Lisburn & Castlereagh City Council

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October 27th, 2026

Chairman : Councillor D Bassett

Vice Chairman : Alderman J Tinsley

Aldermen : O Gawith, M Gregg and A Grehan

Councillors : S Burns, P Catney, D J Craig, J Laverty BEM, A Martin and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 2nd November 2026** at **10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

Attachment: Disclosure of Interests form Sept 24.pdf ***Page 1***

3.0 Minutes of the Planning Committee Meeting held on 5 October 2026

For Approval

Attachment: PC 05.10.2026 - Draft Minutes for Adoption.pdf ***Page 3***

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

Attachment: Item 1 - Schedule of Applications.pdf ***Page 12***

(i) LA05/2026/0316/F – Proposed amalgamation of units, including minor external alterations and replacement mezzanine level and new café at Units 3 and 4 (Former Argos and Former Next Home), Adjacent to Sainsbury's Superstore, Sprucefield Park

Attachment: Appendix 1.1 Committee Report LA05.2026.0316F.pdf ***Page 15***

(ii) LA05/2020/0600/F – Two-storey residential dwellings mix of detached and semi-detached with garages (28 Dwellings) at lands at Magheralave Road & North of Brookfield, Lisburn

Attachment: Appendix 1.2 LA05.2020.0600F - Magheralave Final.pdf ***Page 35***

(iii) LA05/2024/0327/F – Retention of joinery workshop (conversion from former snooker hall previously used as a materials store and or showroom) at 3e White Mountain Road, Lisburn

Attachment: Appendix 1.3 LA05.2024.0327.F Whitemountain Road final.pdf ***Page 73***

(iv) LA05/2024/0505/O – Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Dromara

Attachment: Appendix 1.4a LA05.2024.0505o addendum report.pdf ***Page 103***

Attachment: Appendix 1.4b Report of Site Visit final.pdf *Page 109*

Attachment: Appendix 1.4c LA05.2024.0505.O 80 Ballynahinch Road final.pdf *Page 111*

(v) LA05/2026/0390/F – Proposed car park to be located at the Hillsborough Visitor Centre, with the proposed car parking spaces to be located around the playing fields to the north side of the site. The proposal will include a total of 53 car parking spaces on site, Including: 44 Regular Parking Spaces, 2 Disabled Access Spaces, 3 Parent and Child Spaces and 4 EV charging spaces with associated landscaping and 5 new external LED lights mounted on 6m steel columns. Lighting will be sensor controlled to reduce light levels when not in use and to switch off lighting outside curfew hours at The Village Centre Community Centre, 7 Ballynahinch Road, Hillsborough

Attachment: Appendix 1.5 LA05 2026 0390 F Committee Report Final.pdf *Page 131*

(vi) LA05/2026/0518/F – Expansion of existing allotment business and retention of existing shed on lands approximately 150 metres to the West of 3a White Mountain Road, Lisburn

Attachment: Appendix 1.6 LA05.2026.0518.F - Committee report Whitemountain Road final.pdf *Page 147*

(vii) LA05/2025/0098/F – Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk, water booster set, telemetry and lighting column. Other works include a 2.4m high paladin fence, access gates and associated site and access works on lands immediately south of 1 Leathem Square and north of the Comber Greenway, adjoining the E Link Road, Dundonald, Belfast

Attachment: Appendix 1.7 LA05.2025.0098.F 1 Leathem Sq WWPS.pdf *Page 169*

4.2 Statutory Performance Indicators – September 2026

For Noting

Attachment: Item 2 - Statutory Performance Indicators - September 2026.pdf *Page 200*

Attachment: Appendix 2 - Lisburn_Castlereagh_September_Monthly_MI.pdf *Page 202*

4.3 Appeal Decision – LA05/2025/0681/CLOPUD

For Noting

Attachment: Item 3 - Appeal Decision -LA05 2025 0681CLOPUD (AutoRecovered).pdf *Page 203*

Attachment: Appendix 3 - Appeal 2025 L0020 Stockdam Road Lisburn.pdf *Page 206*

4.4 Appeal Decision – LA05/2021/0360/F

For Noting

Attachment: Item 4 -Appeal decision LA05.2021.0360F _.pdf ***Page 219***

Attachment: Appendix 4 - Appeal 2026 A0021 Cossan Road Lisburn.pdf ***Page 221***

4.5 Appeal Decision – LA05/2022/0506/F

For Noting

Attachment: Item 5 - Appeal Decision -LA05 2022 0506F Scroggy Road.pdf ***Page 233***

Attachment: Appendix 5 - Appeal 2025 A0102 Scroggy Road Glenavy.pdf ***Page 235***

4.6 Appeal Decision – LA05/2023/0555/F

For Noting

Attachment: Item 6 - Appeal Decision -LA05 2023 0555F.pdf ***Page 242***

Attachment: Appendix 6 Appeal 2026 A0012 Drumalig Road Carryduff.pdf ***Page 244***

4.7 Appeal Decision – LA05/2024/0729 & LA05/2024/0758/CLEUD

For Noting

Attachment: Item 7 - Appeal Decision -LA05 2024 0729CLEUD LA05 2024 0758CLEUD Copy (002).pdf ***Page 248***

Attachment: Appendix 7 - Appeals 2025 L0011 & L0012 New Road Hillsborough.pdf ***Page 251***

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

For Noting

Attachment: Item 8 - Notifications from an Operator in respect of intention.pdf ***Page 262***

Attachment: Appendix 8 List of Notifications - November 2026.pdf ***Page 264***

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. **Pecuniary Interests**

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

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

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

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

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

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

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

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

Pecuniary Interests

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

_____

Date of Meeting: _____

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

_____

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

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

_____

Date of Meeting: _____

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

_____

Nature of Private or Personal Non-Pecuniary Interest:

Name: Address:

Signed:	Date:

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

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 5 October, 2026 at 10.08 am

PRESENT IN CHAMBER: Alderman J Tinsley (Acting Chair)

Aldermen O Gawith

Councillors S Burns, P Catney, D J Craig and N Trimble

PRESENT IN REMOTE LOCATION: Aldermen M Gregg and A Grehan

IN ATTENDANCE: Director of Regeneration and Growth
Head of Planning & Capital Development
Principal Planning Officer (PS)
Senior Planning Officers (MB, GM and LMcC)
Member Services Officers (FA and EW)
Construction Services Manager (GY)

Cleaver Fulton Rankin

Mr B Martyn
Ms I Clarke (remote)
Mr P Lockhart (remote)
Ms U Keenan (remote)

Commencement of Meeting

In the absence of the Chair, Councillor D Bassett, the Vice-Chair, Alderman J Tinsley, took the chair and conducted the business on the agenda.

At the commencement of the meeting, the Acting Chair, Alderman J Tinsley, 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. The Head of Planning & Capital Development outlined 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 the Chair, Councillor D Bassett and Councillors J Laverty and A Martin.

2. Declarations of Interest

The Acting Chair, Alderman J Tinsley, advised that by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2026/0560/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

Alderman A Grehan declared an interest in application LA05/2026/0089/F as she worked in the office of Mr D Honeyford MLA and he would be addressing the committee in support of the application.

3. Minutes of Meeting of Planning Committee held on 7 September, 2026

It was proposed by Councillor D J Craig, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 7 September, 2026 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Head of Planning and Capital Development referred to a letter which had been received in support of application LA05/2024/0483/F on the Friday prior, and circulated to Members shortly before the start of the meeting. He advised that the application had been withdrawn from the schedule for the day to allow Officers time to consider to the points raised in the letter.

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) LA05/2024/0505/O – Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara

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

The committee received Mr S Hawthorne to speak in support of the application and a number of Members questions were addressed.

The committee received Councillor U Mackin to speak in support of the application after which he responded to questions from Members.

Planning Officers responded to questions from Members.

(i) LA05/2024/0505/O – Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara (Cont'd)

Durning the questions to Planning Officers it was proposed by Councillor D J Craig and seconded by Alderman O Gawith to defer the application to allow for a site visit. On a vote being taken, this proposal was declared 'carried', the voting being 6 in favour and 1 against.

Adjournment of Meeting

The Acting Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (10.51 am).

Resumption of Meeting

The meeting was resumed at 10.57 am.

(ii) LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough

Having declared an interest in this application, Alderman A Grehan left the meeting during its hearing.

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

The committee received Mr K Turnbull to speak in support of the application. Mr Turnbull was joined by Messrs T Stokes and S Watt and a number of Members queries were addressed.

The committee received Mr D Honeyford MLA to speak in support of the application from a remote location. No questions were put to Mr Honeyford MLA.

Planning Officers responded to a number of questions from Members.

Debate

During the debate:

- Councillor N Trimble advised that it was very clear to him the application ought to meet the requirements of policy COU3 for a replacement dwelling, and that he felt the applicant and their agents had done what was the best thing to do in that moment in time. He referred to policy COU3 which states "*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*

(ii) LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough (Cont'd)

the building and the cause and extent of the damage must be provided." and advised that this was not prescriptive of the nature of the demolition, and that a wealth of evidence had been provided by the applicant in relation to the demolition. Councillor Trimble continued that the reason for refusal put forward by Officers in relation to policy COU8 *"Infill/Ribbon Development"* was not relevant as there had already been a dwelling on the site, and this application was not seeking to infill a gap. Councillor Trimble concluded that an application for 41 Edentrillick Road, as an infill property, had been approved on the basis of 43 and 39 Edentrillick Road already existing and that it respected the character of the area, therefore by reinstating 43 Edentrillick Road this would be respecting the character of the area. As a result of the reasons he had outlined, Councillor Trimble advised that he would be voting against the recommendation of the Officers; and

- Alderman M Gregg advised that he was in agreement with Councillor N Trimble's comments. Alderman Gregg spoke of the evidence provided as to why the building was deemed unsafe following the asbestos removal which resulted in the remaining portion being demolished, and that he accepted this evidence. Alderman Gregg stated that he felt the application complied with policy COU3 as a replacement dwelling and as such the reasons for refusal given by Officers in relation to policies COU8 and COU16(e) were no longer applicable, following which the reason for refusal relating to policy COU1 would fall away. In conclusion Alderman Gregg stated that he would be voting against the recommendation of the Officers.

Vote

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

In favour: Councillor P Catney (**1**)

Against: The Acting Chair, Alderman J Tinsley, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Alderman M Gregg and Councillor N Trimble (**6**)

Abstain: None (**0**)

Given that the Officer recommendation to refuse planning permission had fallen, the Acting Chair, Alderman J Tinsley, stated that a new proposal was required. It was proposed by Councillor N Trimble and seconded by Alderman M Gregg that planning application LA05/2026/0089/F be approved.

The proposal by Councillor N Trimble, seconded by Alderman M Gregg was put to the committee and, on a vote being taken, agreed that the application be approved, the voting being as follows:

(ii) LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough (Cont'd)

In favour: The Acting Chair, Alderman J Tinsley, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Alderman M Gregg, and Councillor N Trimble (**6**)

Against: Councillor P Catney (**1**)

Abstain: None (**0**)

In agreeing to approve the application, the following reasons were offered by Councillors N Trimble and Alderman M Gregg:

- The application met the policy requirement for a replacement dwelling under policy COU3 as a building which had recently been destroyed, given that the extensive asbestos removal from the previous dwelling at 43 Edentrillick Road had left it in an unsafe condition which resulted in demolition;
- As policy COU3 had been met the Officers other reasons for refusal, namely COU8 and COU16(e) no longer applied and thus COU1 had fallen away;
- Delegated authority be given to Officers to draft the appropriate conditions for the approval;
- Evidence of a former dwelling and garage at 43 Edentrillick Road could be found in Officers reports for applications LA05/2018/1152/F, LA05/2021/1298/F and LA05/2023/0313/F which had been accepted by Planning Officers. Photographs of the former dwelling had also been included in the Officers presentation;
- Extensive evidence had been provided by the applicant, including a Hazardous Materials Report, timeline of events, and correspondence, and which had been included in appendix 1 of the Officers report. This evidence was accepted by Members; and
- Mr K Turnbull's interpretation of the "Demolition Document" was accepted.

Adjournment of Meeting

The Acting Chair, Alderman J Tinsley, declared the meeting adjourned at this point for lunch (12.39 pm).

Resumption of Meeting

The meeting was resumed at 1.17 pm. Alderman A Grehan did not return to the meeting after the lunch break.

(iii) LA05/2025/0839/F – Proposed change of house type to dwelling approved under LA05/2021/0020/RM on a site adjacent to 16 Magees Road, Ballinderry Upper, Lisburn

Alderman M Gregg left the meeting during the hearing of this application (1.31 pm)

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

The committee received Mr P Mobbs to speak in opposition to the application via a remote location and he responded to questions from Members.

The committee received Mr J Sergeant to speak in support of the application. Mr Sergeant was joined by Mr P McCreanor Jr and together they responded to queries from Members.

Planning Officers responded to questions from Members.

Debate

During the debate:

- Councillor N Trimble spoke of the importance of the Certificate of Lawful Use or Development (CLUD) which regularised whether the extant permission remained on the site and was used by Officers to support their recommendation. Councillor Trimble advised that having heard the differing opinions on the CLUD he was left confused and suggested a deferral of the application to seek clarity may be beneficial;
- The Acting Chair, Alderman J Tinsley queried what clarity could be provided if the application was deferred; and
- The Head of Planning and Capital Development advised that further information could be requested from the applicant, in the form of a land survey which mapped out the boundaries and overlayed the plans allowing for comparison, and a copy of the CLUD could be appended to any future report thus allowing Members to examine the details and cross reference the locations. In this circumstance the Members could defer the application.

At this stage in the debate, it was proposed by Councillor N Trimble and seconded by Alderman O Gawith to defer the application to seek further information in relation to the CLUD and land surveys. On a vote being taken, this proposal fell, the voting being 2 in favour and 4 against.

The debate continued during which:

- Alderman O Gawith advised that he felt too confused and would not be confident in making a decision on the application without additional information. As a result, Alderman Gawith stated that he would abstain from the vote;
- Councillor N Trimble echoed the comments from Alderman O Gawith; and

(iii) LA05/2025/0839/F – Proposed change of house type to dwelling approved under LA05/2021/0020/RM on a site adjacent to 16 Magees Road, Ballinderry Upper, Lisburn (Cont'd)

- Councillor P Catney stated that he would vote in favour of the Officers recommendation given that Officers assessment of the CLUD was that it was applicable.

Vote

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

In favour: The Acting Chair, Alderman J Tinsley, Councillor S Burns, Councillor P Catney and Councillor D J Craig (**4**)

Against: None (**0**)

Abstain: Alderman O Gawith and Councillor N Trimble (**2**)

At this stage in the meeting Councillor D J Craig declared an interest in the next application (LA05/2026/0560/F) as board member of the Education Authority as he believed the application had been submitted by the Education Authority. The Director of Regeneration and Growth clarified that the application had been made by the Council, and it would form part of a community managed facility with shared access. Councillor Craig advised that as that was the case he had no additional interest to declare other than that which was declared by the Acting Chair, Alderman J Tinsley on behalf of all Members (dealt with under item 2).

(iv) LA05/2026/0560/F – Amendment to approval application (LA05/2025/0798/F) for the provision of an emergency and maintenance Vehicular entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast

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

No-one was registered to speak on this application.

Planning Officers and the Construction Services Manager responded to questions from Members.

Debate

There were no comments made at the debate stage.

Vote

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

(iv) LA05/2026/0560/F – Amendment to approval application (LA05/2025/0798/F) for the provision of an emergency and maintenance Vehicular entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast (Cont'd)

In favour: The Acting Chair, Alderman J Tinsley, Councillor S Burns, Councillor P Catney, Alderman O Gawith and Councillor N Trimble (**5**)

Against: None (**0**)

Abstain: Councillor D J Craig (**1**)

4.2 Statutory Performance Indicators – August 2026

Members agreed that information relating to Statutory Performance Indicators for August 2026 be noted.

4.3 Appeal against Enforcement Notice (LA05/2025/0139/CA)

The Head of Planning and Capital Development presented the report and responded to questions from Members.

Members agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

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

Members agreed that information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at locations in the Council area be noted.

4.5 Committee for Infrastructure – Call for Evidence on a Proposed Tree Protection Bill

Members agreed to note the information in relation to the proposed Tree Protection Bill.

5. Any Other Business

There was no other business to discuss.

Conclusion of the Meeting

At the conclusion of the meeting, the Acting Chair, Alderman J Tinsley, thanked those present for their attendance. There being no further business, the meeting was terminated at 2.23 pm.

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Chair/Mayor

DRAFT

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

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

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

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

Key Issues

1. One major and six local applications are presented in accordance with the current scheme of delegation. Three of these has been called in and one of which was previously deferred for a site visit, one is mandatory and two exceptions apply.

   a) LA05/2026/0316/F – Proposed amalgamation of units, including minor external alterations and replacement mezzanine level and new café at Units 3 and 4 (Former Argos and Former Next Home), Adjacent to Sainsbury's Superstore, Sprucefield Park.
   Recommendation – Approval

   b) LA05/2020/0600/F – Two-storey residential dwellings mix of detached and semi-detached with garages (28 Dwellings) at lands at Magheralave Road & North of Brookfield, Lisburn
   Recommendation – Approval

   c) LA05/2024/0327/F – Retention of joinery workshop (conversion from former snooker hall previously used as a materials store and or showroom) at 3e White Mountain Road, Lisburn
   Recommendation – Refusal

   d) LA05/2024/0505/O – Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Dromara
   Recommendation - Refusal

e) LA05/2026/0390/F - Proposed car park to be located at the Hillsborough Visitor Centre, with the proposed car parking spaces to be located around the playing fields to the north side of the site. The proposal will include a total of 53 car parking spaces on site, Including: 44 Regular Parking Spaces, 2 Disabled Access Spaces, 3 Parent and Child Spaces and 4 EV charging spaces with associated landscaping and 5 new external LED lights mounted on 6m steel columns. Lighting will be sensor controlled to reduce light levels when not in use and to switch off lighting outside curfew hours at The Village Centre Community Centre, 7 Ballynahinch Road, Hillsborough.
Recommendation – Approval

f) LA05/2026/0518/F - Expansion of existing allotment business and retention of existing shed on lands approximately 150 metres to the West of 3a White Mountain Road, Lisburn.
Recommendation – Approval

g) LA05/2025/0098/F - Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk, water booster set, telemetry and lighting column. Other works include a 2.4m high paladin fence, access gates and associated site and access works on lands immediately south of 1 Leathem Square and north of the Comber Greenway, adjoining the E Link Road, Dundonald, Belfast.
Recommendation – Approval

2. The above referenced applications will be decided having regard to paragraphs 38 to 53 of the Protocol of the Operation of the Planning Committee.

Recommendation

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

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

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

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

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

Appendices:	Appendix 1.1 LA05/2026/0316/F Appendix 1.2 LA05/2020/0600/F Appendix 1.3 LA05/2024/0327/F Appendix 1.4a LA05/2024/0505/O addendum Appendix 1.4b LA05/2024/0505/O Site visit Appendix 1.4c LA05/2024/0505/O Appendix 1.5 LA05/2026/0390/F Appendix 1.6 LA05/2026/0518/F Appendix 1.7 LA05/2025/0098/F

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	02 November 2026
Committee Interest	Major Application
Application Reference	LA05/2026/0316/F
Date of Application	21 April 2026
District Electoral Area	Downshire West
Proposal Description	Proposed amalgamation of units, including minor external alterations and replacement mezzanine level and new café
Location	Units 3 and 4 (Former Argos and Former Next Home), adjacent to Sainsbury's Superstore, Sprucefield Park, BT21 5UJ
Representations	0
Case Officer	Joseph Billham
Recommendation	**Approval**

Summary of Recommendation

1. This application is categorised as a major planning application and is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee and the Development Management Regulations 2015 as the proposed amalgamation of unit 3 and 4 for retail development over 1,000 square metres in size.

2. The application is presented with a recommendation to approve as the proposed development is considered to comply with Policy TC1 of the Plan Strategy in that It has been demonstrated the proposal will have no adverse impact on the vitality or viability of existing centres.

3. In addition, the proposal satisfies the requirement tests of policies TRA1 and TRA7 of the Plan Strategy as it will not alter the existing access arrangements, and the environment is accessible with the existing car parking and servicing arrangements that are already provided at the site.

4. The proposal also complies with policy WM2 in that it has been demonstrated that it will not create or add to a pollution problem or create or add to flood risk.

Description of Site and Surroundings

Site

5. This 0.5-hectare site is rectangular in shape and comprises Unit 3 and 4 of Sprucefield Park.

6. The units are single storey with a flat roof with two large sign boards supported by steel posts. The building has two large shop entrance doorways on the front elevation.

Surroundings

7. The site is located within a larger retail park and is bounded by other retail units wither side, a car park in front and service yard to the rear.

Proposed Development

8. The proposed development is comprised of the amalgamation of two retail units into one larger unit, including minor external alterations to the external appearance of the building and replacement mezzanine level and new café.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05//2024/0518/PAD	Proposals to facilitate Dunelm to occupy former Argos and Next Home Units	Former Argos and Next Home Units, Sprucefield Retail Park, Lisburn	Decided
LA05/2024/0932/PAN	Proposed amalgamation of units including minor amendments, reconfiguration and extension to mezzanine floor, associated plant and all other site works	Units 3 and 4 (Former Argos and Former Next Home), Adjacent to Sainsbury's Superstore, Sprucefield Park, BT27 5UJ	Decided
LA05/2025/0782/CLEUD	Mezzanine floor within existing bulky goods retail unit	Unit 3 (Former Argos Unit), Sprucefield Park, BT27 5UJ	Approval
S/2004/0685/F	Retention of unit 3 without compliance with conditions 9E & 13 of planning approval S/98/0618, and conditions 3D & 7 of reserved matters S/2001/1423.	Unit 3, Sprucefield Regional Centre, Lisburn	Approval
S/2008/0061/F	Provision of mezzanine within existing retail unit, for use as retail of bulky goods items incl. furniture, soft furnishings, household electrical & decorating items.	Unit 4, Sprucefield Retail Park, Lisburn	Approval

S/2008/0469/F	Installation of retail unit shopfront & internal fitout, new window & new double doors to rear elevation, HVAC equipment to rear service yard elevation.	Unit 4, Lisburn Sprucefield, Hillsborough Road, Lisburn, Co. Antrim	Approval
S/2008/1179/A	3 no. internally illuminated shop signs.	Unit 4, Sprucefield Retail Park, Hillsborough Road, Lisburn BT28 5UJ	Consent Granted
S/2010/0499/A	Fascia & information signs.	Argos Unit 3 Sprucefield Retail Park Lisburn.	Consent Granted
S/1998/0618	Comprehensive mixed development (to include retail food-store, retail warehousing, commercial leisure, vehicle showrooms and associated uses) together with Link Rd between A1 and M1, associated junctions, civil engineering and landscape works.	Land at Sprucefield, bounded by and including A1 and M1 motorway.	Permission Granted
S/2002/1650/F	Variation of planning conditions 9 part e of S/1998/0618/O and 3 part d of S/2001/1423/RM to accommodate external lobby to retail warehousing Unit.	Retail Warehouse, Sprucefield, Lisburn, bounded by A1 Hillsborough Road and M1 Motorway	Permission Granted

S/2001/1423/RM	Erection of Food Superstore, Four No. Retail Warehousing Units, D I Y Store, Builders Yard and Garden Centre, Petrol Filling Station, Associated Landscaping and Ancillary Infrastructure	Land at Sprucefield, Lisburn, Bounded by the A1 Hillsborough Road and the M1 Motorway	Approval

Consultations

10. The following consultations were carried out:

Consultee	Response
DFI Roads	No objections
LCCC Environmental Health	No objections
NI Water	Object to insertion of café until wastewater impact solution is agreed

Representations

11. None.

Environmental Impact Assessment

12. The proposed development because of the size of the site falls within Category 13(a) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. Having considered whether any significant environmental impacts are likely to arise from the proposed amalgamation of two retail units it is concluded that an Environmental Statement is not required.

13. The existing buildings are reused without the need for significant alterations and the impact of inserting a new café on the wastewater network can be dealt with through the normal planning process without the need for further environmental impact assessment.

Pre-Application Community Consultation

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

15. The statutory requirement to advertise in the local press and publish a website to display the development was carried out in accordance with the legislative requirements. The event was published in the Ulster Star on Monday 20th January. A public event was held at the Wednesday 5th February 2025 at the Premier Inn Lisburn. The community consultation allowed the residents and stakeholders the opportunity to provide feedback regarding the proposed development.

16. In July 2025, changes to statutory requirements for community consultation were announced which included the mandatory requirement for developers of major applications to provide a detailed website to display draft development proposals and enable public feedback, in addition to the mandatory in-person public event. In line with the new guidance, a consultation website which displayed the same information as the drop-in event was made live on 17th October 2025. The website included a virtual feedback form.

17. No comments were received in response to the community consultation in advance of the submission of the application.

18. The legislative requirement to consult the community has been satisfied.

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 Lisburn Area Plan. Draft BMAP remain a material consideration.

22. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

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

23. In the last revision to draft BMAP this site is located within the settlement limit of Lisburn City. Significant weight is attached to the inclusion of the land within the statement given this change is unchallenged at the public inquiry into draft BMAP.

24. 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.

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

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

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

27. It is proposed to amalgamate of two retail units in Sprucefield Retail Park. Policy TC1 Town Centres, Retailing and Other Uses states:

Town Centres, Retailing and Other Uses

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.

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

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

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

Waste Management

29. A new café is proposed within the building. 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

30. The proposal relates to the amalgamation of two retail units into one. The proposal does not include any alterations to the existing access, car parking or servicing arrangements associated with Sprucefield Retail Park.

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

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

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

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

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

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

32. The proposal potentially involves the intensification of the use of existing access onto a 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.

33. In-curtilage and visitor parking will be required for this development. Policy TRA7 – Car Parking and Servicing Arrangements states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards33 or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

d) where shared car parking is a viable option

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

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

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

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

Regional Policy and Guidance

Regional Policy

34. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:

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

35. It is stated a paragraph 1.8 and 1.9 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

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

36. The operational policies in Part 2 of the Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

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.

Town Centres and Retailing

38. Paragraph 6.278 states the regional strategic objectives for town centres and retailing are to:

- secure a town centres first approach for the location of future retailing and other main town centre uses
- adopt a sequential approach to the identification of retail and main town centre uses in local development plans (LDPs) and when decision-taking;

- ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;

- protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;

- promote high-quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and

- maintain and improve accessibility to and within the town centre.

39. It is stated at paragraph 6.287 – 6.290:

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to- date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

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

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

In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.

This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area. Where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres.

In preparing a LDP councils will have flexibility to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This threshold can be up to but must not exceed 2500 square metres gross external area.

40. It is stated at paragraph 6.232:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

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

Assessment

TC1 – Town Centres, Retailing and Other Uses

42. Policy TC1 advises that a sequential approach will be adopted for proposals for retail and other city/town centres uses to be considered in the order of preference from a) primary retail core and retail frontage b) city or town centres c) edge of city or town centres and d) out of centre locations.

43. It is noted that the sequential preference for new retail development does not include the Regional Sprucefield Shopping Centre and it is not part of the Retail Hierarchy within Part 1 of LCCC Plan Strategy.

44. There is a history of an established retail use, and the proposed amalgamation of the proposed development stills falls broadly within the scope of this historical use for the following reasons.

