ground level falling to the northwest boundary the minimum height the sheds was not maintained at a consistent level and most of the gaps were below this 0.5 metres recommended level in the above referenced guidance.
56. Following submission of amended plans and re-inspection of the site it appears the revised siting of Shed No 3 would now sit on an area of flatter ground to the rear of the site and additional concrete blocks have been used to ensure that all of the development is observed to now be at the recommended 0.5 metre clearance underneath the sheds for cleaning purposes. This ability to get better access to cleaning and maintenance under the buildings assists in reducing likelihood of vermin and potential issues of odour.
57. Additionally, shed 3 was previously located very close to the neighboring boundary which prevented proper maintenance on that side of the shed. The guidance document states that sheds should be sited to allow an adequate distance from the property boundary and that sheds should not be sited closer than one metre to the property boundary to permit adequate space for cleaning and maintenance. The re-siting of shed 3 will allow better access to paint/treat the external areas of the shed and maintain the boundary fence.

58. The document further states that:

*‘all sheds shall be orientated so that open ventilation grilles are facing away from adjacent residential properties.’*

59. There are aviary cages on the front elevation of the two sheds. These open ventilation grilles face towards the applicant's dwelling. The removal of Shed 2 and repositioning of Shed 3 has also increased the distance between the open ventilation grilles and the adjacent residential properties and therefore reduces the impact that birds sitting in the open area has on the amenity of neighbouring properties by reason of noise and odour.
60. In relation to the construction of the sheds the guidance document notes that all sheds shall be purpose built, constructed of materials that are easily maintained, and sited to allow proper management and maintenance. It appears that from the drawings and what is on site that the sheds have been purpose built, allowing for access for internal cleaning and care of the pigeons.
61. It is recommended best practice that:
- 'the loft should have a floor area of not greater than 8 square metres – larger lofts will only be allowed where there are very large curtilages or in rural sites which are not visually obtrusive'.*
62. It also notes that:
- 'a reduction in floor area may be required where the curtilage is restricted'.*
63. As noted above, this revised application is for two pigeon sheds, the largest having a floorspace of approximately 27 square metres and the other adjoining shed of approximately 12 square metres. Each of these sheds when taken in isolation are well in excess of the recommended size on a site such as this. However, the reduction in the number of sheds on site from three to two and movement of one of the sheds away from the boundaries of the two neighbouring residential properties would assist in reducing some of the impacts associated with keeping pigeons at this location. Whilst the remaining existing private amenity space is ample for a dwelling of this scale and nature it would not be considered as a 'very large curtilage' or be located in a 'rural site'. On the last point, however, the site does sit on the edge of the Moira Settlement Limit, with open agricultural fields to the rear. This location, together with the removal of a building and re-positioning of a second addresses the potential issues associated with this type of development and reducing any potential noise and nuisance amenity impacts.
64. Whilst the guidance document does not include the recommended maximum number of pigeons that can be kept at a property or within a pigeon shed the information provided by the agent indicates that there are currently slightly over 30 birds per building however *'this will be reduced through natural wastage'*, with 60 birds in total on the site, with one shed used as a breeding unit and the other for house the racing stock.

65. This is a reduction in the numbers which were noted in previous objections to be in the region of 100 birds. Given the reduction in the total number of sheds it would be less likely that those numbers of pigeons could be accommodated on the site. Given the size of the two remaining buildings which are larger than the guidance would suggest is normal any approval should be controlled by a condition limiting the number of birds being kept in the back garden of the dwelling to 60.
66. Previously it was indicated that odour and noise was observed on site as well as bird droppings. The issue of the sheds not being elevated to the recommended height and the proximity to the boundary contributed to these issues not being able to be addressed. The potential for pests while not observed on the ground was referred to by objectors. The changes on site have addressed a number of these issues and while bird droppings, particularly below the grille areas, have been observed since the changes to the site, this could be dealt with by operating a strict cleaning regime on site. The failure to regularly clean and provide good hygiene at the site may result in further action being taken by the Council under environmental health legislation but the place was not odorous or noisy and a refusal of permission on the grounds of loss of amenity cannot now be sustained.
67. Lastly, the document also cites 'anticipated amenity' as a material factor which must be considered in the case of pigeon lofts. It notes that:
- 'where there is no tradition of pigeon keeping residents may have an 'anticipated amenity' which would not include the introduction of pigeon lofts into an area'.*
68. On this point it further notes that in areas with no tradition of pigeon keeping:
- 'approval may be granted subject to the necessity of taking fully into account the neighboring residents' expectations of amenity. This is the degree to which they could expect that such development would not take place and the existence of covenants on properties would be a firm indication that residents had such an expectation'.*
69. There is no evidence that this is an area which has a tradition of pigeon keeping and no supporting statement accompanied the application to explain a site-specific need or history of pigeon keeping. A planning history check using a radius of 100 metres from the property did not identify any planning applications for pigeon sheds. While it is possible that pigeon sheds within other curtilages have been built without planning permission, permitted development legislation does not include PD rights for the keeping of pigeons. As such permission is always required for structures either referred to as sheds or lofts for the keeping of pigeons.
70. On the balance therefore, it is considered to be unlikely for this area to have a tradition for more than one resident to keep pigeons. An approval is unlikely therefore to set a precedent for keep pigeons. In terms of the neighbouring residents' expectations of amenity, no details of the existence of covenants relating to the properties have been provided. There has been the submission of

a number of objections, generally relating to amenity impacts, which as noted is already in existence, would indicate that the resident's amenity is adversely impacted due to the presence of the sheds and pigeons at this location. Most of these submissions, however, predate the changes made by the applicant to reduce the scale of the development and re-position the remaining sheds. While the tradition of pigeon keeping may be absent from this area this on its own, based on the other changes made, would not be enough to warrant a refusal in this case.

71. Criterion c) of policy HOU7 requires the proposal to not cause an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The sheds are sited and will not cause unacceptable loss or damage to trees or other landscape features which contribute significantly to the local environmental quality. No TPO's were identified within or near the application site which would be affected by this proposal. Overall, it is contended the proposal would meet the policy tests outlined in Criterion c).
72. Criterion d) of policy HOU7 states that should the development be approved that sufficient space is retained within the curtilage of the property for recreational and domestic purposes including the parking and maneuvering of vehicles. It is noted that development is to the rear of the property and does not impinge on current parking arrangements to the front of the site or require any additional parking. Regarding the retention of private amenity space, it is accepted that while the amount and quality of such space is reduced by the presence of the sheds the remaining space would still be more than 40 square metres. On this basis it is considered that the development would meet the requirements of Criterion d).
73. Taking the best practice for pigeon lofts in to account and the assessment of this proposal against planning policy, it is considered that although there may be limited loss to the amenity of neighbouring residents, the reduction in scale and other changes to the proposal means that on balance it is considered that that the development meets criterion (b) of Policy HOU7 of the LCCC Plan Strategy. As noted, subsequent failure to maintain standards for bird welfare and hygiene at the site may result in future complaints to the council being investigated by the councils Environmental Health Unit.

### Consideration of Representations

74. To date there have been 8 objections, however a number of these have been submitted anonymously. The issues raised have been noted earlier in this report and consideration of these are noted below:

- Visual impact of the structures

The siting of the structures is to the rear of the dwelling at No 21 Little Wenham and therefore there are limited public views of these, with principal views coming from the adjacent dwellings and some minor long-range

views from the public road. The revised scheme has resulted in one of the sheds being at a higher level (0.5m) than previously the case on site, however this is negated to an extent by the shed being relocated closer to the rear boundary of the site. Given the relatively low elevation, design and materials used and location of the sheds to the rear of the site with minimal exposure to public vantage points it is unlikely that the visual impact of these sheds would be of significant merit to warrant a refusal.

- Amenity from the birds including noise

This issue has been considered in the context of the changes undertaken on the site. Due to the reduction in the number of sheds and re-siting of one of the sheds away from the existing boundary to allow for a proper cleaning regime, it is considered that on balance the development would now not result in an adverse impact on the amenity of residents in adjoining residential properties for the reasons stated above.

- Impact on future house prices of nearby dwellings

Loss of value is assessed not to be a significant material consideration. There is no evidence that the development has resulted in an actual loss of value.

- Issues relating to bird waste (droppings)/potential to attract vermin

This issue has been reconsidered on the basis of the reduction of the scheme and it is contended that due to the corresponding reduction in the number of birds and the re-siting of Shed 3, it is considered on balance that the impact of bird waste would also be reduced based on the previous information on bird numbers submitted and would be less likely lead to adverse impact the adjoining residential properties.

- Delay in receiving neighbour notification letters

Neighbour notification letters were issued 07/12/2023 and 06/06/2024 as per Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). The Council has no control over when these letters are delivered to the relevant properties, however in this case as the most recent letter was issued in February 2025 it is considered that neighbours have now had an acceptable time period in which to consider the information associated with the application and opportunity to respond to the Council.

- The historical situation of no pigeon keeping in the vicinity

The more recent changes received, based on the reduction of the number of sheds and consequently birds, as well as re-siting one of the sheds, means that the development would be more acceptable than based on the previous scheme. While the tradition of pigeon may be absent from this

area this on its own, based on the other changes made, would not on its own be enough to warrant a refusal in this case.

## Conclusions

75. Following a site inspection, an assessment of planning policy and all other material considerations including reference to good practice for dealing with pigeon sheds, it is considered that the proposal based on the amended development would on balance be acceptable and would not be at a level to warrant a refusal by way of noise, odour and pests.

76. This recommendation is finely balanced and subject to limiting the number of birds that can be kept in the two sheds to 60. This will allow the amenity of neighboring residential properties to be protected in the future by controlling the number of birds that can be kept at the property.

## Recommendations

77. It is recommended that retrospective planning permission is approved.

## Recommendations

78. The following conditions are recommended:

- This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

- The development hereby permitted shall not accommodate number of birds in the approved development must not exceed 60 pigeons in total.

Reason: In order to protect amenity at nearby residential receptors by controlling the number of animals that can be kept on the premises.

# Site Location Plan – LA05/2023/0932/F







Committee:	Planning Committee
Date:	12 May 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Quarter 3 Statistical Bulletin – October to December 2024

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"><li>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.</li><li>2. The Department continues to have responsibility for the provision and publication of official statistics relating to the development management function, including enforcement.</li><li>3. 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 to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.</li></ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"><li>1. The DfI Northern Ireland Planning Statistics covering the second quarter of 2024/25 were published on 27 March 2025.</li><li>2. The Bulletin provides an overview of planning activity across Northern Ireland. It provides summary statistical information on Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.</li><li>3. A copy of the documents can be accessed via the link:  <a href="https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2024">https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2024</a></li><li>4. It is reported in the bulletin that:<ul style="list-style-type: none"><li>• There were 2,368 planning applications received in Northern Ireland (NI) during the third quarter of 2024/25; a decrease of six percent on the same period a year earlier. This comprised of 2,321 local and 46 major applications and one regionally significant planning application.</li><li>• The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2024/25 was 19.2 weeks across all Councils. This exceeds the 15-week target but represents a decrease from the</li></ul></li></ol>
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- average processing time reported for the same period a year earlier (20.4 weeks). Three of the 11 Councils were within the 15-week target after the first nine months of 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2024/25 was 39.7 weeks across all Councils. This exceeds the 30-week target but represents a decrease of over five weeks from the average processing time reported for the same period a year earlier (45.2 weeks).
  - Across Councils 70.3% of enforcement cases were concluded within 39 weeks during the first nine months of 2024/25, meeting the 70% target. This represents a decrease from the rate recorded for the same period in 2023/24 (77.9%). Individually, six of the 11 Councils were meeting the 70% target after the first nine months of 2024/25.

5. It is reported in the bulletin for the Lisburn and Castlereagh Council Area that:

- The largest increase in the percentage number of applications received in Q3 in the Lisburn and Castlereagh City Council Area at 22.8%. This represented a recovery in the number of applications received when compared to Q2 albeit the total number of applications is still tracking behind the number received in Q3 last year.
- The percentage number of applications decided in Q3 remains ahead of the number decided in the same quarter last year. There remains a focus on reducing the number of older applications in the system. This is reflected in the number of weeks it is taking to process planning applications but the trend again in this quarter is downwards on the same quarter last year.
- This Council continues to demonstrate good performance in processing major applications when compared with other Councils across Northern Ireland. The numbers of applications falling into this category remain small.
- Performance in this Council Area is average for enforcement cases when compared with other Council areas and down on last year. The changes made to the team are embedding which should see an overall improvement in performance.

**Recommendation**

It is recommended that the Committee notes the information in relation to the Quarter 3 Statistical Bulletin.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

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

4.1	Has an equality and good relations screening been carried out?	No
-----	--	----

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out</p> <p>This is a report about Planning Statistics covering the third quarter of 2024/25 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 <b>or</b> rationale why the screening was not carried out.</p> <p>This is a report about Planning Statistics covering the third quarter of 2024/25 and RNIA is not required.</p>	

<b>Appendices:</b>	Appendix 2 - Quarter 3 Statistical Bulletin
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Northern Ireland  
Statistics and Research Agency  
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um Staitisticí agus Taighde



Department for  
**Infrastructure**

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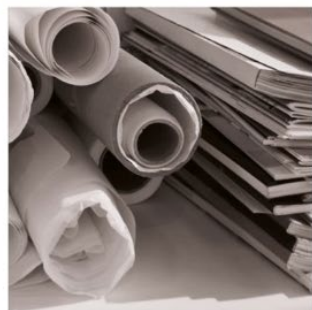
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# NORTHERN IRELAND PLANNING STATISTICS

## Third Quarter 2024/25 Statistical Bulletin

### October to December 2024: Provisional Figures



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1<sup>st</sup> Floor, James House, Gasworks Site,  
2-4 Cromac Avenue, Belfast, BT7 2JA

Statistician: Suzanne Napier  
Telephone: 028 90540390  
Email: [ASRB@nisra.gov.uk](mailto:ASRB@nisra.gov.uk)



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## Key points

- There were 2,368 planning applications received in Northern Ireland (NI) during the third quarter of 2024/25; similar to the number received in the previous quarter and down by six percent when compared to the same period a year earlier. This comprised of 2,321 local, 46 major and one regionally significant planning applications.
- In the third quarter of 2024/25, 2,327 planning applications were decided, an increase of one percent from the previous quarter and down by six percent from the same period a year earlier. Decisions were issued on 2,286 local and 41 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2024/25 was 19.2 weeks across all councils. This exceeds the 15 week target but represents a decrease from the average processing time reported for the same period a year earlier (20.4 weeks). Three of the 11 councils were within the 15 week target after the first nine months of 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2024/25 was 39.7 weeks across all councils. This exceeds the 30 week target but represents a decrease of over five weeks from the average processing time reported for the same period a year earlier (45.2 weeks).
- Across councils 70.3% of enforcement cases were concluded within 39 weeks during the first nine months of 2024/25, meeting the 70% target. This represents a decrease from the rate recorded for the same period in 2023/24 (77.9%). Individually, six of the 11 councils were meeting the 70% target after the first nine months of 2024/25.



## Overall planning applications

### Applications received, decided & approved

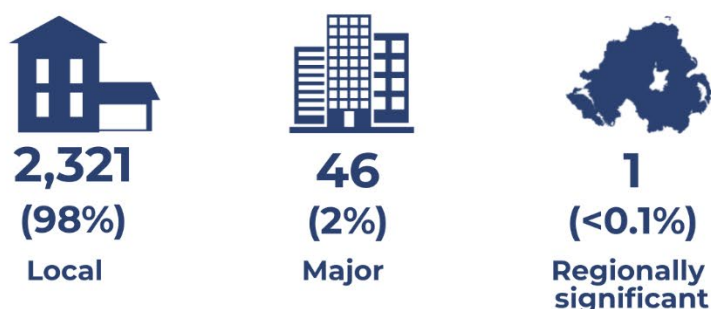


### Comparing Q3 2024/25 with Q3 2023/24:

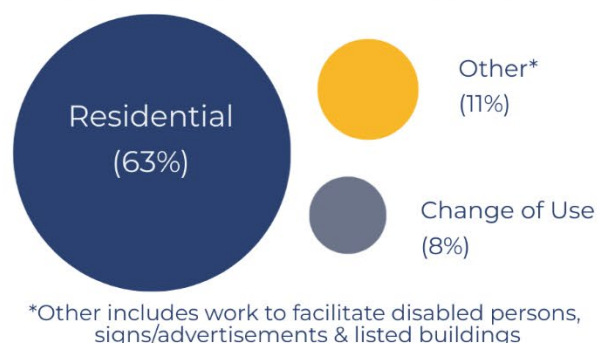


## Applications received

A total of 2,368 planning applications were received during Q3 2024/25:



### 3 largest development types



## Planning statutory targets - April to December 2023 & 2024

### Average processing times (weeks) - major



### Councils within major target



### Average processing times (weeks) - local



### Councils within local target



### % of enforcement cases concluded within 39 weeks



### Councils within enforcement target



# Northern Ireland Planning Statistics: Third Quarter 2024/25 Statistical Bulletin

## Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure during the third quarter of 2024/25.

Quarterly figures for 2024/25 are provisional and will be subject to scheduled revisions ahead of finalised annual figures, to be published in July 2025.

The records of all planning applications from 1 April to 31 December 2024 were transferred in January 2025 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, a final extract was taken in February 2025.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

## Future releases

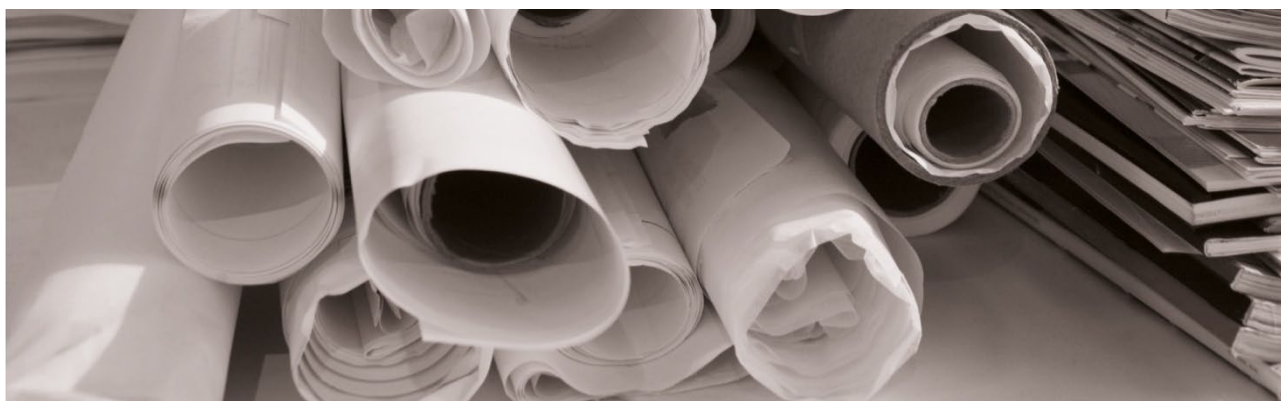
The next report will be an annual report covering the period 1 April 2024 to 31 March 2025. The annual report is planned for release in July 2024. The next quarterly report covering the period 1 April 2025 to the 30 June 2025 is planned for release in September 2025. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

## Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods.

## Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



# Chapter 1:

## Overall Northern Ireland planning activity

The volume of planning applications received in the third quarter of 2024/25 was similar to the number received in the previous quarter and down on the level recorded in the third quarter of 2023/24. For applications processed (i.e. decided or withdrawn) the volume processed increased slightly over the quarter but decreased slightly from the same period a year earlier. The number of enforcement cases opened in the third quarter of 2024/25 was lower than both the previous quarter and the same period a year earlier. Enforcements closed in the third quarter of 2024/25 was also lower than the previous quarter and the same period a year earlier.

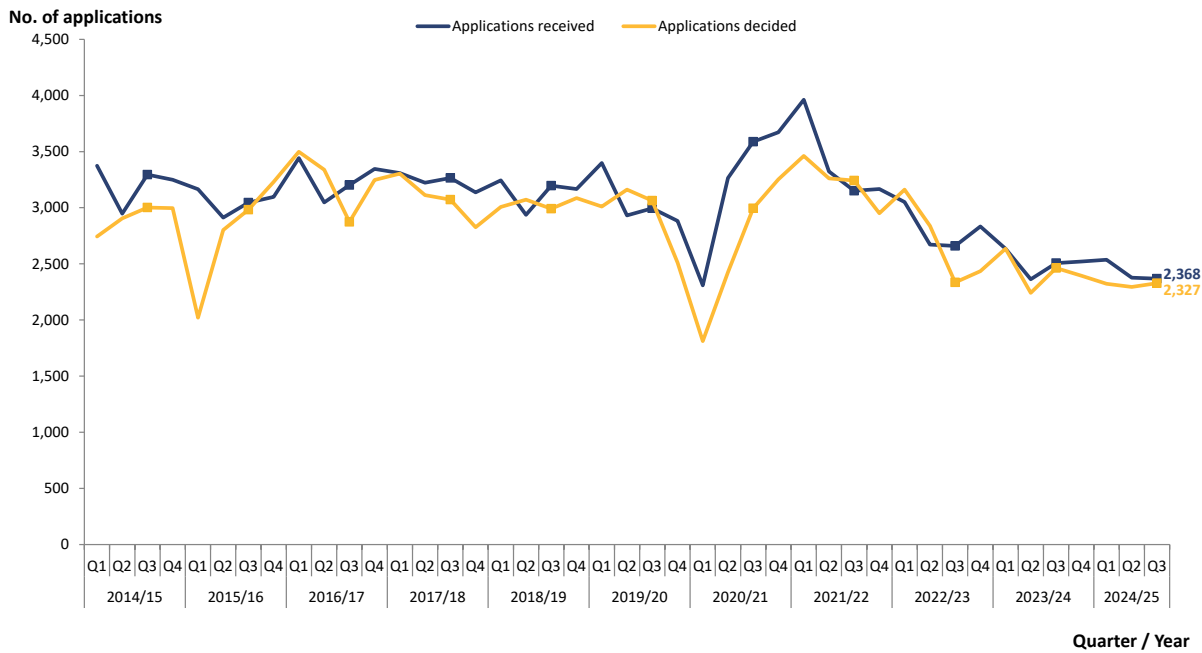
There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

### Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in Q3 2024/25 was 2,368; similar to the previous quarter (2,377) and down on the same period a year earlier (2,506), ([Figure 1.1](#)). [Refer to Tables 1.1, 1.2.](#)



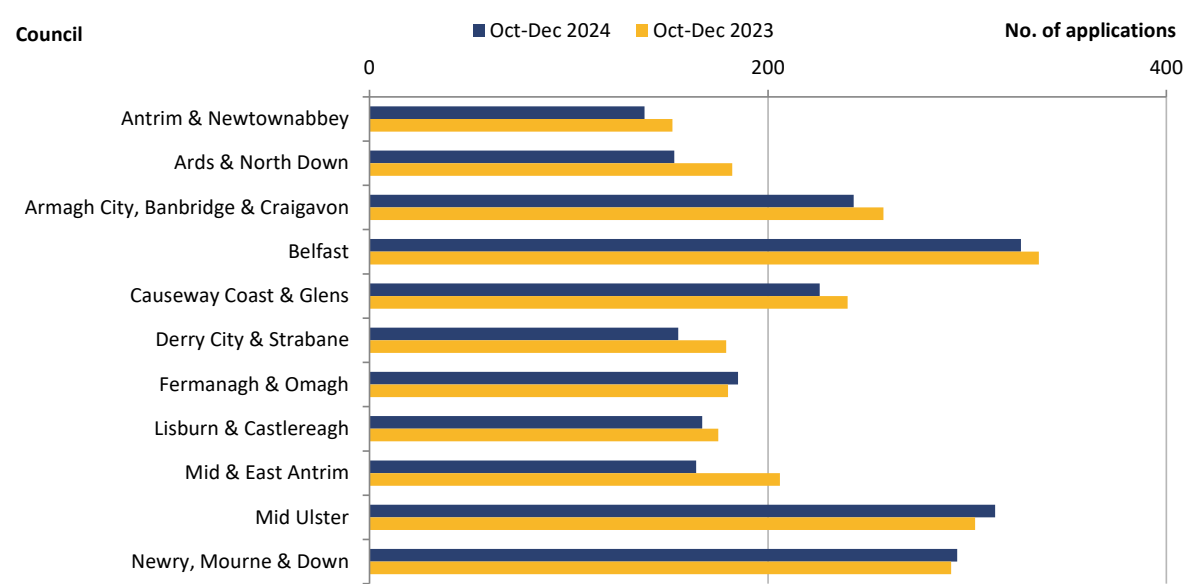
Fig 1.1 NI planning applications, quarterly, April 2014 to December 2024



Seven councils reported a decrease in the number of planning applications received in Q3 2024/25 compared with the previous quarter, with the greatest decrease in Fermanagh and Omagh (-14.7%). Four councils reported an increase over the quarter, with the percentage increase greatest in Lisburn and Castlereagh (22.8%).