45. The agent within the supporting statement has advised the occupant of the proposed single unit is Dunelm (Soft Furnishings) Ltd. The company is home furnishings retailer that offers a wide range of products that include homeware, furniture, kitchenware, dining, lighting, outdoor, decoration and DIY items.

46. It is explained in the planning statement provided in support of the application that both Unit 3 and Unit 4 were last used for the sale of bulky retail goods in accordance with planning permission S/2008/0061/F. The refurbishment of a mezzanine floor was certified by a CLEUD LA05/2025/0782/CLEUD.

47. The applicant argues that the proposal therefore falls within the general ambit of the previously bulky goods retail permission and that the previous history of use should be weighed as a significant material consideration.

48. Officers have no reason to disagree with the history of use of the building and accept that there is no requirement to locate this type of bulky goods retailing to a sequentially preferable location in this instance in accordance with policy TC1 for the following reasons.

49. In a previous PAC appeal (2006/42242) for a retail warehouse of 4000m2 in another part of Sprucefield stated paragraph 7.7:

> *In terms of its impact on existing centres, it was argued that the proposal would have harmful consequences for Lisburn City Centre. While retailing can be restricted by condition to the sale of bulky goods, there will nonetheless be some overlap between the goods sold at the proposed outlet and at Lisburn City Centre. The RIA was based on the original proposal for 4 retail warehouse units of 1,000m² gross floorspace each. However both the original and amended scheme involved the same total gross and net floorspace and there was no dispute as to the applicability of the RIA to the amended scheme. The RIA was based on a net retail warehouse floorspace not exceeding 3,200m² and assumes that the main focus of trade diversion is likely to be the existing and committed out-of-centre shopping developments that currently capture a significant portion of the market. It also states that there would be comparatively little diversion of trade from existing smaller traditional centres such as Lisburn as they serve a different function than that of the proposal i.e., they do not compete on a 'like-for-like' basis. The methodology, assumptions and conclusions of the RIA were not convincingly disputed, and I do not consider that a retail warehouse unit of no more than 3,200m² net retail floorspace would have a significantly detrimental impact on Lisburn City Centre as a whole, in terms of trade diversion. None of the parties suggested that the proposal would give rise to a loss of future investment in Lisburn City Centre.*

50. It is considered the amalgamation of both bulky goods units in situ to a single unit is considered acceptable subject to the unit being occupied with the same bulky goods restriction. If controlled by means of a condition the proposal shall not have any greater impact than the existing units in situ. It is considered the proposal shall not have an adverse impact on the vitality and viability of any sequentially preferable location within the retail hierarchy.

51. Under the justification and amplification of Policy TC1 it advises:

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

52. The agent has provided a supporting statement to advise the existing floorspace of the two units measures 3,687square metres. The proposed total

floorspace of the amalgamation is 3792 square metres. Currently the two units have separate mezzanine floors that are at a different finished floor level.

53. A review of the planning history confirms that both Unit 3 and Unit 4 benefited from approvals for separate first-floor mezzanine floors under planning references LA05/2025/0782/CLEUD and S/2008/0061/F**.** Due to the split-level nature of the units, the current proposal involves the replacement of the existing mezzanine floors with a single mezzanine structure spanning both units.

54. The existing mezzanine floors within Units 3 and 4 provide a combined floorspace of approximately 1,663 square metres**.** The proposed replacement mezzanine would provide a total floorspace of 1,796 square metres, representing an increase of approximately 133 square metres**.** It is considered that this constitutes a relatively minor increase in floorspace within existing retail units and, in the circumstances of this case, does not warrant the submission of a Retail Impact Assessment.

55. In terms of retail need, the proposal does not introduce any additional bulky goods retail sales floorspace beyond that already authorised within the existing units. The development therefore does not give rise to any requirement to assess retail need. This part of the policy is met.

56. The proposals represent physical alterations to two existing bulky goods retail units to facilitate the amalgamation of units for occupation by Dunelm. The proposals do not change the type of retailing or increase the retail sales area. As such, the proposals will not have an impact on any protected centres and as such should be deemed acceptable in principle. It is considered the proposal complies with Policy TC1.

Design

57. The proposal includes a number of external changes to facilitate the amalgamation of both units. This includes replacement of sliding exit doors at Unit 3 on the front elevation to match the front doors of Unit 4. Other changes include new emergency doors on the front and rear elevation.

58. The existing canopy and roof are to be recoated to match the existing unit. On the rear elevation cladding panels are being included on the exterior to match the existing. There is no increase or extension to the building taking place.

59. It is considered that the design changes are in match the existing building and other retail unit in the surrounding area at Sprucefield Retail Park. The materials and finishes are the same and in keeping with the general characteristics of the existing buildings.

Access and Transport

60. The proposal relates to the amalgamation of two retail units into one. The proposal does not include any alterations to the existing access, car parking or servicing arrangements associated with Sprucefield Retail Park.

61. It is considered that the proposal will create an accessible environment and ease of access to all visitors to the site that facilitates to aid accessibility. There will be level access to the units and lifts for access to the mezzanine floor.

62. The proposal shall allow for friendly and convenient movement along pathways and on approach to building. The proposal shall aid accessibility and priority to pedestrians and cyclists via the existing footpaths along the front of the site and pedestrian access along Sprucefield Retail Park. The proposal therefore complies with policy TRA1

63. There is no requirement to alter or provide additional parking given the marginal increase in retail floorspace there is adequate parking and appropriate servicing arrangements will still be provided in accordance with Parking Standards. The proposal therefore complies with policy TRA7

64. DFI Roads have been consulted and offered no objections to the proposal. There is no evidence to suggest an intensification of the use of the access and therefore the requirements of policy TRA 2 do not apply.

65. It is therefore considered that the proposal meets the tests associated with Policies TRA1 and TRA7 of the Plan Strategy.

Policy WM2 - Waste Management

66. Detail submitted with the application indicate that the source of water supply will be from mains and surface water and foul sewage will be disposed of via mains sewer.

67. NIW has been consulted on the proposal and recommends refusal on the basis that the inclusion of a café would result in an intensification of use at the site. The loading for the units is already accounted for in the constrained wastewater infrastructure network without the proposed café. Whilst the unit is currently served by private infrastructure, it ultimately discharges into NI Water network.

68. The agent has advised that discussions are ongoing with NIW to identify a suitable engineering solution to address the capacity concerns raised. It is noted that the concerns expressed by NIW relate solely to the proposed café element of the development and not to the retail use of the units.

69. It is considered in this instance appropriate in the event of approval to attach a condition that the café will not be operational until an engineering solution has been agreed and implemented by the Council and statutory consultee. EHO have been consulted and offered no objections.

70. The proposal complies with Policy WM2 subject to the use of negative conditions restricting the use of the café.

Conclusions

71. For the reasons outlined above it is considered the application complies with the relevant policy context and refusal is recommended.

Recommendations

72. It is recommended that planning permission is approved.

Conditions

73. The following conditions are recommended:

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

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

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

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

3. Where cooking/frying becomes an integral part of the business activity, a revised scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking/frying operations, including the location and appearance of any external ducting and flues, shall be submitted to and approved in writing by the Council. The plant, equipment and systems detailed in the approved scheme shall be installed in their entirety before the cooking/frying qualifies as a permitted activity for the business. The equipment used shall be maintained in accordance with manufacturer's instructions for the lifetime of the development and operated at all times that cooking/frying is ongoing.

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

4. The café hereby permitted shall not become operational until a connection to the wastewater network has been agreed in writing with the Council in consultation with NI Water. The means of connection shall be carried out as approved.

   Reason: To protect the environment solution to sewage disposal from this site.

5. The development hereby approved shall be used only for the retail sale and ancillary storage of items listed hereunder and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (Northern Ireland) 2015:

   a) DIY material, products and equipment;
   b) garden materials, plants and equipment;
   c) furniture and soft furnishings, carpets and floor coverings and electrical goods;
   d) toys; and
   e) such other items as may be determined in writing by the Council as generally falling within the category of bulky goods.

   Reason: To enable the Council to control the nature, range and scale of retailing activity to be carried out at this location so as not to prejudice the vitality and viability of existing centres.

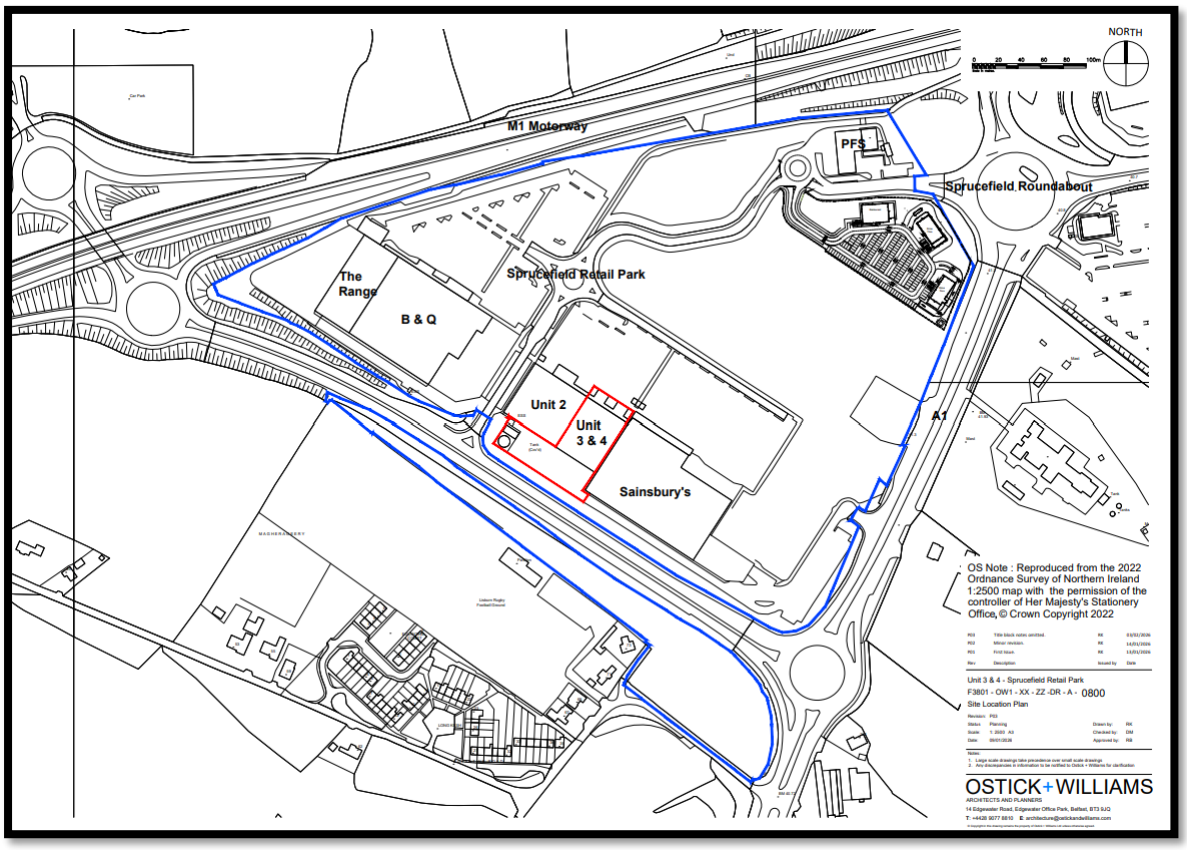
6. The gross retail floorspace in the mezzanine floor hereby permitted shall not exceed 1481 square metres when measured internally.

   Reason: To enable the Council to control the nature, range and scale of retailing to be carried out at this location so as not to prejudice the continued vitality and viability of existing retail centres.

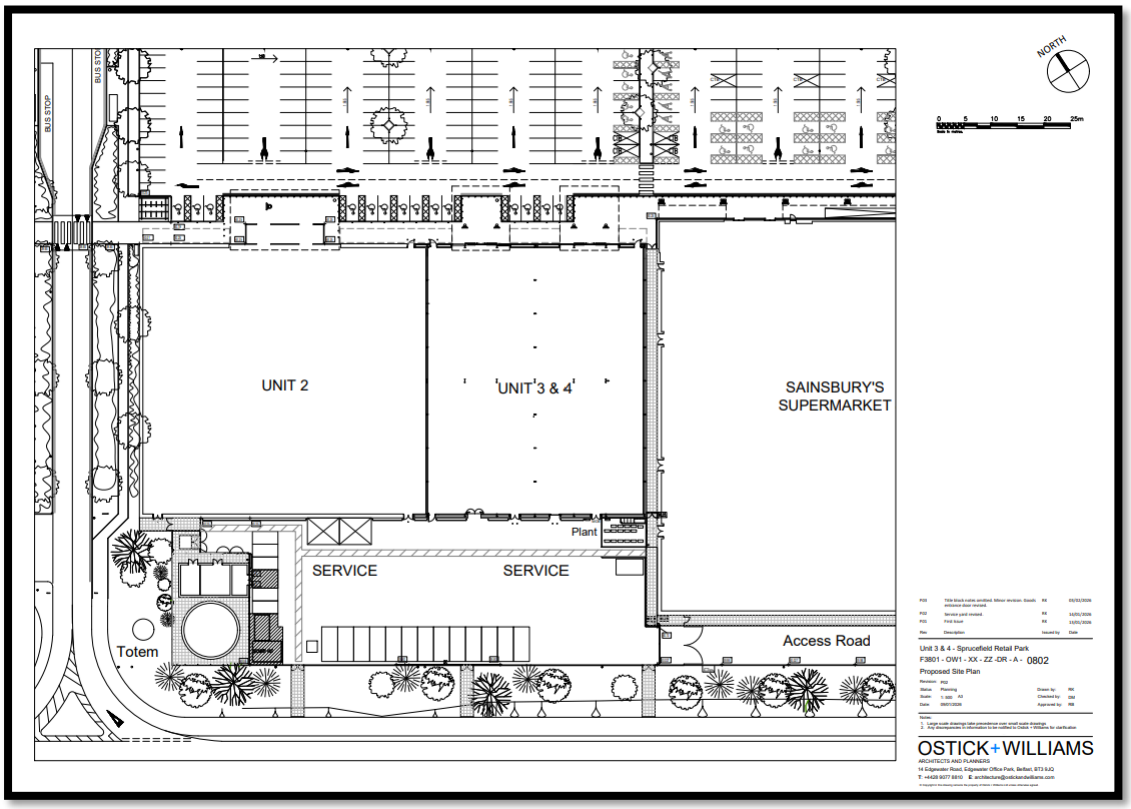
7. No internal operations including the extension of the mezzanine floor shall be carried out to increase the gross retail floorspace available for retail use without prior written consent of the Department.

   Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

Site Location Plan – LA05/2026/0316/F



Site Layout Plan – LA05/2026/0316/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	2 November 2026
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2020/0600/F
District Electoral Area	Killultagh
Proposal Description	28 two-storey residential units in mix of detached and semi-detached dwellings with garages
Location	Magheralave Road & North of Brookfield, Lisburn
Representations	Six letters of objection
Case Officer	Sinead McCloskey
Recommendation	**Approval**

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that the application requires a Section 76 planning agreement to secure the delivery of affordable housing.

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 in that the detailed layout and design of the proposed buildings create a quality residential environment. When the buildings are constructed, they will not adversely impact the character of the area, and the development will have no 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 higher 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.

5. The proposal complies with policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.

6. The proposal complies with policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footpaths and tactile paving within the site.

7. The proposal complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of a 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.

8. The proposal complies with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided without prejudice to road safety. The proposal will not inconvenience road users or impede the flow of traffic on the surrounding road network.

9. The proposed development complies with policies FLD 1, 2, 3 of the Plan Strategy as it is demonstrated that adequate drainage can be provided within the site to service the proposal without causing or exacerbating flooding elsewhere.

10. The proposal complies with policy RE2 as the new dwellings will be constructed in accordance with current building control standards which encourages sustainable design and energy efficiency.

Description of Site and Surroundings

Site Context

11. The site is located to the west of the Magheralave Road, within Lisburn City and consists of an irregular shaped parcel of unmaintained, rough grassland.

12. The site is mostly flat, undulating slightly towards the north. Beyond to the northwest the levels rise quite sharply. The site follows the path of the main road, branching off to the north where the Magheralave Road meets Fairfields Glen. At this corner, the road level is higher than the site. The road levels then fall further to the north.

13. There is a public footpath abutting most of the eastern boundary of the site. This boundary consists of a grass verge of varying widths adjacent to a wooden ranch fence and vegetation. The southern boundary of the site consists of mature trees, ranging in height between 15-20 metres. There also appears to be a small

watercourse along this boundary. Beyond the trees there is a 2 metre, well maintained hedge seen along the avenue in the entrance to the neighbouring housing development of Brookfield. A 2-metre close board fence is also noted along this boundary. The northern and western boundaries are undefined. There are two agricultural accesses into the site from the Magheralave Road.

Surrounding Context

14. The land to the south, west and east of the site is residential in character. The land to the north is densely vegetated.

Proposed Development

15. This is a full application for 28 two-storey residential units with a mix of detached and semi-detached dwellings with garages.

16. The following documents are submitted in support of the application:

- Northern Ireland Biodiversity Checklist and Ecological Statement
- Drainage Assessment
- Flood Risk Assessment
- Badger Survey and Mitigation Plan
- Schedule 6 Consent
- NIW Waste-Water Impact Assessment (WWIA) - Stage 1 Sign Off

Relevant Planning History

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

Reference Number	Location	Proposal	Decision
S/2003/0253/O	Lands allocated for housing development in north Lisburn under the Lisburn Area Plan 2001: LD4 Agnahough; LD6 Stockdam, Magheralave and Belsize Roads; and LD7 Pond Park and Deriaghy Road.	New residential neighbourhoods on land zoned for housing to include local community facilities and provision of new road infrastructure (North Lisburn Feeder Road) to link Wilmar Road, Deriaghy Road, Pond Park Road	Permission Granted 2nd August 2005

		and Prince William Road.	
LA05/2018/1071/O	Lands along Magheralave Road and directly north of Brookfield at Lisnagarvy Lisburn BT28 3GZ.	Proposed development to be a mix of 2 storey residential detached and semi detached dwellings with detached single storey garage provided to each dwelling- Total number of residential units = 22	Permission Granted 5th May 2020

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DfI Rivers Agency	No objection
Northern Ireland Housing Executive	No objection
LCCC Environmental Health	No objection
NI Water	Stage 1 competition of the WWIA.
NIEA Water Management Unit	No objection
NIEA Natural Environment Division	No objection
Historic Environment Division	No objection

Representations

Six objections' letters have been received in respect of the application. The main issues raised in the objections are:

- Neighbour notification
- Impact of visitor parking

- The area was supposed to be a park
- Impact on existing sewerage networks
- Being able to view objection letters
- Impact on wildlife
- Existing site flooding
- Loss of greenbelt to housing
- Biodiversity information not available for viewing
- Impacts on trees
- Impact on walking area

Environmental Impact Assessment (EIA)

19. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.

20. The site area is 1.68 hectares and exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.

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

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 LAP and the Plan Strategy are the local development plan. Draft BMAP remains a material consideration.

25. The site lies within Lisburn's settlement limit in the LAP and is zoned for recreation and open space within designation LD17.

26. In draft BMAP the site is also located within the settlement limit of Lisburn and zoned for open space under designation LC38 and it is in a Local Landscape Policy Area under designation LC29.

27. At the PAC Public Inquiry for draft BMAP, objections were received relating to the open space Designation LC29. The objections related to a small site north of Brookfield seeking that the site was zoned for housing. It is noted that a small site to the north was withdrawn by the objector at the inquiry. The objection was supported by Lisburn City Council at that time. The background was that the adjoining land amounting to 6ha was transferred to the Council for open space. It was stated that the site was not required for open space and in return for the transfer of the larger site the Council and the Department were content for the objection lands to be zoned for housing. The Department had no landscape or nature conservation objection subject to the retention of the trees along the southern boundary of the site.

28. Within the latest revision to draft BMAP 2014, the lands are zoned for housing under designation LC04/04, with the exception of a small portion of the site to the north which was retained as open space under designation LC37. As such, significant determining weight is given to the zoning of the site for housing for the above reasons.

29. This proposal is for new residential development on land within a settlement. 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.

30. 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.

31. 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.

32. 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.

33. 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.*

34. 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.*

35. The strategic policy for protecting and enhancing natural heritage is set out in Strategic Policy 19 which states:

The Plan will support development proposals that:

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

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

Housing in Settlements

37. As this application is for new residential development within the settlement limit of Lisburn 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).

38. 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.

39. 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.*

40. 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.

41. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptions. 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.

42. This proposal is for 28 dwellings on a site that measures 1.68 hectares. Policy HOU5 - Public Open Space in New Residential Development states that:

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

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

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

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

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

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

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

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

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

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 – 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. As the site contains grassland and trees/hedging along some of the boundaries, the potential impact on the natural environment is considered.

47. Policy NH1 – European and Ramsar Sites – International states:

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

a) a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)

b) a listed or proposed Ramsar Site.

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

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

a) there are no alternative solutions; and

b) the proposed development is required for imperative reasons of overriding public interest; and

c) compensatory measures are agreed and fully secured.

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

a) it is necessary for reasons of human health or public safety or there is a beneficial

consequence of primary importance to the environment; or

b) agreed in advance with the European Commission

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

National Protected Species

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

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

49. 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

50. The application proposes the construction of a new access to a public road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

51. 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.

52. The justification and amplification states that:

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

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

53. In curtilage and visitor parking is proposed. 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 or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

d) where shared car parking is a viable option

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

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

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

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

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

Flooding

54. Given the size of the site and the amount of hardstanding proposed flooding and drainage are also considered.

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

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

56. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states:

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

Justification and Amplification

Flood defence and drainage infrastructure are critical in providing a level of flood protection to people and property and adequate land drainage.

Where a development proposal is located beside a flood defence, control structure or watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

There is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations.

57. 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.

Renewable Energy

58. The use of renewable energy is encouraged in new residential development in the Plan Strategy.

59. Policy RE2 Integrated Renewable Energy states:

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

Waste Management

60. A connection is proposed to the main foul sewer but there are concerns about the capacity of the network to accommodate this scale of development. 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.

Regional Policy and Guidance

Regional Policy

61. The SPPS Edition 2 was published in September 2025. It is the most recent revision to regional planning policy, and it is stated at paragraph 1.5 that:

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

62. Paragraph 2.1 of the SPPS Edition 2 recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

63. It states that:

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

64. Paragraph 3.6 of the SPPS Edition 2 states:

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

65. Paragraph 3.8 of the SPPS Edition 2 states:

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

66. Paragraph 6.232 of the SPPS Edition 2 states:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

67. 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

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

Creating Places

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

70. 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.

71. Paragraph 7.16 provides guidance on separation distances stating:

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

72. 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

73. 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.*

Parking Standards

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

Policy HOU 1 – New Residential Development

76. The application proposes 28 residential units within Lisburn's Settlement Development Limit. As the site is zoned for housing for the reasons set out above, the proposal satisfies the relevant tests of Policy HOU1, specifically parts (a) and (c).

Policy HOU3 – Site Context and Characteristics of New Residential Development

77. The application site is a portion of land between the existing Fairfields Glen and Breton Hall housing developments in Lisburn.

78. The surrounding developed land contains a mix of detached and semi-detached housing. The dwellings are set in medium sized plots with in-curtilage parking and gardens to the rear. The dwellings vary in size and design but are typical of a suburban residential setting.

79. The form and general arrangement of the buildings are characteristic of those built and currently under construction within the adjacent Fairfields Glen and Breton Hall housing developments.

80. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.

81. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential

development, and it is considered that the established residential character of the area would not be harmed by either the form or scale of development proposed.

82. The layout of the rooms in each of the units, the position of the windows and separation distance also ensure that there is no overlooking into the private amenity space of neighbouring properties.

83. The separations distances between the existing and proposed development are acceptable and would minimise any unacceptable overlooking from existing properties.

84. The proposed dwellings are two storey and given the separation distances between the existing and proposed development, there would be no dominant or overbearing impact and no loss of light to any property would be caused.

85. Having regard to this detail and the relationship between the buildings in each plot and having considered the guidance recommended in the Creating Places document, criteria (a) of policy HOU3 is met.

86. With regard to criteria (b), the are no archaeological or historic features to integrate into the overall design and layout of the development.

87. Historic Environment Division Historic Monuments was consulted and commented that an archaeological evaluation was carried out at this site in relation to planning permission LA05/2018/1071/O under licence AE/19/098E. HED (Historic Monuments) therefore has no further archaeological concerns with this site and on the basis of the information provided is content.

88. In relation to landscape characteristics, most of the site consists of unmaintained grassland. There are mature trees adjacent to the southern boundary that are to be retained.

89. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development and as such all the requirements of policy HOU3 are met.

Policy HOU4 – Design in New Residential Development

90. A number of different house types are proposed. The dwellings are a mix of semi-detached and detached two-storey buildings with mostly four bedrooms, with only three house types with three bedrooms.

91. There is also one garage type proposed. It is single storey and designed to match the detail and finishes of the associated dwelling house.

92. The external material finishes include a mix of red (rustic)(multi) facing brick, sand cement render(neutral) and render with fine stone roughcast painted. The roofs will be dark grey/blue/black natural slate, and the rainwater goods are black. Doors and windows are white/black uPVC. These are acceptable for the site and its location in the urban context and will be in keeping with the surrounding residential character.

93. Most dwellings have a rear separation distance of at least 10 metres. Where shorter distances occur due to the oblique alignment of plots and dwellings, the relationship is either between a rear elevation and a gable wall, or a garage on the neighbouring plot provides an intervening buffer beside the part of the dwelling closest to the rear boundary.

94. The rear return of plot 1 is 7 metres from the boundary of the adjacent dwelling on plot 20. However, it will face the gable of this dwelling with no windows from habitable rooms seen on this side elevation. There is a 11 metre separation distance seen between the closest part of this dwelling and the dwelling on plot 20, increasing to 15 metres.

95. A similar relationship is seen between the dwellings on plots 6 and plot 7. The dwelling on plot 7 is 9m at the closest point from the rear boundary (that part of the dwelling which is 2 storeys as the rear return is single storey). However, it too faces towards the gable of the dwelling on plot 6 and there are no windows from habitable rooms on this elevation.

96. The dwelling on plot 2 has a 2-storey rear return 7.7 metres from the rear boundary it shares with the adjacent dwelling on plot 19. The dwelling on plot 19 is accessed from the side, so the front elevation faces towards the shared boundary. It is noted that there are no windows from habitable rooms on this elevation.

97. The dwelling on plot 18 is 6.5 metres from the rear boundary at its closest point, reflecting the irregular alignment of plot boundaries in this part of the site. However, it is separated from the neighbouring dwelling on plot 16 by 18 metres, and the two properties are positioned obliquely to each other. In addition, the only first-floor bedroom window in the dwelling on plot 18 is located on the opposite side of the property, thereby preventing overlooking.

98. The dwelling on plot 26 also faces towards the gable of the property on plot 27. At the closest point, this property is 7m from the rear boundary, but this is from the single storey rear return. The rear bedroom window on the first floor is seen to be 11.5m from the rear boundary. The adjacent property on plot 27 is also seen to have no windows from habitable rooms on the gable side facing this dwelling.

99. All other back-to-back relationships between dwellings have at least 20 metres separation distance which meets the guidance in Creating Places.

100. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the appropriate layout and separation distances between the properties as outlined above, will ensure that no loss of light to any adjacent property will arise.

101. 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.

102. The proposed layout is consistent with the type of housing found in the surrounding area. The proposed dwellings all face onto the road network with in-curtilage parking spaces provided for each dwelling.

103. Detail submitted with the application demonstrates that the provision of private amenity space varies from 61 square metres at the lower end, up to a maximum of 330 square metres. An average of 142 square metres is provided across the site which is in excess of the guidance of an average of 70 square meters for the development as a whole as contained within Creating Places for a medium density housing development. It is noted that just one plot falls below the 70 square metres set out in the guidance.

104. Landscaping with native species planting will be added along the boundaries of the site, gardens will be grassed with additional planting throughout the site to soften the visual impact of the development.

105. Boundary treatments around and within the site are proposed to separate each unit. There is a mixture of fencing and boundary walls proposed with some planting. These are acceptable for this type of development in the urban context.

106. The scheme will be constructed in line with current NI Building Regulations which emphasises sustainable design and energy efficiency primarily through a fabric first approach. All windows are noted as being double glazed uPVC.

107. For the reasons outlined above, criteria (a), (b), (e), (f) and (i) of policy HOU 4 are met.

108. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. Criteria c) of Policy HOU4 is met.

109. With regard to criteria (d) the proposal is for 28 units on a site measuring 1.68 hectares which is 16.6 dwellings per hectare. This is considered to be in keeping with the surrounding suburban context and will not result in overdevelopment in line with policy HOU4.

110. 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.

111. 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 parking of at least two in-curtilage spaces per dwelling and on-street visitor parking spaces which meets the required parking standards. Criteria (g) and (h) of policy HOU4 are met.

112. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (l) is met.

113. There are grass areas seen throughout the site, so I am satisfied that permeable surfaces and sustainable drainage are therefore proposed as part of the development in line with criteria (j) of policy HOU4.

114. Provision is available for householder waste storage within the driveways of each dwelling, and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria k) of policy HOU4 is met.

Policy HOU 5 - Public Open Space in New Residential Development

115. Detail submitted with the application indicates that the site exceeds one hectare therefore open space must be provided as an integral part of this development.

116. Policy HOU5 sets out that the open space provision must be at least 10% of the total site area. The site is 1.68 hectares therefore the minimum requirement is 0.168 hectares.

117. There is no open space provision within the site as the Council has agreed to develop a linear park at Stockdam Glen. It should be noted for this reason there is no open space within any new housing developments in North Lisburn.

118. This has previously been considered an acceptable approach in several housing developments within the area as the Council intends to include phased development of Stockdam Glen to provide suitable open space provision for future residents.

Policy HOU10 - Affordable Housing

119. Policy HOU10 requires a minimum of 20% of the proposed development to be affordable housing. In the context of the proposed scheme, this equates to six units.

120. The applicant has agreed that six units will be delivered as affordable housing. The location of the units are not specified by the applicant at this stage.

121. The six affordable units should be available for occupation prior to the occupation of the sixteenth dwelling to ensure the delivery of the affordable housing early in the scheme.

122. 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

123. A Biodiversity Checklist, including an Evaluation and Ecological Statement were submitted for the proposal which details that a site survey was completed by a qualified ecologist on 9 February 2023.

124. A badger survey was also submitted in support of the application.

125. The ecologist refers to the application site as comprising of neutral grassland, wet/marshy grassland, semi-improved grassland, and scrubland. The site is noted as being bordered by wood panel fencing and barbed wire, hedgerow, and treelines.

126. The site is not located in any internationally or nationally recognised designated site. It is adjacent to two sites recognised under non-statutory designation, including: Sites of Local Nature Conservation Importance (SCLNIs), Local Nature Reserves (LNRs) or Wildlife Refuges. The nearest sites are Magheralave 1 Local Wildlife Site directly adjacent to the northern boundary and Duncan's Dam Local Wildlife Site 200 metres to the southwest.

127. It is stated that here are several ecological features of interest on this site. The badger evidence in the woodland to the northwest, the culverted ditch with running water along the north boundary, the ivy-covered ash in the northeast corner, the gorse embankment along the west boundary and the semi-mature and mature trees along the south and north boundaries.

128. Evidence of badger was found in the woodland to the northwest extent of the site. It was stated that this would require further investigation via a badger survey as the woodland is within 25 metres of the boundary of the site.

129. It was also noted that the site offers potential commuting, foraging and roosting habitat for bats, particularly along the boundary hedgerows and tree lines, the culverted ditch on the northern boundary, and the woodland to the northwest. A bat roost potential survey would be required if the proposal involved the lopping, felling or removal of any trees. However, the ecologist advised at the time of the survey that the proposal would not alter or affect any trees or hedgerows.

130. No other notable or protected species or evidence thereof were identified on site during the time of the survey.

131. The badger survey included both a desk study and a field study. During the walkover, a systematic search of the entire site area was undertaken, in addition to a search of 25 metres beyond the site boundary. This was to investigate badger activity and determine if badgers are currently occupying or present within the site.

132. The badger survey determined that badgers are active within the vicinity of the site, primarily in a commuting and foraging capacity beyond the northwest boundary of the site, in the woodland. An investigation of the woodland to the northwest and the scrub embankment along the western extent of the site was carried out on the 26/06/2023. The scrub embankment did not provide any evidence of badger activity, the scrub was dense, and any mammal trails were small enough to be attributed to rabbit and rodent activity.

133. The investigation of the woodland provided evidence of badger activity in the form of sett entrances, snuffle holes and digging. From the survey it has been

determined that the sett is likely to be an inactive outlier sett, but badgers may be using the woodland for foraging and commuting. The nearest sett entrance (TN7) is outside the 25-metre buffer zone (by one metre) from the red line boundary of the site. The most active looking entrance (TN3) is 57 metres from the boundary, though this is considered the most recently active entrance it is still inactive. The sett entrances are a minimum of 26 metres and maximum of 78 metres from the red line boundary of the site. It is advised that this 25-metre buffer zone is observed and protected throughout and after construction. Without mitigation the proposal is likely to have a moderate impact on the local badger population.

134. It is also stated that whilst the proposed project will not encroach on any active setts, it will have impacts on foraging badgers that use this area frequently, potentially resulting in the loss of foraging habitat. Therefore, no sett closures are deemed necessary at this site, and instead standard mitigation for badger presence should be followed throughout the construction period.

135. The site provides foraging habitat in the form of woodland and scrub, with areas of semi-improved grassland. It also provides access to surrounding foraging areas in the wider area. It is therefore important that access into and out of the site is retained for badger connectivity to neighbouring sites and to ensure their continued access to foraging grounds.

136. Within this survey a series of management and protection measures to be implemented during the construction phase prior to works commencing on site, are set out.

137. The Natural Environment Division of NIEA were consulted on several occasions throughout the processing of this application. Across different responses, a habitat survey map and a badger mitigation plan were requested amongst other details. In a final consultation response on the 3 April 2024, they stated that they considered the impacts of the proposal on designated sites and other natural heritage interests, and on the basis of the information provided, has no concerns subject to conditions.

138. As such, conditions were provided to ensure the protection of bats and badgers and to ensure adequate planting is provided to compensate for the loss of native species.

139. On review of the information provided, advice from NED and the recommendations of the suitably qualified ecologists who carried out the Biodiversity checklist and other supporting ecological documents for this application, it is considered that the proposal will have no significant adverse effects on protected or priority species or habitats of ecological or nature conservation value or any designated sites and as such policies NH1, NH2 and NH5 of the Plan Strategy are met.

Access Movement and Parking

140. The P1 Form indicates that the proposal involves the construction of a new access for both vehicular and pedestrian use.

141. Access to the site will be via the Magheralave Road.

142. Footpaths will connect the site to the housing development in Fairfields Glen, and tactile paving will be provided.

143. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces with some dwellings being provided with a garage. There is also visitor parking provided on street seen in several areas dotted along the Magheralave Road and the internal through road associated with the development.

144. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposal complies with policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and the surrounding road network.

145. It is also considered having regard to the advice of DfI Roads that the development complies with policy TRA2 of the Plan Strategy in that the detailed road layout plan submitted demonstrates that the site can be connected to the existing road network without prejudice to road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.

146. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that having reviewed the submitted plans adequate car parking is provided with at least two in-curtilage spaces per dwelling and on-street visitor spaces and appropriate servicing arrangements have also been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Flood Risk

147. Flood Maps (NI) indicates that the development does not lie within the 1 in 100-year fluvial flood plain including the most up to date allowance for climate change.

148. DfI Rivers was consulted and commented under policy FLD1 that ‘the applicant has demonstrated by way of a river model that realigning and upsizing the existing culvert will provide a betterment to the proposed site and alleviate any associated flood risk.’

149. Under Policy FLD2, in the Flood Risk Assessment, the applicant has stated that ‘A 5m buffer from the realigned culverted watercourse is shown on the flood maps in Appendix E. The maintenance strip is to be free of built development that would impede maintenance.’ The proposal meets policy FLD2.

150. Given the number of dwellings proposed, a Drainage Assessment was requested and submitted in accordance with policy FLD3.

151. The Drainage Assessment concludes that in order to achieve a reduced rate of discharge a Hydro-Brake Manhole and associated Hydro-Brake will be constructed at the downstream end of the drainage network. This is a mechanical flow control device which is designed and manufactured using site specific parameters, such as inflow and head of pressure, and restricts the outflow to the permitted discharge rate. The green runoff rate is 10.00L/sec/Ha and the reduced discharge rate is calculated at 13.80L/sec.

152. Schedule 6 consent was granted by DfI Rivers to culvert a section of the undesignated watercourse and to discharge a total greenfield runoff figure of a maximum of 13.8 l/s to the undesignated watercourse.

153. DfI Rivers was consulted and commented that '*Rivers Directorate, while not being responsible for these proposals and associated information, Rivers Directorate agrees with the applicant's logic and has no reason to disagree with their conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the proposed flood risk measures rest with the developer and their professional advisors.*

154. Under Policy FLD4 – Artificial Modification of Watercourses, the applicant stated in their DA that they have 'submitted to DfI Rivers to divert an existing culvert along the site boundary to ensure it is not effected by the proposed development.'

155. DfI Rivers commented that it has assessed this application on its own merits as per policy FLD4 and agrees with the applicant's logic and has no reason to disagree with their conclusions.

156. DfI Rivers also commented that:

'*Furthermore, the applicant has provided a satisfactory Drainage Layout Drawing containing both the location of the proposed realigned, upgraded culvert and the applicants proposed storm drainage layout. Therefore, while not being responsible for these proposals and associated information, Rivers Directorate agrees with the applicant's logic and has no reason to disagree with their conclusions.'*

157. Based on a review of the information and advice received from DfI Rivers, it is accepted that the proposal complies with policies FLD1, 2, 3 and 4 of the Plan Strategy and will not cause flooding or exacerbate flooding elsewhere

Renewable Energy

158. It is considered that the proposed dwellings would be subject to the latest revision to the building control regulations which requires the applicant to incorporate low carbon technologies. Should other renewal energy proposals come forward once the dwellings are built, the house owners will have an opportunity to use permitted development to integrate renewable energy and low carbon technologies.

159. It is therefore considered that the proposal meets the requirements of paragraph 6.232 of the SPPS Edition 2 and Policy RE2 of the Plan Strategy as renewable energy technology will be integrated into the design of the proposed dwellings.

Waste Management

160. The information submitted indicates that water connection would be via the mains, and storm water and foul sewerage would be disposed of via the mains.

161. NI Water was consulted upon receipt and responded on the 19 November 2020 that there was available capacity at the Wastewater Treatment Works and there were no concerns raised with regard to downstream foul capacity constraints or downstream incapacity at that time.

162. As this response was only valid for 18 months, a new consultation was issued to NI Water. A subsequent response was provided on the 7 August 2023, stating that refusal was recommended, subject to the applicant engaging with NI Water and submission of a Wastewater Impact Assessment.

163. A Wastewater Impact Assessment was undertaken accordingly. This had been provided to NI Water outside of the planning process. It is stated that due to the complexity of the downstream constraint issues at an Unsatisfactory Intermittent Discharge at Linenhall Street Combined Sewer Overflow, the identified solution includes two schemes:

- Scheme 1 Storm Offsetting outside the site
- Scheme 2 Property/Flow Transfer Scheme

The feasibility of both schemes needs to be investigated and confirmed onsite by the developer.

164. The agent provided the sign-off from NI Water for the proposed storm separation and foul diversion solution on the 19 June 2026. This stated that in reference to the submission of the stage 1 information, NI Water had completed an assessment of the submitted information and confirmed that the proposals are suitable. Referring specifically to the storm separation and foul sewer diversion outlined in the relevant drawings.

165. NI Water also advised that the applicant can progress the concept through to full detailed design and stage 2 sign off. The information required for NI Water to complete full stage 2 sign off is listed, and when all has been obtained, it is requested to be submitted to the impact assessment team at NI Water.

166. This document was reconsulted with NI Water on the 22 June 2026. A response was issued on the 24 June 2026 stating that the Wastewater Impact Assessment submitted for this proposal has not yet been completed to a satisfactory standard to overcome the capacity constraints within the associated foul sewer network catchment.

167. It continues by stating that the applicant is asked to fully comply with all NI Water's requirements as have been outlined in the correspondence regarding the WWIA and any associated reports. It is stated that a WWIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NI Water and the developer.

168. It is further stated that until this has reached its conclusion, NI Water's response will remain the same as that which was issued on the 7 August 2023, recommending refusal.

169. As Stage 1 has been signed off, it is thought the application can progress with a negative condition, to ensure that no development will commence or dwellings occupied under it has been demonstrated to the satisfaction of the Council and NI Water that the mains sewer and the receiving Wastewater Treatment Works has the capacity to receive the wastewater and foul sewage discharge from these sites.

170. NIEA Water Management Unit were consulted and responded stating that they have considered the impacts of the proposal on the surface water environment and advised that while it has no objection in principle, the development as it stands has the potential to have an adverse effect on the aquatic environment (based on a refusal recommended from NI Water).

171. They elaborate by stating that due to the installation and realignment of culvert, they require a full Method of Works Statement from the appointed contractor and that it should be submitted to NIEA Water Management Unit prior to the commencement of construction. They have provided a condition to be attached to a decision notice should the application be approved.

172. With regards to the disposal of foul sewage, they state in their response that if NI Water advise the Council that they are content that both the receiving Wastewater Treatment Works and the associated sewer network for this development can the additional load, with no adverse effect on the WWTW or sewers network ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.

173. They continue by stating that if NI Water advise it is not possible to connect the proposed development then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

174. As discussed above, as the Stage 1 part of the process has been signed off by NI Water, it is thought that a condition can be attached to the proposal to ensure no development commences or dwellings occupied without the appropriate wastewater and sewage infrastructure in place. This will ensure protection of the water environment.

175. Based on the information submitted and advice from NI Water and NIEA Water Management Unit, it is considered that the proposal will not adversely affect the water environment and complies with policy WM2.

Representations

176. Six objections were received in respect of the application.

177. The main issues of concern from the objections are:

Our address is listed on the neighbour notification list, but we are yet to receive any documentation.

Neighbour notification letters were sent to No. 46a Magheralave Rd, Lisburn on the 2 December 2021 and the 9 August 2023.

Visitor parking is allowed on the road – how can this be safe? The amount of children running about, the dangers this would present. The amount of parents with young kids and prams walking on the road every day is huge, coupled with the fact there is no speed ramp or speed limit sign - the road is already a dangerous place to be without more cars being parked on the road. If passed the road safety need looked at before someone is knocked down on the current race track.

DFI Roads were consulted and offered no objection to the proposal. Speed Ramps are shown within the development proposal as depicted on the Private Street Determination drawing. The footpath on the Magheralave Road is also shown to be widened. A new raised table is also shown to be installed on the main road. This will ensure the proposal does not prejudice road safety or inconvenience the flow of traffic.

The area is earmarked to be turned into a park – what has happened to this application? The council teased the residents with a proposed natural linear park only for this to be shelved due to a lack of funding.

` The agreement for the Council to provide a linear park remains in place, and the Council is still obliged to fulfil its terms. It is therefore anticipated that a further application for the adjacent park will be submitted.

The area is built up enough - it would be a shame to turn this green wildlife are into another concrete jungle/replace it with more housing which the existing sewerage networks are already struggling to cope with.

As detailed in the report above, the lands were subject to a legal agreement between the developers, the Department and the Council that these lands could be offered up for housing and the land abutting the site would be developed as a linear park by the Council. Stage 1 Consent has been signed off by NI Water, with the applicant to complete Stage 2 before the commencement of any development, with a condition stating same.

It is not possible to view any objection letters or comments made by the public on this application.

Five objection letters received were published shortly after receipt and have been available to view on the public portal. A sixth objection letter has since been published and is also available to view.

This field is home to several wildlife species - which would be in danger if the development goes ahead.

A Biodiversity Checklist and subsequent ecological reports were completed by a qualified ecologist. It was concluded that badgers are active within the site and as such mitigation measures are provided. NIEA Natural Environment Division were extensively consulted and had no objections to the proposal, providing conditions to be attached to any approval.

The land is low-lying and regularly floods in the winter - how will this risk be considered?

DFI Rivers were consulted and had no objection to the proposal as suitable drainage will be provided on-site.

More greenbelt land being turned into housing in an area that is already at capacity.

The site is not greenbelt. It is within the settlement limit of Lisburn and zoned for housing in the latest revision to draft BMAP. The site was zoned as open space but as stated above, at the Public Inquiry into draft BMAP the PAC agreed that the land should be made available for housing.

I note the request for a biodiversity study to be conducted, yet this is not listed for review – was such a study conducted and if so why is it not available as part of the public consultation.

The documents relating to Biodiversity included information relating to badgers. Such information is classified as sensitive and cannot be released into the public domain. This information was available to view only by the consultee and the development has been considered to have no adverse impact on biodiversity.

The field is frequented annually/ each summer by a "red listed" bird species known as a Grasshopper Warbler. This species has a UK conservation status of RED and is protected by The Wildlife and Countryside Act 1981. The field is a hunting and nesting site for both long and shorted eared owls. The field is home to nesting Sparrowhawks. The field is home to numerous species of insects and wildlife, all of which will be destroyed and lost to this development.

NIEA Natural Environment Division were consulted on several occasions and returned a final consultation response on the 3rd April 2024 stating they had no concerns with the proposal in relation to natural heritage features subject to conditions**.**

There is no clear guidance on what will happen to the mature silver birch trees that border my property.

As no address is attached to the representation, it is presumed this refers to the trees along the southern boundary of the site. These are shown to be outside the red line of the application and retained on the site layout plan.

Destroying walking area.

As above, there is a legal agreement in place for the site to be offered up for housing with a park to be provided in the adjacent lands.

Recommendation

178. Based on the above consideration, the recommendation is to approve the application subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10.

Conditions

179. The following conditions are recommended:

1. The development hereby permitted shall 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 Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: C-01 rev B bearing the Area Planning Office date stamp 07 March 2024 and the Departure for Infrastructure Determination date stamp of 26 March 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. C-01 Rev B bearing the Area Planning Office date stamp 07 March 2024 and the Department for Infrastructure Determination date stamp of 26 March 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 access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, 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 shall not exceed 2% (1 in 50) over the first 15m outside the road boundary.

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

6. 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.

7. 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.

8. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. C-01 Rev B bearing the Area Planning Office date stamp 07 March 2024 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.

9. 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.

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

    No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number C-01 Rev B bearing the Planning Office date stamp 07 MAR 2024. The Council 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.

11. 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.

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. No construction or storage of materials outside of the red line boundary.

    Reason: To protect badgers and bats.

14. A 20-metre buffer shall be maintained around Ash tree (target note 3 on the MCL habitat map) with no construction activity or storage of materials within this zone. There shall be no external lighting within or directed toward this buffer zone.

    Reason: To protect bats.

15. Once a contractor has been appointed, a final Construction Method Statement (CMS) shall be submitted to the Council for approval in writing, at least 4 weeks prior to the commencement of construction.

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

16. No development shall be commenced until details of the method of sewage disposal have been submitted to and agreed in writing with the Council in consultation Northern Ireland Water (NIW). No dwelling shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered on-site in accordance with the approved method of disposal for the sewage.

    Reason: To ensure the development has a satisfactory means of discharge for sewage, and to ensure the development will not have an adverse effect on the integrity of any European site.

17. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No. 02/2 published to the Planning Register on the 28 October 2026, and the appropriate British Standard.

    Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to provide compensation for the loss of native species

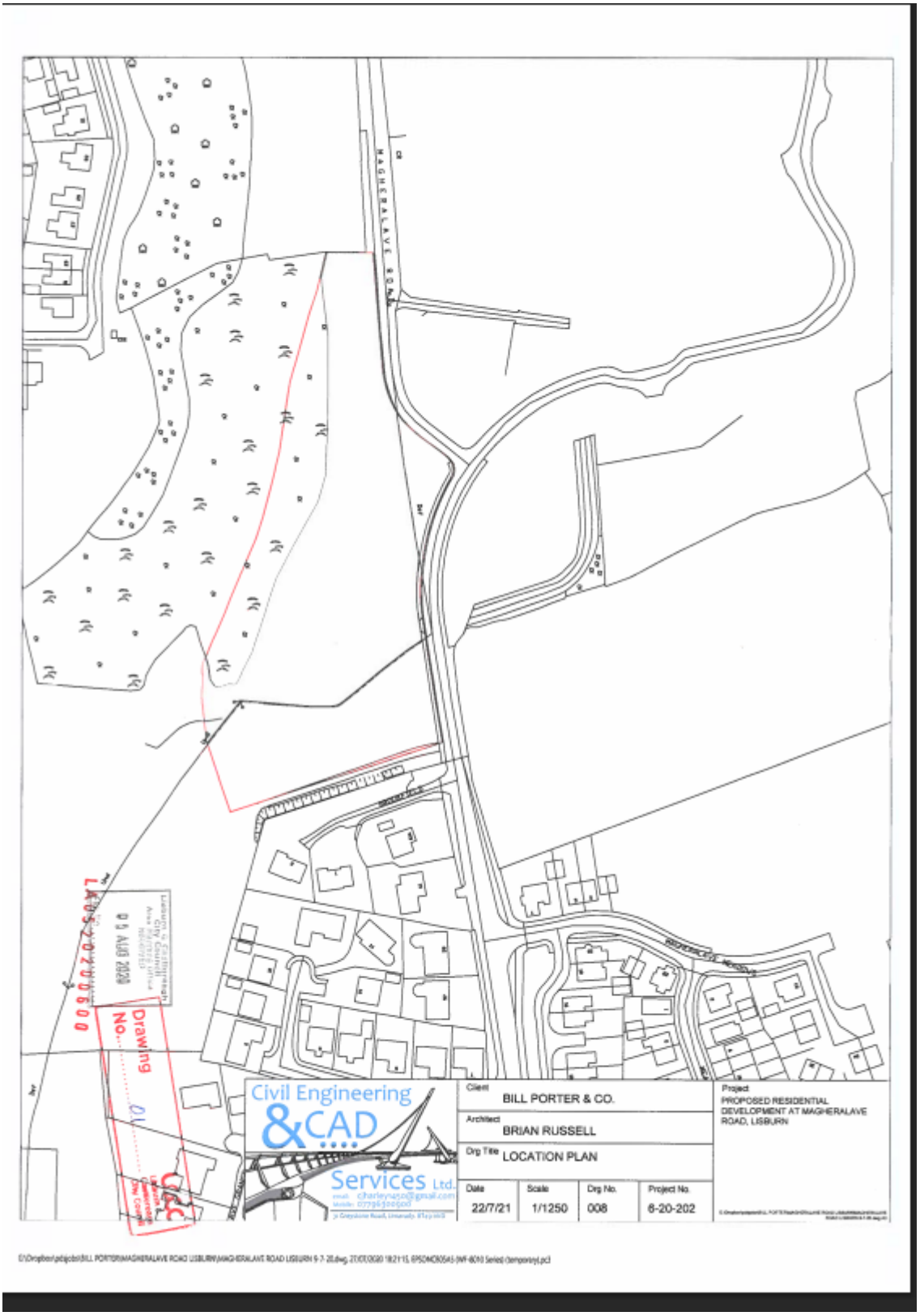
18. The existing natural screenings of this site, as indicated on approved plan No. 02/2 published to the Planning Register on the 28 October 2026, shall be retained. If any retained tree is removed, dies, or is seriously damaged within 5 years from the date of the occupation of the building, another tree or hedge of a native species shall be planted during the next planting season.

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

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, dies or is seriously damaged, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place.

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

Site Location Plan – LA05/2020/0600/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	2 November 2026
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2024/0327/F
District Electoral Area	Killultagh
Proposal Description	Retention of Joinery Workshop (conversion from former snooker hall previously used as a materials store and/ or showroom)
Location	3e White Mountain Road, Aghnahough, Lisburn, BT28 3QY
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 Criteria g) and i) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated that the provision of non mains sewerage is available or can be provided without significant adverse impact on the environment and access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

4. The development proposal is further contrary to Policy ED4 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, the development if permitted would not represent the redevelopment of an established economic development

use in the countryside for employment or business purposes, or a sui generis employment use.

5. The development would not meet Criteria e), g) and i) of Policy ED9 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated that it would not harm the water environment or is capable of dealing satisfactorily with any effluent, and would provide adequate access arrangements, parking and manoeuvring areas within the site.

6. In addition, the proposal is contrary to Criterion a) of Policy TRA2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated the proposal would not prejudice road safety or significantly inconvenience the flow of vehicles.

7. The development is also contrary to Policy TRA7 of Policy of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not demonstrated that the proposal can provide adequate provision for car parking and appropriate serving arrangements.

8. Finally, the development is contrary to Policy WM2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated that there is a viable non mains solution for the treatment and disposal of wastewater and there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem.

Description of Site and Surroundings

Site Context

9. The site is a roughly rectangular parcel of land with an access to the main road measuring approximately 0.21 hectares. The site encompasses a number of buildings/structures relating to the address at No 3e White Mountain Road. The topography generally falls throughout the site from the direction of the main road.

10. The main building on the site relates to an existing and operational workshop and includes a collection of interrelated structures that appear to have been in place for a significant period of time. The buildings are single storey with a mix of external finishing, including both render dash and red brick, the latter specifically to the porch structure which includes double doors and a mono-pitch roof with brown tiles. The roof of the rest of the buildings includes pitched and mono-pitched roofs, with these generally being completed in corrugated metal sheeting.

11. The remainder of the site contains a small parking area to the front (east and south) of the building in question, with a tarmac shared access lane (approximately 90 metres) to the Whitemountain Road to the north east. This is through an entrance which is marked by 1-1.5 metre walls finished in stone cladding. The laneway is defined on either side by conifer hedging measuring approximately 1-1.5 metre. The eastern and southern boundaries of the main site are defined by mixed species hedging. The northern boundary abuts the building to the north which relates to a separate business. The western boundary of the site marks the edge of the host building and the adjacent parking/hardcore area and is defined by a post and wire fence.

Surrounding Context

12. The site is located within the countryside and outside any settlement development limit.

13. The site sits within a cluster of buildings which are currently used for business/industrial purposes, with the adjacent building to the north used for a bottled water business, and a fireplace manufacturer based in the building further to the north, with both businesses using both the access laneway proposed to be used by the retrospective development in this application, and further access to the north west which also provides access to the wider site, building to the west of the cluster and community allotment to the north west.

14. Within the wider context the site sits over 100 metres to the south of White Mountain Quarry. The general area is characterised by scattered detached dwellings and farm clusters.

Proposed Development

15. A retrospective full application has been submitted for the retention of a joinery workshop which was converted from a former snooker hall. The description also notes that the building prior to its use as a snooker hall had been used as a materials store and/or showroom.

16. The application was submitted with the following details:

- Application form
- Plans including site location, existing site layout, existing floor plans, existing elevations, road layout and auto tracking
- Supporting Statement
- Further supporting letters and emails –

- Letter dated 14th August 2024 outlining background of site, pre-1985 use, post 1985 use and other evidence including consideration of historical use class.
- Letter from Kevin McShane Ltd (relating to roads comments)
- Email from agent dated 14th February 2025
- Email from agent dated 2nd September 2025

Relevant Planning History

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

Application Reference	Location	Proposal	Decision
S/1985/0151	3C White Mountain Road, Lisburn	Change of use from showroom to snooker club	Permission Granted 14th June 1985

18. There are several more recent planning applications which have been submitted in relation to some of the buildings and land adjacent to the site.

19. Thess applications include an adjacent spring water bottling business (S/1991/1109), community allotment (LA05/2025/0378/CLEUD and LA05/2026/0518/F) and proposed machinery/general purpose store (LA05/2025/0611/F), the latter of which was subsequently withdrawn.

Consultations

20. The following consultations were carried out:

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

Representations

21. To date there have been 15 letters of representation to the proposal. This includes eight objections from two individual objectors, four letters of support and three non-committal letters. The objections to the proposal raised the following issues:

- Application description is misleading and has never been used as a joinery workshop – prior to construction the site was occupied by a cow byre in 1984
- Snooker is a sport/leisure activity and would fall under use class D1/D2
- There is no main sewer to premises, and the applicant has not applied for a consent to discharge which would be an environmental hazard
- The figures on vehicles and persons attending the site are inaccurate
- Road safety from vehicles reversing onto road, there is not adequate manoeuvring within the site, and the laneway is not wide enough for 2 vehicles
- The visibility splays are incorrectly drawn; the necessary splays are over land within the control of the applicant 08/05
- Parking provision inadequate 08/05
- The Planning statement provided references business operations of adjacent objector and information from website which have not given consent to be used 08/05
- The operations of the current development would create nuisance to The Little Green Allotments
- The Planning Statement has indicated no showroom which is contradicted by what has been advertised, particularly through social media
- The development does not follow the sustainable approach for economic development in the countryside required under Strategic Policy 12 within the LCCCC Plan Strategy 08/05
- The application fails to demonstrate how the development would benefit the local community through employment opportunities 08/05
- The development is retail by definition and therefore under Policy ED4 should not be accepted
- The application is contrary to Policy ED9 of Plan Strategy (traffic safety, noise and disturbance, water pollution through no consent to discharge
- The information provided on behalf of the applicant that the building was previously used as a joinery workshop or showroom is heresy.
- The previous use of the premises was solely as a snooker club which never was granted planning permission as it never met conditions form Road Service or NIEA which still remains the case.
- No traffic has been generated since the snooker hall closed so the retrospective development would result in an intensification of an existing access and require full visibility splays in accordance with DCAN15.
- The vehicles using the snooker hall previously (mainly cars) are not comparable with HGVs now using site for current development
- Swept path analysis clear shows swept path for larger vehicles would encroach on parking spaces
- Impact on natural heritage – through fauna and septic tank
- Photos of the site show a skip in what is marked ‘Space 1’

22. The supporting letters submitted have raised some specific points relating to previous uses of the building including details of snooker hall at the site, the development would not impact on residential amenity and that it was positive to see it being used for another purpose.

Local Development Plan

23. 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

24. 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.

25. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.

26. The Lisburn Area Plan identifies the application site as being located outside any defined settlement development limit and not within an area of zoned land in either the Lisburn Area Plan (LAP) or draft Belfast Metropolitan Area Plan (dBMAP).

27. 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.

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

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

29. The strategic policy for Economic Development in the Countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 12 Economic Development in the Countryside states that:

The Plan will support development proposals that:

a) facilitate and benefit the rural economy and support rural communities, whilst protecting rural character and the environment.

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

31. The proposal is for the retention of joinery workshop outside of any defined settlement development limit. Policy COU1 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.

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.

32. This application does not propose the any new buildings however Policy COU16 relating to rural character and other criteria would be relevant.

Policy COU16 Rural Character and other Criteria

33. Policy 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.*

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'.

34. The proposal has been submitted with supporting evidence outlining that the use is justified as it would be the redevelopment of an established economic use in the countryside.

35. In particular Policy ED4 Redevelopment of an Established Economic Development Use in the Countryside states that:

'*a proposal for the redevelopment of an established economic development use in the countryside for employment or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all the following criteria can be met:*

a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area
b) there would be environmental benefits as a result of the redevelopment

c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site
d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

The redevelopment of an established industrial or business site for storage or distribution purposes, subject to the above criteria, will only be permitted in exceptional circumstances taking account of environmental or transport impacts. Redevelopment proposals involving retailing will not be permitted.

Proposals for the redevelopment of sites for tourism, outdoor sport and recreation or local community facilities will be viewed sympathetically where all the above criteria can be met.
Exceptionally, proposals for social and affordable housing may be permitted on former industrial sites that cannot realistically be redeveloped for industry, provided they meet the policy provisions of Policy COU5 Affordable Housing'.

36. Policy ED9 states that any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

a) it is compatible with surrounding land uses
b) it does not harm the amenities of nearby residents
c) it does not adversely affect features of the natural or historic environment
d) it is not located in an area of flood risk and will not cause or exacerbate flooding
e) it does not harm the water environment
f) it does not create a noise nuisance
g) it is capable of dealing satisfactorily with any emission or effluent
h) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified

Waste Management

37. The development includes WC facilities and the details provided indicate the use of a septic tank and soakaway.

38. Policy WM2 Treatment of Waste Water states that:

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.

39. The justification and amplification of the policy states that in the case of non-mains sewage provision that:

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.

The method of non-mains sewage disposal must be to the satisfaction of the Council's Environmental Health Department and the Northern Ireland Environment Agency. A consent to discharge under the Water (Northern Ireland) Order 1999 will also be required from the Department for Agriculture, Environment and Rural Affairs (DAERA) and the onus is on the developer/householder to ensure such consent is, or can be agreed for the development proposed.

The provision of a package treatment plant is preferred to the use of a septic tank in the treatment and dispersal of non-mains sewage.

Access and Transport

40. The application form indicates that access arrangements for this development involve the use of an existing unaltered access to a public road. There is potential for the access to be used more intensively.

41. 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.

42. Car parking is proposed as an integral part of the development. Policy TRA 7 – Car Parking and Servicing Arrangements states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.
Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

43. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy and it is stated at paragraph 1.5 that:

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

44. 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'.

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

46. As previously outlined this application proposes the retention of a joinery workshop. At paragraph 6.87 of the SPPS it is stated that:

The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

47. It is further stated at paragraph 6.88 that:

In the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in the following circumstances:

- *A small-scale new build economic development project may be permissible outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.*

- *A proposal for major or regionally significant economic development, where a countryside location is necessary because of size or site-specific requirements. Such proposals should be able to demonstrate a significant contribution to the regional economy and be otherwise acceptable, particularly in terms of their environmental and transport impacts. An edge of town location should normally be favoured over a location elsewhere in the rural area.*

48. At paragraph 6.91 it is also stated that:

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

49. It is further noted at Paragraph 6.232 of the SPPS that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

Assessment

50. This proposal seeks permission for the retention of a joinery workshop, which has been converted from the previous use of a snooker hall, within a building that has also been cited as being previously used as a materials store and/or showroom prior to snooker hall.

51. The Council accepts that the last established use was as a snooker hall and this is supported by a history of a planning permission and evidence provided by both the Applicant and third parties. It was also evident from the presence of a road sign clearly visible at the entrance to the site.

52. The planning department does not currently possess detailed drawings of the former snooker hall. However, it appears from Building Control records under FP/1985/0480 that the snooker hall is the same building as the one for which retention is sought for a joinery workshop.

53. A more recent extension appears to have been added to the southern elevation of the building to provide what is now a store, office and entrance hall but there is no planning or building control records for this extension.

54. Policy COU1 of the LCCC Plan Strategy notes 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.

55. Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11-COU14. The use proposed for retention does not fall into any of those categories.

56. The policy does state that 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.

57. The proposal relates to retention of a manufacturing development in the open countryside which is a business use. The agent within the planning statement considers the proposal to fall to be considered in relation to Policy ED4 Redevelopment of an Established Economic Development Use in the Countryside. For all proposals involving economic development Policy ED9 would also be relevant.

    Policy ED4 Redevelopment of an Established Economic Development Use in the Countryside

58. This policy states that a proposal '*for the redevelopment of an established economic development use in the countryside for employment or business purposes (or a sui generis employment use) will be permitted'* where it is demonstrated that it can meet a number of outlined criteria.

59. Within their Planning Statement the applicant recognises that a snooker hall would not represent '*an established economic development use in the countryside for employment or business purposes*' however does hold the view that the snooker hall would be a 'sui generis employment use'. The Planning Statement at Paragraph 52 states that '*after the manufacturing use was suspended, the building was converted into a snooker hall. It had six members of staff. A snooker hall is a form of an amusement centre where no planning use class is specified for*'.

60. Turning to the last known use of the snooker club, the Planning (Use Classes) Order (NI) 2015 does not specifically refer to snooker club/hall in either the Schedule of Use Classes or the list of uses where no class has been specified (ie sui generis). The applicant's view is that the use of building previously for a snooker club would fall within sui generis and '*it follows that it is a sui generis employment use*', thereby engaging the use of Policy ED4 in this case.

61. From a Council perspective, while the Use Classes Order is silent on snooker halls specifically, the Collins Dictionary refers to it as a 'game', which is likely to

fall within Part D Community, Recreation and Culture, and specifically Class D2: Assembly and leisure.

62. In addition, the Land Use Gazetteer is a useful reference point as it contains a much more comprehensive range of land uses and what use classes they relate to. In this case, a snooker hall and pool hall has been designated as falling within Class D2. It is therefore considered that the former snooker use would not be considered as a sui generis employment use as required within Policy ED4.

63. The applicant supporting statement also refers to the use of the building previous to the snooker club, where it is detailed that the building '*has had a long history of manufacturing use from 1959 (and so predates the planning system)*. Various of pieces of evidence has been provided as part of the supporting evidence, including that the structure adjacent to the building now under consideration was known as 'the slabbing building' as indicated in Annex 3 of the supporting letter submitted on behalf of the applicant dated 14th August 2024. The evidence also includes some firsthand accounts of people who were involved in the business or who hand knowledge of the business and its operations prior to it becoming a snooker hall post 1985. This includes an extension to the slabbing building and that this extension '*became a store and verifies that marble and tiles were stored there*'. Further evidence indicating its previous use has been tied to the Building Control record for the snooker hall, with the application form describing the current use at the time as 'materials store' and an associated plan with annotation of '*existing building used as a showroom for Associated Agencies*'. The same Building Control drawing also included a title of '*Proposed Change of Use from Showroom to Snooker Club*'.

64. It is noted from the information submitted in support of the application that the building in question was last used as a snooker hall/club which is assessed to be a class D2 leisure use. If now abandoned the building would have a nil use.

65. The evidence provided, both written and visual, has been noted, does not provide certainty beyond reasonable doubt that the building in question has been used for economic uses associated with the adjacent fireplace business.

66. Overall, it is considered that the previous and most recent use as a snooker hall would not be considered a 'sui generis employment use' and would therefore could not be considered as a redevelopment of an established economic development in the countryside. The requirements of policy ED4 would not apply and the proposal would have to be justified in accordance with policy COU1.

67. If the last established use is now abandoned because of the unauthorised use, then the retention of this proposal could not be justified in accordance with policy ED4 and again would have to be justified in accordance with policy COU1.

68. None of the other operational policies for a business use are met and consequently there is no justification for retention of this non-residential use in accordance with the requirements of policy COU1. No other material consideration are raised in support of the proposal that would outweigh the policy objections.

Policy ED9 General Criteria for Economic Development

69. The application proposes an economic use relating to the retention of a joinery workshop, therefore Policy ED9 within the LCCC Plan Strategy would be relevant and is expected to meet all of the criteria listed.

70. Criterion a) requires that it is compatible with surrounding land uses. It is noted that the development is located within the open countryside. It is, however, located adjacent to a number of existing businesses including a mineral water bottling company and a Fireplace showroom and workshop, therefore it could be considered that the development could be compatible with surrounding land uses.

71. Criterion b) requires that the development would not harm the amenities of nearby residents. Environmental Health have provided comment and have not raised any objections to the proposal in terms of amenity on 3rd party properties.

72. Criterion c) states that the development must not adversely affect features of the natural or historic environment. There is no record of any historic heritage within or adjacent to the site.

73. Criterion d) requires that the development must not be located in an area of flood risk and will not cause or exacerbate flooding. The site is not located within any area of known flood risk and as the building is extant would not cause or exacerbate flooding.

74. Criterion e) states that the development must not harm the water environment. The application involves the retention of two WCs to the rear of the building. The application form states that foul sewage is to be disposed of a septic tank. While the septic tank and associated infrastructure including soakaway appears to be in place NIEA Water Management Unit were consulted and while they have no objection in principle to the development it has noted that there is no discharge consent of ever having been issued for the site. In this record, they have noted that at present the development has the potential to have an adverse effect on the aquatic environment.

75. A further response received states that

‘*although a consent to discharge has now been applied for it has yet to be issued’*.

76. It has subsequently been advised that this process '*has been paused at the request of the Agent as their client is going through some issues with regards to land ownership'*. The site plan submitted appears to show the septic tank sitting outside of the application site identified on the site location plan, with the soakaway discharge point also into the land to the south, outside of the application site and land under control of the applicant. A number of the representation letters, which appear to be submitted by a third party with control over the land in question, would call into question how this land ownership issue relating to the discharge consent will be addressed. Taking account of this uncertainty, it has not been demonstrated that this Criterion can be adequately met.

77. Criterion f) requires that the development does not create a noise nuisance. Given the nature of the application use, it is likely that the development would create additional noise. With the Planning Statement the applicant has stated that the closest dwellings are Nos 3, 3a and 3c, '*which are between 30m and 67m away*' and '*are all within the ownership of the wider family'*. The application form has stated that 'all manufacturing activity is overwhelmingly conducted inside the building and there is no noise escape'. The closest dwelling, No 3 Whitemountain Road, have commented to this application that they have no objection to the dwelling. Furthermore, Environmental Health have been consulted a number of times in relation to this application and have raised no issues in connection with noise.

78. Criterion g) states that the development must be capable of dealing satisfactorily with any emission or effluent. The Environmental Health department has not raised any impacts in relation to air pollution or ambient air quality. It has already been noted under Criterion e) that there is uncertainty regarding the status of the septic tank and associated soakaway. In this regard it has not been demonstrated that the development would be capable of dealing satisfactorily with this matter.

79. Criterion h) requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate. The application proposes a change of use from a snooker hall to a joinery workshop. The application form details that the staff vehicles will crease from 3 to 4 per day, however customer vehicles would significantly decrease from the approved snooker hall to the current use. DfI Roads, while they have raised issues with the development, including intensification, it is not clear from the response that this would adversely impact on the existing road network in terms of trip generation.

80. Criterion i) requires that adequate access arrangements, parking and manoeuvring areas are provided. The site is to be accessed through an existing narrow laneway which also provides additional access to the adjacent businesses. DfI Roads have raised a number of issues with the proposed arrangements, and have requested additional information including the provision

of a clear fully dimensioned engineering drawing showing access details as per DCAN15. Due to the timescales expired since the building was last used as a snooker club, DfI Roads consider that the development would involve intensification of a sub-standard access. Furthermore, the wheel traffic analysis as shown appears restricted which results in HGVs currently having to reverse on the laneway. From the information provided and response from DfI Roads it is not considered this criterion can be met.

81. Criterion j) requires that the development supports a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal. While the site is in a rural location and transport to the business will be overwhelmingly through private car, it is not considered that a refusal on this criterion could be sustained.

82. In relation to criterion k), the application relates to a change of use of a current building, therefore the site layout, and landscaping arrangements would not be relevant in this case. It appears that as part of this current use one part of the building has been changed be including a roller door to the main workshop. Given the scale and nature of this it is not considered to be unacceptable in terms of design.

83. Criterion l) relates to provision of boundary treatments and screening of outdoor storage. The development relates to a change of use with minimal external changes. In addition, the building itself is sited lower than the public road and would already be well screened with existing vegetation.

84. Criterion m) requires the development to be designed to deter crime and promote personal safety. As this relates to a change of use with minimal external changes it is contended that no refusal would be sustainable on this basis.

85. Criterion n) relates to the integration of economic developments in the countryside. As noted under Criterion l), the site is already well screened and would be well integrated with the environment.

86. Criterion o) requires proposals to meet the requirements of Policy NH1

    The site is not located within any designated European or Ramsar site and the site is not located close to any known watercourse or feature would provide a hydrological link with such a protected site. In these circumstances, it is not considered the development would be contrary to Policy NH1

87. Overall, it is considered that the proposal would be contrary to Criterion e), g) and i) of Policy ED9 of the LCCC Plan Strategy.

Development in the Countryside

Policy COU16 Rural Character and other Criteria

88. 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'*.

89. Criteria a) to d) relates mainly to new builds however this application is for a change of use of an existing building.

90. Criterion e) relates to the development having an adverse impact on the rural character of the area. Again, based on the fact that the development relates to an existing building with minimal external changes, its unlikely this would result in an adverse impact on rural character.

91. Criterion f) requires that the proposal would not adversely impact on residential amenity. As noted under Policy ED9, the buildings are '*between 30m and 67m away'*. Environmental Health have been notified on the possible effects of residential amenity and have raised no issues with the development

92. Within Criterion g) there is a requirement for all 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. While it is not considered the services associated with the development would result in an adverse impact on the character of the locality, it has already been noted that while the wider site includes a septic tank this has never gained discharge consent. In addition, the septic tank and part of the soakaway appears to be located outside of the site and ownership of the applicant, therefore there is uncertainty that consent to discharge onto third party land will for forthcoming.

93. Criterion h) relates to the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character. The development as submitted relates principally to a change of use which would result in limited ancillary works.

94. Criterion i) states that new development will be unacceptable where access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic. DfI Roads have been consulted and it is considered that the proposal would represent an intensification of a sub-standard access onto the public road. In this respect they have requested further information including 'Clear Fully Dimensioned Engineering Drawing' showing the access details, (visibility splays, forward sight lines and access width dimensions) in accordance with the requirements within DCAN15. Further concern was raised in relation to the use of HGVs accessing the site and the wheel traffic analysis provided, which has demonstrated why current HGV traffic are reversing

on the shared laneway, and the potential knock-on effects this would have the flow of traffic on the public road.

95. Overall, it is considered that the proposal would be contrary to Criteria g) and i) of Policy COU16.

Access and Transport

96. The development proposes the retention of a joinery workshop which has been converted from a former snooker hall. The site is proposed to be accessed using an existing unaltered access to a public road, with this continuing onto a laneway also providing access to adjacent commercial buildings.

97. The application was submitted with a planning statement and under Environmental Impacts it states that the site:

'*attracts a limited number of vehicular movements a day and this will be a significant reduction compared to the previous snooker hall use at the site*'. It further notes that '*there is ample room within the yard to cope with car parking requirements of the staff and the occasional visitor of the facility*'.

98. In their initial consultation response DfI Roads raised no objections to the development. However, following further consultation requests relating to objections received a subsequent consultation response stated that insufficient details had been provided however did not detail the points to be addressed. A follow up consultation with DfI Roads advised that:

'*due to intensification of the access the agent must demonstrate they have control of the land and provide a 'Clear Fully Dimensioned Engineer Drawing' showing the access, driveway, i.e., visibility splays, forward sight lines and access width dimensions to requirements of the Departments Development Control Advise Note 15'*.

99. Such a drawing was also requested to show the proposed parking on site and also demonstrate that the largest vehicle attending the site can '*enter and exit in a forward gear'*.

100. In response to the comments made in the DfI Roads consultation, the applicant submitted a from Kevin McShane Ltd which provided supporting information in relation to the intensification of the site, on site parking and vehicle swept path.

101. On the matter of site intensification it notes that '*the application building benefits from an extant planning permission (S/1985/0151) for use as a Snooker Hall*'. It notes that '*the Extant site operation as a snooker club accommodated c36-40 customers per day and employed c.6 members of staff. The snooker club was*

operational 7 days a week and was open between 11am and 11pm'. It is taken that these figures have been provided by the applicant.

102. The statement refers to DCAN15 where it states that *'Para 1.1 of DCAN15 states*

"…Intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.'

103. A survey undertaken over a four-day period on the shared lane notes the daily two-way vehicle movements to the existing businesses using the laneway (Robert Philips Fireplaces and Whitemountain Spring Water) as well as the retrospective joinery workshop. This highlights that the Fireplaces and Springwater businesses '*generate c. 20 two-way vehicle trips per day and the joinery generates c. 8 two-way vehicle trips per day'*.

104. In presenting a comparison of the trips using the shared access when the extant site use as a Snooker Hall and the current site use as a joinery workshop, the applicant have advised taking a conservative view of the approved snooker hall they have used five customers and one staff member (six in total) resulting in 12 trips (in and out). This would compare to eight vehicle trips associated with the joinery business (in and out) per day and would result in a total of four less vehicle trips per day compared to the extant use as a snooker hall, which the applicant has indicated to be a '*7% reduction in traffic flow using the access'*.

105. The supporting information submitted has outlined further '*sensitivity analysis of the land use of each development rather than individual site operators'*. This has classed the snooker hall as '*an amusement centre or a building for indoor sports or recreations*'. It notes that 'traffic generated for each land use has been derived through consultation with the TRICS database' and the use has been assessed as '07/U - Leisure/ Play centre'. While it is acknowledged that the data survey for such uses is limited the applicant considers that the 07/U category '*is the most reflective type for the development within the database*'. It is further noted by the Applicant that they have assessed the proposed use (joinery workshop) against 02/C land use within the TRICS database. Using these two land uses within the database as indicated results in reduction of 10 daily vehicle trips when using the building for a joinery workshop in comparison with the snooker hall use. Based on this analysis, both through the use of the survey data and TRICS analysis, the applicant has determined that the site access will not experience any intensification in traffic flow should the retrospective development be approved.

106. DfI Roads were consulted on the supporting information submitted however in a further response maintained that the development remains unacceptable. The response notes that the previous business (snooker hall) has '*not been in existence for a number of years there will be intensification of the access*', therefore a clear 'Clear Fully Dimensioned Engineer Drawing' showing the access, driveway, i.e., visibility splays, forward sight lines and access width

dimensions to requirements of the Departments Development Control Advise Note 15 is required. It further states that a further fully dimensioned drawing is required to show parking on the site, and that this should comply with DCAN11 relating to access for people with disabilities. The response also notes the provision of a swept path assessment however considered that it clearly 'demonstrates large service vehicles having to use parking bays to safely turn to exit the site in a forward gear' and that any subsequent assessment *'must demonstrate the largest vehicle attending the site can manoeuvre without the use of the proposed parking bays*'.

107. On the basis of the DfI Roads response, further information was submitted by the applicant in relation to the points raised. The applicant does not agree that the development would lead to intensification, and the issue of whether the building has been abandoned is a planning matter. A further amended site plan including revised parking and auto tracking plan in relation to swept path were provided. These details noted that the vehicle using the laneway would be a 10m rigid HGV.

108. DfI Roads were again consulted on the additional information provided by the applicant and continued to consider that the development would be intensification as '*the previous operation on this site ceased operating over 10 years ago and did not generate the traffic volumes the agent claims'*. For this reason it has been requested that a full engineering drawing, showing access details as previously requested, continues to be required in this case. In the absence of this information, therefore, it is considered that the proposal would be contrary to Criterion a) of Policy TRA2 in that, it has not been demonstrated the proposal would not prejudice road safety or significantly inconvenience the flow of vehicles accessing the site onto Whitemountain Road.

109. Furthermore, with regards to the 'wheel traffic analysis' provided by the applicant DfI Roads have stated that the tracking for HGVs appears very restricted and could lead to manoeuvres on the laneway which would endanger other users. In this regard, the proposal would be contrary to Policy TRA7 in that it has not demonstrated that the proposal can provide adequate provision for car parking and appropriate serving arrangements.

Waste Management

110. Policy WM2 of the LCCC Plan Strategy 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*'.

111. Within the justification and amplification of the policy, it states that *'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*'. It further notes that '*the method of non-mains sewage disposal must be to the satisfaction of the Council's Environmental Health Department and the Northern Ireland Environment Agency. A consent to discharge under the Water (Northern Ireland) Order 1999 will also be required from the Department for Agriculture, Environment and Rural Affairs (DAERA) and the onus is on the developer/householder to ensure such consent is, or can be agreed for the development proposed*'. Additionally, it advises that the '*provision of a package treatment plant is preferred to the use of a septic tank in the treatment and dispersal of non-mains sewage'*.

112. As has already been noted in relation to Criteria e) and g) of Policy ED9 earlier in this report the application states that foul sewage is to be disposed through a septic tank. The floorplan indicates that the building incorporates the retention of two WCs to the rear of the building. While the septic tank and associated infrastructure including soakaway is shown to be existing on the site plan submitted NIEA Water Management Unit have noted that there is no discharge consent of ever having been issued for the site and have stated that under the current circumstances the development has the potential to have an adverse effect on the aquatic environment.

113. A further response received states that 'although a consent to discharge has now been applied for it has yet to be issued' and correspondence has been received that the process '*has been paused at the request of the Agent as their client is going through some issues with regards to land ownership'*. The site plan submitted appears to show the septic tank sitting outside of the application site identified on the site location plan, to the west of the building, with the soakaway discharge point also into the land to the south, outside of the application site or land under control of the applicant.

114. While it is accepted that applying for discharge consent is a separate legislative process, in this case, due to the position of the existing septic tank and soakaway outside of the application site, the representations received in relation to the control over the land in question incorporating part of this infrastructure, and NIEAs current position on the matter, it is unclear how this issue will be adequately addressed. Given this uncertainty, and in taking a precautionary approach, it has not been adequately demonstrated that Policy WM2 of the Plan Strategy can be met.

Consideration of Representations

115. As noted under Paragraph 13 there are 15 letters of representation submitted to the proposal, with the objections received raising the following issues:

- Application description is misleading and has never been used as a joinery workshop – prior to construction the site was occupied by a cow byre

  During the processing of the application the description was amended to remove reference to the building having previously been used for the manufacture of fireplaces, and further publicity has been undertaken with this revised description. It is not clear from the information provided the precise nature of the use prior to the approval and use of a snooker club.

- Snooker is a sport/leisure activity and would fall under use class D1/D2

  It is considered that the use as a snooker hall would fall within the use class D2 under the use class order and would not be considered as a sui generis use.