Comparing Q3 in 2024/25 with the same period in 2023/24, eight of the eleven councils reported a decrease in the number of applications received, with the greatest decrease reported by Mid and East Antrim (-20.4%). Three councils reported an increase over the quarter, with the increase greatest in Mid Ulster (3.3%). See Figure 1.2

Fig 1.2 Applications received by council, October – December 2023 & 2024

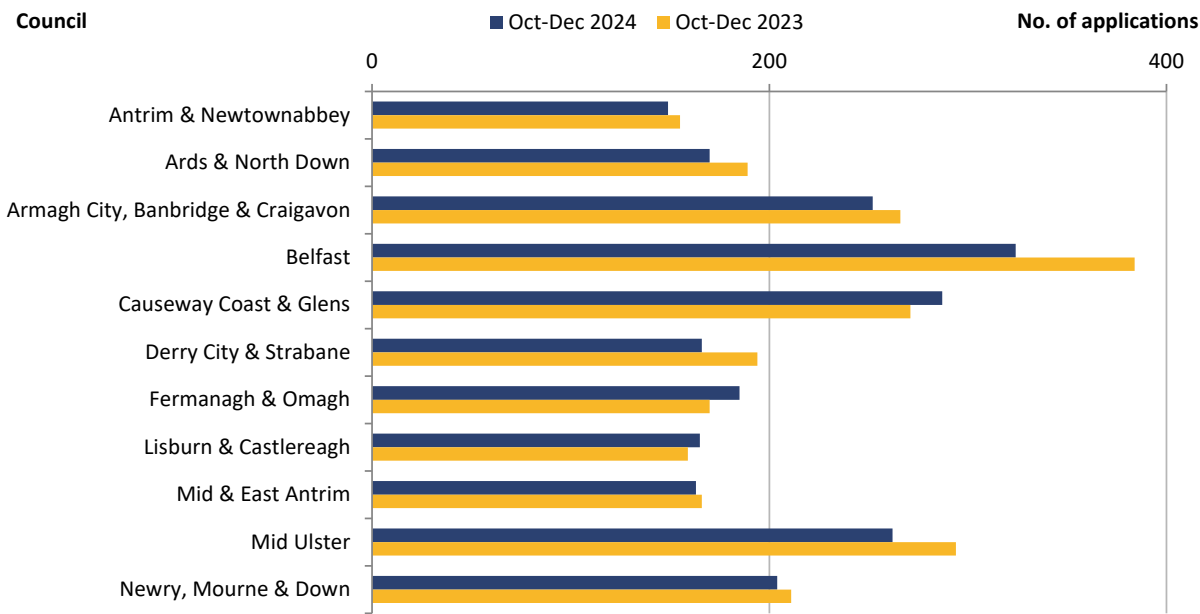


Applications decided

The number of planning decisions issued during Q3 2024/25 was 2,327; an increase of 1.4% on Q2 2024/25 (2,295) and down by 5.5% when compared with the same period a year earlier (2,463). [Refer to Tables 1.1, 1.2.](#)

Comparing Q3 in 2024/25 with the same period in 2023/24, eight of the eleven councils reported a decrease in the number of applications decided, with the largest decrease recorded in Belfast (-15.6%). Three councils reported an increase over the year, with the greatest percentage increase in Fermanagh and Omagh (8.8%). See Figure 1.3.

Fig 1.3 Applications decided by council, October – December 2023 & 2024



In Q3 2024/25, 182 applications were withdrawn, an increase from both the previous quarter (163) and Q3 2023/24 (153).

Approval rates

The overall Northern Ireland approval rate for all planning applications was 94.7% in Q3 2024/25. This was like the previous quarter (95.0%) the same quarter a year earlier (95.1%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q3 2024/25, from 89.3% in Antrim and Newtownabbey to 97.8% in Fermanagh and Omagh. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2.](#)

## Live applications

There were 7,573 live applications in the planning system across NI at the end of December 2024, down from the end of September 2024 (7,714), and down from the count at the end of the December 2023 (7,899).

Three out of every ten live applications at the end of December 2024 were over one year old (32.3%); an increase from the proportions reported at the end of September 2024 (31.0%) and the end of December 2023 (28.9%). [Refer to Table 1.3.](#)

## Departmental activity

One departmental application was received in Q3 2024/25, two were received in the previous quarter and four received during the same period last year. There were no decisions in Q3 2024/25, one was decided in the previous quarter and four were decided in the same quarter last year. No departmental applications have been withdrawn since Q1 2022/23.

At the end of December 2024 there were 24 live Departmental applications; 20 of the 24 were in the planning system for over a year.



**It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.**

Of the six RSD applications live in the planning system at the end of December 2024, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining three awaiting ministerial recommendation, the 30 week period has been exceeded for two of them.

## Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (1,485; 62.7%) of applications received in Q3 2024/25, followed by 'Other' (251; 10.6%) and 'Change of Use' (197; 8.3%). The top three development types decided in Q3 2024/25 were 'Residential' (1,491), 'Other' (278) and 'Government and Civic' (173). [Refer to Tables 5.1, 5.2.](#)

## Renewable energy activity

Twenty-three renewable energy applications were received in Q3 2024/25; similar to the previous quarter (19) and down on the number received during the same period last year (41). Nineteen renewable energy applications were decided during Q3 2024/25; this compares to 26 in the previous quarter and 20 in the same period last year.

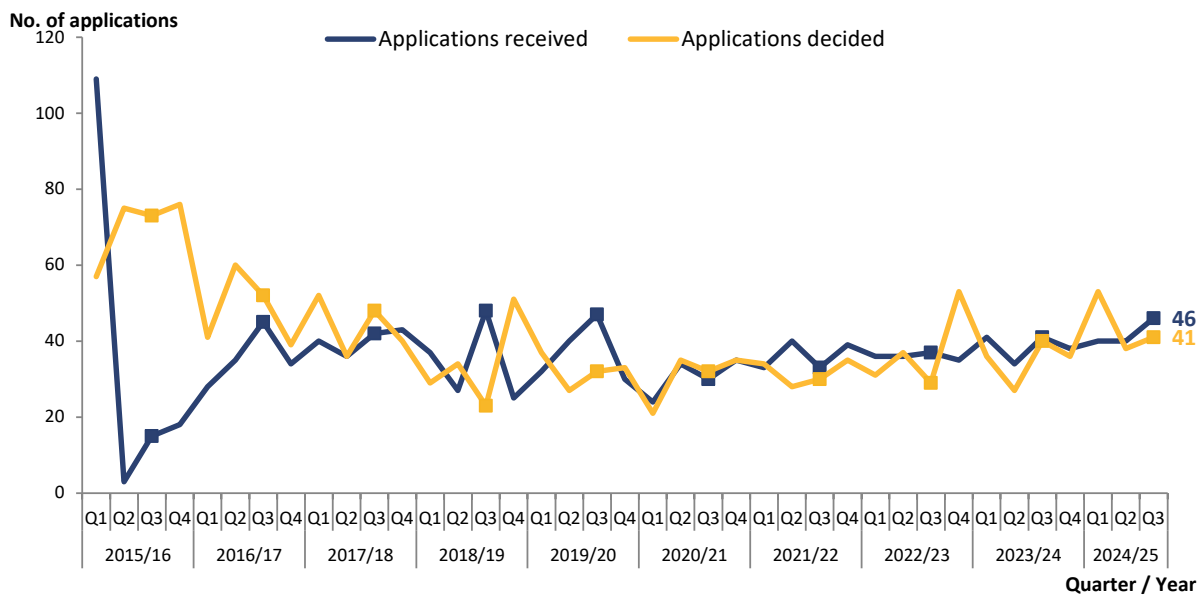


## Chapter 2:

# Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 46 major planning applications were received in NI during Q3 2024/25, up from the number received in the previous quarter (40) and the same period a year earlier (41). [Refer to Table 3.1.](#)


Fig 3.1 Major development applications, quarterly, April 2015 to December 2024



During Q3 2024/25, 41 major planning applications were decided; similar to the numbers decided in the previous quarter (38) and the same quarter last year (40). See Figure 3.1.

The approval rate for major applications decided upon in NI during Q3 2024/25 was 97.6%. [Refer to Tables 3.1, 3.2.](#)

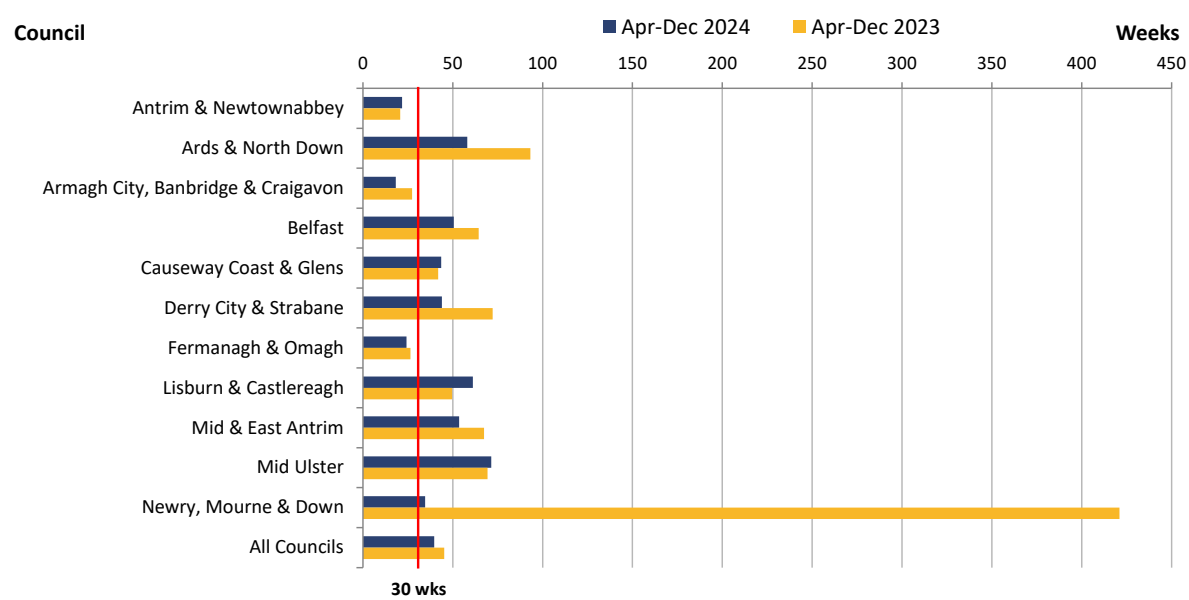
Major planning applications statutory target



It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

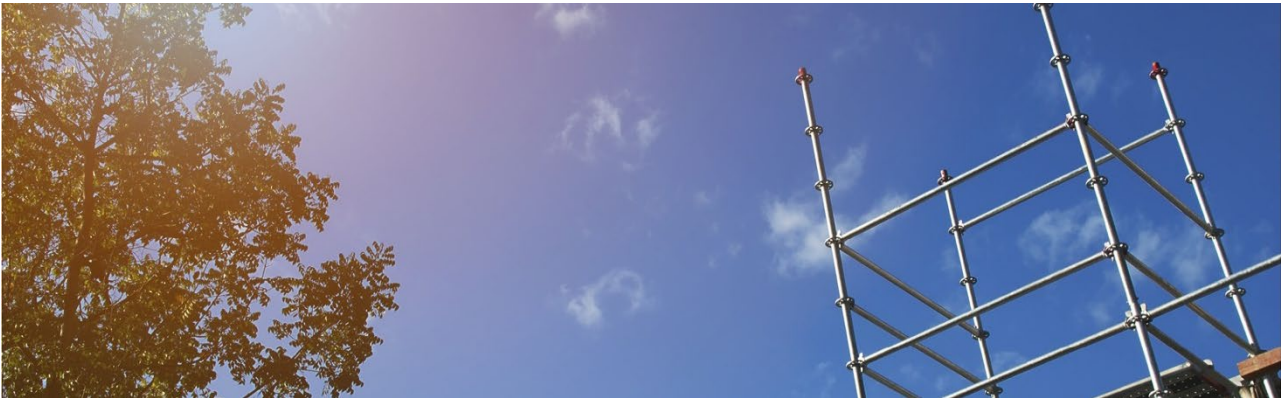
Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2024/25 was 39.7 weeks across all councils. This exceeds the 30 week target but represents an decrease of 5.5 weeks compared with the same period in 2023/24 (45.2 weeks). In total, 138 major planning applications were decided or withdrawn by councils during the first nine months of 2024/25, the figure for the same period last year was 108.

Fig 3.2 Major development average processing times by council, April to December 2023 & 2024



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

[Refer to Table 3.2 for further information.](#)

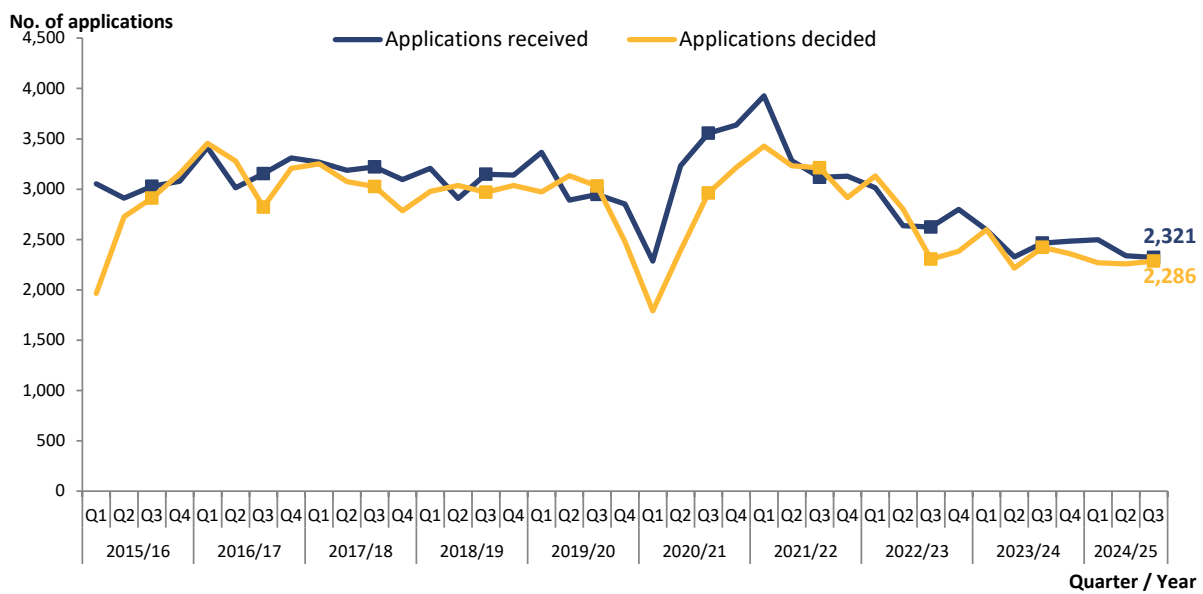


## Chapter 3:

### Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during Q3 2024/25 was 2,321; similar to the number received in the previous quarter (2,337: -0.7%) and down by 5.8% when compared to the same the same period a year earlier (2,465). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, quarterly, April 2015 to December 2024



The number of local applications decided in Q3 2024/25 was 2,286; up over the quarter (2,257) by 1.3% and down by 5.7% when compared with the same period a year earlier (2,423); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 94.7% in Q3 2024/25; similar to the rate reported for the previous quarter (94.9%) and the same period a year earlier (95.1%).

Local planning applications statutory target

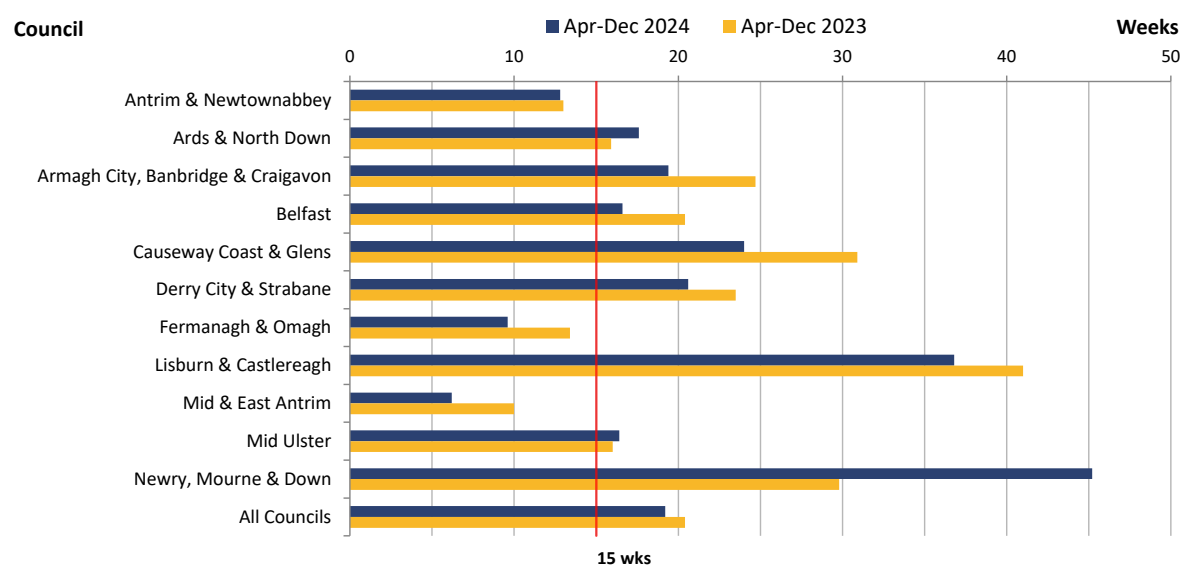


It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2024/25 was 19.2 weeks; this is down when compared with the same period a year earlier (20.4 weeks). This exceeds the statutory target of 15 weeks. There were 7,296 local applications decided or withdrawn by councils during the first nine months of 2024/25, the figure for the same period last year was 7,640.

Three of the 11 councils were within the 15 week target after the first nine months of 2024/25: Mid and East Antrim (6.2 weeks), Fermanagh and Omagh (9.6 weeks), Antrim and Newtownabbey (12.8 weeks) see Figure 4.1. [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to December 2023 & 2024



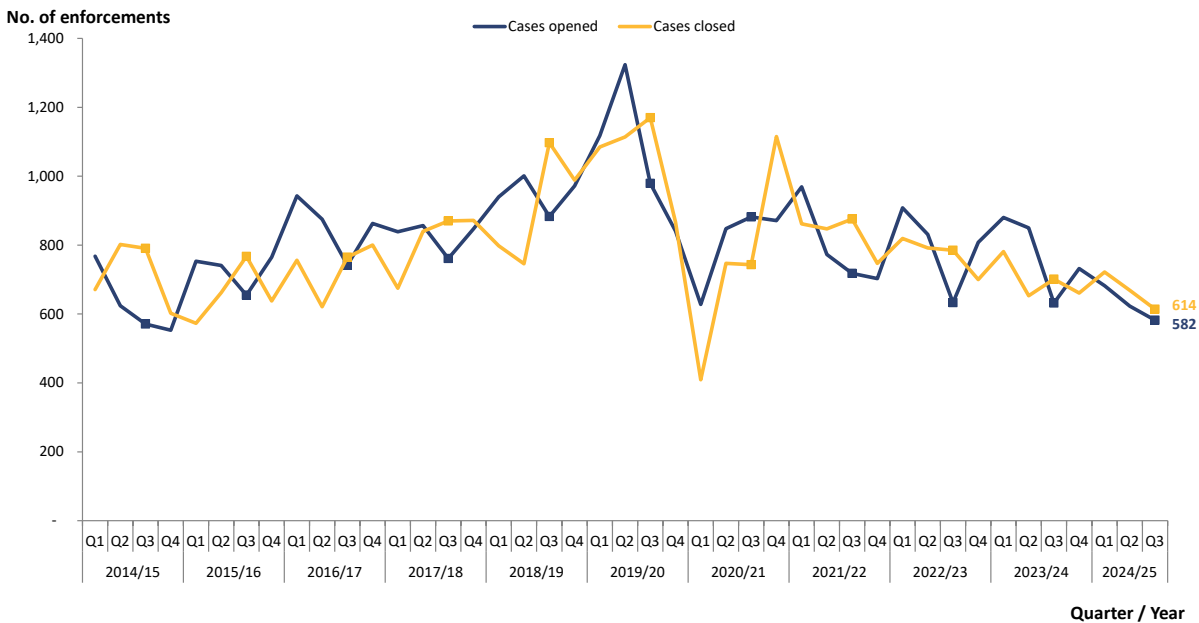




# Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during the third quarter of 2024/25 was 582; down by 6.6% over the quarter (623) and down by 7.9% when compared to the same period a year earlier (632). The number of cases closed during Q3 2024/25 was 614; down by 8.2% from the previous quarter (669) and down by 12.4% from the same period a year earlier (701) (Figure 6.1). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2014 to December 2024



The number of enforcement cases over two years old stood at 1,594 at the end of December 2024, accounting for 40.6% of all live cases. This compared with 39.8% of live cases at the end of September 2024 and 37.2% at the end of December 2023. [Refer to Table 6.4.](#)



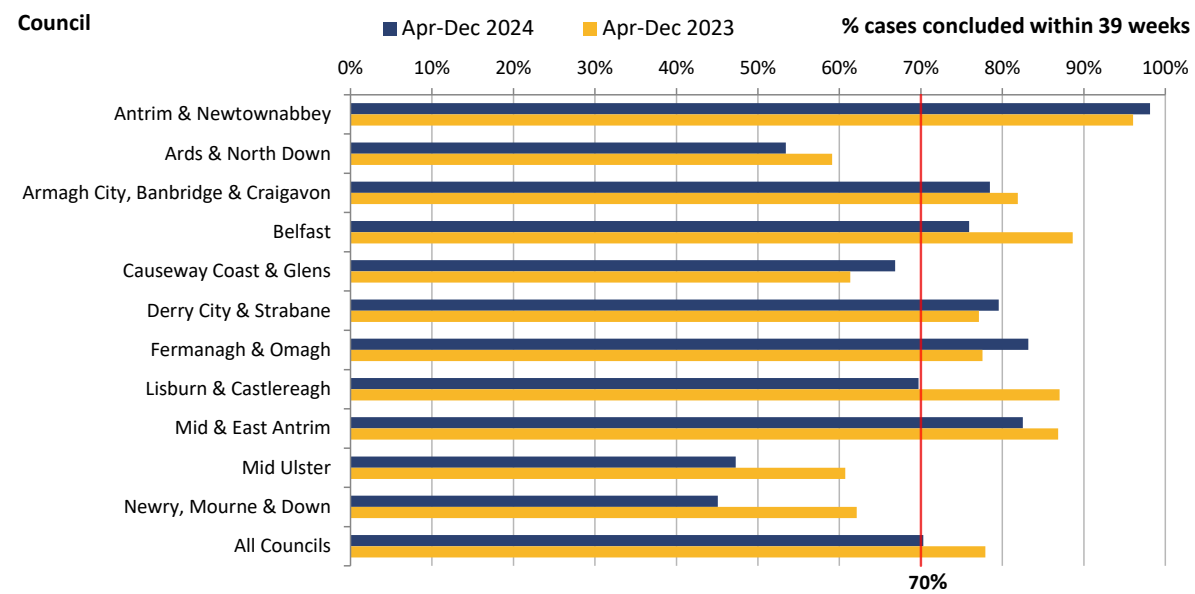
Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 70.3% of enforcement cases were concluded within 39 weeks during the first nine months of 2024/25 meeting the statutory target of 70%. This represents a decrease from the rate reported for the same period last year (77.9%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, April to December 2023 & 2024



Six of the 11 councils were individually meeting the statutory target at the end of the first nine months in 2024/25.