- There is no main sewer to premises, and the applicant has not applied for a consent to discharge which would be an environmental hazard

  This point is noted. Concerns remain over the discharge from the existing septic tank into third party land in the absence of the granting of discharge consent and this has been taken into account in the main report.

- The figures on vehicles and persons attending the site are inaccurate

  This point is noted and considered within the assessment of the application. Within their response DfI Roads do not dispute the figures provided however based on the passage of time since the last known use was operational it is considered that the retrospective use would result in an intensification of the use.

- Road safety from vehicles reversing onto road, there is not adequate manoeuvring within the site and the laneway is not wide enough for 2 vehicles

  DfI Roads have noted the auto tracking/wheel traffic analysis provided and have raised this as an issue which has been reflected in the assessment.

- The visibility splays are incorrectly drawn, the necessary splays are over land outside the control of the applicant

The issue has been noted within the DfI Roads response which has requested additional information. These amendments have been sought from the applicant however no information has been received to date to address this.

- Parking provision inadequate

  The site plan submitted with the application indicates 7 parking spaces, with one of these spaces allocated for disabled parking. DfI Roads consultation response has raised no concerns with parking provision within the site.

- The Planning statement provided references business operations of adjacent objector and information from website which have not given consent to be used

  This issue is outside the scope of planning and is a legal/civil matter between the parties.

- The operations of the current development would create nuisance to The Little Green Allotments

  The Little Green Allotments is an outdoor space and does not relate to a sensitive residential receptor, therefore there would be limited planning weight attached to any noise or nuisance created by the development at this facility. It is also noted that the closest allotment would be approximately 50 metres away with an existing building between the retrospective building and allotment site.

- The Planning Statement has indicated no showroom which is contradicted by what has been advertised, particularly through social media

  The plans submitted indicate no showroom, with only a small office where number of visitors would be limited. On site visit no showroom was apparent within the building on site.

- The development does not follow the sustainable approach for economic development in the countryside required under Strategic Policy 12 within the LCCC Plan Strategy

This issue is noted and in this case the operation policies contained within Policies ED4 and ED9 carry more weight.

- The application fails to demonstrate how the development would benefit the local community through employment opportunities

  The application has provided details of the number of people working at the business; however it is considered that in this case it would not outweigh the requirements of the operational policies.

- The development is retail by definition and therefore under Policy ED4 should not be accepted

  It is not considered that this development is retail and principally relates to the manufacture of garden rooms. It is not expected that the office would attract more than occasional customers to the site.

- The application is contrary to Policy ED9 of Plan Strategy (traffic safety, noise and disturbance, water pollution through no consent to discharge

  Consideration against this policy has been considered as part of the overall assessment of the application however would concur that the development would not fully comply with Policy ED9

- The information provided on behalf of the applicant that the building was previously used as a joinery workshop or showroom is heresy.

  The previous planning application on the site for a snooker club includes a reference to 'showroom', with the building control application drawing also referring to 'showroom'. While this may indicate a former use related to the adjacent businesses, the extent and precise nature of this is not clear and that use has since been superseded by the use of the building for the snooker hall.

- The previous use of the premises was solely as a snooker club which never was granted planning permission as it never met conditions form Road Service or NIEA which still remains the case.

  Full details including decision notice and approved drawings for the snooker club approved under S/1985/0151 are not available however the details held on the planning system indicate minimal conditions, one of which relates to the provision of at least 10 car parking spaces to be provided. No further conditions, with the exception of commencement within the stipulated timeframe, appear to have been included. It does include an informative that '*it would be desirable to provide sight splays of*

5 by 60 metres at the access to the public road' however this is not a condition nor is it enforceable. It is not clear from what is on the ground whether the required spaces were provided. The informatives also appear to include that discharge was required however this was through separate legislation. In any event, the application relates to a different development, and the snooker hall no longer operates on the site.

- No traffic has been generated since the snooker hall closed so the retrospective development would result in an intensification of an existing access and require full visibility splays in accordance with DCAN15.

  This point has been noted within the DfI Roads response and has been considered as part of the overall assessment.

- The vehicles using the snooker hall previously (mainly cars) are not comparable with HGVs now using site for current development.

  This point is considered as part of the overall assessment of the application however the HGVs, which are likely to relate to delivery of materials to the site and transport of products off the site, would relate to be different volume of trips compared to the previously approved use.

- Swept path analysis clear shows swept path for larger vehicles would encroach on parking spaces

  This point has been noted within the DfI Roads response and has been considered as part of the overall assessment.

- Impact on natural heritage – through fauna and septic tank

  The application proposes the use of an existing building for the purposes of a joinery workshop. The development does not include demolition of any buildings or removal of any vegetation surrounding the site. Some noise may result from the activities however these are likely to be undertaken inside a building which is of block construction, therefore the majority of noise will be contained within the existing building envelope. The discharge of foul sewage, while this appears to already be in existence from the previous use, has not received the appropriate consent and the sewage system appears to be located outside the control of the applicant, therefore permission for this, and any subsequent maintenance may be challenging. There are no known watercourses identified on or close to the site and discharge point for the septic tank and therefore it has not been shown that this would adversely impact on natural heritage.

- Photos of the site show a skip in what is marked 'Space 1'

This point is noted. Should this application be approved, parking spaces as indicated would be expected to remain clear and would be conditioned as such.

Conclusions

116. For the reasons outlined above, the development would fail to satisfy the requirements of Policies COU16, ED4, ED9, TRA2, TRA7 and WM2 of the LCCC Plan Strategy. Consequently, as the proposal is not one of the types of residential development acceptable in the countryside, it is also contrary to Policy COU1.

Recommendation

117. It is recommended that planning permission is refused.

Refusal Reasons

118. The following reasons for refusal 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 g) and i) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it has not been demonstrated that the provision of non mains sewerage is available or can be provided without significant adverse impact on the environment and access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

- The proposal is contrary to Policy ED4 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, the development if permitted would not represent the redevelopment of an established economic development use in the countryside for employment or business purposes, or a sui generis employment use.

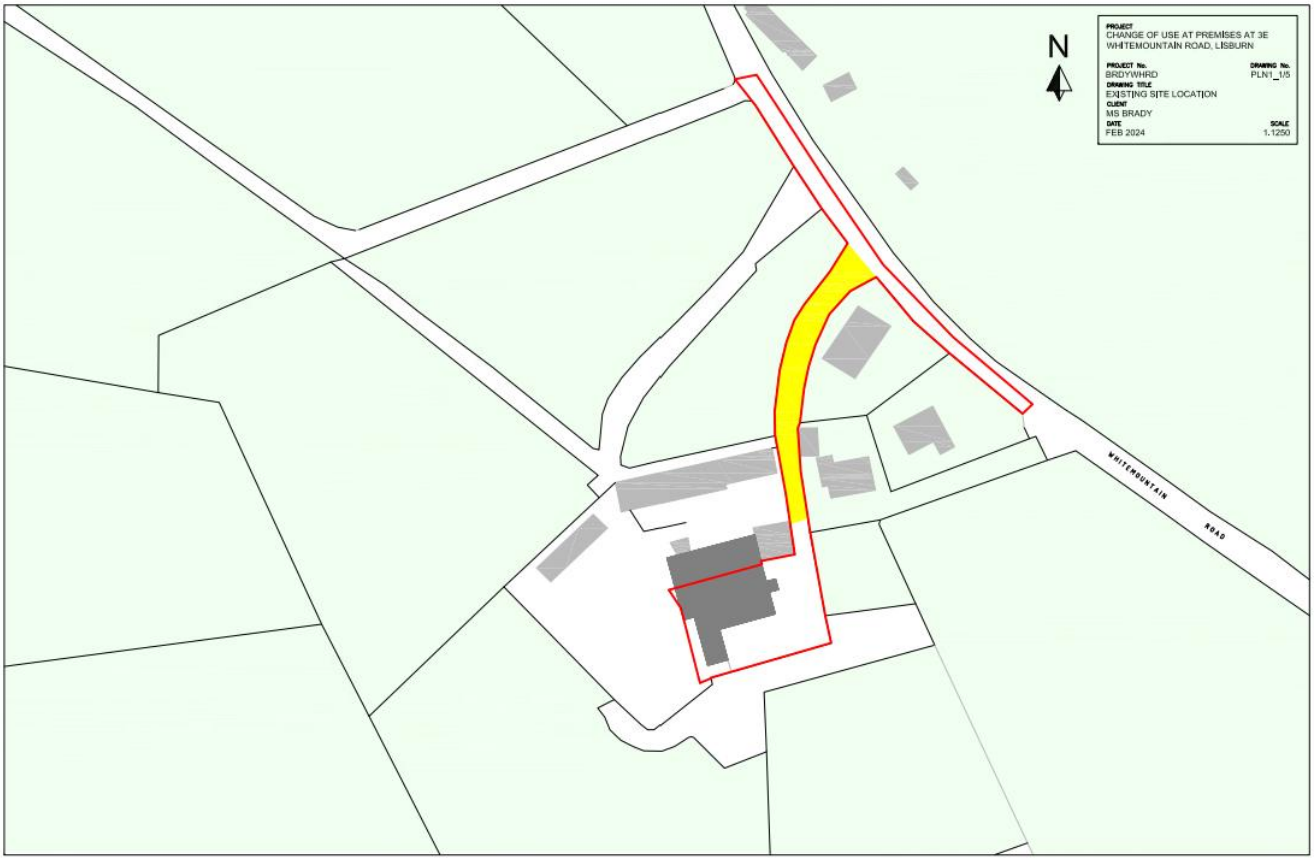
- The proposal is contrary to Criteria e), g) and i) of Policy ED9 of the Lisburn and Castlereagh Plan Strategy 2032 in that it has not been demonstrated that it would not harm the water environment or is capable of dealing satisfactorily with any effluent, and would provide adequate access arrangements, parking and manoeuvring areas within the site.

- The proposal is contrary to Criterion a) of Policy TRA2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated the proposal would not prejudice road safety or significantly inconvenience the flow of vehicles.

- The proposal is contrary to Policy TRA7 of Policy of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not demonstrated that the proposal can provide adequate provision for car parking and appropriate serving arrangements.

- The proposal is contrary to Policy WM2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that, it has not been demonstrated that there is a viable non mains solution for the treatment and disposal of wastewater and there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem.

Site Location Plan – LA05/2024/0327/F



KEY: SHARED LANEWAY SITE

Lisburn & Castlereagh City Council

Planning Committee Report – Addendum	
Date of Committee Meeting	02 November 2026
Committee Interest	Local Application – Called In
Application Reference	LA05/2024/0505/O
Date of Application	24 September 2024
District Electoral Area	Downshire East
Proposal Description	Proposed two replacement dwellings with garages.
Location	40 metres NNE of 80 Ballynahinch Road, Derry, Dromara. BT25 2AL
Representations	0
Case Officer	Michael Vladeanu
Recommendation	**Refusal**

Summary of Recommendation

1. This application was included in the Schedule of Applications for consideration by the Committee on 05 October 2026. The officer's recommendation was to refuse planning permission.

2. After the application was presented and a representation was heard from the planning agent, Members agreed to defer for consideration of the application to allow for a site visit to take place.

3. A site visit took place on 14 October 2026. A separate note of this site visit is provided as part of the papers.

Further Consideration

4. Members were reminded that the site visit was arranged to provide them with an opportunity to observe the proposed development in its context.

5. The Principal Planning Officer stated that the purpose of the site visit was for Members to appraise themselves of the characteristics of the existing building and observe whether it exhibited the characteristics of two dwellings.

6. The Principal Planning Officer with the assistance of a site location, outlined the nature of the proposed development to Members highlighting the applicant's case that the building was historically used as two dwellings.

7. Members observed the existing building, and it was noted the existing building was in three parts.

8. The first part of the building which was the largest of the three parts appeared to have had a chimney which has now been built up with stone as there is a visible difference in the stonework with gaps visible between the two different periods of stonework. The lack of soot on the walls cast further doubt on whether one has ever actually been in situ. It was noted that access to this southern portion of the building was through a large barn-style door opening. Members noted that windows in this portion of the building were not of domestic scale.

9. The middle part and the northern portion of the building showed clear signs of having housed livestock, with existing pens and no physical evidence to suggest they had ever served as former residential dwellings. No internal walls or partitions were observed in either of these rooms.

10. Members noted that the floor of the third part to the northern portion of the building was partially made up of cobble stones. It was also noted that a doorway between rooms two (middle room) and three had been blocked up using concrete blocks and had been plastered on one side.

11. Members also observed that repairs had been carried out to the walls within the building and that the roof had been replaced.

12. Members sought further clarification on the planning history of buildings which sit adjacent to the proposed site. This is set out in the table below at Appendix B.

Conclusions and recommendations

13. No new issues were raised that require officers to revisit the assessment in the previous report and the recommendation remains unchanged. The proposal is still to refuse planning permission for the reasons set out in the original Planning Officer's report.

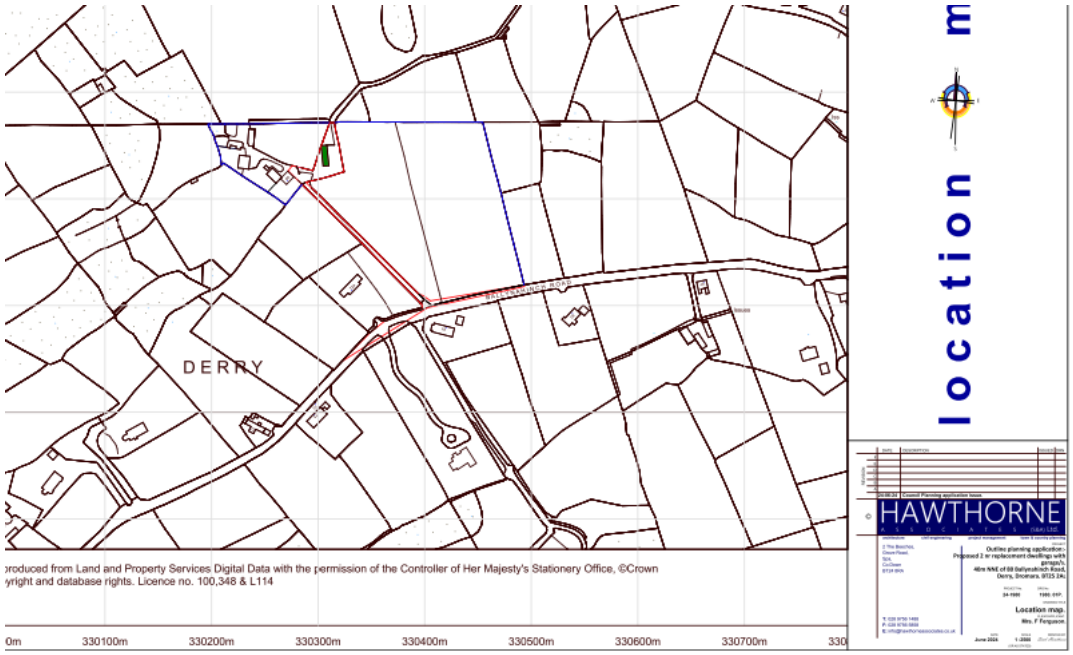
Refusal Reasons

14. The refusal reasons as set out in the main DM officers report are:

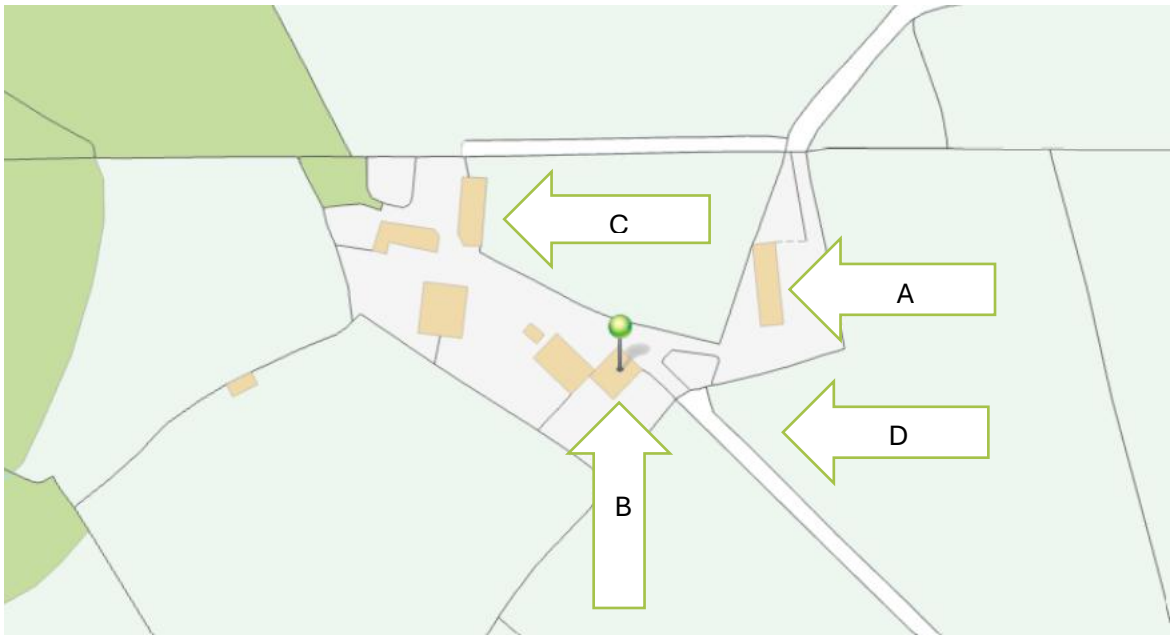
- The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.

- The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Appendix A - Site Location Plan (LA05/2024/0505/O)



Appendix B – Clarification of planning history for the site and surrounding buildings



Site	Address	Proposal	Application ref	Decision/Date
A	Lands located 40 metres NNE of 80 Ballynahinch Road	Outline planning application:- Proposed 2 nr replacement dwellings with garage/s.	LA05/2024/0505/O	Under consideration
B	80 Ballynahinch Road Derry Dromara BT25 2AL	Proposed garage and off site replacement dwelling by 30 metres of dwelling at 80 Ballynahinch Road, Derry, Dromara, BT25 2AL to location 30 metres north of 80 Ballynahinch Road,	LA05/2022/0815/O	Permission Granted 19/01/2024
B	80 Ballynahinch Road Derry Dromara BT25 2AL	Proposed garage and off site replacement dwelling by 30	LA05/2019/0049/O	Permission Granted 02/09/2019

		metres of dwelling at 80 Ballynahinch Road to location 30 metres north of 80 Ballynahinch Road		
B	Site Adjacent to 80 Ballynahinch Road	Replacement dwelling with amended house type previously approved under S/2002/0349	S/2003/0512/F	Permission Granted 20/09/2004 This dwelling was to be sited on top of the building under consideration of current app.
C	50M NNW OF 80 BALLYNAHINCH ROAD DROMARA DERRY DOWN BT25 2AL	Proposed replacement dwelling and garage	LA05/2022/1122/O	Permission Granted 24/07/2025
D	Lands 40 metres s/e of 80 Ballynahinch Road Derry Dromara BT25 2AL	Proposed farm dwelling and garage	LA05/2019/1232/O	Permission Granted 27/02/2022

LISBURN & CASTLEREAGH CITY COUNCIL

- **Report of a Planning Committee Site Visit held at 11.05 am on Wednesday, 14 October 2026 at Lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara.**

PRESENT: Aldermen O Gawith, A Grehan and J Tinsley

Councillors A Martin and N Trimble

IN ATTENDANCE: Principal Planning Officer (PS)
Member Services Officer (EW)

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

- LA05/2024/0505/O – Proposed 2 replacement dwellings with garage/s on Lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara.

In the absence of the Chair, the Vice-Chair, Alderman J Tinsley chaired the meeting which Councillor D J Craig had proposed the deferment of the application for a site visit.

Apologies for non-attendance were submitted by Councillors S Burns, P Catney and J Laverty.

This application had been presented for determination at the meeting of the Planning Committee held on 5 October 2026. The Officer's recommendation had been to refuse planning permission as the proposal is contrary to policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside. The proposal is also contrary to policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of two dwellings.

In response to Members' queries, the Principal Planning Officer advised:

- The existing building should exhibit the characteristics of a dwelling and described to Members the wording of Policy COU3.

The Principal Planning Officer confirmed to Members that no existing floor plan had been submitted with the application and only a site location plan had been submitted with the application.

Members noted that there were three rooms to the existing building, the first part of the building which was the largest of the three rooms appeared to have had a chimney which has now been built up with stone as there is a visible difference in the stone work with gaps visible between the two different periods of stone work, the lack of soot cast further doubt on whether one has ever actually been in situ. It was noted that access to this room was through a double set of doors. Members noted that windows in this room were not of a domestic scale.

Members noted that rooms two and three of the building showed clear signs of having housed livestock, such as pigs and cattle, with no physical evidence to suggest they had ever served as old residential dwellings.

Members noted that the floor of the room three to the northern point of the building was partially made up of cobble stones. It was also noted that a doorway between rooms two and three had been blocked up using concrete blocks and had been plastered on one side.

Members noted that remedial works had been done to the walls of the building, and a new tin roof had been added over time.

Members asked for officers to clarify the planning history of a building to the west of the site.

There being no further business, the site visit was terminated at 11.30 am.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 October 2026
Committee Interest	Local (Called-In)
Application Reference	LA05/2024/0505/O
Date of Application	24 June 2024
District Electoral Area	Downshire East
Proposal Description	Proposed development comprised of two replacement dwellings with garages
Location	Lands located 40 metres north northeast of 80 Ballynahinch Road, Dromara. Co. Down
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

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 has been called in.

2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.

3. The proposal is also contrary to policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of two dwellings.

Description of Site and Surroundings

Site

4. The site is located on the northern side of the Ballynahinch Road set approximately 80 metres back from the edge of the road. It is accessed via a

private lane which serves another dwelling and is bounded on all sides by mature vegetation and a post and wire fence.

5. Within the site is a single storey building comprised of stone walls, wooden fenestration and corrugated metal sheeting roofing. The building has several openings to the front and rear elevations.

6. Following internal inspection, the building appeared to be in agricultural use. Agricultural equipment and stored materials were observed within the southern portion of the building with no internal walls present and there was no clearly identifiable fireplace, hearth or internal chimney arrangement. The middle and northern portions contained concrete agricultural pens, and it was observed that a doorway linking these portions had been blocked up by brickwork. Internally, the building largely comprised exposed stone walls and there were no evident internal partition walls defining individual domestic rooms. No furniture or other readily identifiable domestic features were observed and there was no clearly identifiable fireplace, hearth or internal/external chimney present. The southern section contained a large barn-style door opening and a small window opening on the front elevation, while other window and door openings to the front and rear elevations were evident throughout the building, some of which had been subsequently blocked up.

Surroundings

7. The site is located within the countryside, and the surroundings area primarily rural in character. A residential dwelling and associated outbuildings are located directly west of the application site.

Proposed Development

8. This application seeks outline permission to demolish an existing building and erect two replacement buildings with garages.

9. The following additional information has been submitted in support of the application:

- Application form
- Planning Support Statement
- Support Document
- NI Biodiversity Checklist & Extended Ecological Statement, ATECNI, updated June 2024
- Support Information, ATECNI, dated 11 June 2024
- Emergence Bat Survey, Black Dog Ecology, dated September 2025
- Site Location Plan

Relevant Planning History

10. The following planning history associated with the site is set out in the table below:

Reference Number	Description	Location	Decision
S/2000/1438/O	Site for dwelling	Adjacent to 80 Ballynahinch Road Dromara Dromore	Refused
S/2002/0349/F	Replacement Dwelling	80 Ballynahinch Road, Derry, Dromara, Northern Ireland, BT25 2AL	Approved
S/2003/0512/F	Replacement dwelling with amended house type previously approved under S/2002/0349	Site adjacent to 80 Ballynahinch Road, Dromara	Approved

11. It is noted that planning permission S/2002/0349/F approved an off-site replacement dwelling. The proposed building subject to be replaced under this application was intended to be removed to accommodate the replacement dwelling as part of the S/2002/0349/F application.

Consultations

12. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA Natural Environment Division (NED)	No objection
NIEA Water Management Unit (WMU)	No objection
Historic Environment Division (HED)	No objection
Shared Environmental Services (SES)	No objection

Representations

13. No representations have been received on this proposal.

Local Development Plan

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

Plan Strategy 2032

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

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

16. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.

17. The site is located in the countryside in the Lisburn Area Plan (LAP). In both draft BMAP (2004) and subsequent revision to the draft (2014) this site was also located the open countryside.

18. 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.

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

20. The proposal is for a replacement dwelling. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

21. 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

22. Policy COU3 – Replacement Dwellings states:

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

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

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13. In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

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

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that

an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Integration and Design of Buildings in the Countryside

23. 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

24. 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.

Access and Transport

25. The proposal requires the alteration of an existing access ono 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.

26. The justification and amplification states:

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

Natural Heritage

27. 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.

28. 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 overrising public interest; and
c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
d) compensatory measures are agreed and fully secured.
National Protected Species

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

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

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

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

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

Waste Management

30. A 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.

Integrated Renewable Energy

31. The most recent edition of the SPPS (Edition 2 December 2025) advises that in plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which

integrates renewable energy technology including micro- generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

Regional Policy

32. The SPPS edition 2 was published in December 2025. 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 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

34. This proposal is for replacement dwellings. 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.

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

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

36. Paragraph 6.232 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

Retained Regional Guidance

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

Building on Tradition

38. 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.

39. 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.

40. 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).*

41. 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.*

42. 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

43. The first step of the policy test of policy COU3 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.

44. The agent has submitted a supporting document with various Griffith valuation ledgers, map extracts and census returns. The valuation ledgers detail that the proposal site incorporates site 36a and 36b. An overview of the detail is provided below:

Reference	**Date**	**Occupiers & Description of Tenant**
PRONI VAL/12/B/20/9A	1865 – 1879	36 (land) Robert Rodgers
PRONI VAL/12/B/20/9B	1880 – 1892	36a (House) – John Browne 36b (House) – John Stafford
PRONI VAL/12/B/20/9C	1893 – 1908	36a (House) – Browne 36b (House) – John Stafford
PRONI VAL/12/B/20/9D	1909 – 1929	36a (House) – James Trousdale 36b (not detailed) – James Trousdale

45. The support document also provides an extract from the historic map viewer dated 1916 which would appear to show the building in situ as well as John Stafford and David Gray family 1901 & 1911 Census return-party copy extract.

46. Policy COU3 outlines that for the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings. Taking the above information into account, it would appear that the building on site was used as a dwelling at one point however policy COU3 requires that the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

47. The justification & amplification of this policy states:

> *The essential characteristics of a dwelling includes original features such as doors/ window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.*

48. The applicant seeks permission for two replacement dwellings at the site. All external structural walls are substantially intact and the building is divided into three distinct sections, and the applicant has not clearly demonstrated which section relates to each replacement dwelling as proposed.

49. In respect of the southernmost section of the building, the applicant has submitted photographs which are stated to show evidence of a former chimney/fireplace together with domestic-scale openings. The internal photographs submitted do not clearly demonstrate the presence of a fireplace,

hearth or chimney arrangement and no internal partitions defining individual rooms are evident.

50. Furthermore, the southernmost section is characterised externally by a large barn-style door opening and a single small window opening and presents as an agricultural outbuilding rather than a dwelling. Whilst the small window opening may be of a domestic scale, this feature alone does not demonstrate that the building has the essential characteristics of a dwelling.