Antrim and Newtownabbey recorded the highest percentage of cases processed within 39 weeks, with 98.1% processed within target during the first nine months of 2024/25. See Figure 6.2 and [Refer to Table 6.2.](#)



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## Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](https://www.gov.uk/government/publications/code-of-practice-for-statistics) and should be labelled ‘[accredited official statistics](https://www.gov.uk/government/publications/code-of-practice-for-statistics)’<sup>1</sup>.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](https://www.gov.uk/government/publications/code-of-practice-for-statistics) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing [regulation@statistics.gov.uk](mailto:regulation@statistics.gov.uk) or via the OSR website.

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<sup>1</sup> National Statistics are [accredited official statistics](https://www.gov.uk/government/publications/code-of-practice-for-statistics).

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 3 – Statutory Performance Indicators – March 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 March 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 for March 2025 was 62.1 weeks with performance year to date noted to be 39 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. In real numbers a total of 779 local applications have issued to date. This is 179 more than the number of applications received.
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.
5. The performance against statutory target for major applications for March 2025 was 20.2 weeks. That said, performance year to date noted to be 59.2 weeks. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes including the preparation of Section 76 planning agreements. These are being managed, and it remains in the work

	<p>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><b><u>Recommendation</u></b></p> <p>It is recommended that the Committee notes the information in relation to the March 2025 Statutory Performance Indicators.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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 <b><u>or</u></b> 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 <b><u>or</u></b> 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>	

<b>Appendices:</b>	Appendix 3 – Statutory Performance Indicators – March 2025
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## Statutory targets monthly update - March 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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks		Number received	Number decided/ withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks		Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	1	1	49.4	0.0%		60	49	32.6	12.2%		20	19	46.6	63.2%
May	2	1	59.2	0.0%		62	60	34.3	23.3%		32	42	33.6	81.0%
June	1	1	22.4	100.0%		44	73	32.0	31.5%		13	27	39.0	70.4%
July	1	1	197.8	0.0%		37	62	32.4	32.3%		14	21	50.0	61.9%
August	2	1	135.4	0.0%		50	62	27.7	32.3%		22	6	37.9	83.3%
September	0	2	64.2	0.0%		46	74	44.2	14.9%		21	28	59.6	60.7%
October	4	1	210.6	0.0%		44	49	29.4	28.6%		22	23	43.4	65.2%
November	1	2	53.7	0.0%		67	77	49.4	18.2%		26	25	25.6	88.0%
December	2	0	-	-		49	50	44.9	18.0%		12	31	88.6	61.3%
January	0	0	-	-		37	68	38.8	27.9%		21	12	60.0	41.7%
February	0	0	-	-		43	73	41.2	27.4%		19	17	27.3	88.2%
March	1	1	20.2	100.0%		61	82	62.1	22.0%		15	20	44.0	70.0%
Year to date	15	11	59.2	18.2%		600	779	39.0	24.1%		237	271	38.8	70.1%

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.

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 4 – Appeal Decision – LA05/2022/0236/O

## 1.0 **Background**

1. An application for a Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works on lands 120 metres southwest of 80 Redhill Road, Dromore was refused planning permission on 28 June 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 25 October 2024.
3. The procedure followed in this instance was by way of informal hearing at the request of the appellant team. The hearing took place on 07 February 2025.
4. The main issues in the appeal are whether the proposed development was acceptable in principle in the countryside and whether it would result in a detrimental change to the rural character of the area.
5. In a decision received on 14 March 2025 the Commission confirmed that the appeal was dismissed.

## **Key Issues**

1. The appeal development relates to a replacement dwelling to be erected within the curtilage of an existing building on the appeal site. The main issue was whether the building exhibited the essential characteristics of a dwelling.
2. There is no dispute between the parties that the minimum requirement of the policy, that the external walls of the appeal building are substantially intact, had been met.
3. The Commissioner concluded that the building had been adapted over the years for agricultural purposes and judged that the appeal building did not exhibit the essential characteristics of a dwelling.
4. However, the Commissioner was not persuaded that the construction of a dwelling on the appeal site would have a visual impact significantly greater than that of the existing building.
5. The Commissioner accepted the existing boundary treatments, which could be retained if planning permission was forthcoming, together with the intervening vegetation and topography, would mean that a new dwelling would appear unduly prominent in the landscape.

	<p>6. Whilst not all the reasons for refusal were sustained the Commission did accept that there was no dwelling to replace, and the refusal of permission sustained. The Commissioner applied a different judgement in respect of the impact that a new building would have on the rural character of the open countryside. As a consequence, there is limited learning from this appeal.</p>		
2.0	<p><b><u>Recommendation</u></b></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><b><u>Finance and Resource Implications</u></b></p> <p>No cost claim was lodged by any party in this instance.</p>		
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>		
4.1	<table border="1"> <tr> <td data-bbox="209 786 1254 875">Has an equality and good relations screening been carried out?</td> <td data-bbox="1254 786 1489 875">No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		
4.2	<table border="1"> <tr> <td data-bbox="209 875 1254 1122"> <p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> 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> </td> <td data-bbox="1254 875 1489 1122"></td> </tr> </table>	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> 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	<table border="1"> <tr> <td data-bbox="209 1122 1254 1211">Has a Rural Needs Impact Assessment (RNIA) been completed?</td> <td data-bbox="1254 1122 1489 1211">No</td> </tr> </table>	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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4.4	<table border="1"> <tr> <td data-bbox="209 1211 1254 1440"> <p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> 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> </td> <td data-bbox="1254 1211 1489 1440"></td> </tr> </table>	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> 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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<b>Appendices:</b>	Appendix 4 – Appeal Decision – LA05/2022/0236/O
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4th Floor  
92 Ann Street  
Belfast  
BT1 3HH

Phone: 028 908981055 (direct line)  
Phone: 028 9024 4710 (switchboard)  
Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

Website: [www.pacni.gov.uk](http://www.pacni.gov.uk)

Lisburn & Castlereagh City Council  
Local Planning Office

Our reference: **2024/A0075**  
Authority  
reference: **LA05/2022/0236/O**  
14 March 2025

Dear Sir/Madam

**Re:**

**Appellant name: Mr. Ian Girvan**

**Description: Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works**

**Location: Lands 120m south west of 80 Redhill Road, Dromore, BT25 1RL**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly  
PACWAC Admin Team





# Appeal Decision

Planning Appeals Commission  
4<sup>th</sup> Floor  
92 Ann Street  
Belfast  
BT1 3HH  
T: 028 9024 4710  
F: 028 9031 2536  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2024/A0075
<b>Appeal by:</b>	Mr Ian Girvan
<b>Appeal against:</b>	Refusal of outline planning permission
<b>Proposed Development:</b>	Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works
<b>Location:</b>	Lands 120m southwest of 80 Redhill Road, Dromore, BT25 1RL
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/0236/O
<b>Procedure:</b>	Informal Hearing on 7 <sup>th</sup> February
<b>Decision by:</b>	Commissioner Gareth McCallion, dated 14 <sup>th</sup> March 2025

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues are whether the proposal would be acceptable in principle in the countryside and whether it would result in a detrimental change to the rural character of the area.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an appeal, 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) of the Act requires that regard must be had to the LDP unless material considerations indicate otherwise.
4. The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032, Plan Strategy (PS) on 26<sup>th</sup> September 2023. The PS sets out the strategic policy framework for the Council area. In accordance with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), where the PS is adopted by the Council, a reference to the local development plan in the Act is a reference to the Departmental Development Plan (DDP) and the PS read together. In this appeal the relevant DDP is the Lisburn Area Plan (LAP). In accordance with the legislation, any conflict between a policy contained within the DDP and those of the PS must be resolved in favour of the latter. Furthermore, as the Council has now adopted its PS, previously retained policies set out in the suite of regional

Planning Policy Statements (PPSs) have now ceased to have effect within this Council area.

5. In the DDP, the appeal site is located in the Countryside. There are no policies contained within the DDP that are pertinent to these proposals, so no conflict arises with the PS. In May 2017, the Court of Appeal declared the adoption of the 2014 BMAP unlawful. Consequently, no reliance can be placed on its provisions. However, while draft BMAP 2004 (dBMAP) is not a DDP, it could still be a potential material consideration in certain cases. In the dBMAP, the appeal site is also in the countryside.
6. The appeal development relates to a replacement dwelling to be erected within the curtilage of an existing building on the appeal site. The appeal site, which is almost triangular, comprises a small agricultural field located on the south side of the Redhill Road. The site is undulating and largely covered in grass. The northern, roadside boundary is defined by hedgerows, post and wire fencing and mature and semi mature trees. The southeastern boundary is defined by a mature hedgerow and shares a common boundary with a driveway running to No. 81 Redhill Road. The northwestern boundary, which adjoins a private laneway and serves farmlands beyond, is largely defined by hedgerow planting, mature trees and a section of post and wire fencing. Access to the appeal site is taken from this private laneway.
7. The building to be replaced is located close to the northwestern boundary of the appeal site, with its front elevation facing onto and set back approximately 5metres from the Redhill Road. It is a single storey, rectangular building, principally comprised of original stone and weathered red brick, though some modern materials are evident. These comprise concrete block work, predominantly used in the buildings northern gable, and some timber framing and cement rendering found around several of the openings. The pitched roof, which is supported by modern timber trusses, is finished in corrugated metal sheeting. The front façade contains four openings of various size and shape and include a doorway into the building. There are four openings, again of various size and shape, found within the rear elevation. There are no openings present on either gable end. Internally, there are no partition walls, and the floor is mainly made up of uneven mud with stones and other debris strewn throughout.
8. Policy COU1 'Development in the Countryside' of the PS states that "*there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development*". Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. The policy advises that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'.
9. The appeal before me relates to a proposal which sought outline planning permission for a replacement dwelling. Policy COU3 'Replacement Dwellings' states that "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".

10. There is no dispute between the parties that the minimum requirement of the policy, that the external walls of the appeal building are substantially intact, has been met. Furthermore, from historic maps dating back to 1834 and evidence presented in relation to it being occupied as a home up until 1929, there is no disagreement that the building was, at one time previously, used as a dwelling. Therefore, the remaining argument lies with the test under Policy COU3 as to whether the building exhibits the essential characteristics of a dwelling.
11. The Appellant acknowledges that the building has been used for agricultural purposes in the past. However, he contends that it remains clear that, in its current state, it exhibits characteristics of a dwelling. He directs to the buildings vernacular style and the openings on the front and rear façade, which are of domestic scale. Whilst externally, there is no chimney due to the building having been re-roofed, internally, the Appellant points to the remaining signs of a flue on an internal gable wall.
12. Conversely, the Council contends that there is no evidence of a fireplace or chimney on the gable walls or any domestic fixtures on both internal and external sections of the building. Internally, there are no walls dividing the building, which you would typically find in a dwelling and while openings of a domestic scale are present, these have been reconstructed using modern materials and are often found on old, non-residential buildings.
13. From my site inspection, while I observed some indentations on the southeasterly gable wall and some darkened stonework, I am not persuaded that these notches or colours represent the former presence of a flue. There is no evidence of a fireplace or chimney present within the building. In any event, the presence of a chimney or a flue would not in and of itself provide cogent proof of a residential use and would need to be considered in combination with other essential characteristics.
14. The building's openings, along both the front and rear elevations, are of a domestic scale and size. However, these along with the northwestern gable, have been modified with more recent building materials, such as block, concrete and timbers which has altered, particularly along the front façade, the proportion of void to mass. In any event, as discussed at the hearing, these characteristics including the buildings size, vernacular style and footprint could also be observed in, and are comparable to, agricultural buildings constructed at a similar period.
15. I acknowledge the Appellant's testimony at the hearing that the policy only requires that the fundamental tests, including the presence of substantially intact walls, and proof that the building had been a dwelling, have been met. However, contrary to his view, the Policy also requires that the building to be replaced exhibits the essential characteristics of a dwelling.
16. If there were internal walls or a chimney, they have now been removed and the building's openings have been altered. What is evident from my site inspection is

that the building has been adapted over the years for agricultural purposes. Having considered the evidence and from my on-site observations, even if I were to set aside the recent alterations to the openings along the front façade, taking the building as a whole, I judge that the appeal building does not exhibit the essential characteristics of a dwelling. Thus, I find that no replacement opportunity is present, and the proposal is contrary to Policy COU3. Thus, the Council's second reason for refusal is sustained.

17. Notwithstanding the above, the Council's third reason for refusal engages criterion (b) of the Policy COU3. Criterion (b) states that the overall size of the new dwelling must not have a visual impact significantly greater than the existing building. The Council also advise the appeal proposal is contrary to criteria (a) and (c) of Policy COU15 and criteria (a) and (e) of Policy COU16, as it would appear as unduly prominent in the landscape, would fail to blend with the landform, and have an adverse impact on the rural character of the area.
18. During the hearing, there was no disagreement between the parties that the existing building measures some 50m<sup>2</sup> and has a ridge height of approximately 5.3m. However, the Council consider that a new 'storey and a half' dwelling would have a visual impact which would be significantly greater than the existing building on site, particularly when viewed from the west whilst travelling east along the Redhill Road. The Council advised that a new dwelling would be seen approximately 40m west of the appeal site and from this direction there is no suitable backdrop comprising of trees, buildings, slopes or other features to allow the proposed development to blend with the landform and integrate appropriately.
19. The Appellant contends that a modest building with similar proportions, albeit located perpendicular to the existing building as depicted on the plans, would have no greater visual impact than the building to be replaced. The Appellant directed that the proposal is for outlined planning permission, the block plan was notional and matters regarding the design would be addressed in due course. The Appellant advised that the existing mature trees and vegetation, within and surrounding the appeal site, assists in integration and this together with the rolling topography between those lands to the west and the appeal site means that the proposed dwelling would not have a visual impact significantly greater than the existing building.
20. From my onsite observations, when travelling west to east along the Redhill Road the appeal site is largely obscured by the road alignment and the topography of it and the surrounding land. Furthermore, whilst my visit was carried out in February, on approach from the west, at 40m from the appeal site, the intervening road site and boundary vegetation, which is lined with hedgerows and mature trees, largely screens it, and the existing building therein, with only the apex of the western facing gable wall visible. From this viewpoint, the mature trees within the appeal site, and those found beyond it, but within its surrounding environs, provide a suitable natural backdrop.
21. Notwithstanding the provision of a notional block plan, matters pertaining to the ultimate design and layout would be considered at reserved matters stage. The ridge height and levels could be regulated by condition, as discussed further below, if planning permission was to be granted. Therefore, I am not persuaded

that the construction of a dwelling on the appeal site would have a visual impact significantly greater than that of the existing building. Thus, whilst I have found above that the principle of development has not been met, I consider that criterion (b) of COU3 is not offended and the Council's third reason for refusal is not sustained.

22. From my own onsite observations, the character of the area is rural in nature with a mixture of both one and half and two storey dwellings found in proximity to the appeal site, including that of the modern home directly opposite the site. Given the appeal sites existing boundary treatments, which could be retained if planning permission was forthcoming, together with the intervening vegetation and topography, I am not persuaded that a one and a half storey dwelling, would appear unduly prominent in the landscape. Even if the building to be replaced was to be retained, for a use ancillary to the new dwelling, the scale, siting and design, of the proposed dwelling could be regularised through planning conditions. Therefore, I consider that the development could integrate sympathetically into its surroundings and would not have an adverse impact on the rural character of the area.
23. Thus, for the reasons given above, I find that criteria (a) and (c) of Policy COU15 and criteria (a) and (e) of Policy DOU16 are not offended and the Council's fourth and fifth reasons for refusal are not sustained.
24. Nevertheless, the Council's concerns pertaining to the principle of development pursuant to Policy COU3 of the PS are sustained. The appeal proposal does not constitute as one relating to acceptable residential development proposals in the countryside. Therefore, the Council's first reason for refusal under Policy COU1 is also sustained.
25. I acknowledge that reference was made by the Appellant to appeals 2013/A0135 and 2021/A0047. However, both appeals were not appended in full. Therefore, contextually, I cannot compare the circumstances of those decisions to the appeal before me. In any event, they were decided prior to the adoption of the PS, and therefore assessed under a different policy context. Thus, they provide little assistance in this case.
26. As I have found that the proposal is contrary to Policies COU1 and COU3 of the PS, and that the Council's first and second refusal reasons have been sustained and are determining in this case, the appeal must fail.

The decision relates to the following plans:

- Site Location Plan 01, received by the Council on 3<sup>rd</sup> March 2022; and
- Block Plan 02, received by the Council on 3<sup>rd</sup> March 2022.

**COMMISSIONER GARETH McCALLION**

**List of Appearances**

Planning Authority: -	Mr Joseph Billham, Lisburn and Castlereagh City Council Mr Peter McFadden, Lisburn and Castlereagh City Council
Appellant: -	Mr David McMaster (Architect) Mr Ian Girvan (Appellant)

**List of Documents**

Planning Authority: -	Statement of Case, Lisburn and Castlereagh City Council
Appellant: -	Statement of Case, David McMaster Architect

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 5 – Appeal Decision – LA05/2022/0883/O

## 1.0 **Background**

1. An application for a proposed site for a replacement dwelling, at 49c Waterloo Road, Lisburn was refused planning permission on 22 January 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 25 May 2024. The procedure followed in this instance was written representation with Commissioner's site visit on 11 March 2025.
3. The main issues in the appeal are whether the proposal for an off-site replacement dwelling would be acceptable in principle in the open countryside and whether the resulting development would be visually integrated into the surrounding landscape without having an adverse impact on the rural character of the area.
4. A decision received on 20 March 2025 indicated that the appeal was dismissed.

## **Key Issues**

1. The existing building was constructed without planning permission but benefits from a Certificate of Lawfulness of Existing Use or Development (CLEUD). As the building exhibited the characteristics of a dwelling and was not replaced before the Commissioner accepted that the proposal met the first part of Policy COU3 and was suitable in principle for replacement.
2. The appellant argued that three 80-year-old mature trees within the established curtilage of the dwellings limited the ability to provide a modest sized dwelling.
3. The Commissioner concluded that whilst no detailed design was before him at outline stage, he was satisfied that the existing curtilage was not so restricted that it could not reasonably accommodate a modest sized dwelling in keeping with the scale of the building to be replaced, and accepted that the Council had sustained its second reason for refusal based on Policy COU3 (a) (i).
4. The Appellant also contended in their appeal submissions that the proposed alternative site would result in demonstrable landscape, heritage, access or amenity benefits under criterion (ii) and that amenity benefits were also accrued as the dwelling to be replaced is just 6.5 metres from the dwelling at No. 49.

5. The Commissioner further concluded that the existing curtilage of No. 49c was of sufficient size that a modest sized dwelling could be designed and orientated to provide private amenity space without impinging on the privacy of No. 49, or vice-versa. As the Appellant had also not demonstrated landscape or amenity benefits to justify the off-site location, the Council had sustained its third reason for refusal based on Policy COU3 (a) (ii).
6. The Commissioner noted as significant that the Plan Strategy required new buildings to cluster with an established group of buildings in both policies COU15 and COU16 and concluded that the proposal, when viewed from the Ravernet Road, would read as a one-off development. The Commissioner considered that this type of development would fail to respect the traditional pattern of settlement and would adversely impact on the rural character of the area. For these reasons, the Council has sustained its concerns under Policy COU15 b) and Policy COU16 b), c) and e).
7. Finally, the Commissioner agreed as an off-site replacement would fail to comply with Policy COU3 (a), the proposal is unacceptable in principle and also contrary to Policy COU1.
8. Whilst not all the reasons for refusal were sustained the Commission did accept that an off-site replacement would harm the character of this part of the open countryside, and the refusal of permission sustained. The Commissioner applied a different judgement in respect of a new building being integrated into the landscape when viewed from a number of vantage points but the other integration and character concerns in respect of clustering were agreed with. As a consequence, there is limited learning from this appeal.

## 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	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out	
	This is a report updating the committee on a decision by the PAC and EQIA is not required.	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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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>	200
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<b>Appendices:</b>	Appendix 5 – Appeal Decision – LA05/2022/0883/O
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4th Floor  
92 Ann Street  
Belfast  
BT1 3HH

Phone: 02890893923 (ext  
81023) (direct line)  
Phone: 028 9024 4710 (switchboard)  
Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

Website: [www.pacni.gov.uk](http://www.pacni.gov.uk)

Lisburn & Castlereagh City Council

Our reference: 2024/A0018  
Authority  
reference: LA05/2022/0883/O  
20 March 2025

Dear Sir/Madam

**Re:**

**Appellant name: Mr. George Long**

**Description: Proposed replacement dwelling (amended plans received)**

**Location: 49C Waterloo Road, Lisburn**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson  
PACWAC Admin Team



# Appeal Decision

4<sup>th</sup> Floor  
92 Ann Street  
BELFAST  
BT1 3HH  
T: 028 9024 4710  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

202

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<b>Appeal Reference:</b>	2024/A0018
<b>Appeal by:</b>	Mr George Long
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Replacement dwelling
<b>Location:</b>	49c Waterloo Road, Lisburn
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/0883/O
<b>Procedure:</b>	Written representations and Commissioner's site visit on 11 <sup>th</sup> March 2025
<b>Decision by:</b>	Commissioner Gareth Kerr, dated 20 <sup>th</sup> March 2025

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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council's Local Development Plan 2032 Plan Strategy (hereafter referred to as the PS) was adopted on 26<sup>th</sup> September 2023. From that point on, applications and appeals must be determined in accordance with its provisions. The decision subject to this appeal was made on 22<sup>nd</sup> January 2024, but the six refusal reasons referred to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies within the "draft plan strategy (as modified by the Direction of the Department)". As the PS had been adopted by the time the decision was made, the draft plan strategy no longer had effect. In its appeal evidence, the Council updated its refusal reasons to refer only to the adopted policies within its PS. References to the SPPS, the draft plan strategy and the Department's Direction were removed. Whilst it is unhelpful that all of the refusal reasons were changed at appeal stage, no change was made to their substance and the appellant had the opportunity to address the changes through rebuttal evidence, so no prejudice arises. Therefore, the appeal will be determined based on the amended reasons for refusal set out in Appendix 4 of the Council's evidence.

## Reasons

3. The main issues in this appeal are whether the proposal for an off-site replacement dwelling would:
  - be acceptable in principle;
  - visually integrate into the surrounding landscape; and
  - have an adverse impact on the rural character of the area.

4. Under Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act), regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5. The Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 indicates that where a PS is adopted by a Council, the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS. 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 green belt. As the operational policies now contained within the PS make no distinction between green belts and the remainder of the countryside, the green belt designations in the LAP are of no consequence in the appeal. As there are no other relevant provisions in the LAP, the appeal should be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.
6. Policy COU1 of the PS indicates that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. To establish the principle of development, a housing proposal must meet one of the specific operational policies for residential development in the countryside as set out in policies COU2 to COU10. 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.
7. The appeal proposal falls to be assessed under Policy COU3: Replacement Dwellings. It states that 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. It goes on to set out the following additional criteria which must be 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.
8. The appeal site is located towards the southern end of a shared laneway which stretches for some 650m from the Waterloo Road. It lies in a rural area approximately 1km south of the city of Lisburn and 0.5km north of the village of Ravernet. The laneway serves several other dwellings and business premises. The building to be replaced (49c) is sited at the edge of a group of existing buildings including three other dwellings (49, 49b and 49d). It is a small single storey one-bedroom property measuring 10m x 6.65m with roughcast walls and a profiled metal sheeted roof. It is separated from No. 49 to the east by a concrete laneway and to its west is a grassed landscaped area extending to the shared

laneway which then loops around to its south. There is an area of timber decking to the southern gable and a gravelled area for car parking. The appeal site also includes approximately two thirds of an agricultural field to the western side of the shared laneway where it is proposed to replace the dwelling. The land slopes away from the lane towards a watercourse on the western boundary.

9. The existing dwelling was constructed without planning permission. It benefits from a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 169 of the Act which was granted by the Council on 18<sup>th</sup> March 2022 as it had become immune from enforcement action (Ref: LA05/2021/1265/LDE). In this context, it is not disputed that it meets the first part of Policy COU3 and is suitable in principle for replacement. The key matters for consideration are whether an off-site replacement is justified and the visual impact of the proposal.
10. Criterion a) of Policy COU1 requires that the proposed replacement dwelling is sited within the established curtilage of the existing building, unless one of two exceptions is met. The Appellant argues both exceptions. Firstly, it is argued that the existing curtilage of the dwelling is too restricted to accommodate a modest sized dwelling. As established by the CLEUD, the existing curtilage comprises the grassed area to the west of the dwelling and bounded by the shared laneway. The Council states that this established curtilage measures approximately 40m x 42.5m, an area of 1700m<sup>2</sup>. They also referred to a previous appeal decision (Ref: 2019/A0199) where a curtilage of 1000m<sup>2</sup> was found sufficient to accommodate a modest dwelling. The Appellant considered that case not to be comparable with his proposal as the alternative site was across a main road with no landscape benefits and all cases are site-specific.
11. The Appellant argues that three 80-year-old mature trees within his established curtilage limit the ability to provide a modest sized dwelling and refers to an internet search of a house insurance website stating a safe distance that trees of various species should be kept from property. An evergreen tree identified as a Cypress Fir is planted to the north of the existing dwelling. A Copper Beech tree is situated to its west (mistakenly referred to as a Silver Beech in parts of the Appellant's evidence). A larger tree located further to the north west adjacent to the shared laneway is variously referred to as an ash and oak in the Appellant's evidence, but during my site visit, it appeared to be a standard beech tree. The Appellant erroneously claimed that Copper Beech trees are protected by law, but this would only be the case if they are subject to a Tree Preservation Order (TPO). The Council confirmed that none of the trees on the site are subject to a TPO. Therefore, they could be trimmed or removed to facilitate a replacement dwelling within the established curtilage of the existing dwelling. Neither the Appellant's ecological statement nor the Council's Tree Officer expressed any concern about the removal of these trees.
12. The Appellant provided a sketch showing the claimed safe distances from the tree species referred to. Notwithstanding the inconsistencies in identification of some of the species, the drawing appears to over-estimate the spread of the existing trees, and the size of house that may be permitted on the site and does not account for the potential to prune the trees to ensure they remain safe. Given the small scale of the existing dwelling with a footprint of just 67m<sup>2</sup>, and the criterion b) requirement that the overall size of the new dwelling must not have a visual impact

significantly greater than the existing building, it is unlikely that the appellant's suggested "modest sized dwelling footprint" of almost 250m<sup>2</sup> would be acceptable.

13. The appeal decision referred to by the Council is not directly comparable to the proposal before me with regard to the characteristics of the site and is therefore of limited assistance. The Appellant referred to two approvals of replacement dwellings outside the established curtilage by the Council, but these cases were not appended in full, so I am unable to make any meaningful comparison with the appeal proposal. Each case must be determined in its evidential and site-specific context. Whilst no detailed design is before me at outline stage, I am satisfied that the existing curtilage is not so restricted that it could not reasonably accommodate a modest sized dwelling in keeping with the scale of the building to be replaced. The existing trees, although valuable for amenity, could be removed or trimmed if deemed necessary for safety reasons, access during construction, or to obtain a mortgage. Therefore, the Council has sustained its second reason for refusal based on Policy COU3 a) (i).
14. The Appellant also contended that the proposed alternative site would result in demonstrable landscape, heritage, access or amenity benefits under criterion (ii). With regard to landscape, they argued that retaining the trees within the curtilage would provide a backdrop for development on the alternative site and that they would help to screen the dwelling at No. 49 whereas if the trees were removed and a new dwelling built on the existing site it would be open to views from the Ravernet Road. I do not accept this reasoning because both 49 and 49c are currently open to views from Ravernet Road, there are other trees beyond which could provide a backdrop even if the trees within the established curtilage were removed, and the trees do not provide a backdrop to the field where it is desired to site the dwelling from the main critical viewpoints to the south west.
15. Amenity benefits were also suggested by the Appellant as the dwelling to be replaced is just 6.5m from No. 49. He stated that the standard within settlements would normally be a minimum of 20m back-to-back. The Council pointed out that the Appellant chose to erect No. 49c this close to No. 49 without planning permission and appeared to have no concern regarding separation distances at that time. They said he has since installed an unscreened decked area including a hot tub to the southern gable of the dwelling and noted that both dwellings have private amenity space to the side and rear of the house.
16. While an external door in the eastern façade of No. 49c has recently been blocked up, the two dwellings were built to front onto each other and their private amenity space was to the rear of each. Therefore, I consider the 20m back-to-back distance not to be relevant to the situation before me. Despite the close proximity of the dwellings, the use of privacy glass in openings on the eastern elevation of 49c limits the potential for overlooking. I observed during my site visit that No. 49 has private amenity space to the rear and I am satisfied that the existing curtilage of No. 49c is of sufficient size that a modest sized dwelling could be designed and orientated to provide private amenity space without impinging on the privacy of No. 49, or vice-versa. I do not consider it necessary to relocate a new dwelling to the alternative site to achieve privacy even if future occupiers of the dwellings were not related. Accordingly, I am not persuaded that there are such amenity benefits of moving off-site to justify the appeal proposal. As the Appellant has not

demonstrated landscape or amenity benefits to justify the off-site location, the Council has sustained its third reason for refusal based on Policy COU3 a) (ii).

17. The Council's fourth refusal reason states that the proposal would have a visual impact significantly greater than the existing building, contrary to criterion b). The main critical view of both the existing and alternative sites is from Ravernet Road approximately 300m to the south west. From here, there are clear views across three fields to No. 49c sitting on its elevated site, though it has a backdrop of vegetation and sits within a cluster of other buildings. The alternative site would sit behind a 3 to 5m high hedge which could be retained for screening, though a new dwelling would still be visible through gaps within the hedge. Whilst I consider that its remote location away from the group of existing buildings would emphasise its visual impact in the landscape somewhat, a modest sized dwelling here would not have a significantly greater visual impact than the existing building which is unscreened from public viewpoints.
18. The Council also referred to critical viewpoints on the northern approach along the shared laneway. As the subject field opens directly onto the lane with no boundary in place, it would have a significantly greater visual impact than the existing dwelling which is concealed along this stretch by the existing mature trees. However, I consider this critical viewpoint on a private cul-de-sac to be of lesser importance than those from the public road. Despite the absence of a detailed design for consideration at outline stage, if the size of the dwelling was restricted by condition to accord with the scale of the building being replaced, it is not likely to have a significantly greater visual impact than the existing building. The Council has not sustained its fourth reason for refusal based on Policy COU3 b).
19. Policy COU15 relates to integration and design of buildings in the countryside. It states that a new building will not be permitted if any of seven criteria are not met including:
  - 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; and
  - e) it relies primarily on the use of new landscaping for integration.
 The Council's fifth refusal reason stated that it failed to satisfy each of the above criteria, but its Statement of Case provided no analysis regarding them.
20. Policy COU16 addresses rural character and other criteria. It states that in all circumstances, proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. Nine criteria where a new development proposal will be unacceptable are set out including:
  - 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; and
  - e) it has an adverse impact on the rural character of the area.

These criteria form the basis of the Council's sixth reason for refusal.

21. The Justification and Amplification to Policy COU15 states that integration is an assessment of the extent to which proposed development will blend unobtrusively with its surroundings. It is not a test of invisibility. As stated above, the alternative site benefits from screening provided by a 3 to 5m high hedge along its southern boundary which would filter views from the main critical viewpoint on Ravernet Road to the south east. It would also have a backdrop of rising land and vegetation. Therefore, I do not accept that it would rely primarily on the use of new landscaping for integration, or that a modest sized dwelling on the site would be a prominent feature in the landscape. The Council's concerns under criteria a), c), d) and e) of Policy COU15 and criterion a) of Policy COU16 have not been sustained.
22. It is significant that the PS requires new buildings to cluster with an established group of buildings in both policies COU15 and COU16. The Council described the proposed siting as "physically divorced from the existing dwelling". The Appellant argued that this requirement should be set aside in respect of replacement dwellings which would sometimes replace a single building where there are no others in the vicinity. However, Policy COU1 requires that all of the general criteria in policies COU15 and COU16 are met. In a case like this where the building to be replaced is already part of an established group of buildings, this twice-cited criterion must be considered and I see no reason why it should be set aside. The dominant settlement pattern exhibited in the area is clusters or groupings of buildings. However, the proposal, when viewed from the Ravernet Road, would read as a one-off development in addition to the cluster that already exists on the hilltop to the south. I consider that this type of development would fail to respect the traditional pattern of settlement and would adversely impact on the rural character of the area. For these reasons, the Council has sustained its concerns under Policy COU15 b) and Policy COU16 b), c) and e).
23. Although not included within its refusal reason, the Council's evidence referred to criterion d) of Policy COU16 which states "it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl". The Justification and Amplification to the Policy states that landscapes around settlements have a special role to play in maintaining the distinction between town and country. The principle of drawing a settlement limit is partly to promote and partly to contain new development within the settlement limit to maintain that distinction. Proposals that mar this distinction or create urban sprawl will be considered unacceptable. Strategic Policy 09 – Housing in the Countryside in the PS states that the Plan will support development proposals that resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements.
24. The use of the word "which" in Strategic Policy 09, read together with the text of Policy COU16, indicates that urban sprawl would occur where development took place in the countryside close to a defined settlement limit. This could cause it to read as an extension of the settlement and would mar the distinction between the settlement and the surrounding countryside. The appeal site is around 500m from the nearest village of Ravernet and at this distance would not mar the distinction between Ravernet and the surrounding countryside or otherwise result in urban



sprawl as it is understood from the terminology in the PS. The Council has not sustained its objections under criterion d) of Policy COU16.

25. Third party objectors raised concerns regarding the siting and scale of the proposal, lack of screening and harm to rural character. While the scale of any replacement dwelling could be controlled by condition and I have found that the site could adequately screen a modest sized dwelling, I agree that an off-site replacement dwelling has not been justified in principle and the failure to cluster with the existing group of buildings would harm rural character. Third parties also raised concerns regarding impacts on wildlife, drainage and light pollution, but no evidence was put forward to substantiate these concerns and following ecological surveys and layout amendments to maintain access to the watercourse, there were no objections from the Northern Ireland Environment Agency or the Department for Infrastructure – Rivers. Therefore, they are not determining matters in the appeal.
26. The Council pointed out that most of the existing established curtilage of No. 49c (as defined by the CLEUD) has been excluded from the boundary of the planning application without justification. This means that the policy objections to the proposal for off-site replacement cannot be overcome by the imposition of a siting condition which would require the appeal dwelling to be sited within the curtilage. As an off-site replacement would fail to comply with Policy COU3 a), the proposal is unacceptable in principle and also contrary to Policy COU1. The Council has sustained its first reason for refusal. As the Council's first, second and third refusal reasons and its concerns about failure to cluster with an established group of buildings, pattern of settlement and rural character have been sustained and are determining, the appeal must fail.

This decision is based on the following drawings which were received by the Council on 30<sup>th</sup> June 2023:-

- 01A – Site Location Map at scale 1:2500;
- 02B – Site Layout and Entrance Detail at scales 1:1250 and 1:500.

**COMMISSIONER GARETH KERR**

**List of Documents**

Planning Authority:-	A	Statement of Case Lisburn and Castlereagh City Council
Appellant:-	B	Statement of Case P J Design
	C	Rebuttal Statement P J Design

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 6 – Appeal Decision – LA05/2022/0958/O

## 1.0 **Background**

1. An application for one infill dwelling and garage on a site adjacent to No. 07 Yewtree Hill Road, Maghaberry was refused planning permission on 27 April 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 04 July 2023.
3. The procedure followed in this instance was written representation with Commissioner’s site visit on 20 March 2025.
4. The main issue in the appeal is whether the proposal would be acceptable in principle in the countryside and whether it would result in an adverse impact on the rural character of the area.
5. A decision received on 25 March 2025 indicated that the appeal was dismissed.

## **Key Issues**

1. The Commissioner took into consideration, development to the north of the appeal site and considered that the agricultural lands immediately to the north provided a considerable visual break between the appeal site and No. 01 Yewtree Hill Road. In terms of separation, the distance between No. 07 Yewtree Hill Road and No. 01 Yewtree Hill Road was approximately 230 metres.
2. The curtilage of No.05 Yewtree Hill Road is set back approximately 80 metres from the road with a paddock providing separation from the Yewtree Hill Road. As such, it does not abut or share a frontage with Yewtree Hill Road. As such, No. 05 can be discounted.
3. The Commissioner concurred with the Council that as there was no bookend provided north or east of the appeal site, the first policy test had not been met and there was no substantial and continuously built-up frontage as required by policy.
4. The Commissioner then considered whether the appeal site constituted a small gap sufficient to accommodate two dwellings and concluded that when travelling along Yewtree Hill Road across the frontage of the appeal site and turning the sharp bend and continuing north, a separation distance of approximately 230 metres existed between No.01 and No.07 Yewtree Hill Road. The Commissioner concluded that this gap could easily accommodate more than two dwellings and was a significant

	<p>gap between buildings and provides an important visual break in the developed appearance of the locality.</p> <p>5. The Commissioner also concluded that the appeal proposal would cause an adverse impact on the rural character of the area as it extends a ribbon of development.</p> <p>6. The Commission accepted that this proposal was not an infill opportunity and would harm the character of this part of the open countryside. As all the reasons for refusal were sustained, there is limited learning from this appeal.</p>	
2.0	<p><b><u>Recommendation</u></b></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><b><u>Finance and Resource Implications</u></b></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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>	

<b>Appendices:</b>	Appendix 6 – Appeal Decision – LA05/2022/0958/O
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# Appeal Decision

4<sup>th</sup> Floor  
92 Ann Street  
BELFAST  
BT1 3HH  
T: 028 9024 4710

E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2023/A0024
<b>Appeal by:</b>	Campbell Massey
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposal:</b>	Site for one infill dwelling and garage
<b>Location:</b>	Site adjacent to 7 Yewtree Hill Road, Magaberry BT67 OJD
<b>Planning Authority:</b>	Lisburn & Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/0958/O
<b>Procedure:</b>	Written Representations with Commissioner's Site Visit on 20 March 2025
<b>Decision by:</b>	Commissioner Mandy Jones, dated 25 March 2025

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## Decision

1. The appeal is dismissed.

## Reasoning

2. The main issue in this appeal is whether the proposal would be acceptable in principle in the countryside and whether it would result in an adverse impact on the rural character of the area.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan (LDP), so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the local development plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. The planning application was received on 17 October 2022 and a refusal notice issued in April 2023. The reasons for refusal were:
  1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 : Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
  2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 of Planning Policy Statement 21 : Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built up frontage which meets other planning and environmental requirements and if permitted would add to a ribbon of development along Yewtree Hill Road.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 14 of Planning Policy Statement 21 : Sustainable Development in the Countyside, in that the proposal would if permitted result in a suburban style build – up of development when viewed with existing buildings, would not respect the traditional pattern of development exhibited in the area and would add to a ribbon of development along Yewtree Hill Road.
5. A planning appeal was received in July 2023. On 26 September 2023, Lisburn & Castlereagh City Council adopted its Plan Strategy (PS). As of 26 September 2023, the previously retained policies, set out in the suite of regional Planning Policy Statements ( PPSs ), ceased to have effect with the Council area. This is the case irrespective of when the planning application and appeal were lodged. By letter to the Commission, dated March 2025, the Council provided amended reasons for refusal based on the PS. These read as follows:
  1. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
  2. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the application site is not located within a small gap within an otherwise substantial built-up frontage which meets other planning and environmental requirements that if permitted would add to a ribbon of development along Yewtree Hill Road.
  3. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape. The development is not sited to cluster with an established group of buildings and fails to respect the pattern of settlement exhibited in that specific location and as such would result in an adverse impact on the rural character of the area.
6. The parties were afforded the opportunity to provide further information and rebuttal comments.
7. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy ( PS ) sets out the strategic policy framework for the Council area. In line with the transitional arrangements, set out in the Schedule to the Planning ( Local Development Plan ) Regulations ( Northern Ireland ) 2015 ( as amended ), the Local Development Plan ( LDP ) now becomes a combination of the PS read together with the Departmental Development Plan ( DDP ). Any conflict between a policy contained within the DDP and those of the PS must be resolved in favour of the latter.
8. The Lisburn Area Plan 2001 ( LAP) operates as the DDP for the area with the draft Belfast Metropolitan Area Plan 2004 (d BMAP) remaining a material consideration in certain circumstances. Within the LAP and d BMAP, the appeal site is within the open countryside, outside of any settlement limits and within the greenbelt. The LAP contains no policies of relevance to the appeal proposal. It refers to the Planning Strategy for Rural Northern Ireland, which was superseded by Planning

Policy Statement 21, 'Sustainable Development in the Countryside' (PPS 21). The greenbelt designation has also been superseded by the rural policies in PPS 21.

9. As a new PS has been adopted in this Council area, in accordance with paragraph 1.9 of the Strategic Planning Policy Statement ( SPPS ), the previously retained policies, such as planning policy statements, now cease to have effect. Accordingly, there is no conflict between the DDP and the PS.
10. The appeal site is a corner site and bounded by Yewtree Hill Road to the south and the east. To the west of the appeal site is no 7 Yewtree Hill Road with some ancillary buildings to the rear. On the opposite site of Yewtree Hill Road to the east is no 8 Yewtree Hill Road and beyond this to the east is no 10 and 12 – which are accessed via a private laneway. The appeal site is part of a larger agricultural field. The northern boundary is undefined, the southern roadside boundary is defined by a roadside hedge and an agricultural gate and part of the eastern roadside boundary is defined with a low-lying hawthorn hedge. Topography within the appeal site rises in a southeast to northwest direction. The character of the area is rural in nature and comprises of agricultural lands, single dwellings and farm holdings.
11. Policy COU1 of the PS is titled 'Development in the Countryside.' It states that there are a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10. Any proposals for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 – COU16.
12. Policy COU8 Infill / Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development.
13. It goes on to say 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. 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 green houses, adjacent to a public road or private laneway.
14. 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.
15. The justification and amplification of COU8 describes a ribbon as:  
A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

16. In terms of a substantial and continuously built-up frontage, the appellant relies on 7 Yewtree Hill Road, 8 Yewtree Hill Road and 10 Yewtree Hill Road. No 7 Yewtree Hill Road is a two storey detached dwelling with ancillary buildings to the rear ( a mobile home and a container ). The curtilage of no 7 addresses partly Glen Road and partly Yewtree Hill Road. Travelling the Yewtree Hill Road there is no awareness of the ancillary buildings to the rear of no 7 due to topography and existing vegetation. The outbuilding to the northwest has a frontage to Glen Road and not Yewtree Hill Road.
17. Travelling eastwards across the frontage of the appeal site, Yewtree Hill Road turns in a 90-degree sharp bend and continues along the eastern boundary of the appeal site and northwards. The road effectively wraps around the appeal site and bounds its southern and eastern boundary. At the sharp bend, a private laneway spur, continues east.
18. No 8 Yewtree Hill Road is a single storey property which is orientated to address Yewtree Hill Road to the west and its gable elevation addresses the private laneway. No 8 Yewtree Hill Road is physically divorced from the appeal site by Yewtree Hill Road itself. Due to the relationship of the appeal site with the sharp bend in the road, no 8 is physically divorced from the appeal site by Yewtree Hill Road. No 8 Yewtree Hill Road does not provide a bookend as it is physically divorced from the appeal site and does not share a common frontage onto the Yewtree Hill Road. Effectively, the dwellings and outbuildings to the east of the appeal site are on the opposite side of the Yewtree Hill Road and cannot be counted as part of a substantial and continuously built-up frontage irrespective of the number of buildings involved.
19. The private laneway spur continuing eastwards, serves no 10 and 12 Yewtree Hill Road. No 10 has a frontage to the private laneway but no 12 only has an access point abutting the end of the laneway. Policy refers to buildings adjacent to a public road or private laneway. Yewtree Hill Road does not provide a frontage to dwellings no 10 and 12 and therefore does not share a frontage with the appeal site. The buildings relied on, provide frontages onto two separate roads ( Yewtree Hill Road and the private laneway ).
20. COU8 states that ‘ for the purposes of this policy a buildings frontage must extend to the edge of the public road or private laneway.’ The appellant argues that ‘in this regard it cannot be disputed that the associated building line can be considered as an appropriately built-up frontage’. I note that policy refers to ‘or’ (my emphasis), which suggests one as an alternative to another, meaning either a public road or laneway onto which a substantial and continuously built-up frontage can relate. The appellant’s interpretation would have required policy to include both the public road ‘and’ private laneway, which is not the case in policy.
21. The appellant argues that Policy COU8 does not place emphasis on ‘common frontage’ and states ‘that the proposal is contained within an established and visually linked linear pattern of dwellings along the Yewtree Hill Road despite a portion of this built-up frontage existing along a private lane’.
22. Policy COU8 refers to a *substantial and continuously built-up frontage* (my emphasis). As pointed out by the Council, continuously is defined as ‘without



interruption or gaps.' The portion of the Yewtree Hill Road after the bend and extending northwards, provides a physical gap which interrupts the frontage relied on by the appellant. As such, the buildings relied on by the appellant, do not form a substantial and continuously built-up frontage.