51. Regarding the middle section of the building whilst an opening appears to have existed between this section and the northernmost section of the building, this has been subsequently blocked up. The section displays clear evidence of agricultural use, including the presence of cattle pens. No internal partitions defining individual rooms are evident, nor is there any evidence of a fireplace, chimney or other domestic features. Whilst some openings remain within the external walls, officers are not satisfied that these features, either individually or cumulatively, demonstrate that this section presently exhibits the essential characteristics of a dwelling.

52. The northernmost section of the building similarly displays characteristics associated with agricultural use, including the presence of cattle pens. The gable wall contains no evidence of a chimney, fireplace or flue and a number of openings have been blocked up. No internal partitions defining individual rooms are evident. Having regard to the overall appearance and condition of this section, officers consider that it presents as an agricultural building and are not satisfied that it presently exhibits the essential characteristics of a dwelling as required by policy COU3.

53. The building whilst substantially intact with all four walls and roof remaining, is considered to be an agricultural outbuilding.

54. Policy COU3 refers to the retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside which will be encouraged in preference to their replacement in accordance with Policies COU4 and HE13. This part of the policy is not engaged as it has been considered that the building does not exhibit the essential characteristics of a dwelling and is considered to be an agricultural outbuilding.

55. Taking account of all of the information submitted, including the Griffiths Valuation Records, historic mapping, census records and additional photographic evidence, officers accept that the building may have been used as a dwelling in the past. However, policy COU3 requires that the building to be replaced presently exhibits the essential characteristics of a dwelling. Whilst certain features identified by the applicant have been considered, the building as a whole displays clear evidence of having been adapted for agricultural purposes. The southern section is characterised by a large barn-style door opening and lacks internal room divisions. The middle and northern sections contain cattle pens and similarly lack internal partitions defining individual rooms, fireplaces, chimneys or other readily identifiable domestic features, and

as such for these reasons it is considered that the building presently does not exhibit the essential characteristics of one or more dwellings as required by policy COU3 and the tests associated with COU3 are not met.

56. Turning to the criterion that are applied to all replacement cases, the proposed replacement dwellings are required to be sited within the established curtilage of the existing building.

57. During the site visit, the site was observed to be enclosed on all sides by post and wire fencing and accessed via an agricultural field gate. The building's curtilage appears to comprise the grassed areas to the front, side and rear, with the post and wire fencing defining its extent. Although no indicative site layout plan has been submitted, the red line is drawn tightly around the site boundary and access. If approval were recommended, a condition could require the dwellings to be accommodated within the existing enclosed site. On this basis, criterion (a) is considered to be met.

58. As the application seeks outline permission, no detailed siting or design proposals have been submitted at this stage.

59. In relation to criterion (b), the site is set back approximately 159 metres from Ballynahinch Road. Although the land rises from the roadside, the application site itself is relatively level and is partly screened by existing boundary vegetation. The site would also not be readily visible from Mullaghdrin Road East due to intervening topography and vegetation. Any views of the replacement development would be read against the backdrop of mature vegetation surrounding the site and the existing dwelling at 80 Ballynahinch Road.

60. The existing building is single storey and has a footprint of approximately 115.8 square metres. While no indicative layout or scale has been provided, the scale and footprint of the existing building are sufficient to accommodate two modest single storey dwellings within the site. The supplementary planning guidance to the Plan Strategy identifies a minimum floorspace of 35 square metres for a single storey one-person/one-bedroom dwelling and 50 square metres for a two-person/one-bedroom dwelling. On this basis, the existing building has sufficient floorspace to accommodate two modest dwellings without requiring a scale of development that would appear materially greater than the existing building.

61. Having regard to the existing building's scale, the level nature of the site, the surrounding mature vegetation and the existing built context, it is considered that two dwellings could be accommodated without resulting in a visual impact significantly greater than the existing building. The precise siting, scale and design could be controlled at reserved matters stage. Criterion (b) is therefore capable of being met.

62. As explained earlier, this is an outline application, and no design details have been submitted. That said and without prejudice to the view expressed in

relation to principle of development, a new dwelling could be designed to be of high quality appropriate to the rural setting at this location. For this reason, criterion (c) is capable of being met.

63. For the reasons outlined above, the proposal is contrary to Policy COU3 in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Integration and Design of Buildings in the Countryside

64. Criterion (a) of Policy COU15 requires new buildings in the countryside not to be prominent features in the landscape. Having regard to the siting of the proposal, its partial screening by existing boundary vegetation, which can be conditioned to be retained and its relationship with existing buildings, it is unlikely that two replacement dwellings would be prominent in the landscape. Criterion (a) is therefore considered to be met.

65. The replacement dwellings would be sited to cluster with the existing dwelling and outbuildings associated with 80 Ballynahinch Road directly west of the site. Criterion (b) is therefore considered to be met.

66. Whilst no landscaping plan has been provided it is considered that criterions (c), (d) & (e) could be met in that, the site is bounded by existing natural mature vegetation which could be conditioned to be retained and the existing development to west of the proposal building afford sufficient screening to help any new development to integrate into the existing landscape.

67. Whilst this is an outline application and no design details have been provided, it is considered that a dwelling could be designed to be appropriate to this rural location. Criterion (f) is capable of being met.

68. Having regard to the topography of the site, it is considered that any ancillary works associated with the development could be designed so as to integrate with their surroundings. All the other ancillary works associated with the installation of a septic tank/treatment plant underground and connecting to existing overhead utilities which are an existing feature of the landscape would be minimal as they are exhibited in close proximity to the site thus criteria (g) is capable of being met.

69. In light of the above, it is considered that the proposal meets the requirements of Policy COU15.

Rural Character and Other Criteria

70. For the reasons outlined above at paragraph 60, it is considered that two replacement dwellings if approved, could be designed so as to not appear

unduly prominent in the landscape. Criterion (a) is capable of being met.

71. Again, for the reasons outlined within the context of Policy COU15, a new dwelling if approved would cluster with an established group of buildings and as such, criterion (b) is capable of being met.

72. In terms of criteria (c), a suitably designed proposal would be capable of respecting the traditional pattern of settlement exhibited within the area as the building can be replaced in-situ.

73. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside. The site is sufficiently removed from any surrounding settlement limit.

74. For the reasons outlined earlier in the report a suitably design pair of dwellings could be accommodated at the site without causing harm to the rural character of the area. Criterion (e) is capable of being met.

75. The closest neighbouring dwelling is located at 80 Ballynahinch Road approximately 32 metres from the application building to which it is separated from by an agricultural field and boundary vegetation. Given this separation distance, intervening vegetation and a suitable designed dwelling with appropriate window placement it is considered that the development could be accommodated without having an adverse impact on residential amenity. Criterion (f) is capable of being met.

76. During site inspection and on review of detail provided on the P1 Form it is concluded that criterions (g) and (h) can be met in that, all of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created, nor will any ancillary works harm the rural character at this location. Water Management Unit and EHO have both been consulted on the proposal and have raised no objections to the proposal.

77. Criterion (i) has been adhered to in that, DfI Roads have been consulted and offer no objection to the proposed development.

78. It is considered that the proposal complies with policy COU16.

Access and Transport

79. The application form details that the proposal is required to alter an existing access onto a public road. It is noted that the Ballynahinch Road is not a Protected Route.

80. DfI Roads have been consulted and offer no objection subject to standard conditions.

81. Having regard to the detail of the application and advice from Dfl Roads, it is considered that the proposal will not prejudice road safety or inconvenience the flow of vehicles. The policy requirements of Policy TRA2 can be met

Natural Heritage

82. A Biodiversity Checklist and Extended Ecological Statement and an Emergence Bat Survey has been submitted in support of the application. NED have been consulted on the application and in their last consultation response dated 20 January 2026 advise that they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions. SES have also been consulted on the applicant and state that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

83. Officers have no reason to disagree with the advice from the consultees and as such it is considered that the proposal complies with policy NH2 and NH5 of the Plan Strategy and the proposed development will not result in an unacceptable adverse impact on or damage to habitats, species or features of Natural Heritage Importance.

Waste Management

84. Turning to Policy WM2, the application form details that water connection would be through the public mains, that the storm water would be disposed of via soakaway/sustainable drainage system and that the foul would be disposed of via a package treatment plant/septic tank.

85. Environmental Health were consulted and offer no objections and advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.

86. Consideration of flood risk is included as a criterion for assessment in policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

87. It is considered that the proposal would not create or add to a pollution problem or create or add to flood risk. The proposal complies with policy WM2.

Integrated Renewable Energy

88. Policy RE2 of the Plan Strategy supports development proposals which integrate renewable energy technologies into their design, layout and siting, where appropriate.

89. Officers would consider that the proposed dwellings would be subject to the latest revision to the building control regulations which requires the applicant to incorporate low carbon technologies. Should other renewal energy proposals come forward once the dwellings are built, the applicant has an opportunity to use the permitted development to integrate renewable energy and low carbon technologies. For these reasons it is considered that the proposal is capable of meeting the requirements of policy RE2.

Conclusions

90. For the reasons outlined above, the proposed development fails to satisfy the requirements of policies COU1 and COU3 of the Lisburn & Castlereagh Plan Strategy.

Recommendations

91. It is recommended that planning permission is refused.

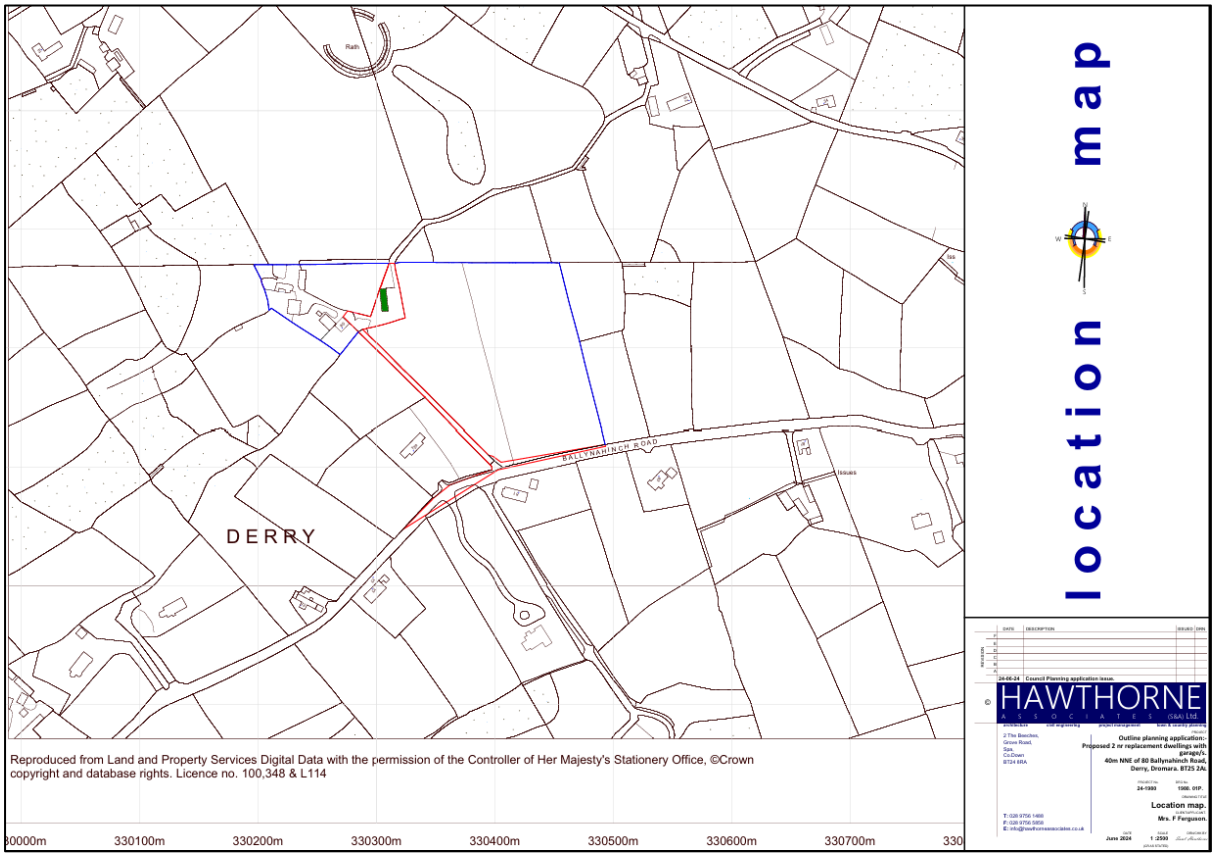
Refusal Reasons

92. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn & 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 Policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Site Location Plan – LA05/2024/0505/O



Lisburn & Castlereagh City Council

Council/ Committee	Planning Committee
Date of Committee Meeting	2 November 2026
Committee Interest	Local Application
Application Reference	LA05/2026/0390/F
District Electoral Area	Downshire West
Proposal Description	The Village Centre Community Centre, 7 Ballynahinch Road, Hillsborough, BT26 6AR
Location	Proposed car park to be located at the Hillsborough Visitor Centre, with the proposed car parking spaces to be located around the playing fields to the north side of the site. The proposal will include a total of 53 car parking spaces on site, Including: 44 Regular Parking Spaces, 2 Disabled Access Spaces, 3 Parent and Child Spaces and 4 EV charging spaces with associated landscaping and other associated ancillary works and 5 new external LED lights mounted on 6m steel columns. Lighting will be sensor controlled to reduce light levels when not in use and to switch off lighting outside curfew hours.
Representations	No representations received.
Case Officer	Jade Gillespie.
Recommendation	Approve.

Summary of Recommendation

1. As this is an application submitted by the Council it is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee as a mandatory application.

2. The application is recommended for approval as it complies with the requirements of policies CF02, OS1, TRA1, TRA2 and TRA7 of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy).

3. In examination of the detail of the submitted plana and associated supporting document it has been demonstrated that the proposed extension to the existing car park with associated landscaping and ancillary works would not result in unacceptable harm to the operation of the established community facility, a loss

of open space or cause any adverse impact in relation to the operation of the road network.

Description of Site and Surroundings

Site

4. The application site resides within the grounds of Hillsborough Village Centre, sitting to the northeast of the Village Centre building. It is noted that the Village Centre also shares its grounds with Downshire Primary School.

5. This application comprises the lands directly to the east and south of the existing all-weather pitch. The land to the east of the pitch comprises of an existing section of car park which is accessible via the existing access road within the grounds. Surrounding the car park is a grass area with trees.

6. The part of the site, which is located to the south of the all-weather pitch comprises of a hard standing path with benches and another area of grass with trees and shrubs planted. In this section of the application site, there is an existing mesh wire fence running from the rear wall of the Village Centre to the mesh wire fencing surrounding the all-weather pitch.

7. Due to its location within the grounds of the Village Centre, the application shares some of its boundaries with the wider grounds. The northern and eastern boundary of the application site comprises of mesh wire fencing, hedging and trees. The western boundary of the site is not fully defined but also includes the mesh wire fence of the all-weather pitch. The southern boundary of the application site is undefined.

8. In relation to the land to the east of the all-weather pitch, the car park is predominantly level in gradient, however the grass area surrounding it slopes downwards from the fence line towards the car park. The land directly south of the all-weather pitch is also level in gradient. This includes the hard standing path and part of the grass area. The remaining part of the grassed area slopes downwards in a southernly direction toward the Village Centre building.

Surroundings

9. The land to the north of the application site comprises of an agricultural field and beyond this is the open countryside. To the west and east of the site the area is primarily residential use with detached, semi-detached and terraced dwellings of varying age, scale and design. To the south the area has a mix of residential, retail, business and community uses.

Proposed Development

10. This application seeks planning permission for an extension to an existing car park to be located at the Hillsborough Visitor Centre.

11. The 53 car parking spaces are proposed around the playing fields to the north side of the site and are a mix of44 standard parking spaces, 2 disabled access spaces, 3 parent and child spaces and 4 EV charging spaces. Ancillary works are also proposed with associated landscaping and the erection of 5 new external LED lights mounted on 6 metre steel columns.

12. The details of the proposed associated landscaping/ other ancillary works are detailed below:

- 14no trees in total are proposed to be removed to accommodate this proposal. 28no trees of varying species will be replanted.

- 2no existing bins to the south of the all-weather pitch will be retained. 1no new bin is proposed to this same area.

- As noted in the description of the site above, there is an existing mesh wire fence located to the south of the all-weather pitch which runs southwards towards the rear elevation of the Village Centre. A section of this fence, which includes a gate, is proposed to be removed and relocated. The plans show that this fencing will be relocated to reside parallel to the all-weather pitch and then travel north to connect to the existing fencing around the all-weather pitch. The fencing will essentially surround this section of the new car park. The existing gate is proposed to be relocated within the fencing at the end of the car park.

- 4no benches to the south of the all-weather pitch are proposed to be relocated. 3no of these will be moved generally south of their existing location. The remaining bench will be relocated to the west, beyond the relocated fencing.

- The plans note that there is an existing retaining wall to the east of the all-weather pitch. This wall also has some railings located on top of it. The wall and railings will be extended to accommodate this section of the new car park. The wall and railings will be extended by a width of approximately 5.23 metres. The ground surrounding car park to the east of the all-weather pitch will be downwards sloping from the north, east and south. Amenity grass seeding is proposed here. At the corner of the all-weather pitch, beside parking space no.36, amenity grass seeding is also proposed.

- 5no cycle parking stands are also proposed to the south of the all-weather pitch, to the left of the zebra crossing.

Relevant Planning History

13. The following planning history is relevant to this application:

Reference	Address	Description	Decision

S/2011/0788/F	Hillsborough Village Centre, 7 Ballynahinch Road, Hillsborough	Extension to existing community centre and provision of all-weather playing surface on existing playing field with additional car parking.	Permission granted.

Consultations

14. The following were consulted on this application. Their responses are detailed as follows:

Consultee	Response
Dfl Roads	No objection
LCCC Environmental Health	No objection
LCCC Tree Officer	No objection

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

Plan Strategy 2032

16. Lisburn and Castlereagh City Council adopted their Local Development Plan 2032 Plan Strategy in September 2023.

17. The Council's adopted Plan Strategy provides a 15-year framework to support the economic and social needs in line with regional strategies and policies, while providing for the delivery of sustainable development.

18. The Plan Strategy is divided into two parts over two documents.

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

20. *'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.

21. *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.*

22. *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 Lisburn Area Plan 2001 (LAP). Draft BMAP remains a material consideration.

24. The application site is located within the settlement limits of Hillsborough as defined with the Lisburn Area Plan (2001). No additional designations are applied to the site in draft BMAP.

Part 1: Plan Strategy 2032

25. The proposed the following Strategic Policies are considered relevant to this planning application:

26. It is stated in Strategic Policy 01 Sustainable Development 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. It is stated in Strategic Policy 05 Good Design and Positive Place-Making 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. It is stated in Strategic Policy 10 Education, Health, Community and Culture that:

The Plan will support development proposals that:

a) meet an identified need for services and facilities across the Council area

b) cater for expansion of existing facilities to meet the anticipated needs of the community in terms of health, education, community and cultural services

29. It is stated in Strategic Policy 17 Open Space, Sport and Outdoor Recreation that:

The Plan will support development proposals that:

a) protect and enhance existing open space and provide new open space provision

b) support and protect a network of accessible green and blue infrastructure

c) support and promote the development of strategic and community greenways.

Part 2: Plan Strategy 2032

The following Operational Policies are considered relevant to this planning application.

30. The proposed development provides additional parking at an established community facility. It is stated in CF02 Protection of a Local Community Facility that:

Planning permission will be granted for the change of use or redevelopment of existing community facilities or land identified for such purposes in the Local Development Plan in the following circumstances:

a) for the change of use or redevelopment of a building used, or last used as a local community facility where it is demonstrated to the satisfaction of the Council that its loss would not result in a deficit in community facilities in the local area

b) for the development of land identified within the Local Development Plan for the provision of education, health, community uses or cultural facilities to an alternative use where it is demonstrated to the satisfaction of the Council that the loss of the land would not result in a deficit in community facilities in the local area.

OS1 Protection of Open Space

31. The proposed car parking is on land which is existing open space. It is stated in policy OS1 Protection of Open Space that:

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

32. An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area in either of the following circumstances:

a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality
b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility.

33. Additional parking is proposed to serve an existing use. It is stated in policy TRA1 Creating an Accessible Environment 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.

34. 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.

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

36. The proposed development facilitates additional parking and has the potential intensify the use of an existing access. PolicyTRA2 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.

37. *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*.

Regional Policy and Guidance

38. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy and it is stated at paragraph 1.5 that:

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

39. Paragraph 3.8 of the SPPS Edition 2 states:

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

40. Paragraph 4.12 of the SPPS Edition 2 states:

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

41. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and

water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

42. Paragraph 4.26 of the SPPS Edition 2 that:

Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest. Appropriate and adequate amenity space, especially in residential
developments (including unconventional solutions), is an important element of
good design.

43. Paragraph 6.232 of the SPPS Edition 2 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

44. 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.

Assessment

45. This application proposes the extension to an existing carpark at Hillsborough Village Centre which is a local community facility. It is stated in the justification and amplification of policy CF02 that:

Local community facilities protect the vitality of an area, increase its sense of community and reduce the need to travel to alternative provisions.

46. It is not proposed to redevelop the existing buildings and the extension to the car park is not on land zoned for a local community facility. For these reasons the proposal is in accordance with policy CF02 and The extension to the existing car park will meet the wider objective of protecting the vitality of the area by increasing accessibility to the village centre and thereby increasing its sense of community.

OS1 Protection of Open Space

47. As detailed above, the application site resides on land that is designated as open space within the open space designation and includes the all-weather pitch which resides within the red line of the application site, and another grass pitch to the west.

48. The majority of the application site is designated as open space in the Local Development Plan, with a small section taken out where the existing car park resides.

49. It is not considered that criteria a) of policy OS1 is applicable in this instance.

50. The proposal makes no alteration to the existing all-weather pitch, the grass pitch or the Village Centre building. Instead, the proposal relates to the land surrounding the all-weather pitch to the east and the south.

51. The application proposes the extension of an existing car park with associated landscaping and ancillary works to further facilitate the use and accessibility of the Village Centre and its associated pitches.

52. It is the intention of this proposal to enhance the existing facility however, this will require a small reduction in part of the land that is designated as open space. As mentioned above, the proposal makes no change to the existing all-weather pitch, the grass pitch or the Village Centre. Given the nature of the proposal and its location, it is not considered to have an adverse impact on the sporting potential of the facility.

53. It is considered that the proposal would result in community benefits and will meet the wider objective of protecting the vitality of the area by increasing accessibility to the village centre and thereby increasing its sense of community.

54. The closest residential neighbours to the application site are No's 2, 4A, 6, 6A and 8 Carnreagh Road. Within the lifespan of this application, no objections have been received to this proposal. These neighbours reside on the opposite side of the road from the application site.

55. The proposal includes the extension of an existing car park with associated landscaping and ancillary works. There are already boundary treatments along the eastern boundary of the site in the form of hedging and trees which provide a degree of screening of the site to these neighbouring properties. The plans show that further tree planting is proposed within the eastern section of the site, which in turn is considered to increase the degree of screening.

56. The proposal is not considered to be capable of causing loss of privacy, loss of light, overshadowing or the appearance of being overbearing to any of these neighbours. Furthermore, no buildings are included within this proposal. The proposed extension of the car park is considered to have the potential to

generate more noise and disturbance in the form of more traffic and people using the site at one time.

57. However, it is considered that the use of the new car park will coincide with the use of the Village Centre and so there will be no operation at unsociable hours.

58. It is also acknowledged that this area is already used as a car park and it is considered that any further noise or disturbance caused as a result of this proposal being implemented would not be so significant to harm the amenity of the amenity of the neighbouring properties. The proposal also includes the erection of 5no new lighting columns to facilitate the use of the car park.

59. The Council's Environmental Health team have reviewed this element of the proposal. In their response dated 11 September 2026, Environmental Health have determined that the lighting will not have an acceptable impact on the amenity of neighbouring occupiers subject to conditions.

60. As mentioned, this proposal is for an extension to an existing car park. The proposal is found to be in keeping with the character of wider Village Centre/ School grounds. The proposal includes an acceptable amount of landscaping and other associated works so that the proposal successfully integrates with the rest of the site.

61. The Council's tree officer has been consulted on this application given that the land to the north of the application site is covered by a Tree Protection Order (TPO). In their response dated 7 July 2026, the tree officer details that the proposal will have no impact on the TPO trees to the north of the site.

62. They further detail that they are content with the proposed removal of the existing trees on the application site as they are not TPO protected, nor do they reside within a conservation area. The submitted planting schedule indicates that there will be a surplus of new trees planted in comparison to the number of trees removed. The trees to be planted will include a variety of species.

63. Given its nature, this proposal is assessed as in compliance with the requirements of criteria b) of policy OS1.

Ancillary Works

64. The proposal includes a number of ancillary works in association with the extension of the existing carpark.

65. A planting schedule has been included in this submission and includes the number and species of trees to be planted in the areas surrounding the carpark. The application includes surplus of planting in contrast to the trees to be removed. 1no new bin is proposed within the application which will assist in the upkeep of the area.

66. Some sections of existing fencing and gates are proposed to be relocated. These elements of the proposal will allow for effective definition of the new carpark from the wider grounds. The relocation of the existing benches is considered acceptable as they will continue to encourage use of the area.

67. The works to the existing retaining wall and railings are considered modest as they will be a continuation of the existing structures and will be developed with the same scaling. The proposed amenity grass seeding is also acceptable.

68. 5no cycle parking stands and included within the proposal. These will encourage active travel to the site. DfI Roads have raised no objection to these stands.

69. The new lighting columns are considered to be appropriate in their scaling, design and position and will assist in further use of the grounds. Environmental Heath have reviewed this element of the proposal and have raised no objection. In conclusion, the ancillary works associated with this proposal have been found to be acceptable.

TRA1 Creating an Accessible Environment

70. The plans indicate that the proposed car park will provide 53 car parking spaces on site, Including: 44 standard parking spaces, 2 Disabled Access Spaces, 3 Parent and Child Spaces.

71. The topography of the site is predominantly level in throughout. It is also annotated on the plans that the pedestrian crossing will be level with the access ramp. It is considered that the proposal has been developed with facilitating accessibility in mind. The proposal is found to be compliant with criteria a) of policy TRA1.

72. This proposal has been designed to facilitate user friendly and convenient movement within the car park and its surrounding pathways. Additional lighting is also proposed which will allow this area to be used for longer. Criteria b) of policy TRA1 has been met.

73. While this proposal is for a car park, consideration has been given to pedestrian and cyclist movement within this space. A pedestrian crossing is included within the proposal and there are pathways within the application site which do facilitate pedestrian movement. Within the proposal, a cycle parking stand is also included which facilitates this form of travel to the site. It is considered that criteria c) of policy TRA1 is met.

74. The proposal includes the creation of 2no disabled spaces and 3no parent and child spaces. 4no EV spaces are also proposed. It is considered that the proposal has been inclusively designed to facilitate the use of the space of different types of users. Criteria d) of policy TRA1 has been met.

TRA2 Access to Public Roads

75. Providing more parking will result in the intensification of the use of the existing access.

76. A one-way system operates within the grounds. The exit is located on Carnreagh Road. The entrance is wide enough to accommodate a single vehicle entering the site however the exit is wider and allows 2no cars to sit almost side by side before emerging onto the Carnreagh Road. The access is divided for cars turning right or left. The exit from the wider grounds is included in the red line of the application site, residing in the southern section.