23. Taking into consideration, development to the north of the appeal site, I consider that the agricultural lands immediately to the north provides a considerable visual break between the appeal site and no 1 Yewtree Hill Road. In terms of separation, the distance between 7 Yewtree Hill Road and 1 Yewtree Hill Road is approximately 230m.
24. The curtilage of 5 Yewtree Hill Road is set back approximately 80m from the road with a paddock providing separation from the Yewtree Hill Road. As such, it does not abut or share a frontage with Yewtree Hill Road. The J & A of Policy COU8 states that for the purposes of this policy a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage. As such, no 5 can be discounted.
25. I would concur with the Council that as there is no bookend provided north or east of the appeal site, the first policy test has not been met and there is no substantial and continuously built-up frontage as required by policy.
26. The second limb of policy is whether the appeal site constitutes a small gap sufficient to accommodate 2 dwellings. Travelling Yewtree Hill Road across the frontage of the appeal site and turning the sharp bend and continuing north, a separation distance of approximately 230m exists between 1 and 7 Yewtree Hill Road. Given the frontages within the context of the appeal site (no 7 : 53m, no 8 : 70m and the appeal site: 60m), I consider that this gap could easily accommodate more than 2 dwellings, which is contrary to policy. This significant gap between buildings provides an important visual break in the developed appearance of the locality and I refer to the J & A of Policy COU8 which states that infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.
27. In relation to the dwellings referred to by the appellant, no 7 has a frontage of 53m and plot size of 0.3ha and no 8 has a frontage of 70m and plot size of 0.3ha. Whilst I consider that these are not at odds with the appeal site frontage of 60m and plot size of 0.3ha, I have concluded there is no substantial and continuously built-up frontage.
28. Policy requires that development respects the existing pattern of development in terms of siting and design and should be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
29. It indicates that the existing pattern of development relates to those building plots which constitute the frontage. No 7 Yewtree Hill Road has a frontage of approximately 53m and a plot size of 0.3ha. The appeal site has a frontage of 60m and plot size of 0.3ha. The gap of 230m is not capable of accommodating two dwellings whilst respecting the existing pattern of development of no 7 Yewtree Hill Road.

30. The appeal proposal does not meet the exception tests within policy COU8. As the appeal proposal would read with no 7 Yewtree Hill Road, it would add to a ribbon of development which would have a detrimental impact of the character of the area.
31. The appellant stated that they should be afforded the discretion to revise any future reserved matters application to facilitate two dwellings should the appeal be successful. The description of this outline application is for one infill dwelling and garage and the decision notice dated 27 April 2023 refers to this. Any reserved matters would relate to an outline approval. Any departure from this to increase the number of dwellings would require a separate application. In the event of an allowed appeal and the grant of outline planning permission, again any reserved matters would refer only to the description of the appeal for one infill dwelling and garage.
32. The appellant refers to an historic 1974 appeal (A48/1974) which approved a dwelling 'on land where the site frontage lies between two other dwellings.' Although this appeal appears to refer to a roadside infill proposal between two dwellings, I would concur with the Council that this is not directly comparable with the current appeal and was determined within a different policy context. The appellant also refers to a previous full planning application for two dwellings on this site, which was withdrawn. I attach no weight to this. My conclusions are notwithstanding an absence of objections from any of the consultees or any neighbouring objections.
33. The appeal proposal does not satisfy the relevant Policy COU8 in the PS. The appeal proposal is not 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 and as such it fails Policy COU1 of the PS. The Council's first and second reasons for refusal based on Policies COU1 and COU8 of the PS have been sustained.
34. Policy COU16 Rural Character and other Criteria states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area.
35. The Council argue that the appeal proposal is unacceptable as :
  - 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 and
  - e) it has an adverse impact on the rural character of the area.
36. The Council did not articulate in their statement of case how the appeal proposal was unduly prominent in the landscape. I note that within the case officers report, it was considered that taking into account the topography of the site, the established mature vegetation to three boundaries and orientation and siting of neighbouring dwellings that a dwelling could be sited and designed so as not to appear as a prominent feature in the surrounding landscape and I agree with this

conclusion. I have not been persuaded that the appeal proposal does not respect the traditional pattern of settlement exhibited in the area.

37. However, as the appeal proposal would extend a ribbon of development on Yewtree Hill Road which is an unacceptable form of development in the countryside, it is implicit that the appeal proposal would cause an adverse impact on the rural character of the area. In addition, as I have concluded that the appeal proposal would extend a ribbon of development it is not sited to cluster with an established group of buildings.
38. The appeal proposal fails criteria (b) and (e) of Policy COU16 of the PS and the Council's third reason for refusal is also sustained. In conclusion, as all of the reasons for refusal have been sustained to the extent specified the appeal must fail.

This decision relates to the following drawings submitted with the planning application.

- Proposed Site Location Plan, 1:2500 @ A3 (Council reference 01 A)
- Proposed Site Plan, scale 1:1250 @ A3 (Council reference 02 A)
- Proposed Site Block Plan, scale 1:100 @ A1 (Council reference 03 A)

**COMMISSIONER MANDY JONES**

**List of Documents**

Planning Authority:	‘A’	Statement of Case
	‘A1’	Rebuttal Statement
	‘A3’	Comments re: Plan Strategy
	‘A4’	Rebuttal Statement
Appellant:	‘B’	Statement of Case
	‘B1’	Comments re : Plan Strategy.

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 7 – Appeal Decision – LA05/2022/1058/O

## 1.0 **Background**

1. An application for a proposed dwelling and garage on lands 100 metres southwest of 38 Drumview Road, Lisburn was refused planning permission on 04 May 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 06 September 2023.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 27 March 2025.
4. The main issues in this appeal are whether the appeal proposal would: be acceptable in principle; create or add to a ribbon of development; visually integrate into the landscape; and detrimentally change the rural character of the countryside.
5. A decision received on 03 April 2025 indicated that the appeal was dismissed.

## **Key Issues**

1. The Commissioner explained that policy COU10 deals with dwellings on farms. It indicates that planning permission will be granted for a dwelling house on a farm where certain criteria are met and highlighted that the Council contended that the appeal proposal failed criteria (a) and (c).
2. The Commissioner considered that given the restrictive nature of the land, along with its present, unkempt condition, he was not persuaded that the silage/straw bales stored on the appeal site would have been produced from the triangular parcel of land or that the land itself is in good agricultural and environmental condition. Accordingly, the Commissioner concluded that from the evidence presented that they were not persuaded that there was agricultural activity occurring on the land itself and the requirements of criteria (a) was not met.
3. The representatives of the appellant stated that the appeal proposal is adjacent to and south of the farmhouse (No. 38) and its farmyard. However, the Commissioner concluded that given that the proposed dwelling and garage would not be on a farm, the appeal proposal would not be visually linked or sited to cluster with an established group of buildings on the farm.

4. The Commissioner also concluded that the existing dwelling house at No. 38 fronts the Drumview Road. The two agricultural buildings beside it also front the road given that they have door openings on their gables facing the Drumview Road and the appeal proposal would be next to those existing buildings, would be unduly prominent and add to a ribbon of development along this part of the Drumview Road. For these reasons the proposed dwelling and garage offended policy COU8 and criteria (a) of policy COU15.
5. The Commissioner also concluded that two of the three site boundaries lack any natural vegetation, the appeal site would not provide a suitable degree of enclosure for the proposed buildings to integrate into the landscape. The proposed dwelling and garage would therefore offend criteria (b)-(e) of Policy COU15 and criteria (a) and (b) of policy COU16.
6. The Commission accepted that this proposal was not an opportunity for a dwelling on a farm. It would also harm the character of this part of the open countryside because it extends a ribbon of development along the road frontage and is prominent. As all the reasons for refusal were sustained, there is limited learning from this appeal.

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 <b><u>or</u></b> 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 <b><u>or</u></b> 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 7 – Appeal Decision – LA05/2022/1058/O

# Appeal Decision

4<sup>th</sup> Floor  
92 Ann Street  
BELFAST  
BT1 3HH  
T: 028 9024 4710  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2023/A0053
<b>Appeal by</b>	Representatives of Mr. James Johnston
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposal:</b>	Dwelling and garage
<b>Location:</b>	100 metres south-west of 38 Drumview Road, Lisburn
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/1058/O
<b>Procedure:</b>	Written representations with accompanied site visit on 27 March 2024
<b>Decision by:</b>	Commissioner B Stevenson, dated 3 April 2025

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the appeal proposal would:
  - be acceptable in principle;
  - create or add to a ribbon of development;
  - visually integrate into the landscape; and
  - detrimentally change the rural character of the countryside.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 (“the Act”) requires the Commission when dealing with an appeal to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. Since the issuing of the refusal notice, the Council has adopted its Plan Strategy (PS). In accordance with the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together. Any conflict between the DDP and the PS must be resolved in favour of the PS.
5. As a consequence of the adoption of the PS, the Council proposes new reasons for refusal. Those new reasons reflect the policies in the PS that the Council consider the appeal proposal offends. The representatives of the appellant were given an opportunity to consider the Council’s concerns. Therefore, no prejudice arises, and as I must have regard to the adopted PS, those PS policies in contention are considered in this appeal.



6. The adopted version of the Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18 May 2017. Whilst the 2004 draft version of BMAP (dBMAP) remains material in certain circumstances, the DDP comprises the Lisburn Area Plan 2001 (LAP). In both the LAP and dBMAP, the appeal site is located in the countryside and outside any settlement designation. The site is also in the green belt in both plans. The plans directs the reader to “A Planning Strategy for Rural Northern Ireland” (PSRNI) for the green belt policies. Those PSRNI policies were overtaken by a succession of regional policy for development in the countryside, including Planning Policy Statement 21 ‘Sustainable Development in the Countryside’ (PPS21). Accordingly, the appeal proposal accords with the LAP and dBMAP.
7. In line with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland ‘Planning for Sustainable Development’ (SPPS), PPS21 ceases to have effect in this Council area. Paragraph 6.73 of the SPPS sets out policy for dwellings on farms. No conflict arises between the SPPS and the PS insofar as relating to the issues that arise in this appeal. The PS policies material in this appeal therefore take precedence.
8. Policy COU1 of the PS is entitled ‘Development in the Countryside’. It states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It expands to say that policies relating to acceptable residential development proposals are set out in Policies COU2 to COU10. Policy COU10 deals with dwellings on farms. It indicates that planning permission will be granted for a dwelling house on a farm where certain criteria are met. The Council contend that the appeal proposal fails criteria (a) and (c).
9. Criterion (a) requires that the farm business is currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least six years. The policy also states that the grant of planning approval for a dwelling on an active and established farm will only be permitted once every ten years. Criterion (c) requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The policy goes on to say that exceptionally, consideration may be given to an alternative site elsewhere on the farm subject to certain requirements.
10. The appeal site is south-west of a bungalow (No. 38) and agricultural buildings. Opposite No. 38 is a single storey cottage (No. 41). The triangular-shaped site abuts the Drumview Road and comprises rough uneven grassland. The topography of the site gently rises from the road in a south-westerly direction. Abutting the rear boundary of the appeal site, are a group of trees located on higher ground. A post and wire fence defines the north-western and south-eastern boundaries, and the roadside boundary is open to the road. A small polytunnel is erected on the site and a small tin shed is in the rear corner. I saw some silage/straw bales stored on part of the land.
11. The representatives of the appellant cite planning reference 1499/85 or S/1985/1499 and state that a septic tank has been put in place and the site

frontage removed. However, the Council indicates that they have no record of this reference and no works of a septic tank were noted on site. The representatives of the appellant did not provide a copy of the planning decision that they refer to or any associated approved drawings. Also, no persuasive evidence has been presented to justify the claim that a septic tank has been put in place. Nor did I observe one. Also, from the evidence presented, I am not persuaded that there was once a hedgerow along the roadside site boundary. Furthermore, no Certificate of Lawfulness of an Existing Use or Development (CLEUD) has been presented. In this evidential context, I therefore cannot give any further consideration to the planning reference that the representatives of the appellant refer to.

12. The Council did previously grant outline planning permission on the appeal site for a farm dwelling and garage on 29 November 2018 (LA05/2017/1257/O). I am not aware of any subsequent reserved matters submissions having been made in relation to that outline permission LA05/2017/1257/O. Given that an application for renewal should have been made before the expiration of the time period for submission of reserved matters, the outline planning application for the appeal proposal was submitted to the Council outside the time period for the renewal of that outline planning application. In this evidential context, I accept that this permission (LA05/2017/1257) has expired and that the representatives of the appellant did not apply under this appeal for the renewal of the 2018 outline permission. I will return to the 2018 outline permission (LA05/2017/1257/O) later in this decision.
13. The Council argue that the proposed dwelling and garage would be on land that farm subsidies are not currently being claimed on and that it would be located outside of the farm holding associated with the identified farm business. The amplification text of the policy states that the applicant will be required to provide the farm's business identification supplied by the Department of Agriculture, Environment and Rural Affairs (DAERA) along with other evidence to prove active farming over the required period. The representatives of the appellant – Mr. James Johnston - provided the farm business identification number 604389 and clarified that Mr. James Johnston is deceased and that the farm business is now in the son's name Mr. Matthew Johnston. DAERA informed the Council of this name change.
14. DAERA also indicate that the identified farm business (604389) has been established for a period in excess of six years and has been claiming payments in each of the last six years. DAERA also indicate that the appeal site is not on land for which payments are currently being claimed by the farm business. The consultation response states that the site is located on unmapped land next to FSN 3/024/004 field 12, which is under the control of the identified farm business. This accords with the 2014 DAERA farm maps. The subject land is not identified by DAERA as associated with another farm business that is claiming subsidies on the site. Nevertheless, the policy does not stipulate that farm subsidies have to be claimed on the lands for those lands to be considered on a farm.
15. The representatives of the appellant contend that farm maps could not be provided because they were not available from DAERA but they did supply an aerial image during the processing of the planning application. That aerial image merely identifies the appeal site, the existing dwelling at No. 38 and the agricultural

buildings adjacent to it. It does not indicate the extent of the alleged farm holding. Nor is it considered to be a farm map denoting the extent of the farm business.

16. The Council presented copies of the farm maps dated 4 April 2014 that Mr James Johnston provided under the earlier application (LA05/2017/1257/O). Those 2014 farm maps relate to the same identified farm business (604389) and show that the holding comprised 18.95 hectares across nine fields. Eight of those fields are off Drumview Road and one field is elsewhere. The farm maps indicate that the appeal site is on unmapped land but surrounded by those fields identified as comprising the holding associated with the identified farm business (604389).
17. The Council consider that there is no evidence of agricultural activity taking place on the open site. However, the representatives of the appellant refer to the harvesting of straw/silage and contend that this product is being stored on the appeal site before being used by the animals on the farm. As mentioned earlier, I did see some bales stored on the land. The amplification text of Policy COU10 states that for the purposes of this policy, 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This sets a relatively low bar in demonstrating agricultural activity. Therefore, I accept that the production of silage/straw bales would be one of those activities.
18. However, given the restrictive nature of the land, along with its present, unkempt condition, I am not persuaded that the silage/straw bales stored on the appeal site would have been produced from the triangular parcel of land or that the land itself is in good agricultural and environmental condition. Accordingly, from the evidence presented, I am not persuaded that there is agricultural activity occurring on the land itself.
19. Notwithstanding that the DAERA advice aligns with the 2014 dated farm maps, a significant period of time has lapsed since those farm maps were produced. The circumstances around the identified farm business have also changed with Mr. James Johnston deceased and the farm business in the name of another family member. Furthermore, I note that the certificate of ownership completed on the appeal form indicates that the appeal site is now in actual possession of Mr. Sam Johnston. Therefore, the site is not owned by the person named on the farm business. Given this change in circumstances since the previous approval, this raises doubt on whether the 2014 dated farm maps that accompanied the earlier lapsed planning permission can be relied on in this appeal.
20. In the absence of any up-to-date reliable farm maps or substantive evidence having been presented for the appeal proposal, I conclude that it has not been demonstrated that the proposed dwelling and garage is on a farm associated with a currently active and established farm business. Therefore, the appeal proposal would offend criterion (a) of Policy COU10 of the PS and the related provisions of the SPPS. Furthermore, even if it was found that the appeal proposal would be on a farm, permission for a dwelling on the farm has been granted within the last ten years. The Council's objections are therefore sustained.
21. The representatives of the appellant state that the appeal proposal is adjacent to and south of the farmhouse (No. 38) and its farmyard. However, given that the

proposed dwelling and garage would not be on a farm, the appeal proposal would not be visually linked or sited to cluster with an established group of buildings on the farm. The proposed dwelling and garage would therefore offend criterion (c) of Policy COU10 and the related provisions of the SPPS. The Council's objections are therefore sustained.

22. Policy COU8 of the PS is entitled 'Infill/Ribbon Development' and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. Unlike the former policy, the amplification text of 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." The existing dwelling house at No. 38 fronts the Drumview Road. The two agricultural buildings beside it also front the road given that they have door openings on their gables facing the Drumview Road. Even with the gap, the appeal proposal would be next to those existing buildings and add to a ribbon of development along this part of the Drumview Road. Thus, the proposed dwelling and garage would offend Policy COU8 of the PS and the related provisions of the SPPS. The Council's objections are therefore sustained.
23. Policy COU15 of the PS is entitled 'Integration and Design of Buildings in the Countryside'. It states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and be of an appropriate design. It expands to say that a new building will not be permitted if any of the listed criteria apply. The Council contend that the appeal proposal would offend criteria (a)-(e) and (g) of Policy COU15.
24. Criterion (a) requires that the proposed buildings would not be a prominent feature in the landscape. Criterion (b) requires that the proposed dwelling and garage would be sited to cluster with an established group of buildings. Criterion (c) requires that the proposed buildings would blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. Criterion (d) requires that the site does not lack long established natural boundaries and that it is able to provide a suitable degree of enclosure for the buildings to integrate into the landscape. Criterion (e) requires that the proposed buildings do not rely primarily on the use of new landscaping for integration and criterion (g) requires that the ancillary works integrate with their surroundings. Criterion (b) of Policy COU15 differs to the equivalent criterion in the former visual integration policy in PPS21 in that it was sufficient under that policy (CTY13 of PPS21) to be visually linked to an established group of buildings on a farm.
25. Notwithstanding the previous permissions and that a group of trees exist on higher ground behind the site, the site is very open to the road due to the lack of natural boundary treatment to the front and along the north-western boundary. Furthermore, the triangular appeal site is small and restrictive because of its shape and size, therefore any proposed dwelling and garage on the site could not be set back from the roadside. For those combined reasons and even if the proposed dwelling and garage were single storey, they would be prominent in the landscape when travelling along this part of the Drumview Road. Accordingly, the proposed dwelling and garage would be a prominent feature in the landscape and offend criterion (a) of Policy COU15.

26. The nearest buildings are the existing dwelling house at No. 38, the agricultural buildings beside it and the cottage (No. 41) opposite. Due to the positioning and separation distance that there would be between the proposed dwelling and garage and those existing buildings, the appeal proposal would not be sited to cluster with an established group of buildings. Despite the group of trees on higher ground providing a backdrop, as mentioned earlier, the proposed dwelling and garage would be located close to the roadside. For that reason and with no natural boundary treatments on either the roadside boundary or the north-western boundary of the appeal site, the proposed dwelling and garage would fail to blend into the landscape.
27. Furthermore, given that two of the three site boundaries lack any natural vegetation, the appeal site would not provide a suitable degree of enclosure for the proposed buildings to integrate into the landscape. Even with the group of trees and the higher topography behind, the proposed dwelling and garage would also have to rely heavily on new landscaping for integration. The proposed dwelling and garage would therefore offend criteria (b)-(e) of Policy COU15.
28. Notwithstanding that this is an outline planning application, no details of ancillary works have been provided. In the absence of such detail, I am not persuaded that criterion (g) has been met. The appeal proposal would fail to meet Policy COU15 to the extent specified and the related provisions of the SPPS. The Council's objections are therefore sustained.
29. Policy COU16 of the PS is entitled 'Rural Character and Other Criteria'. It states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. It goes on to say that a new development proposal will be unacceptable where any of the criteria apply. The Council contend that the proposed dwelling and garage would offend criteria (a)-(e) of Policy COU16.
30. Criterion (a) requires that the appeal proposal is not unduly prominent in the landscape. Criterion (b) requires that it is sited to cluster with an established group of buildings. Criterion (c) requires that it respects the traditional pattern of settlement exhibited in the area. Criterion (d) requires that the appeal proposal does not mar the distinction between a settlement and the surrounding countryside or result in urban sprawl. Criterion (e) requires that the proposed dwelling and garage do not have an adverse impact on the rural character of the area. Some of these criteria (b and d) are new rural character policy requirements to the former equivalent PPS21 policy.
31. As stated earlier in this decision, the proposed dwelling and garage could only be sited along the road frontage due to the restrictive nature of the site. Factoring this in, together with the lack of long established natural boundaries for two of the site boundaries, the appeal proposal would be unduly prominent in the landscape from short-distance viewpoints along the Drumview Road. It therefore fails to meet criterion (a) of Policy COU16. Given that I have already concluded that the proposed dwelling and garage would not be sited to cluster with an established group of buildings, the appeal proposal offends criterion (b).
32. Whilst the Council contend that the appeal proposal would not exhibit the pattern of development in the area, they do not expand on this. In this evidential context, I

am not persuaded that the appeal proposal fails criterion (c) of Policy COU16. The Council accept that the proposal would not mar the distinction of a settlement due to the site lying well beyond any defined settlement limit but contend that it would result in urban sprawl. However, given that the appeal proposal would not be near a settlement, the proposed dwelling and garage would not result in urban sprawl. The appeal proposal therefore does not offend criterion (d).