77. DfI Roads have been consulted on this application. In their final response dated 30 September 2026, they raise no objection to the proposal subject to conditions.

78. Having considered the advice offered by DfI and while it is acknowledged that the proposal would result in an intensification of the existing exit, no road safety or traffic progression concerns are raised that would suggest significant inconvenience to road users.

79. A review of Personal Injury Collision (PIC) data for the most recent five-year period (2021 – 2026) indicates that no recorded injury collisions have occurred in the vicinity of the site accesses.

80. The development will also support the ongoing regeneration of Royal Hillsborough and will meet an identified parking need associated with wider public realm improvements,

81. Criteria a) of policy TRA2 has been met.

82. The Carnreagh Road where the existing exit is, is not a protected route and therefore there is no conflict with policy TRA3. Criteria b) of policy TRA2 has been met.

TRA7 Car Parking and Servicing Arrangements in New Developments

83. This application includes the submission of a transport assessment form (TAF).

84. The application site currently operates as an established public car park serving the adjacent community centre and sports facilities. The proposal does not constitute a new development, instead seeks to extend and formalise the existing parking provision through an increase from 12 (extant permission for 35) to 53 parking spaces.

85. The additional 18 spaces beyond the extant permission will support the wider aspirations of the Public Realm scheme and reduce the existing burden on on-street car parking.

86. DfI Roads reviewed the submitted Transport Assessment and confirmed that it had no objection to the proposal. The proposal therefore complies with the requirements of Policy TRA7.

Conclusions and Recommendation

87. Following a site inspection and an assessment of the relevant planning policies described above and all other material considerations, it is recommended that the application is approved, subject to the condition specified below). It is not perceived that the proposal would cause demonstrable harm to any interests of acknowledged importance.

Conditions

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 hard surfaced areas shall generally be constructed in accordance with the approved Layout Drawing No. 03A published on the Planning Portal by LCCC Planning Service on the 3rd September 2026, to provide adequate facilities for the parking and circulation of vehicles 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 in connection with the site.

   Reason: To ensure that adequate provision has been made for parking and manoeuvering of vehicles within the site.

3. Accessible and secure cycle parking shall be provided in accordance with the approved layout Drawing No.03A published on the Planning Portal by the LCCC Planning Service on the 3rd September 2026.

   Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

4. Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E2 (Rural). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

5. The hours of operation of external lighting shall not exceed 07:00 to 23:00 on any day of the week.

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

6. 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.

7. No retained tree as identified on Drawing No. 04 uploaded to the planning portal 10 August 2026 shall be cut down, uprooted or destroyed or have its roots damaged. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

8. The proposed landscaping should be carried out in accordance with the Drawing No. 04 uploaded to the planning portal 10 August 2026.

   Reason: To ensure the sustainability and successful establishment and development of all landscape works within the site.

Site Location Plan – LA05/2026/0390/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	02 November 2026
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2026/0518/F
Proposal Description	Expansion of existing allotment business and retention of existing shed.
Location	Lands approximately. 150 metres to the west of 3a White Mountain Road, Lisburn
Representations	Two
Case Officer	Catherine Gray
Recommendation	**Approval**

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.

2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policy COU1 of Lisburn & Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the expansion of the existing allotment business layout and design is acceptable in the countryside and will contribute to the aims of sustainable development.

3. The proposal complies with Policy OS 6 in that it would have no adverse impact on features of natural or historic environment, there is no adverse impact on visual amenity or the character of the local landscape, and the development can be readily absorbed into the landscape. It would have no adverse impact on the amenities of people living nearby and the ancillary building is designed to a high standard taking into account the needs of people with disabilities. It is of appropriate scale to the local area and is sympathetic to the surrounding environment. Public safety would not be prejudiced by the proposal, and the development is compatible with other countryside uses.

4. The development will also integrate sympathetically with their surroundings and encompass an appropriate design, in accordance with Policy COU15.

5. The development will not cause a detrimental change to, or further erode the rural character of an area, and will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance/ loss of light, in accordance with Policy COU16.

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

8. The proposal complies with policies NH1, NH2 and NH5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known priority habitats, species or features of Natural Heritage Importance.

9. The proposed development complies with policy tests set out in policy FLD 3 of the Plan Strategy in that the detail demonstrates that the development does not pose flood risk in relation to surface water.

Description of Site and Surroundings

Site

10. The application site is located to the south western side of the Whitemountain Road. It is accessed via an existing laneway.

11. The application site incorporates a large yard/parking area, two buildings, one positioned within the existing parking area and the other which is the subject of this application is positioned north east of the parking area and is set at a lower level with pedestrian access within the red line of the application site and with vehicular access partially through an existing gravelled laneway outside of the application site, and within the red line it also includes an area of grassed land south of where the shed is positioned.

12. The Whitemountain Road is set at a higher level than the site. The land levels drop as you move along the laneway and into the site. The parking area is levelled off. As you move across the site from west to east there is a defined level drop from the car parking area into another yard area where the storage shed which is the subject of this application is positioned. This yard area is

consistent with that of the shed being level.

13. There is an existing allotment area to the northwest of the application site. To north and north west there are numerous buildings consisting of commercial and residential uses.

Surroundings

14. The site is situated within the countryside. The surroundings are rural in nature with some neighbouring dwellings and adjacent commercial buildings in close proximity. The wider area is characterised by domestic dwellings, agricultural land and agricultural buildings. Also across the road from the site there is an existing quarry.

Proposed Development

15. This is a full application for a proposed machinery/general purpose store to house equipment associated with existing allotments and planted trees (retrospective).

16. Additional information submitted for consideration is as follows:
- Supporting Statement.

Relevant Planning History

17. The planning history is a material consideration. The relevant planning history is as follows:

Application Reference	Site Address	Proposal	Decision
LA05/2025/0378/CLEUD	Lands approx. 150m to the west of 3a White Mountain Road, Lisburn	The use of land for allotments	CLUED Granted 10/07/2025
LA05/2024/0327/F	3e White Mountain Road, Aghnahough, Lisburn, BT28 3QY	Retention of Joinery Workshop (conversion from former snooker hall previously used as a materials store and/ or showroom)	Decision pending
LA05/2024/0485/F	5 White Mountain Road, Lisburn,	Erection of replacement	Decision pending

	BT28 3QY	dwelling and garage	
LA05/2025/0611/F	Lands approx. 150m to the west of 3a White Mountain Road, Lisburn, BT28 3QY	Proposed machinery/general purpose store to house equipment associated with existing allotments and planted trees (retrospective)	Application Withdrawn 03/06/2026

18. The CLUD approved under LA05/2025/0378/CLOPUD defines the approved curtilage for the allotments in which this proposal is applied for in association with.

Consultations

19. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection. Informatives provided.
LCCC Environmental Health	No objection. And proposed condition provided.

Representations

20. One objection has been received in respect of the proposal.

21. The representation is considered below.

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 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.

24. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.

25. Within the LAP and draft BMAP the application site is located within the designated countryside.

26. 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.

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

Development in the Countryside

28. As seen above, the proposal is for development located within the countryside.

29. 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.

30. Policy COU 1 makes provision for a range of other non-residential proposals that may be acceptable in principle, and such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

31. This application is for the erection of a building in association with the existing use approved on the site through LA05/2025/0378/CLEUD which permitted the use of land for allotments on lands approx. 150m to the west of 3a White Mountain Road.

32. Whilst the agent has submitted a supporting statement referencing policy ED3, the relevant policy is OS 6 Outdoor Recreation in the Countryside.

Open Space

33. Allotments are areas of Open Space as defined in the Supplementary Planning Guidance. Open Space is taken to mean all open space of public value and includes Allotments and Community Gardens. The Council recognises that most areas of open space can perform multiple functions. These include promoting health and well-being where Allotments may provide physical exercise and other health benefits. Policy OS6 Outdoor Recreation in the Countryside is engaged.

34. Policy OS6 Outdoor Recreation in the Countryside states that:

Proposals for outdoor recreational use in the countryside will be permitted where all of the following criteria are met:

a) there is no adverse impact on features of importance to natural environment/nature conservation, or the historic environment
b) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography
c) there is no adverse impact on the amenities of people living nearby
d) any ancillary buildings or structures are designed to a high standard, taking into account the needs of people with disabilities, are of a scale appropriate to the local area, and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment
e) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of

the recreational activities proposed.

35. 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.

36. 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.*

37. 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.*

Access and Transport

38. The proposal involves the use of an existing unaltered access to the public road.

39. 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.

40. 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 or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

d) where shared car parking is a viable option

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

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

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

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

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

Natural Heritage

41. The impact of the proposal on natural heritage is considered.

42. Policy NH 1 European and Ramsar Sites – International states

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

a) a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)

b) a listed or proposed Ramsar Site.

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

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

a) there are no alternative solutions; and

b) the proposed development is required for imperative reasons of overriding public interest; and

c) compensatory measures are agreed and fully secured.

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

a) it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or

b) agreed in advance with the European Commission.

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

National Protected Species

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

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

44. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states

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

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

Flooding

45. The impact of the proposal on flooding is considered.

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

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

47. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states

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

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

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:
a) a residential development of 10 or more units
b) a development site in excess of 1 hectare
c) a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.

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

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

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

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

Regional Policy and Guidance

Regional Policy

49. 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.

50. 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

51. 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

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

Building on Tradition

53. 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).

54. 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.

Assessment

55. This is an application for full planning permission for the erection of an additional building in association with existing business on site.

Development in the Countryside

56. Being in the Countryside, the proposal must be assessed against Policy COU1. Policy COU1 allows for a range of non-residential proposals that are acceptable in principle in the countryside.

57. The planning history details that under consent reference LA05/2025/0378/CLEUD at lands approx. 150m to the west of 3a White Mountain Road, Lisburn approval was granted on 10/07/2025 for the use of land for allotments.

58. The red line of the LA05/2025/0378/CLEUD consent includes an access from the White Mountain Road; one large field divided into allotments and an area just southeast of the position of the allotments which provides an outbuilding and an area for the parking of vehicles.

59. The existing allotment business is called ‘The Little Green Allotments’ and its address is 3F White Mountain Road, Lisburn.

60. The red line of LA05/2025/0378/CLEUD consent establishes the approved boundary of the allotment business.

61. The red line of this application does not include the field where the allotments are located. The red line encompasses the approved outbuilding and parking area associated with the LA05/2025/0378/CLEUD consent and also extends into the adjacent land with the parking area extended, an area where the proposed shed has been built with associated yard.

62. This proposal would be in conjunction with the established use on the site.

63. The proposed extension to the existing allotment business is in the form of the stoned area adjacent to the approved business to accommodate parking and which leads to the existing shed which is proposed to be retained.

64. The proposed retrospective shed houses equipment associated with the existing allotments including planted trees, a general-purpose store, along with storage for a small tractor.

65. The shed measures 13.9m by 5.7m with a sloped roof. It measures 3.8m in height to the front elevation and 3.6m in height to the rear elevation.

66. The external material finishes are painted blockwork, green agricultural tin cladding, metal rollers doors. The plans detail a wooden pedestrian door however on site there is an additional roller shutter in place over the door.

Open Space

67. As the proposal is in association with the approved allotments, policy OS6 is engaged.

Policy OS6 – Outdoor Recreation in the Countryside

68. The application site is not within or adjacent to any designated areas such as ASSI's etc. Also, there is no buildings or features of historic importance within the immediate vicinity. The proposal has no adverse impact on features of importance to natural environment/nature conservation, or the historic environment. Criteria (a) is met.

69. The new building is in proportion to the existing buildings and easily integrates into the overall development and its surroundings, as it clusters with existing development and is well screened from public viewpoints. The proposal would have no adverse impact on visual amenity or the character of the local landscape, and the development can be readily absorbed into the landscape. Criteria (b) is met.

70. The nearest residential property to the proposal is the number 3 Whitemountain Road. The dwelling house of number 3 Whitemountain Road is positioned circa 35m away from the siting of the proposed storage shed. It is removed from the properties private amenity space which is to the other side of the dwelling house from the proposal. There is a grassed/garden area between the shed and number 3 however it is not the properties private amenity space.

71. It is far enough away from the dwellings personal amenity space to have a negative effect on it. There are some other surrounding residential dwellings however they are approximately 44m and 65m away respectively. The proposal should not have a negative impact on them due to the proposed use of storage and the separation distances.

72. Environmental Health have been consulted and raised no objections to the proposal subject to the following condition:

The proposed building shall be for the storage of machinery and equipment only.

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

73. The proposal would have no adverse impact on the amenities of people living nearby. Criteria (c) is met.

74. Criteria (d) is met in that the proposed development is deemed to be acceptable ancillary use and building at this location that will serve the existing allotments thus is site specific to this location. The size and scale of the proposed shed is small in size and scale and would not harm the rural character or appearance of the local area.

75. When travelling along the Whitemountain Road, due to the existing intervening development and vegetation boundaries, the shed cannot be seen from public viewpoints. The building is considered to be of quality design. In addition, the layout would not offend the needs of people with disabilities.

76. Public safety would not be prejudiced by the proposal. The proposal is to provide for an ancillary building in association with the allotments business. The proposal does not change the nature, scale, extent and frequency or timing of the existing allotment activities. Criteria (e) is met.

Integration and Design of Buildings in the Countryside

77. Turning to policy COU15 that 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*.'

78. The proposal is set back from the road and tucked in behind an existing boundary treatment of vegetation. It backs onto an existing cluster of development. There are boundary treatments and existing development between the proposal and the public viewpoints along the Whitemountain Road. It would not be unduly prominent in the landscape. It is also sited to cluster with the established group of buildings.

79. The proposal does not rely primarily on new landscaping for integration and blends into the landform. The established boundaries that provide a degree of enclosure that allow the proposal to integrate into the landscape.

80. Ancillary works are considered integrate with the surroundings given the design of the building it is considered to be appropriate for the site and its locality. The siting of the shed is flat in nature. There are no levels provided on the submitted plans however the proposal is retrospective and the levels on the site have been considered.

81. It is considered that the proposal complies with policy COU15.

Rural Character and other Criteria

82. The proposal would not be unduly prominent in the landscape and would read with the existing development already established on the wider site and on the adjacent site. The proposal would be sited to cluster with an established group of buildings.

83. As discussed above the proposal would not be a prominent feature in the landscape and it clusters with an established group of buildings.

84. It is considered that the proposed extension of the curtilage through the red line of the application site is proportionate to the existing approved business and does respect the traditional pattern of settlement exhibited in the area.

85. The proposal is not located adjacent to a settlement limit and would not mar the distinction between a settlement and the countryside, and it would not result in urban sprawl.

86. It is considered that the proposal would not have an adverse impact on the rural character of the area through the extension of the curtilage into the rural area.

87. The separation distances between proposal and the surrounding existing dwellings ensures that the proposal would not have an adverse impact on residential amenity. The proposal would not cause any overlooking into any neighbours private amenity space. Environmental Health have raised no objections to the proposal.

88. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.

89. As set out in paragraphs 91 -97 below, access to the public road is achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

90. It is considered that the proposal complies with policy COU16.

Access and Transport

91. The proposal is to utilise the existing access to and from the site which is from the Whitemountain Road. The Whitemountain Road is not a Protected Route.

92. There is currently ample parking spaces within the site and more space for parking adjacent to the proposed building.

93. DfI Roads have been consulted and have no objection to the proposal and provided standard conditions and informatives.

94. It is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of vehicles and complies with policy TRA2.

95. The submitted information also details that there will be adequate provision for car parking and appropriate servicing arrangements and complies with policy TRA7.

96. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policies TRA2 and TRA7.

Natural Heritage

97. The application site is not within or adjacent to any designated areas such as ASSI's etc. No works are proposed to any of the existing boundary treatments or vegetation around the site as part of the proposal.

98. No existing buildings on the site are to be demolished as part of the proposal nor does the proposal involve the removal of any vegetation or habitat.

99. The proposal is retrospective. No biodiversity checklist or ecology information has been submitted for consideration.

100. Having considered the proposal and cross referenced it against the biodiversity checklist and NIEAs biodiversity checklist flow chart it is considered not necessary to consult with NED in this case.

101. Having considered the detail, and on the basis of the information submitted, it is considered that the proposal would not harm any natural heritage and complies with policies NH1, NH2 and NH5.

Flooding

102. The impact of the proposal on flooding and drainage is considered.

103. From consideration of the Rivers Agency flood maps, the application site is not located within a flood plain.

104. The proposal does not meet the threshold for a drainage assessment.

105. On the basis of the information provided, it is considered that the proposal would not cause or exacerbate any flooding and complies with the policies FLD1, FLD2 and FLD3.

Consideration of Representations

106. Two objections have been received on the proposal and is considered below:

Objection

107. A holding objection has been received with the writer stating that they would be sending in a further objection however no further representation has been

received to date. The holding objection states that they object however have provided no reasons as to why they object.

108. The proposal has been assessed against the Local Development Plan and relevant planning policies and is compliant.

Incomplete application

109. The view is expressed that the application is incomplete because important information explaining and justifying the proposal is absent.

110. The application is a valid application, and the proposal is assessed on the basis of the information submitted.

Basis for the application and whether the development description is accurate

111. The view is expressed that at the outset it should be noted that the applicants shed is subject to a live enforcement notice and therefore represents unauthorised development. And that it is acknowledged that the application seeks to regularise the breach of planning control, however, the fact that the building has already been constructed should not weigh in favour of the proposal.

112. The view is expressed that the notion that the application seeks to 'expand the existing allotment business' is suggested on several occasions throughout the supporting statement, however the precise basis of what this expansion comprises is not explained. They state that the application lacks clarity about the true scale and nature of the economic activity that is being facilitated in this rural area.

113. The objector states that the Council should ask the applicant to provide information on:
- How the allotment business is expanding as a result of this application;
- Whether this will lead to increased vehicle movements;
- What type of machinery will be required and how will it be used;
- What will the hours of operation be;
- What noise and activity will be generated; and
- Whether additional visitors will be attracted to the allotment.

The view is expressed that without this information the Council cannot reasonably conclude that the proposal will have no adverse impact on the rural character and/ or residential amenity of the rural area.

114. The ongoing enforcement case is a separate issue and process being dealt with by the Councils enforcement team. The enforcement case is not a material planning consideration that is weighed in the processing of this proposal.

115. The proposal is considered on the basis of the information submitted. The detail submitted shows that the proposed extension of the existing allotment business is the expansion of the land associated with the business to facilitate the shed that is used for storage purposes in association with the allotments. By virtue of this the proposal does not involve any intensification of use as it is not to attract new customers/users of the allotments, it is to allow for a new storage shed. No information submitted with the applications details that the

proposal is to intensify the use. The shed element of the proposal is for retention and therefore as it is retrospective it can be seen on site that the proposal is for storage of a tractor and mini-digger and tools. This is not considered to be unreasonable for use in association with an allotment business, to allow for safe keeping of the machinery and tools required or necessary for maintenance and to keep the business sustainable. Hours of operation or a noise impact assessment for a storage shed is not considered to be necessary. Environmental Health were consulted on the proposal and have raised no objections or concerns.

Failure to satisfy policies COU1, COU11-14 and ED3 of the Plans Strategy

116. The objector re-iterates part of policy COU1 and that development in the countryside will be required to meet all of the general criteria set out in policies COU15 and COU16. They note that the applicant does not seek to reply on any of the following policies – COU11, COU12, COU13 and COU14. And instead relies on policy ED3 to seek to justify the proposal. They state that as COU1 remains the overarching policy framework, it is important to note that in the justification and amplification section that there is not an automatic presumption in favour of development. They state that the wording is such other non-residential proposals may in principle be acceptable in principle. The use of the word 'may' is deliberate and provides the Council with considerable discretion on whether it is appropriate to approve development in the countryside.

117. The objector quotes policy ED3 and highlights the following:

> '*Extensions or new buildings should respect the scale, design and materials of the original building on the site and any historic or architectural interest. Proposals for expansion will be expected to be accommodated through the reuse or extension of existing buildings on site. If demonstrated that this is not possible, new buildings are required to be in proportion to the existing buildings and integrated into the overall development and surroundings*'.

118. The view is expressed that notwithstanding its unauthorised status, the shed is a new building. And that the supporting statement consists of unsupported assertions rather than independently verifiable evidence. They express the view that no convincing justification has been provided demonstrating why the existing buildings on the holding cannot accommodate the storage requirements now claimed to necessitate a separate purpose-built structure. The statement repeatedly claims that the existing buildings are unsuitable, yet no technical assessment, floor area analysis, operational review or independent evidence has been submitted to support this position. And the view is expressed that on the basis of the information provided, it would be impossible for the Council to fully and properly assess the proposal against this policy.

119. The objector states that additional information is required in relation to (but not limited to): the extent of the applicant's holding; what buildings are in his control and why have they been discounted for reuse and/or extension; what equipment and vehicles need to be stored within the building to justify the size and scale of the building; and whether there is land in close proximity to the existing allotment that this building could cluster with.

120. The objector also expressed the view that the applicant seeks to combine several activities under one justification, namely allotment operations, tree maintenance, land management and storage associated with other business ventures. The exact scale and nature of these activities are not explained and states that the Council cannot properly assess compliance with policy ED3 when the full extend of the commercial operation has not been clearly defined.

121. Whilst the applicant has said the proposal should be considered against policy ED3, the correct policy that is engaged is policy OS 6 Outdoor Recreation in the Countryside. The applicant does not reply on policies ED3, COU11, 12, 13 or 14 as these are not applicable policies. Policy COU1 states that there are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development. The agent is using the established business as a basis for the proposal, which has already been accepted as an established use in the countryside through the approved Certificate of Lawfulness.

122. The proposal is for a new building and has been assessed as such. From site inspection it can be seen that the existing building is already in use and is not suitable for the storage of machinery (a tractor or a mini-digger which the proposed shed currently is used to store).

123. The extent of the applicant's land holding is not relevant to the proposal. From site inspection the only building that is approved in association with the allotments is the building that is being discounted and not appropriate for storage of a tractor and mini-digger. The proposed building is small in scale and size and is not considered to be excessive for a storage shed in this context.

124. With reference to the applicant seeking to combine several activities under one justification. The proposal clearly states that the proposal is in relation to the existing allotment business and the proposal has been considered as such. Any additional activity such as tree maintenance etc is discounted and not considered as part of the assessment of the proposal.

Conclusions

125. All material considerations have been taken on board, the consultation responses have been considered, and no representations have been submitted raising any concerns.

126. For the reasons above, it is considered that the proposal does comply with the Plan Strategy.

Recommendation

127. It is recommended that permission is approved.

Condition(s)

128. The following condition(s) are recommended:

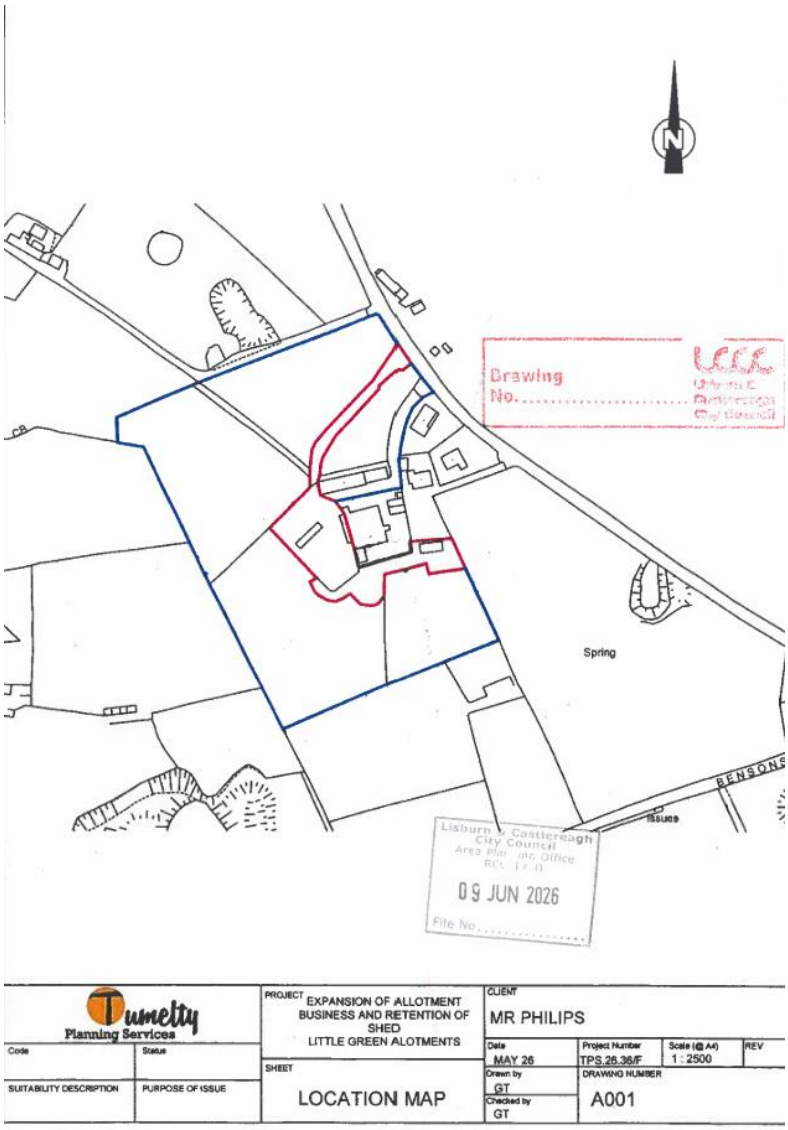
129. This decision is issued under Section 55 of the Planning Act (Northern Ireland) 2011 and is effective from the date of this permission.

     Reason: This is a retrospective application.

130. The retrospective building shall be for the storage of machinery and equipment only.

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

Site Location Plan – LA05/2026/0518/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	2 November 2026
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2025/0098/F
Date of Application	04 February 2025
Proposal Description	Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk, water booster set, telemetry and lighting columns. Other works include a 2.4m high paladin fence, access gates and associated site and access works.
Location	Lands immediately south of 1 Leathem Square and north of the Comber Greenway, adjoining the East Link Road, Dundonald, Belfast, BT16 2QL.
Representations	Two objections
Case Officer	Helen McGuinness
Recommendation	**Approval**

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee as the application is referred by the Head of Planning and Capital Development in consultation with the Chair because the proposal involves the development of wastewater infrastructure and gives rise to local community interest.

2. It is recommended that planning permission is granted as the proposal is considered to comply with the relevant provisions of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy for the following reasons.

3. The development provides essential wastewater infrastructure, in accordance with Strategic Policy 01 Sustainable Development and Strategic Policy 23 Waste Management, by furthering sustainable development and facilitating the delivery of appropriate waste management infrastructure in the most appropriate location to address Unsatisfactory Intermittent Discharges (UID's) from the Cumberland Road Combined Sewer Overflow (CSO) to reduce discharges into Moatview Park Stream and deliver long-term environmental

improvements for local watercourses that meet the requirements identified by the NIEA in respect UID's.

4. The principal operational components, located below ground and with above-ground elements are limited in scale, siting and design so as to minimise visual and environmental impact in accordance with Policy UT1.