33. Nevertheless, for the earlier reasons, the appeal proposal would have an adverse impact on the rural character of the area and offend criterion (e) of Policy COU16, the wider policy of COU16 and the related provisions of the SPPS. The Council's objections to the extent specified are therefore upheld.
34. Despite the Council approving a farm dwelling in 2018 on the same parcel of land as the appeal proposal, that decision would have been based on those 2014 dated farm maps, submitted at that time by Mr. James Johnston. Also, that application would have been assessed under the previous planning policy context that has now ceased to have effect in this council area. Whilst there has been no significant change between Policy CTY10 and Policy COU10 of the PS insofar as relating to the issues in contention that have arisen in this appeal, no up-to-date farm maps have been submitted for the appeal proposal. Moreover, as set out earlier, there has been a change in circumstances around the farm business and the ownership of the appeal land since that approval.
35. Furthermore, there are subtle differences between the now applied visual integration, rural character and ribbon development policies in the PS in comparison to the equivalent policies in PPS21. Accordingly, only limited weight can be given to the lapsed permission and it would not overcome the objections to the appeal development.
36. Given that the appeal proposal offends Policy COU10 of the PS, and no overriding reasons that the proposed dwelling and its garage is essential have been presented, the appeal proposal is contrary to Policy COU1 of the PS and the related provisions of the SPPS. It also fails to meet Policies COU8, COU15 and COU16. For reasons already given, I am not persuaded that the planning history on the site would outweigh the policy objections. The Council's objections are therefore sustained to the extent specified. Thus, the appeal must fail.

This decision relates to a site location plan numbered 01 and stamped received by the Council on 11 November 2022.

**COMMISSIONER B STEVENSON**

### **List of Appearances**

Planning Authority:-

Ms Laura McCausland  
Lisburn and Castlereagh City Council

Appellant:-

Mr Andrew Bingham, A J Bingham  
Ms Noleen Turkington, sister of Mr James Johnston

### **List of Documents**

Planning Authority: -

A Statement of Case  
Lisburn and Castlereagh City Council

A1 Rebuttal Statement  
Lisburn and Castlereagh City Council

Appellant: -

B Statement of Case  
A J Bingham on behalf of Mr James Johnston

B1 Rebuttal Statement  
A J Bingham on behalf of Mr James Johnston

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 8 – Appeal Decision – LA05/2023/0174/O

## 1.0 **Background**

1. An application for the proposed new dwelling with garage/storage on a farm approximately 255 metres northwest of 57 Magheradartin Road and 270 metres east southeast of 39 Magheradartin Road was refused planning permission on 31 July 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 04 November 2024.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 25 February 2025.
4. The main issues in the appeal are, whether the proposal was acceptable in principle in the countryside and whether it would result in a detrimental change to the rural character of the area.
5. A decision received on 25 March 2025 indicated that the appeal was dismissed.

## **Key Issues**

1. The Commissioner highlighted in the report that the established group of buildings on the farm are those found largely to the rear of the dwelling at No. 57 Magheradartin Road and that it was agreed by all the parties that these farm buildings were located at over 200 metres from the appeal site, and given the distance, the proposed dwelling would not cluster with them.
2. The Commissioner also pointed out that policy COU10 does not specify within the headnote or its justification and amplification where visual linkage is to be assessed from.
3. The Commissioner accepted that there was a line of sight from the appeal site to the established farm buildings at No. 57 Magheradartin Road and vice versa. However, the Commissioner considers that the 'visible linkage' test pertains to the views of the appeal proposal and the established farm buildings from surrounding vantage points. Furthermore, vantage points are typically accessible by members of the public and found in the surrounding countryside, beyond the boundary of the appeal site and the location of the established farm buildings.
4. When traveling south and then east from No. 39 Magheradartin Road, as it is to be sited behind established hedgerows and due to the angling of the lands



between it and the Magheradartin Road, the appeal proposal (the dwelling) will be discernible in the landscape. However, because of the roadside boundary treatments, the land's topography, and the intervening natural boundaries, the established farm buildings, including the dwelling at No. 57 are not visible at this location. Thus, the appeal site and the established farm buildings cannot be read together and are not visually linked in this locality.

5. The Commissioner explained that from the agricultural gate, located to north and off the footpath between the Cabra and Magheradartin Roads, the appeal site is largely hidden from view, given the obscurity of the appeal site from this view and due to its setback and the distance, together with the intervening agricultural lands and the NIE pylon's position between it and the farmstead at No.57 Magheradartin Road, the appeal site and the established farm buildings do not read as being visually interlinked nor linked from this location.
6. The Commissioner then explained that from the agricultural gate near the junction of Windmill and Cabra Roads, the farm buildings behind No. 57 Magheradartin Road are visible. However, due to the land's topography and vegetation, the appeal site is largely hidden. The proposed development would not be read as being visually interlinked nor linked with the established farm buildings.
7. The Commissioner then engaged with the appellant's explanation that the topography of the land meant there are no alternative sites near the established farm buildings. Any dwelling close to these buildings would require significant earthworks and would share an access currently used for domestic and farm activities. The Appellant cited a previous fatal incident to highlight the dangers of combining agricultural and domestic activities along a shared access.
8. The Commissioner concluded that the requirement to carry out topographical reprofiling and earthworks as justification, is not an exception to the policy requirement for a new building to visually link or be sited to cluster with an established group of buildings on the farm. The Commissioner also concluded that no compelling evidence was provided, regarding health and safety reasons, to consider the appeal site as an alternative on the farm, the exception to criterion (c) of the policy was not met.
9. The Appellant confirmed during the accompanied site visit that the proposal would not cluster with any such group. The Commissioner accepted that the proposal did not meet criteria (b) of policies COU15 and COU16.
10. Regarding criteria (c) and (e) of policy COU16 , and the impact on rural character, the Commissioner concluded that the local development pattern exhibited in the area was mostly dispersed single dwellings with associated outbuildings and as the proposed dwelling did not cluster with the established farm buildings nor other existing buildings in the locality and would not respect the traditional pattern of settlement exhibited in the area, the Commissioner accepted that the proposal did not meet criteria (c) and (e) of policy COU16.
11. Consequently, the Commissioner concluded that the proposed development was not one which, in principle, is acceptable in the countryside and that will contribute to the aims of sustainable development pursuant to Policy COU1.

	<p>12. The Commission accepted that this proposal was not an opportunity for a dwelling on a farm. It would also harm the character of this part of the open countryside because it does not have a sufficient degree of linkage nor is it clustered with existing buildings on the farm. As all the reasons for refusal were sustained, there is limited learning from this appeal.</p>	
2.0	<p><b><u>Recommendation</u></b></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><b><u>Finance and Resource Implications</u></b></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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 <b><u>or</u></b> 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 <b><u>or</u></b> 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>	

<b>Appendices:</b>	Appendix 8 – Appeal Decision – LA05/2023/0174/O
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4th Floor  
92 Ann Street  
Belfast  
BT1 3HH

Phone: 028 908981055 (direct line)  
Phone: 028 9024 4710 (switchboard)  
Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

Website: [www.pacni.gov.uk](http://www.pacni.gov.uk)

Lisburn & Castlereagh City Council  
Local Planning Office  
*By Email Only*

Our reference: **2024/A0078**  
Authority  
reference: **LA05/2023/0174/O**  
25 March 2025

Dear Sir / Madam

**Re:**

**Appellant name: Mrs. Deborah Armstrong**

**Description: Proposed new dwelling with garage/storage on a farm**

**Location: Approx 255m North West of 57 Magheradartin Road & 270m East  
South East of 39 Magheradartin Road**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly  
Case Officer



# Appeal Decision

Planning Appeals Commission  
4<sup>th</sup> Floor  
92 Ann Street  
Belfast  
BT1 3HH  
T: 028 9024 4710  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2024/A0078
<b>Appeal by:</b>	Mrs Deborah Armstrong
<b>Appeal against:</b>	Refusal of outline planning permission
<b>Proposed Development:</b>	Proposed new dwelling with garage/storage on a farm
<b>Location:</b>	Approximately 255m North West of 57 Magheradartin Road & 270m East South East of 39 Magheradartin Road
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2023/0174/O
<b>Procedure:</b>	Written Representations and an accompanied site visit on 25 <sup>th</sup> February 2025
<b>Decision by:</b>	Commissioner Gareth McCallion, dated 25 <sup>th</sup> March 2025

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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council's decision notice, dated 31st July 2024, listed five reasons for refusal. The fifth reason, regarding archaeology, was later withdrawn. Therefore, the appeal will be assessed in respect of the first, second, third and fourth reasons for refusal.

## Reasons

3. The main issues are whether the proposal would be acceptable in principle in the countryside and whether it would result in a detrimental change to the rural character of the area.
4. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an appeal, 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) of the Act requires that where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5. The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032, Plan Strategy (PS) on 26<sup>th</sup> September 2023. The PS sets out the strategic policy framework for the Council area. In accordance with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan)

Regulations (Northern Ireland) 2015 (as amended), where the PS is adopted by the Council, a reference to the local development plan in the Act is a reference to the Departmental Development Plan (DDP) and the PS read together. In this appeal the relevant DDP is the Lisburn Area Plan (LAP). In accordance with the legislation, any conflict between a policy contained within the DDP and those of the PS must be resolved in favour of the latter. Furthermore, as the Council has now adopted its PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs) have now ceased to have effect within this Council area. However, the guidance document 'Building on Tradition, A Sustainable Guidance for the Northern Ireland Countryside' (Building on Tradition) remains a material consideration.

6. In the DDP, the appeal site is in the Countryside. There are no policies contained within the DDP that are pertinent to these proposals, so no conflict arises with the PS. In May 2017, the Court of Appeal declared the adoption of the 2014 BMAP unlawful. Consequently, no reliance can be placed on its provisions. However, while draft BMAP 2004 (dBMAP) is not a DDP, it could still be a material consideration in certain cases. In the dBMAP, the appeal site is also in the countryside.
7. The appeal site comprises a square-shaped, relatively flat tract of pastoral land situated within a larger agricultural field. It is located one field back from the public road and accessed via an existing agricultural lane, which rises from the road before descending into the appeal site. The western site boundary is delineated by a hedgerow, while the southern boundary consists of a post and wire fence, beyond which the grasslands gently ascend towards the Magheradartin Road. The remaining boundaries of the appeal site are undefined. The land immediately beyond the northern and northeastern boundaries descends sharply into the remainder of the host field, thereby providing the appeal site with an elevated and plateau-like distinction from the host field. The boundaries of the host field are marked by a combination of post and wire fencing along its southern, southeastern, and northern sides, while the remaining western and northeastern boundaries consist of hedgerows and mature trees. An NIE Pylon is located beyond the host field, close to its southeastern corner. The Magheradartin Road is a narrow country road, characterised by maintained hedgerows along both sides of the road.
8. Policy COU1 'Development in the Countryside' of the PS states that "*there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development*". Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU2 to COU10. There is no dispute that the appeal site forms part of an established and active farm. Policy COU10 'Dwellings on Farms' advises that planning permission will be granted for a dwelling on a farm where all of the criteria as listed in the policy are met. The Policy continues that, exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s).

9. The Council contend that criterion (c) of Policy COU10 is offended as the new building is not visually linked or sited to cluster with an established group of buildings on the farm. Policy COU1 continues that any proposal for development in the countryside will be required to meet all the general criteria set out in Policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'. The Council say that criteria (b) (d) and (e) of Policy COU15 and criteria (b), (c) and (e) of Policy COU16 are offended by the proposal. They contend that the site does not cluster with existing buildings, lacks natural boundaries, and fails to provide suitable enclosure for the proposed development. It relies on new landscaping for integration, does not align with traditional development patterns, and the appeal proposal will negatively impact on the rural character of the area.
10. Turning first to Policy COU10, there was no disagreement between the parties that the established group of buildings on the farm are those found largely to the rear of the dwelling at No. 57 Magheradartin Road. It was agreed that these farm buildings are located at over 200metres (m) from the appeal site, and given the distance, the proposed dwelling would not cluster with them. The Appellant identified a preferred location for the development (preferred location), within the appeal site, for the dwelling. This location is situated in the top right (northeast) quadrant of the appeal site (see area marked 'A' in blue on plan PAC1). The Appellant advises that, as the established farm buildings are visible from the preferred location and likewise, it too is visible from the established farm buildings, they are visually linked.
11. Furthermore, during the ASV, the Appellant directed to a viewpoint at an agricultural gate north of the appeal site, located off a public footpath which connects the Cabra and Magheradartin Road. The Appellant also pointed to a viewpoint near the junction of Windmill and Cabra Road in the southeast. The Appellant suggested that from both viewpoints, the appeal site and the established farm buildings are visually linked.
12. The Council contends that the appeal site is too far from the established farm buildings and lacks a visual link from points along Magheradartin Road due to the distance and intervening topography. The Council considered that the viewpoints directed to, by the Appellant at the ASV, are too far from the appeal site and farm dwellings to be considered 'vantage points'. The Council argued that from these viewpoint locations the distance between the established farm buildings and the preferred location for the new buildings is clear with neither being read together and visually linked.
13. Policy COU10 does not specify within the headnote or its justification and amplification (J&A) where visual linkage is to be assessed from. The Appellant advises that the LDP refers to the guidance document 'Building on Tradition,' which remains applicable and will continue to support the PS. Building on Tradition advises that new buildings in the countryside should be visually linked or clustered with existing farm structures to minimise their impact. It continues that, these should be positioned sensitively to 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.

14. I acknowledge that there is a line of sight from the appeal site to the established farm buildings at No. 57 Magheradartin Road and vice versa. However, I find that the 'visible linkage' test pertains to the views of the appeal proposal and the established farm buildings from surrounding vantage points. Furthermore, vantage points are typically accessible by members of the public and found in the surrounding countryside, beyond the boundary of the appeal site and the location of the established farm buildings. Therefore, I consider that the thrust of criterion (c) of Policy COU10 is for a proposed dwelling on a farm to be sited to cluster or visually link with an established group of buildings on the farm, when viewed from surrounding vantage points, to reduce the impact of the new building on the countryside.
15. When traveling south and then east from No. 39 Magheradartin Road, whilst being largely secreted as it is to be sited behind established hedgerows and due to the angling of the lands between it and the Magheradartin Road, the appeal proposal (the dwelling) will be discernible in the landscape. However, because of the roadside boundary treatments, the land's topography, and the intervening natural boundaries, the established farm buildings, including the dwelling at No. 57 are not visible at this location. Thus, the appeal site and the established farm buildings cannot be read together and are not visually linked in this locality.
16. From the agricultural gate, located to north and off the footpath between the Cabra and Magheradartin Roads, the appeal site is largely hidden from view with only a portion of the northeast corner of the Appellant's preferred location within the proposed site visible. However, given the obscurity of the appeal site from this view and due to its setback and the distance, together with the intervening agricultural lands and the NIE pylon's position between it and the farmstead at No.57 Magheradartin Road, the appeal site and the established farm buildings do not read as being visually interlinked nor linked from this location.
17. From the agricultural gate near the junction of Windmill and Cabra Roads, the farm buildings behind No. 57 Magheradartin Road are visible. However, due to the land's topography and vegetation, the appeal site is largely hidden. It and established farm buildings are clearly separated by the intervening rolling agricultural land and established boundary treatments found between them, spread out over the distance of c. 200m. Therefore, the proposed development would not be read as being visually interlinked nor linked with the established farm buildings.
18. During the ASV, the Appellant explained that the topography of the land meant there are no alternative sites near the established farm buildings. Any dwelling close to these buildings would require significant earthworks and would share an access currently used for domestic and farm activities. The Appellant cited a previous fatal incident to highlight the dangers of combining agricultural and domestic activities along a shared access.
19. The Council argued that, whilst reference has been made to the exceptions within the Appellant's planning application, no information in support of these circumstances was presented at the planning application stage nor substantiated within the Appellant's evidence to the appeal.

20. The requirement to carry out topographical reprofiling and earthworks as justification, as advanced by the Appellant, is not an exception to the policy requirement for a new building to visually link or be sited to cluster with an established group of buildings on the farm. Any loss of life is tragic, and I recognise that the shared access for agriculture and domestic use may not be ideal. However, such access arrangements are common in the countryside. As no compelling evidence was provided, regarding health and safety reasons, to consider the appeal site as an alternative on the farm, the exception to criterion (c) of the Policy is not met.
21. The parties agree that the appeal proposal cannot be situated in a manner where the new dwelling would cluster with the established farm buildings. Additionally, I have determined that from surrounding viewpoints, the new building does not appear visually linked to those existing farm buildings. Furthermore, there has been no persuasive evidence presented to demonstrate that the appeal site represents an alternative location for health and safety reasons. Consequently, I find that the proposal offends criterion (c) of Policy COU10. Therefore, the Council's second reason for refusal is upheld.
22. Regarding criteria (b) of Policies COU15 and COU16, which assert that a new building will not be permitted in the countryside unless it is sited to cluster with an established group of buildings, the Appellant confirmed during the ASV that the proposal will not cluster with any such group. Therefore, the proposal does not meet criteria (b) of policies COU15 and COU16. The Appellant raised concerns about a perceived conflict between criterion (c) of COU10 and criteria (b) of Policies COU15 and COU16. This issue is addressed in further detail below.
23. I now turn to consider matters pertaining to, inter alia, integration and rural character. The appeal site benefits from an existing hedgerow along its western boundary. This feature provides an acceptable degree of integration and enclosure when viewed from the north and east on approach to the appeal site between No.39 Magheradartin Road and the proposed access. Furthermore, the topography between the site and Magheradartin Road ensures that the appeal site is screened from views when traveling north towards its proposed access point.
24. During my site visit, I noted that from various viewpoints along sections of the public path connecting Cabra and Magheradartin Road, including the viewpoint at the agricultural gate located off this pathway, and another view from the entrance of No. 20 Cabra Road, there is an absence of long-established natural treatments along the northern and eastern boundaries. However, the appeal site is predominantly obscured by the intervening topography and existing natural boundary treatments.
25. Given the position in the landscape, along with the intervening topography and established natural boundaries, I find that, from the viewpoints directed to by the Appellant and the Council, there is an adequate degree of enclosure for the proposed development to integrate into the landscape. If planning permission is granted, only a small amount of new landscaping would be required along the northern and eastern boundaries to enhance the existing natural topographical features and natural boundaries. Therefore, I find that the proposal would not rely primarily on new landscaping for integration. Thus, I determine that criteria (d) and



- (e) of Policy COU15 are not offended by the appeal proposal. However, as criterion (b) of Policy COU15 is not met, the Council's third reason for refusal is upheld, insofar as stated.
26. Regarding Policy COU16, I have already established that the proposal is not sited to cluster with an established group of buildings. Thus, criterion (b) of Policy COU16 is not met. Regarding criteria (c) and (e) of the policy, and the impact on rural character, I agree with the Council that, except for the linear development south of Magheradartin Road near Windmill Road, the local development pattern exhibited in the area is mostly dispersed single dwellings with associated outbuildings. Whilst I acknowledge that the appeal proposal is for a dwelling and a garage/storage on a farm, given that it does not cluster with the established farm buildings nor other existing buildings in the locality, it does not respect the traditional pattern of settlement exhibited in the area. Thus, for the same reasons, the proposal does not respect the traditional pattern of settlement exhibited in the area and would have an adverse impact on its rural character. Therefore, I find that the proposal offends criteria (c) and (e) of Policy COU16, and the Council's forth reason for refusal is sustained.
  27. I have found that the appeal proposal is not visually linked or sited to cluster with an established group of buildings on the farm, pursuant to criterion (c) of Policy COU10 and the exception to the criterion has not been met. I have also found that the appeal proposal is contrary to Policies COU15 and COU16. Consequently, the proposed development is not one which, in principle, is acceptable in the countryside and that will contribute to the aims of sustainable development pursuant to Policy COU1. Thus, for the reasons stated above, the Council's first reason for refusal is sustained.
  28. The Appellant contends that there is a conflict between Policy COU10, criterion (c), and Policies COU15 and COU16, criteria (b), which relate to the siting of new buildings. Policy COU10 relates specifically to dwellings on farms, which requires the new building is visually linked or sited to cluster with an established group of buildings on the farm. However, this siting requirement within the policy is tempered by an exception for an alternative site elsewhere on the farm. Hence, the Appellant argues that siting requirements found within Policies COU15 and COU16 do not apply to farm developments under COU10.
  29. The Appellant supported their position with reference to the appended judgment *The Department of the Environment v Planning Appeals Commission* [2014] NIQB 4, stressing that proposals need only meet relevant policy requirements. The Appellant argued that merging criterion (c) of Policy COU10 with criteria (b) of Policies COU15 and COU16 misrepresents the purpose of Policy COU10, criterion (c). They also cite *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13, indicating that when policies conflict irreconcilably, one must prevail over the other. However, given that I have found that the proposal does not comply with and does not qualify as an exception to criterion (c) of COU10, and it does not cluster with buildings in the countryside pursuant to criteria (b) of policies COU15 and COU16, no conflict arises. While there may be instances where the Planning Authority needs to apply appropriate weight to criterion (c) of Policy COU10 together with criteria (b) of Policies COU15 and COU16, in this appeal case, no such consideration is necessary.

30. The case law appended to the appellant's evidence, *David John Stewart Lamont (and others) v Department of the Environment (Planning Service)* [2014] NIQB 3, establishes that a cluster must include more than one building. The number of buildings required to cluster or be visually linked (i.e. more than one) is not disputed by either party to the appeal. The Appellant advises that neither caselaw nor the policy sets a maximum distance for clustering. Again, this matter is not disputed by either party. The Appellant cites the Planning (General Permitted Development) Order (Northern Ireland) 2015, Part 7, A. 1. and the distance of 75m stated within it. However, as confirmed on site, the appeal site is over 200m from the farm buildings. Therefore, as I have found that the proposal does not cluster with or is visually linked to the established farm buildings, I find that the reference to the caselaw and distance provided by the legislation does not advance the Appellant's argument and is of limited assistance in this case.
31. I acknowledge the Appellant's reference to the appended judgments in *Mansell v Tonbridge and Malling Borough Council and others* [2017] Civ 1314, *R (Village Concerns) Wealden District Council and others v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2039, and *Tesco Stores Ltd v Antrim and Newtownabbey Borough Council and others* [2023] NICA 34. These cases have been referenced regarding the Appellant's review of the Planning Committee's report on the planning application. The issues highlighted by the Appellant include the Council's application of planning policy and policy tests, alleged errors in the conclusions of the Council's planning officers regarding the planning application, and claims that the planning authority may have given misleading information to the Council's planning committee, including incorrect identification of the appeal site. All these matters relate to procedural issues during the planning application stage. They are not matters to be resolved by the Commission. Consequently, they should be addressed by the Appellant directly with the Council.
32. Reference has been made by the Appellant to *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 259, *R (Rassi) v Secretary of State for the Home Department* [2008] QB 836 and *R (on the Application of Loader) v Rother District Council* (no citation quoted) and appeal 2021/A0083. However, these cases have not been appended in full. Therefore, contextually I cannot compare their circumstances to those of the appeal proposal before me.
33. Regarding the withdrawal of the archaeological reasons for refusal, mentioned in my preliminary matter above, any allegations about misleading the committee or the legality of the planning decision should be addressed by the Appellant directly with the Council. The Council must support its reasons for refusal during the appeal. After receiving information regarding the Department for Communities (DfC) final position, the Council revised its stance and withdrew its archaeological reason for refusal under Policy HE3 of the PS. To address the archaeological matters, planning conditions were put forward regarding an archaeological assessment, if planning permission is granted. This action by the Council does not invalidate their decision or the appeal before me. Additionally, I recognise that the Appellant has welcomed the withdrawal of the reason for refusal and accepted the planning conditions proposed by DfC.

34. Nevertheless, as the proposal is contrary to Policies COU1, COU10, COU15, and COU16 of the PS, and the Council's first, second, third, and fourth reasons for refusal have been sustained, so far as stated, the appeal must fail.

The decision relates to the following plans:

- Site Location Plan 01 at a scale of 1:1250, Order No.136570
- Preferred Development Location Plan - PAC1

**COMMISSIONER GARETH McCALLION**

**List of Appearances**

Planning Authority: -	Ms. Catherine Gray, Lisburn and Castlereagh City Council
Appellant: -	Mr. Ian Armstrong (Appellant’s representative) Mrs. Deborah Armstrong (Appellant) Mr. David Lyttle (Appellant’s father and landowner)

**List of Documents**

Planning Authority: -	Statement of Case, Lisburn and Castlereagh City Council Rebuttal Statement, Lisburn and Castlereagh City Council
Appellant: -	Statement of Case, Mr. Ian Armstrong Rebuttal Statement, Mr. Ian Armstrong

# ACEmap® Multi-Copy

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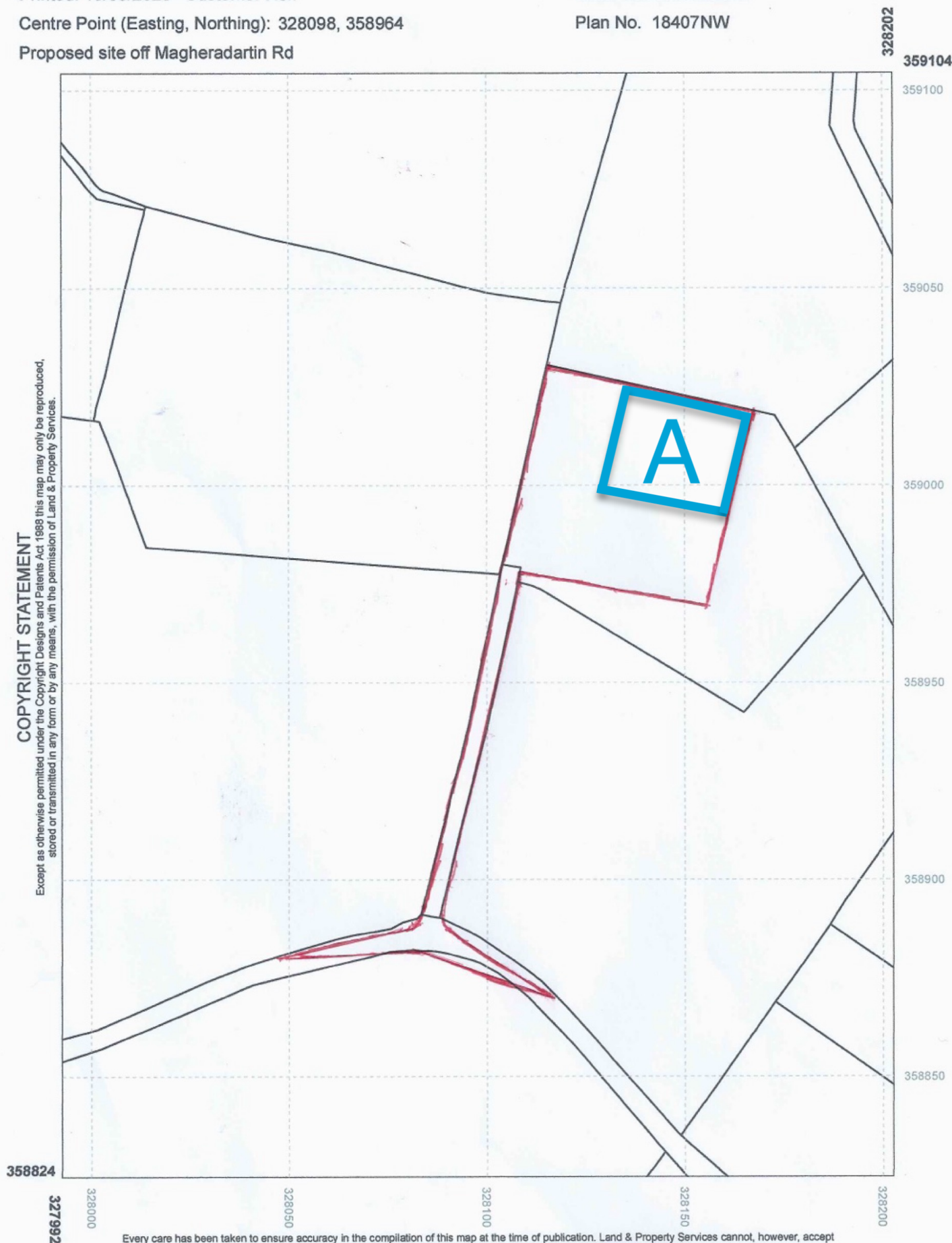
Proposed site off Magheradartin Rd

Scale: 1:1,250

Order no. ORD136570

Plan No. 18407NW

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<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 9 – Appeal Decision – LA05/2021/0946/O

## 1.0 **Background**

1. An application for a proposed site for a dwelling, garage and ancillary site works to replace a former Horticulture Nursery/Garden Centre on lands 40 metres east of 20 Mullaghcarton Road, Ballinderry Upper, Lisburn was refused planning permission on 27 November 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 04 December 2023.
3. The procedure followed in this instance was by way of written representation and Commissioner’s site visit. The site visit took place on 30 April 2024.
4. The main issues in this appeal are whether the appeal development would be acceptable in principle in the countryside, have a greater visual impact than the existing buildings and add to a ribbon of development.
5. A decision received on 21 March 2025 indicated that the appeal was dismissed.

## **Key Issues**

1. From the evidence, the Commissioner noted that planning permission was granted in June 1992 for a change of use from agricultural to horticultural nursery and that the Council asserted that the horticultural use ceased around September 2010 and advised that no ‘Certificate of Lawfulness of existing use or development’ (LDC) has been issued under Section 169 of the Planning Act (Northern Ireland) 2011 to confirm that there is an established fallback position as advanced by the appellant. The Commissioner accepted that they had not been provided with any persuasive evidence that planning permission had been approved for any subsequent use or operation.
2. The Commissioner further pointed out that at Question 4 in the Form P1 – ‘Application for permission to develop land’ within the evidence, that the appellant stated that the present use of the land/buildings is ‘vacant yard and premises associated with former horticultural nursery/garden centre’. The Commissioner accepted that the existing three non-residential buildings on the ground at the appeal site were last used in association with a horticultural business, they were not eligible for replacement under policy COU3 of the Plan Strategy.
3. The Commissioner observed at the site visit that the appeal buildings are of a moderate scale, form and height and which the Council stated were set-back from

the Mullaghcarton Road by some 30 metres along the western boundary of the appeal site. Given this context, the Commissioner concluded that the existing buildings were not visually intrusive features within the local landscape and therefore their replacement with a dwelling as proposed would not offer any visual enhancement.

4. The Commissioner concluded that a new 1.5 storey dwelling and garage at the appeal site would be a noticeable feature in the landscape even though it would benefit from a backdrop of mature vegetation and that the appeal development would not bring significant environmental benefits contrary to this element of Policy COU3 of the Plan Strategy.
5. In respect of policy COU8 the Commissioner highlights that the policy requires a substantial and continuously built-up frontage to be a line of four buildings, at least two of which must be dwellings. The Commissioner concluded in this case, that only one of the four buildings along the frontage as detailed previously, that is No. 20 Mullaghcarton Road, is a dwelling. For this reason, there is no substantial and continuously built-up frontage and subsequently there is no qualifying gap site to be filled. The Commissioner also concluded that the buildings were not visually linked.
6. The Commission accepted that this proposal was not an opportunity for a replacement dwelling or an infill site. As all the reasons for refusal were sustained, there is limited learning from this appeal.

## 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 <b><u>or</u></b> 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 <b><u>or</u></b> 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 9 – Appeal Decision – LA05/2021/0946/O
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4th Floor  
92 Ann Street  
Belfast  
BT1 3HH

Phone: 028 908981055 (direct line)  
Phone: 028 9024 4710 (switchboard)  
Email: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

Website: [www.pacni.gov.uk](http://www.pacni.gov.uk)

Lisburn & Castlereagh City Council  
Local Planning Office

Our reference: 2023/A0082  
Authority  
reference: LA05/2021/0946/O  
24 March 2025

Dear Sir / Madam

**Re:**

**Appellant name: Mr. S Massey**

**Description: Site for a dwelling, garage and ancillary site works to replace all aspects of existing commercial buildings, yard and previously/last use as a Horticulture Nursey/Garden Centre. (Replacement dwelling as per CTY3 of PPS21)**

**Location: 40m East of 20 Mullaghcarton Road, Ballinderry Upper, Lisburn, BT28 2NP**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly  
PACWAC Admin Team

# Appeal Decision

4<sup>th</sup> Floor  
92 Ann Street  
BELFAST  
BT1 3HH  
T: 028 9024 4710  
E: [info@pacni.gov.uk](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2023/A0082
<b>Appeal by:</b>	Mr. S Massey
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Site for a dwelling, garage and ancillary site works to replace all aspects of existing commercial buildings, yard and previously/last use as a Horticulture Nursery/Garden Centre. (Replacement dwelling as per CTY3 of PPS21)
<b>Location:</b>	40m East of 20 Mullaghcarron Road, Ballinderry Upper, Lisburn, BT28 2NP
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2021/0946/O
<b>Procedure:</b>	Written representations with Accompanied Site Visit on 30 <sup>th</sup> April 2024
<b>Decision by:</b>	Commissioner Kevin Gillespie, dated 21 <sup>st</sup> March 2025

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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The decision notice refusing outline planning permission dated 24<sup>th</sup> November 2023, cited five reasons for refusal.
3. Following the submission of an amended site location and context plan at appeal stage by the appellant which were considered admissible under Section 59 of the Planning (NI) Act 2011 and which amended the location of the proposed dwelling, the Council advised that refusal reasons four and five would no longer be advanced. This appeal decision is therefore based on the first, second and third reasons for refusal as detailed in the decision notice issued by the Council on 24<sup>th</sup> November 2023.

## Reasons

4. The main issues in this appeal are whether the appeal development would be acceptable in principle in the countryside, have a greater visual impact than the existing buildings and add to a ribbon of development.
5. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination

must be made in accordance with the plan unless material considerations indicate otherwise.

6. The Lisburn and Castlereagh City Council Local Development Plan 2032 - Plan Strategy (PS) was adopted on 26 September 2023. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations (NI) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between the DDP and the PS must be resolved in favour of the PS.
7. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. The Lisburn Area Plan 2001 (LAP) therefore comprises the departmental development plan (DDP), with the 2004 draft BMAP remaining material in some circumstances. In both the LAP and dBMAP, the appeal site is in the green belt outside any defined settlement limit. There are no other policies in the DDP or dBMAP that are pertinent to the appeal. Green belt policies were overtaken by a succession of regional policies which, in this Council area, have now been superseded by those policies within the PS. There is no conflict between the DDP and the PS insofar as they relate to the proposal.
8. Whilst the Strategic Planning Policy Statement for Northern Ireland (SPPS) remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained policies including Planning Policy Statement 21: Sustainable Development in the Countryside have now ceased to have effect.
9. The appeal site is located on the northern side of Mullaghcarton Road. It is broadly rectangular in shape and measures some 0.95 hectares. It is generally flat across its extent and largely comprises a partially overgrown area of hardstanding with the remainder of the site in a rough, overgrown condition. The roadside boundary is defined by a wide grass verge and a ranch-style timber fence. The eastern side boundary is defined by a ranch style timber fence and a soil bund. The northern boundary is part bounded by a ranch-style timber fence and part undefined. The western boundary comprises of the side boundary of the adjacent property at No. 20 Mullaghcarton Road, which is a two-storey roadside dwelling. Access to the site is gained via an existing double entrance gate from the Mullaghcarton Road.
10. The appeal site contains 3No. buildings, constructed in an 'L' shaped form, which are positioned along the western boundary. On the ground, the northern building, which has a rectangular footprint' is constructed in a mix of block and render walls with a corrugated tin roof and includes 3No. 6-pane windows and 2No. door openings. To the south of this building, 2No. wooden sheds are erected. From my on-site observations, other than the northern building being used in part for storage of timber, the 3No. buildings were generally redundant in nature and well screened due to the overgrown nature of the site.
11. To the north of the appeal site lies agricultural fields and a pond, with agricultural land beyond to the east. Directly adjacent on the western side is No. 20 Mullaghcarton Road. To the south on the opposite side of the road there are three

bungalows, Nos.19, 19a, and 20, with a car repair business located to the rear of No. 19. The character of the surrounding area is predominantly rural, comprising mainly of agricultural land, single dwellings and agricultural outbuildings.

12. Policy COU1 of the PS states that there are a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. The acceptable residential development proposals are set out in Policies COU2 to COU10. Policy COU1 also requires that any proposal for development in the countryside also complies with the general criteria set out in Policies COU15 and COU16.
13. Policy COU3 'Replacement Dwellings' of the PS states that 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. The policy goes on to state that non-residential buildings such as domestic ancillary buildings, steel frames buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business (emphasis added) will not be eligible for replacement under this policy.
14. The Justification and Amplification (J&A) to the policy states that applications for the replacement of non-listed vernacular buildings must be accompanied by sufficient information to demonstrate why replacement, rather than their retention and incorporation into a proposal, is the most appropriate solution.
15. From the evidence, I note that there was no dispute between the parties that the 3No. buildings at the appeal site are not listed, that they do not make an important contribution to the heritage, appearance or character of the locality, nor are they non-listed vernacular buildings for the purposes of policy. Notwithstanding this, the Council contend that the replacement of the 3No. non-residential buildings with a single dwelling would not bring significant environmental benefits.
16. From the evidence, I note that planning permission was granted in June 1992 under S/1992/0159/F for a change of use from agricultural to horticultural nursery. The Council asserts that the horticultural use ceased around September 2010 and advises that no 'Certificate of Lawfulness of existing use or development' (LDC) has been issued under Section 169 of the Planning Act (Northern Ireland) 2011 to confirm that there is an established fallback position as advanced by the appellant. I have not been provided with any persuasive evidence that planning permission has been approved for any subsequent use or operation on the appeal site in the intervening period since 1992.
17. At Question 4 in the Form P1 – 'Application for permission to develop land' within the evidence, I note the appellant states that the present use of the land/buildings is 'vacant yard and premises associated with former horticultural nursery/garden centre'. Given that the existing 3No. non-residential buildings on the ground at the appeal site were last used in association with a horticultural business, they are not eligible for replacement under policy COU3 of the PS.

18. The appellant argues that redevelopment of the site would offer significant environmental benefits in so far as it would remove the prospect of the former horticultural nursery business from re-commencing and operating from the site. The proposed development would therefore represent a less intensive use compared to the horticultural business reducing the detrimental impact on the amenity of nearby residential properties and have less of a visual impact.
19. As detailed previously, no LDC has been issued under Section 169 of the Planning Act (Northern Ireland) 2011 to confirm that the horticultural business is lawful and therefore represents an established fallback. Nevertheless, I consider that a single dwelling could be designed at the appeal site such that it would not have a detrimental impact on nearby residential amenity. On the ground I observed that the appeal buildings are of a moderate scale, form and height which the Council state are set-back from the Mullaghcarton Road by some 30 metres along the western boundary of the appeal site. Given this context, I consider that the existing buildings are not visually intrusive features within the local landscape and therefore their replacement with a dwelling as proposed would not offer any visual enhancement.
20. I appreciate that the existing roadside vegetation and the position of No. 20 Mullaghcarton Road would screen views of any dwelling and detached garage on the appeal site when approaching the site from the west travelling in an easterly direction. Travelling in the opposite direction, I consider that a new 1.5 storey dwelling and garage at the appeal site would be a noticeable feature in the landscape even though it would benefit from a backdrop of mature vegetation. This would be due to the long-distance views of the appeal development combined with the open aspect views of the site over this distance, the sparsity of established natural vegetation along the eastern and southern site boundaries and the consequent lack of enclosure for the proposed buildings. Given the reliance on new planting as shown on amended Drawing No. 2C which would take time to mature, I agree with the Council that the proposed dwelling and garage would have a significantly greater visual impact than the existing buildings it would replace. For these reasons, I conclude that the appeal development would not bring significant environmental benefits contrary to this element of Policy COU3 of the PS in so far as stated.
21. Policy COU3 of the PS goes on to state that 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.
22. There is no dispute between the parties that the proposed replacement dwelling would be sited within the established curtilage of the existing buildings or that the design of the replacement dwelling could be of a high quality appropriate to its rural setting such that it would comply with criteria (a) and (c) of the policy. However, given that I have already concluded above that the proposed dwelling

and garage would have a significantly greater visual impact than the existing buildings it would replace, it therefore fails to comply with criterion (b) of this element of Policy COU3 of the PS.

23. As I have concluded that none of the existing buildings on the ground are eligible for replacement and that the proposed redevelopment of the site would not bring significant environmental benefits together with the fact that a new dwelling on the appeal site would have a significantly greater visual impact than the existing buildings it would replace, the proposal fails to meet Policy COU3 of the PS when read as a whole. The Council's first reason for refusal is therefore sustained as specified.
24. Policy COU8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it acknowledges 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. It goes on to state that 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.
25. The J&A to the policy 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. 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. From my observations on the ground, the dwelling at No. 20 and the 3No. existing buildings at the appeal site form a line of buildings along Mullaghcarron Road in accordance with the policy. No. 18 Mullaghcarron Road, which is sited to the east of the appeal site, is I consider so far removed from the appeal site and with a large intervening gap that it can only be considered as sporadic development along the road such that it does not form part of the substantial and continuously built-up frontage.
26. With respect to the exceptions test within the policy, and as detailed previously, Policy COU8 requires a substantial and continuously built-up frontage to be a line of four buildings, at least two of which must be dwellings. In this case, only one of the four buildings along the frontage as detailed previously, that is No. 20 Mullaghcarron Road, is a dwelling. For this reason, there is no substantial and continuously built-up frontage and subsequently there is no qualifying gap site to be filled.
27. Furthermore, the dwelling at No. 20 and the 3No. buildings at the appeal site are not visually linked, as required by Policy COU8, when viewed travelling along Mullaghcarron Road in either direction due to a combination of the orientation of the road, the roadside vegetation, the set-back of the 3No. appeal site buildings and the boundary treatment along the western boundary of the appeal site.
28. Policy COU8 of the PS goes on to state that the proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring

buildings that constitute the frontage of development. In this case the frontage of development is the dwelling at No. 20 and the 3No. buildings at the appeal site. It is these buildings which determine the existing pattern of development to be respected.

29. Neither the Council nor the appellant engaged in this element of the policy in their evidence. Notwithstanding this, establishing the pattern of development is not solely a mathematical calculation using averages with “percentage margins of tolerance”, but rather includes the application of planning judgement to assess the site on the ground and how it relates to the surrounding buildings and plots along the frontage in question.
30. In this case, the buildings comprising the ribbon, No. 20 and the 3 redundant buildings on the appeal site, due to differences in their form, orientation, siting and position in relation to each other and absence of individual plots, there is no clearly identifiable settlement pattern. However, when comparing the size of the appeal site to other residential plots in the immediate vicinity it would appear to be larger and therefore not in keeping with the pattern of development. In any event, the policy exception is for a small gap, sufficient to accommodate two dwellings, given that, in this case, the proposal is only for one dwelling and the fact that there is no substantial and continuously built-up frontage, the proposal would fail to meet the exception test by not constituting a qualifying gap site.
31. In any event, the proposed development proposes the removal of the three buildings on site to be replaced by a single dwelling and garage. In this context the existing ribbon would be removed and replaced by a single dwelling and domestic garage. Under policy COU8, domestic ancillary buildings such as garages are excluded from contributing to a substantial and continuously built-up frontage. Because of the removal of the three buildings on site, the proposed development would not add to a ribbon of development along Mullaghcarron Road and therefore the Council has failed to sustain its third reason for refusal.
32. In its evidence, the Council cited two planning appeal decisions for replacement dwellings. Notwithstanding that both appeals relate to a different planning policy context than that in the current case such that they are not directly comparable to the appeal development, in any event, each application must be assessed on its own merits and in its own evidential context.
33. For the reasons given above, the appeal development fails to satisfy the requirements of Policies COU3 and COU8 of PS. Furthermore, and for the reasons detailed above, the appeal development is not one of the exceptions listed under Policy COU1 of the PS. The Council’s first reason for refusal is therefore sustained.
34. As the Council has sustained its first and second reasons for refusal, which are determining, the appeal must fail.

This decision is based on the following drawing numbers:

Drawing No.	Title	Scale	Received by the Council
01B	Site Location Map	1:1250	8 <sup>th</sup> March 2023

Drawing No.	Title	Scale	Received by the Commission
2C	Site Location/Context Map	1:1250	29 <sup>th</sup> February 2024

COMMISSIONER KEVIN GILLESPIE



## **List of Documents**

### **Planning Authority:-**

“A1” Lisburn and Castlereagh City Council – Statement of Case

“A2” Lisburn and Castlereagh City Council – Rebuttal Statement

### **Appellant:-**

“B1” Nigel Coffey, Agent - Statement of Case

“B2” Nigel Coffey, Agent – Rebuttal Statement

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Decision
<b>Subject:</b>	Item 10 – Pre-application Notice (PAN) for the demolition of existing retail warehouse, erection of discount foodstore, building for leisure use, drive through café, drive through restaurant, and associated parking, landscaping and site works at former Homebase site, 3 Upper Galwally, Belfast

1.0	<p><b><u>Background</u></b></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><b><u>Key Issues</u></b></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance and resource implications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. 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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	258
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<b>Appendices:</b>	<p><b>Appendix 10(a)</b> - Report in relation to LA05/2025/0247/PAN</p> <p><b>Appendix 10(b)</b> – LA05/2025/0247/PAN – PAN Form</p> <p><b>Appendix 10(c)</b> – LA05/2025/0247/PAN – Site Location Plan</p>
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## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	12 May 2025
Responsible Officer	Conor Hughes
Date of Report	28 April 2025
File Reference	LA05/2025/0247/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

### Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for an application for the demolition of an existing retail warehouse, the erection of a discount foodstore, building for a leisure use, drive through café, drive through restaurant, and associated parking, landscaping and site works at the former Homebase site, 3 Upper Galwally, Belfast

### Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate Council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 4 April 2025. The earliest possible date for the submission of a planning application is week commencing 30 June 2025.

### Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:  
  
**A description in general terms of the development to be carried out.**
6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

**The postal address of the site, (if it has one).**

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

**A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site.**

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

**Details of how the prospective applicant may be contacted and corresponded with.**

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent MBA Planning, 4 College House, Citylink Business Park, Belfast
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

**A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates.**

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

**A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments.**

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

**An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.**

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public consultation event to include preliminary drawings of the proposal will be held with members of the project team in attendance. The event will take place at 4.30pm on Thursday 29<sup>th</sup> May 2025. The venue identified on the PAN form is 1 Bradford Court, Belfast.

The event will be published in the Belfast Telegraph starting on 20 May 2025.

A notification letter will issue to all properties within 100 metres of the site boundary at least 7 days in advance of the consultation event.

Hard copies of materials will be made available via post to anyone unable to access digital materials and a consultation phoneline and project email address will be made available and promoted on project leaflet and website.

A copy of the Notice will also issue to Elected Members of the DEA and others as identified on the PAN form on 22 May 2025.

### Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information is submitted in accordance with the legislation and related guidance.



[www.lisburncastlereagh.gov.uk/resident/planning](http://www.lisburncastlereagh.gov.uk/resident/planning)

Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Tel: 028 9244 7300

E-mail: [planning@lisburncastlereagh.gov.uk](mailto:planning@lisburncastlereagh.gov.uk)

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## Proposal of application notice

### Planning Act (Northern Ireland) 2011

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

#### Applicant Details

Name/Company

Title

First name

Surname

Company Name

#### Address

Address line 1

Address line 2

Address line 3

Town/City

BT29 4SR

Country

United Kingdom

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

MBA Planning

Title

Mr

First name

Dermot

Surname

Monaghan

Address

Address line 1

4 College House

Address line 2

Citylink Business Park

Address line 3

Town/City

Belfast

Postcode

BT12 4HQ



United Kingdom

Contact Details

Telephone number

02890421011

Mobile number

Email address

dermot@mbaplanning.com

Ref no.

Site Address

**Disclaimer:** Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

-

Property Name

Address Line 1

Former Homebase site, 3 Upper Galwally,

Address Line 2

Town/city

Belfast

Postcode

BT8 6FY

Description of site location (must be completed if postcode is not known)

Description

Former Homebase site, 3 Upper Galwally, Belfast, BT8 6FY

Easting co-ordinates (x)

335126

370661

265

Site Area

What is the area of the site?

1.7

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Demolition of existing retail warehouse, erection of discount foodstore, building for leisure use, drive through café, drive through restaurant, and associated parking, landscaping and site works.

Please indicate what type of application is being requested

- ☐ Outline permission
- ☒ Full permission

Floorspace Summary

Does the proposal include floorspace?

- ☒ Yes
- ☐ No

What is the total gross floor space of proposed development (sq m)?

4000

Renewable Energy

Does your proposal involve renewable energy development?

- ☐ Yes
- ☒ No

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

- ☐ Yes
- ☒ No

☐ Yes

☒ No

### Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Public consultation drop-in event at 1 Bradford Court, Belfast, BT8 6RD on Thursday 29th May 2025 from 4.30pm to 7.30pm. Preliminary drawings of the proposal will be on display and interested parties can discuss the proposal with members of the project team and provide feedback.

Venue: 1 Bradford Court, Belfast, BT8 6RD

Date and time: 29/05/2025 16:30

Please add separate details for each publication used for the above consultation

Publication

Name of publication Belfast Telegraph

Proposed advert date start 20/05/2025

Proposed advert date finish 20/05/2025

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

All properties within 100 metres of the site boundary will receive a letter with details of the proposal and the public consultation event at least 7 days in advance of the consultation event.

Details of any other publicity methods (e.g. leaflets, posters)

### Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

☒ Yes

☐ No

Please state which other parties have received a copy of this Proposal of Application Notice

Details for elected member(s) for District Electoral Area

**Elected member(s) for District Electoral Area:**

All Councillors of Castlereagh South DEA will receive the PAN no later than 22 May 2025. Councillors Bassett, Carlin, Eaton, Gallen, Harpur, Higginson & McKeever.

**Date notice served:**

22/05/2025

Details for Other Parties

### Authority Employee/Member

- ☐ Yes
- ☒ No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

- ☐ Yes
- ☒ No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

☒ I / We agree to the outlined declaration

Signed

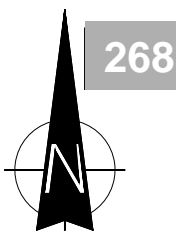
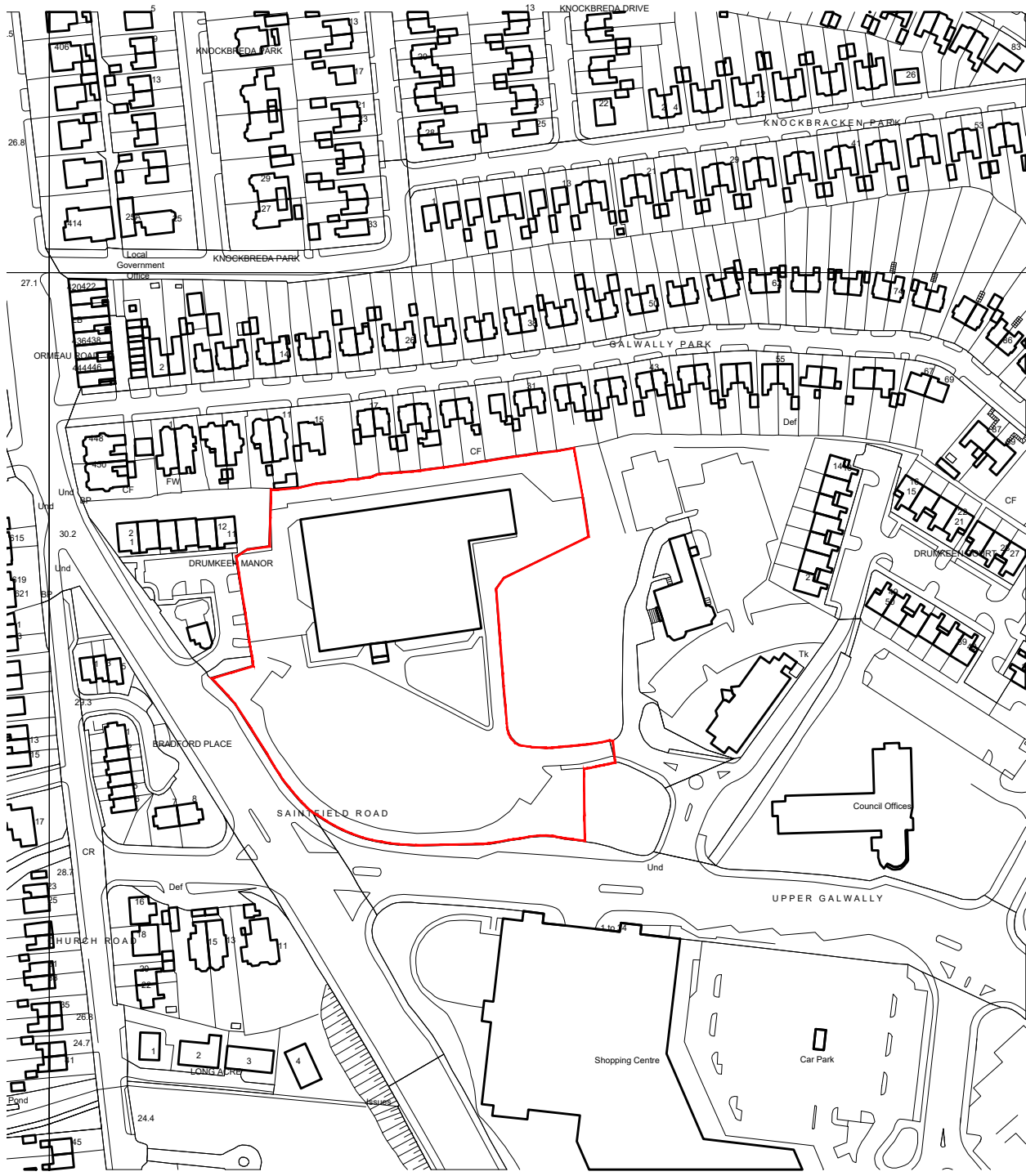
Dermot Monaghan

Date

04/04/2025

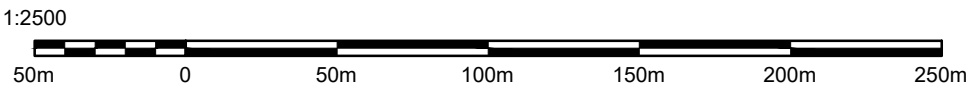
This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

☐ I consent for my personal data to be shared with other departments within the authority



Location Plan    Scale 1:2500

Site Area  
17122 Sqm/ 4.23 Acres



Stage	Project No.	Dwg.No.	Rev	Page Size	Scale	Date	Work Status	Drawn By	Checked By
2	L423	01	B	A4	1:2500	Oct/22	Concept Design	JW	LH
Project Title				Drawing Title		NOTES:			
Proposed Lidl Development At Lands At Upper Galwally Forestside, Belfast				Location Map		This drawing is subject to Statutory & local Council Approval. This drawing is subject to Building Control Approval. This drawing is subject to a Specific Building and Site Survey. The copyright in this drawing remains vested with Clarman and cannot be reproduced without the express written approval of Clarman.			
				Client					
				Lidl Northern Ireland Ltd					

B	Area Updated	19.11.24	JW
A	Area Updated	12.09.24	JW
rev	description	date	by

Unit 1, 28 Dargrave Road, Cashmore, Co Tyrone, tel 02827 747908, e-mail: info@clarman.com

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

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

1.0	<p><b><u>Background</u></b></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><b><u>Key Issues</u></b></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance and resource implications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></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 <b><u>or</u></b> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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<b>Appendices:</b>	<p><b>Appendix 11(a)</b> - Report in relation to LA05/2025/0241/PAN</p> <p><b>Appendix 11(b)</b> – LA05/2025/0241/PAN – PAN Form</p> <p><b>Appendix 11(c)</b> – LA05/2025/0241/PAN – Site Location Plan</p>
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## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	12 May 2025
Responsible Officer	Conor Hughes
Date of Report	28 April 2025
File Reference	LA05/2025/0241/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

### Purpose of the Report

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

### Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 1 April 2025. The earliest possible date for the submission of a planning application is week commencing 30 June 2025.

### Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:

**A description in general terms of the development to be carried out.**

6. The description associated with the FORM PAN1 is as described above.



7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

**The postal address of the site, (if it has one).**

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

**A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site.**

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

**Details of how the prospective applicant may be contacted and corresponded with.**

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Pragma Planning and Development Consultants Limited, 7 Donegall Square West, Belfast, BT1 6JH.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

**A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates.**

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

**A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments.**

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

**An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.**

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public consultation event fully staffed will take place between at 2pm on 1 May 2025. The venue identified on the PAN form is Lough Moss Leisure Centre.

The event will be published in the Belfast Telegraph starting on 23 April 2025.

A notification letter will issue to all properties within 200 metres of the site boundary. Fraser Homes social media will be used for publicity. Online consultation will open on 21<sup>st</sup> April 2025 and will close on 21<sup>st</sup> May 2025 with drawings and feedback form available from [www.pragmaplanning.com/category/consultations](http://www.pragmaplanning.com/category/consultations). This web address will be used on all publicity.

Hard copies of materials will be made available via post to anyone unable to access digital materials and a consultation phonenumber and project email address will be made available and promoted on project leaflet and website.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 24 April 2025.

**Recommendation**

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information is submitted in accordance with the legislation and related guidance.



[www.lisburncastlereagh.gov.uk/resident/planning](http://www.lisburncastlereagh.gov.uk/resident/planning)

Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Tel: 028 9244 7300

E-mail: [planning@lisburncastlereagh.gov.uk](mailto:planning@lisburncastlereagh.gov.uk)

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## Proposal of application notice

### Planning Act (Northern Ireland) 2011

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

#### Applicant Details

Name/Company

Title

Mr

First name

Stephen

Surname

Orr

Company Name

Fraser Homes Ltd

#### Address

Address line 1

6 Mealough Rd

Address line 2

Address line 3

Town/City

Carryduff

BT8 8HP

Country

United Kingdom

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Pragma Planning and Development Consultants Limited

Title

Mr

First name

Jack

Surname

Davidson

Address

Address line 1

7 Donegall Square W

Address line 2

Address line 3

Town/City

Belfast

Postcode

BT1 6JH

United Kingdom

Contact Details

Telephone number

Mobile number

07484285303

Email address

Jack@pragmaplanning.com

Ref no.

Site Address

**Disclaimer:** Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

-

Property Name

Address Line 1

Baronsgrange development (under construction)

Address Line 2

Town/city

Postcode

BT8 8AN

Description of site location (must be completed if postcode is not known)

Description

Baronsgrange development (under construction - planning permission reference Y/2009/0160/F) Comber Road Carryduff

Easting co-ordinates (x)

337225

365830

## Site Area

What is the area of the site?

17.8	Hectares
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Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

## Description of Proposed Development

Please give a brief description of the proposed development

Application under Section 54 of the Planning Act NI 2011 amending conditions 16 and 19 of planning permission Y/2009/0160/F to provide a bus service instead of bus passes as required by condition 16 and to remove the bus gate required by condition 19 and replace it with bus infrastructure related to the new bus service.

Please indicate what type of application is being requested

- ☐ Outline permission
- ☒ Full permission

## Floorspace Summary

Does the proposal include floorspace?

- ☐ Yes
- ☒ No

## Renewable Energy

Does your proposal involve renewable energy development?

- ☐ Yes
- ☒ No

## Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

- ☐ Yes
- ☒ No

Has an Environmental Impact Assessment determination previously been made?

- ☐ Yes
- ☒ No

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Fully-staffed public information event  
Venue: Lough Moss Leisure Centre  
Date and time: 01/05/2025 14:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Belfast Telegraph  
Proposed advert date start 23/04/2025  
Proposed advert date finish 23/04/2025

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Information about the proposal will be sent to all properties within 200-metres of the site boundary, a map showing the area is submitted with the PAN. Information packages will be sent in the week commencing 21st April 2025. Properties adjoining the site will be contacted directly prior to the information being sent out.

Details of any other publicity methods (e.g. leaflets, posters)

Fraser Homes social media will be used for publicity. Online consultation will open on 21st April 2025 and will close on 21st May 2025 with drawings and a feedback form available from [www.pragmaplanning.com/category/consultations](http://www.pragmaplanning.com/category/consultations). This web address will be used on all publicity.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

☒ Yes ☐ No

Please state which other parties have received a copy of this Proposal of Application Notice

Details for elected member(s) for District Electoral Area

**Elected member(s) for District Electoral Area:**  
Castlereagh South Councillors: Daniel Bassett, Ryan Carlin, Nancy Eaton, John Gallen, Jamie Harpur, Brian Higginson, and Martin McKeever  
**Date notice served:**  
24/04/2025

**Elected member(s) for District Electoral Area:**  
South Belfast MLAs: Deirdre Hargey, Edwin Poots, Matthew O'Toole, Paula Bradshaw, and Kate Nichol  
**Date notice served:**  
24/04/2025

Details for Other Parties

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

- ☐ Yes
- ☒ No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

- ☐ Yes
- ☒ No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

☒ I / We agree to the outlined declaration

Signed

Pragma Planning

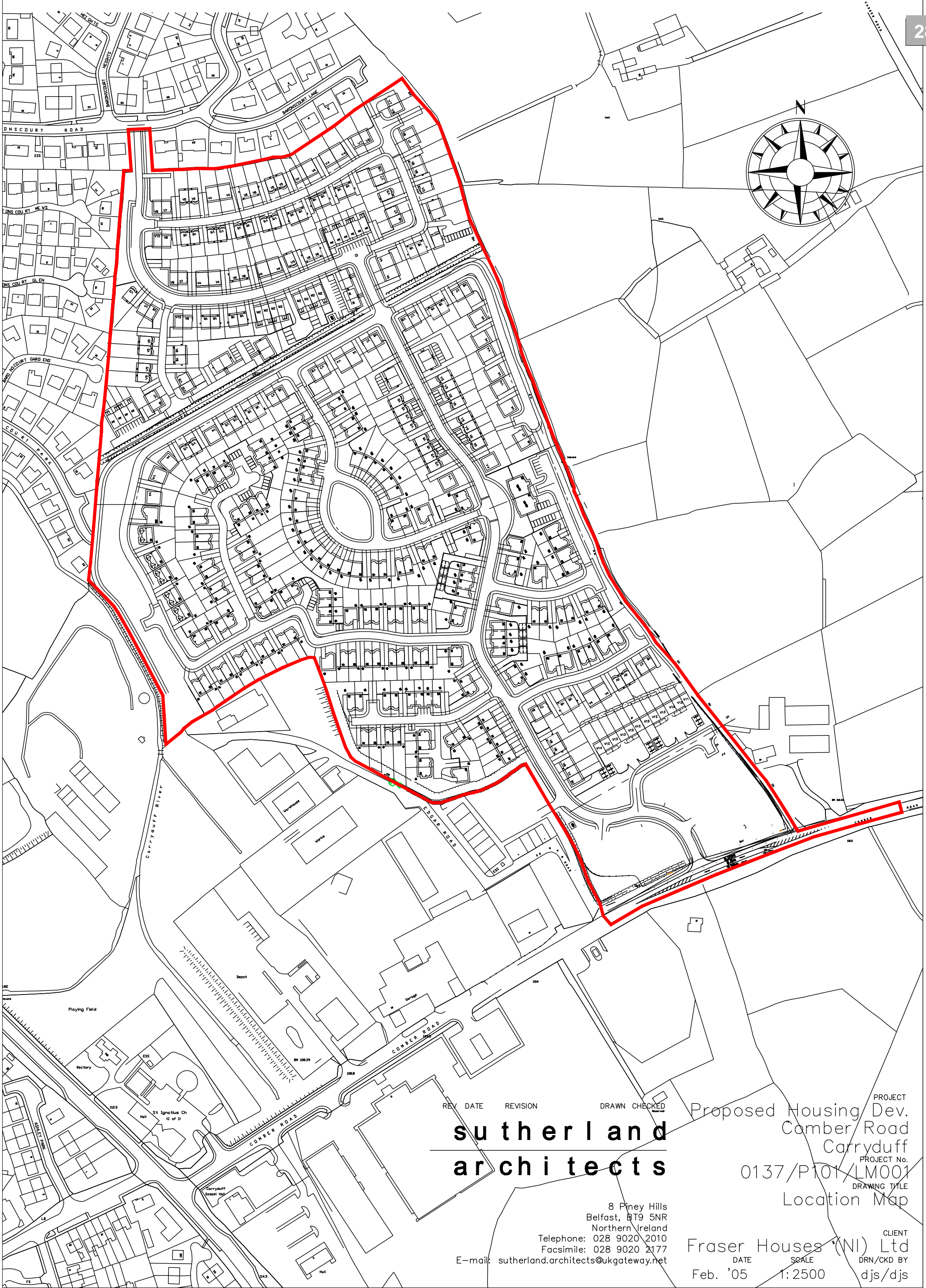
Date

01/04/2025

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

☐ I consent for my personal data to be shared with other departments within the authority





REV DATE REVISION DRAWN CHECKED

sutherland  
architects

8 Piney Hills  
Belfast, BT9 5NR  
Northern Ireland  
Telephone: 028 9020 2010  
Facsimile: 028 9020 2177  
E-mail: sutherland.architects@ukgateway.net

Proposed Housing Dev.  
Comber Road  
Carriguff  
PROJECT No.  
0137/P101/LM001  
DRAWING TITLE  
Location Map

CLIENT  
Fraser Houses (NI) Ltd  
DATE  
Feb. '05  
SCALE  
1:2500  
DRN/CKD BY  
djs/djs

<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 12 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>1. The Council is notified by three operators, Openreach, Avision Young and Cornerstone, of their intention to utilise permitted development rights at five locations within the Council area to install communications apparatus.</li> <li>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.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Only the schedule of locations where the works are proposed has been appended to the report (<b>see Appendix</b>). 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.</li> <li>3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.</li> </ol>
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>

4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
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 <b><u>or</u></b> 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 <b><u>or</u></b> 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>	

<b>Appendices:</b>	Appendix 12 – 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 May 2025 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Cornerstone	WHP Telecoms Ltd	Derryachy, DOE Pumping station, Barnfield Road, Milltown	proposed replacement of 6no existing antennas with 6no new antennas, the internal refresh of an equipment cabin and ancillary development thereto.	28/03/2025
2.	Cornerstone	WHP Telecoms Ltd	NI Water (Magheramesk) reservoir, Hallstown Road, Upper Ballinderry, Lisburn,	Allocated 6no. antennas and 15no. RRU's installed on the existing tower in situ.	31/03/2025
3.	Openreach	BT	3, Megarrystown Road, Moira	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/04/2025
4.	Avison Young	EE Limited	Lilburn Contracts Ltd, Cotton Mill Complex, Culcavy Road, Hillsborough,	Regulation 5 of the Electronic Communications Code Regulations 2003 to Utilise Permitted Development Rights	15/04/2025
5.	Avison Young	EE Limited	Killynure, Southeast of 118 Killynure Road, Carryduff	Regulation 5 of the Electronic Communications Code Regulations 2003 to Utilise Permitted Development Rights	16/04/2025



<b>Committee:</b>	Planning Committee
<b>Date:</b>	12 May 2025
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 13 – Correspondence to Chief Executive in respect of Developer Contributions for Wastewater Infrastructure - Consultation

1.0	<p><b><u>Background</u></b></p> <p>1. On 24 March 2025, information was sent to the Chief Executive regarding a consultation on developer contributions for wastewater infrastructure. This is for contributions to improve existing and/or provide new wastewater infrastructure that are not directly linked to planning applications through the provision of a Section 76 planning agreement but may impact on the processing of planning applications.</p> <p><b><u>Key Issues</u></b></p> <p>1. A link to the consultation referred to above is provided for information and reference:</p> <p><a href="https://www.infrastructure-ni.gov.uk/consultations/developer-contributions-wastewater-infrastructure">https://www.infrastructure-ni.gov.uk/consultations/developer-contributions-wastewater-infrastructure</a></p> <p>2. It is proposed to bring a substantial report to Members of the Regeneration and Growth Committee before the deadline of noon on the 27 June 2025 which outlines the implications for requiring developer contributions for wastewater infrastructure and including a draft response.</p> <p>3. A related report will also be brought back to the Planning Committee addressing the implications for the planning application process of introducing developer contributions for wastewater infrastructure.</p>		
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note that a consultation in respect of the developer contributions for wastewater infrastructure is now open.</p>		
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>N/A</p>		
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>		
4.1	<table> <tr> <td>Has an equality and good relations screening been carried out?</td><td>No</td></tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report providing notification of Planning Fees Uplift. EQIA not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report providing notification of Planning Fees Uplift. RNIA not required.</p>	

<p><b>Appendices:</b></p>	
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