5. The proposal will have no unacceptable adverse impacts on residential amenity. A Noise Impact and Odour Assessment has been provided which demonstrate no adverse impacts on residential amenity and the relevant consultees NIEA and Environmental Health offer no objections to the proposed development.

6. The proposal is considered to comply with Policy TRA1 as it includes a new access onto the road with a dropped kerb to aid accessibility and will not hinder pedestrian movements.

7. The proposal is considered to comply with Policy TRA2 as the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Construction traffic would be temporary and managed through appropriate mitigation. In accordance with Policy TRA 7 adequate servicing arrangements will be provided for operational vehicle movements which would be occasional and limited to inspection and maintenance.

8. The proposal is considered to comply with Policy HE4. An Archaeological Desk Top Assessment has been submitted and concludes that subject to mitigation there will be no impact to known Archaeological Sites. Advice from Historic Environment Division has been taken into consideration as part of this assessment.

9. The proposal is considered to comply with Policies NH1, NH2 and NH5. The Preliminary Ecological Assessment and Shadow Habitats Regulations Assessment conclude that significant effects on European or Ramsar sites are not likely and that the proposal is not likely to result in the unacceptable adverse impact or damage to known protected species, priority species, habitats or features of natural heritage importance. Advice from Natural Environment Division and Shared Environmental Services has been taken into account as part of this assessment.

10. The proposal is considered to comply with Policies FLD2 and FLD3 as it has been demonstrated that sufficient maintenance strips will be provided to the adjacent watercourses and suitable drainage will be provided for the site to ensure the proposal will not result in flooding of the site or exacerbate flooding elsewhere.

Description of Site and Surroundings

11. The proposed development site is located along East Link Road, south of Leathem Square and is comprised of a flat piece of undeveloped land accessed from the East Link Road.

12. The boundaries are observed as follows:

    - East and south- mature tree line
    - North- ranch style fencing
    - East- timber fencing

13. The surrounding area is primarily residential in character with housing developments located to the north, west and east of the site.

Proposed Development

14. This is a full application for proposed Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk, water booster set, telemetry and lighting columns. Other works include a 2.4m high paladin fence, access gates and associated site and access works.

15. The proposed kiosk building will measure approximately 6 metres in width, 2 metres in depth and have a maximum height of approximately 2.5 metres. The proposed kiosk building will be finished in glass reinforced plastic (GRP) in green.

16. A wash-water booster set (WwS) kiosk is proposed and will measure approximately 1.7 metres in width, 1.7 metres in depth and have a maximum height of 1.3 metres.

17. Underground works comprise the CSO overflow storage tank which is nine metres in diameter.

18. Associated ancillary works include telemetry pole (5 metres in hight), a lighting column (5 metres in height), access track (382 square metres) and security paladin fencing along all boundaries of the site.

19. The application has been accompanied by the following.

    - Site location and layout plans, elevations and cross sections
    - Supporting planning statement (AtkinsRealis)
    - Preliminary Ecological Assessment (WM Associates Ecology NI) August 2024.
    - Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024.
    - Flood Risk and Drainage Assessment (McAdam Design) January 2025

- Archaeological Desk Top Study (Gahan and Long) October 2024.
- Odour Impact Assessment (Irwin Carr Consulting) November 2024
- Noise Impact Assessment (Irwin Carr Consulting) November 2024
- Construction Environmental Management Plan (BSG) November 2024.
- Site Lighting Calculations (NIW) July 2026.

Relevant Planning History

20. None.

Consultations

21. The following consultations were carried out:

Consultee	Response
Historic Environment Division (HED)	No objection
DFI Rivers	No objection
DFI Roads	No objection
NIEA Water Management Unit	No objection
NIEA Natural Environment Division	No objection
Environmental Health	No objection
Shared Environmental Services	No objection

Representations

22. As part of the application process, advertisement and neighbour notification were carried out. Two objections were received and the following issues are raised:

- Landscaping maintenance concerns
- Potential impact on stream near neighbouring property
- Noise concerns
- Odour considerations
- Operation hours concerns
- Scale of development concerns

Planning Policy Context

23. 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

24. It is stated at page 16 of 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.

25. In accordance with the transitional arrangements, the development plan is the Plan Strategy and Belfast Urban Area Plan (BUAP). Draft BMAP remains a material consideration.

26. The site is located within the Metropolitan Castlereagh settlement limit in the latest revision of draft BMAP (2014).

27. As previously described the proposal is for a Wastewater Pumping Station (WwPS) including chambers and associated sewers below ground level and a Motor Control Centre (MCC) Kiosk, water booster set, telemetry and lighting column. Other works include a 2.4-metre-high paladin fence, access gates and associated site and access works.

28. 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.

29. Strategic Policy 05 Good Design and Positive Place-Making states that the Plan supports proposals that incorporate good design and place-making, which respects local character. This policy 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. Strategic Policy 06 Protecting and Enhancing the Environment states that the Plan supports proposals that respect the historic and natural environments, including biodiversity. Proposals must aim to conserve and protect the environment, and where possible enhance it.

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.

31. Strategic Policy 19 Protecting and Enhancing Natural Heritage states that:

The Plan will support development proposals that:

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

32. Strategic Policy 23 Waste Management states that:

The Plan will support development proposals that:

a) facilitate the delivery of appropriate waste management infrastructure in the most appropriate locations paying due regard to the proximity principle and in accordance with the waste hierarchy.
b) employ the most appropriate technology to meet the wide range of environmental targets while ensuring all the appropriate environmental protections are in place secure appropriate restoration and aftercare of waste management sites.

33. Strategic Policy 24 Flooding states that the plan supports proposals that reduce the risks and impacts of flooding states that:

The Plan will support development proposals that:

a) reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding
b) encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding

c) adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified.

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

35. The proposal provides improvements to existing utility infrastructure. Policy UT1 Utilities states:

To ensure that the visual and environmental impact of utility development is kept to a minimum, the provision of utility services, such as water, wastewater, electricity and gas to new development proposals should be laid underground where considered feasible and viable.

Access and Transport

36. The proposal will include a new access along East Link Road including a dropped curb and area of hardstanding to the site. As such the following transport and access policies apply:

37. 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)32 and a Design and Access Statement may also be required to accompanying development proposals

38. 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.*

39. Ancillary parking is required to service the development. 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.

Historic Environment

40. The application is accompanied by an Archaeological desk top study. This study was conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500m search radius from the main body of the development.

41. It is noted there is a Site of Archaeological value not the northern border of the site, comprising a prehistoric standing stone.

42. **Policy HE4 Archaeological Mitigation** states:

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

Natural Heritage

43. The application has been accompanied by a Biodiversity checklist and Preliminary Ecological Assessment (WM Associates Ecology NI) and shadow Habitats Regulations Assessment, Stage 1 Screening. The Council as the competent authority has also undertaken its own screening for habitats regulation assessment.

44. The site is hydrologically linked to European Sites at Strangford Lough. Trees will be removed and lighting columns are proposed, both have the potential to impact on bats.

45. Policy NH1- European and Ramsar Sites – International states that:

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

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

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

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

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

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

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

46. Policy NH2- Species Protected by Law states:

European Protected Species

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

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

a) *there are no alternative solutions; and*

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

National Protected Species

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

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

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

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

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

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

Flooding

48. The site is bounded at the north-east by a watercourse known as Moatview Park Stream and at the north-west by a culverted watercourse known as Dundonald River. A flood risk and Drainage assessment has been submitted, as such DFI Rivers have been consulted.

49. 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.

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

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

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

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

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

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

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

Regional Policy and Guidance

51. The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:

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

52. 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.

53. 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.

54. 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.

55. With regards to Flood Risk, paragraph 6.103 states that:

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

56. With regards to Natural Heritage, paragraph 6.172 states that:

The regional strategic objectives for natural heritage are to:

- *protect, conserve, enhance and restore the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- *further sustainable development by ensuring that natural heritage and associated diversity is conserved and enhanced as an integral part of social, economic and environmental development;*
- *assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of natural heritage in supporting economic diversification and contributing to a high quality environment; and*
- *take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

57. With regards to Telecommunications and Other Utilities, paragraph 6.253 states that:

In relation to other utilities LDPs should allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public services.

58. With regards to Waste Management, paragraph 6.317 states that:

The regional strategic objectives for waste management are to:

- *promote development of waste management and recycling facilities in appropriate locations;*
- *ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and*
- *secure appropriate restoration of proposed waste management sites for agreed after-uses.*

59. The SPPS Edition 2 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.

Assessment

Utilities

60. In consideration of Policy UT1, the proposal has been designed to keep the visual and environmental impact of the utility development to a minimum for the following reasons.

61. The policy seeks, where feasible, for utility services including wastewater infrastructure to be laid underground. In this case, the principal operational components of the wastewater pumping station, including the CSO overflow storage is located below ground.

62. The applicant has also detailed that the construction footprint of the development has been reduced as far as practical within the constraints of technical specifications, therefore reducing the visible extent of the development within the surrounding area.

63. The proposal includes above-ground elements, and it is stated in the planning supporting statement that:

The Site lies approximately 20 metres south of 1 Leathem Square. This property has no windows on its southern elevation, meaning the MCC kiosk will not be visible from within.

However, the vehicular access area may be visible. Additionally, properties on Cumberland Road to the north-west (e.g. No. 79, approximately 50 metres away) are at a higher elevation and may have partial views of the Site. The 2.4-metre-high paladin fencing, along with existing vegetation, is expected to screen the Site from these properties and from East Link Road, except for the entry gate.

64. The planning statement further details that the location of the proposal is necessary as the space is sited in proximity to the existing Cumberland Road

CSO to the west of the site, allowing direct integration with existing infrastructure and Moatview Park stream.

65. The statement goes on to detail that the above ground elements are necessary for the safe and effective operation of the infrastructure and are modest in scale when viewed in the context of the site and adjoining residential development.

66. Taking into consideration the nature of the works which are mainly largely underground and the limited scale of the above-ground infrastructure, which has been sensitively designed for an urban setting ensures that the visual impact of utility development is kept to a minimum. The proposal is therefore considered to comply with Policy UT1.

67. With regard to ensuring the environmental impact is kept to a minimum, the proposal has been accompanied by the following supporting information:

- Planning statement (AtkinsRealis)
- Preliminary Ecological Assessment (WM Associates Ecology NI) August 2024.
- Habitats Regulations Assessment, Stage 1 Screening (WM Associates Ecology NI) August 2024.
- Flood Risk and Drainage Assessment (McAdam Design) January 2025
- Archaeological Desk Top Study (Gahan and Long) October 2024.
- Odour Impact Assessment (Irwin Carr Consulting) November 2024
- Noise Impact Assessment (Irwin Carr Consulting) November 2024
- Construction Environmental Management Plan (BSG) November 2024.
- Site Lighting Calculations (NIW) July 2026.

68. The submitted planning statement details the need for the proposed development, and this is part of a wider programme of improvements in the Dundonald area aimed at addressing poor water quality in the River Enler and its tributaries. The Cumberland Road Combined Sewer Overflow (CSO) has been identified by NIEA as a location where UID's from the pumping station are contributing to pollution of local watercourses.

69. The proposed works will deliver long-term environmental improvements by reducing pollution from the Cumberland Road CSO, ensuring NI Water comply with their agreed environmental obligations and regulatory requirements of their water order consents in the Dundonald Area.

70. The Enler River borders the site to the west, the site is hydrologically linked to European Sites at Strangford Lough.

71. The Preliminary Ecological Assessment states that;

This is amongst the Living with Water in Belfast Plan sub-projects in Dundonald that are being collectively tested for potential significant impacts upon the Strangford Lough European Designation features through the compilation of a

Habitat Regulations Assessment (HRA) to be submitted with required planning applications.

The Living with Water in Belfast Plan is in part being undertaken to protect the aquatic environments through more efficient treatment and fewer out of sewer incidences.

There is no potential for impact upon any other ASSIs, SLNCIs LWS's or long-established woodlands.

72. The River Enler is classified within the NI Biodiversity Strategy Priority Habitat, and the River Enler should therefore be adequately protected from potential harmful impacts during construction. The PEA states that:

The river here is sensitive to the input of drainage water with a high loading of fines as well as to pollutants such as diesel and other oils, detergents and cement washout water.

It is sensitive to nutrient enrichment which could result albeit temporarily from inputs of sewage or poor-quality sewage effluent. The required crossing of the river to accommodate the pipe is potentially the operation that puts the river at most risk.

A non-trench method such as a suspended crossing in a steel pipe on support piers to elevate the pipeline above the river, with suitable expansion and insulation joints is likely to impose the least risk if planning permission can be secured.

If a trench or crossing is preferred, a separate method statement detailing how the river will be protected from inputs of soil, fines and other contaminants is likely to be required. This normally requires flumes or pumping.
The adoption of good construction management practices will reduce the risk of harmful impacts upon the river.

Retaining the Compartment B1 embankment along the riverside where possible to act as a bund. Where this is removed to create a pipe trench, or for any other bankside works; reinstate and restore the bund as soon as possible.

73. The ecological assessment goes on to conclude that there are no ASSI, SLINCI, LWS, long-established woodland or protected habitats or flora at risk.

74. With regards to fauna, the PEA concludes that:

Badgers: There is a possibility that Badgers may range over the construction site at night. Any deep excavations that are left uncovered overnight should be provided with a ramp that would allow Badgers to escape should they fall in. Large (20 cm +) diameter pipes that are stored uncapped should be checked visually for potential Badgers before they are deployed.

Otter: The Enler River was surveyed as far as the culvert below the Greenway upstream and to 30m + beyond the start of the Leathem Square properties on the downstream side. There were no signs of Otter using the site at all and no mammal burrows on either side of the river required investigation.
The river was considered to be in suitable condition to support Otter use, but this is a relatively urban location that would normally be shunned by Otter.

Pine Marten and Red Squirrel: Whilst primarily an arboreal species, Pine Marten have adapted to scrubland and urban fringes (NIEA website), however citizen science monitoring in Northern Ireland has consistently found that Martens shun suitable habitat in urban settings (e.g.: Twining et al., 2021)

The arboreal Red Squirrel is strictly dependent on woodland cover. Neither the River Enler corridor at Cumberland Road nor the application site itself was considered suitable for either feeding, or dispersal of Red Squirrel due to the lack of extensive and suitable woodland habitat.

Newts: There is no suitable open water pond habitat on site or apparent within gardens in range of the site.

Lizard: The site is within the range of Lizard within Northern Ireland as reported in Farren et al. (2010). However, they are mainly associated with heathland, bog and coastal habitats, which are not present on this site

75. Mitigation measures such as retaining identified trees and ensuring a replanting scheme where trees are impacted will be conditioned in the event of an approval outcome.

76. The submitted shadow Habitats Regulations Assessment Stage 1 Screening states:

The works are being undertaken to improve the flow along the sewerage network that eventually reaches Kinnegar WwTW via Sydenham TPS. The works being undertaken will improve efficiency and reduce the risk of out of sewer events in both the Belfast Lough catchment and the Strangford Lough catchment.

The habitats impacted by the works are not those which are important to the protected birds that use either designation.

The only pathway for negative impacts is via spillage, leakage or deliberate disposal of pollutants into the R. Enler system from any of the 6 x works locations that are close to an open watercourse.

Of the potential pollutants that would be used, hydrocarbons, and especially diesel fuel are used in the most significant amount. Catastrophic inputs of e.g. diesel from any of the six locations would disrupt the ecology of Strangford Lough off the Comber shore, and bioaccumulation would make the birds and fish feeding these especially vulnerable.

BSG By default, BSG do not store diesel on site. Where storage is required. Tanks are double bunded within a storage container set in a designated refuelling area away from any drain or watercourse. Spill kits are always kept on site and staff are trained in their deployment.

With re-fuelling and storage of diesel away from the watercourses that are close to the works area at the six locations depicted above. The risk of harmful inputs is limited to drips and leaks that would be hugely diluted before reaching Strangford Lough. These is no scope for a catastrophic input that would be detectable in Strangford Lough off Comber.

Even unmitigated, the amounts of harmful reagents that would be required to be used on site is such that a significant impact would not be anticipated.

77. Shared Environmental Service considered this planning application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of the Council which is the competent authority responsible for authorising the project. SES concluded that the project would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects provided mitigation is included through the submission and agreement of a final Construction Environmental Management Plan. SES states:

Lisburn and Castlereagh City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 24/10/2025. This found that the project would not have an adverse effect on the integrity of any European site.

78. NIEA, Natural Environment Division (NED) was consulted and commented that it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

79. On this basis, having regard to the environmental information submitted and the advice contained in the NIEA and SES responses, it is considered that the proposal will ensure that environmental impacts are kept to a minimum in accordance with Policy UT1.

80. The Construction Environmental Management Plan (CEMP) identifies potential environmental impacts resulting from construction operations and how they will be mitigated. Main impacts identified include dust, noise and vibrations from construction activity. Potential leakage of oil/fuels and other spills which may cause land contamination and/or water networks/drainage systems and waste generation and resource use. The plan provides mitigation measures to prevent any adverse impact occurring and it is recommended that any development be carried out in accordance with the CEMP.

81. Whilst not required by policy UT1 the other general amenity impacts of the proposed development are considered as a material consideration given the proximity of the site to neighbouring residential properties.

82. The accompanying noise impact assessment concludes that:

'…The predicted noise levels at each of the nearest residential receptors were assessed against BS 4142:2014 limits and WHO recommended noise levels. It was found that operational noise from the proposed development is likely to have a low impact during the daytime and night-time periods when assessed against BS4142:2014 limits and WHO/BS8233 recommended noise levels. Construction noise levels are predicted to be within BS5228 limits at receptor locations.

83. The accompanying odour assessment concludes that:

'The maximum ground level odour concentration is predicted to be primarily confined to the immediate environs of the proposed storm tank.
Under the proposed layout the maximum 98th percentile of 1-hour ground level odour concentration at the worst effected residential property with no interest in the operation of the stack, in the vicinity of the proposed site is in accordance with the target limit value for of ≤5ouE/m3 when taken as an average of the 5-year period or within any individual 1-year period.

The significance of predicted impacts has been defined as 'negligible' at all considered sensitive receptor locations with the operation of the proposed storm tank. In accordance with the IAQM odour guidance, the overall odour effects as a result of the operation are considered to be not significant. This conclusion would be expected as it is not anticipated that there will be significant odour associated with the proposed storm tank'

84. Officers have no reason to disagree with the conclusions of these assessments. The main impact arises during the construction phase. Having regard for the mitigation measures outlined in the CEMP, it is considered that any construction-stage impacts can be managed and that the development is unlikely to result in any general disamenity or loss of residential amenity because of the operation of the pumping station.

85. It is noted that the nearest neighbouring residents are located approximately 7 metres from the proposed development to the north. Additional neighbouring properties are located approximately 48 metres to the north/northwest.

86. The submitted Noise Impact Assessment and Odour Impact Assessment have specifically considered the potential operational effects on nearby sensitive receptors and do not identify any unacceptable noise or odour impacts. Furthermore, the supporting information has also been reviewed by the relevant consultees including, Environmental Health and NIEA and no consultee has raised any objections to the proposal.

87. In this context, and having regard to the nature, scale, siting and design of the development the proposal would not result in any unacceptable adverse impacts on residential amenity.

Access and Transport

88. Policy TRA1 requires development proposals to provide an accessible external layout where appropriate, the proposal includes a dropped curb access and additional areas of hardstanding to facilitate vehicular access to the wastewater pumping station.

89. The supporting planning statement submitted details that the access is required for construction and future maintenance purposes and will provide a clear and functional means of entry to the site. The development includes the provision of dropped kerbs.

90. In addition, upon completion of works, obstructions will be cleared and user friendly and convenient movement along pathways will remain unhindered. It is considered that criteria a) and b) of Policy TRA1 has been met.

91. Priority pedestrian and cycling movements across the front of the site are not anticipated to be impacted due location, scale and nature of the proposal. It is considered that criterion c) of Policy TRA1 has been met.

92. Due to the scale and nature of the proposal, it is considered that criterion d) of Policy TRA1 is not engaged.

93. In conclusion, it is considered that the development will comply with the requirements as set out in Policy TRA1 in creating an accessible environment.

94. The supporting statement provides the following information:

The proposed Development includes the creation of a new direct access onto East Link Road, facilitated by a 10-metre-wide dropped kerb. The CEMP confirms that construction traffic will be managed to avoid peak periods, and deliveries will be scheduled accordingly. Banksmen will be used where necessary to assist vehicle movements.

During operation, vehicular access will be occasional, limited to routine maintenance or emergency response, and will generally occur within normal working hours. As such, the proposed Development is not expected to prejudice road safety or inconvenience traffic flow

95. Having regard to the temporary nature of construction traffic and the management measures proposed, it is considered that the construction phase will not prejudice road safety or significantly inconvenience the flow of traffic on East Link Road.

96. During the operational phase, vehicles will only access the site occasionally for inspection, servicing and maintenance purposes and this will generally take place within normal working hours unless emergency maintenance is required.

97. Taking into consideration the limited frequency of operational vehicle movements, it is contended that the proposed development will not result in an intensification of traffic on the surrounding road network.

98. Furthermore, DfI Roads has been consulted and raised no objection to the proposal.

99. In conclusion, it is contended that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles and is therefore considered to comply with policies TRA1, TRA2 and TRA7.

Policy HE4 Archaeological Mitigation

100. The applicant has submitted an archaeological desk top assessment. The assessment has been conducted to identify the location of known archaeological and cultural heritage sites relevant to the proposed application site and extending out to a 500m search radius from the main body of the development.

101. The study found that:

A desktop survey was conducted to identify the location of known archaeological/historical features within the development area. The Sites and Monuments Record (SMR) was examined and identified a single known monument within the development area. This is the site of DOW 05:56, the potential location of three standing stones. There are no surviving traces of these monuments in this area.
An inspection of the early edition OS maps was completed for the development site. Both the 1 st and 3rd edition OS maps show the development area to be located within agricultural land which was free from historic development.

There are no upstanding remains relating to this potential monument; however, subsurface deposits associated with it could survive within the site. Should such deposits exist, they may be negatively impacted upon by the proposed development. The level of impact could be reduced through the implementation of an appropriate mitigation strategy. This could be achieved through the implementation of an archaeological condition on any future planning permission for the site.

102. Historic Environment Division were consulted and provided the following response:

HED (Historic Monuments) notes that the application site contains the location of three standing stones (DOW005:056). HED (Historic Monuments) is content

that the proposal satisfies SPPS and Lisburn & Castlereagh City Council LDP 2032 Plan Strategy policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

103. As such, it is considered that the proposal meets the requirements as set out in Policy HE4 subject to conditions to ensure archaeological mitigation where required in the event of an approval outcome.

Natural Heritage

104. As set out above, a biodiversity checklist, Preliminary Ecological Assessment and shadow HRA Stage 1 Screening report have been submitted with the application.

105. During the lifetime of the application a consultation was raised with Shared Environmental Services, they stated that:

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned in any approval and the proposed development operating within the parameters of a Consent to Discharge, granted under the terms of the Water (NI) Order 1999.

106. As outlined above, the proposed development is unlikely to, either individually or in combination with existing and/or proposed plans or projects, result in a significant adverse impact to a European Site or Ramsar Site.

107. As such, the proposal will comply with Policy NH1.

108. The preliminary ecological assessment provides the following information;

Protected Sites

This is amongst the Living with Water in Belfast Plan sub-projects in Dundonald that are being collectively tested for potential significant impacts upon the Strangford Lough European Designation features through the compilation of a Habitat Regulations Assessment (HRA) to be submitted with required planning applications.

The Living with Water in Belfast Plan is in part being undertaken to protect the aquatic environments through more efficient treatment and fewer out of sewer incidences.

There is no potential for impact upon any other ASSIs, SLNCIs LWS's or long-established woodlands.

Flora

No Scheduled species (such as Japanese Knotweed, Giant Hogweed, Salmonberry and Himalayan Balsam etc.) were located on the site, its buffers or the approaches to the site.

It seems likely that trees 2 and 3 will require to be removed. Other than these, there are no trees at risk.

Fauna

Badger:
There is a possibility that Badgers may range over the construction site at night. Any deep excavations that are left uncovered overnight should be provided with a ramp that would allow Badgers to escape should they fall in. Large (20 cm +) diameter pipes that are stored uncapped should be checked visually for potential Badgers before they are deployed

Otter:
The river was considered to be in suitable condition to support Otter use, but this is a relatively urban location that would normally be shunned by Otter.

Pine Marten and Red Squirrel:
Pine Marten have adapted to scrubland and urban fringes (NIEA website), however citizen science monitoring in Northern Ireland has consistently found that Martens shun suitable habitat in urban setting.

The arboreal Red Squirrel is strictly dependent on woodland cover. Neither the River Enler corridor at Cumberland Road nor the application site itself was considered suitable for either feeding, or dispersal of Red Squirrel due to the lack of extensive and suitable woodland habitat.

Breeding Birds:
The structural vegetation at tn1 and within the garden of no 79 could host breeding birds. The cover on the proposed works site is very open and provides poor nesting cover.

Newts:
There is no suitable open water pond habitat on site or apparent within gardens in range of the site.

Lizard:
The site is within the range of Lizard within Northern Ireland as reported in Farren et al. (2010). They are mainly associated with heathland, bog and coastal habitats, which are not present on this site. The NBN atlas shows Lizard records from the Belfast Hills and especially from Scrabo Hill, but has no records from urban Dundonald.

Invertebrates:

No notable habitats for specialist invertebrates were identified on the survey site.

No further surveys will be required for these species.

Bats:
The masonry beside the culvert does not extend far along the river and will not be impacted by the proposed works.

No trees with a BRP of 2 (Moderate) will require to be removed. In accordance with the BCT's 2016 guidelines, there is no requirement for a bat emergence return survey to further assess the trees that will require to be removed.

Lighting:
If lighting is provided it should be directed as much as possible onto the new compound only without illuminating the Enler of Comber Greenway Corridors.

This would be easiest achieved with the lamps on the western side and facing away from the boundary vegetation.

If lighting is proposed, it should be clearly stated that it is only intended for rare occasions when emergency maintenance work would be required in hours of darkness.

Priority Habitats

All watercourses that fall within the compendious definition of Rivers under Article 2 of the Water Framework Directive are now within the Northern Ireland Biodiversity Strategy Priority Habitat.

The sewage infrastructure upgrade will benefit the aquatic environment, but the river will require protection against harmful inputs during the build phase.

The river here is sensitive to the input of drainage water with a high loading of fines as well as to pollutants such as diesel and other oils, detergents and cement washout water.

The required crossing of the river to accommodate the pipe is potentially the operation that puts the river at most risk. A non-trench method such as a suspended crossing in a steel pipe on support piers to elevate the pipeline above the river, with suitable expansion and insulation joints is likely to impose the least risk if planning permission can be secured.

If a trench or crossing is preferred, a separate method statement detailing how the river will be protected from inputs of soil, fines and other contaminants is likely to be required. This normally requires flumes or pumping.

The adoption of good construction management practices will reduce the risk of harmful impacts upon the river.

109. NIEA Natural Environment Division were consulted and provided the following feedback:

Bats
The Comber Greenway and the Enler River bound the site. These features are both major greenways and will provide suitable habitats for foraging and commuting bats, nesting birds, foraging and commuting badgers, otters, and a wide range on invertebrates including pollinators. Streams and rivers in Northern Ireland are classified as priority habitats and are therefore considered to be of significant ecological value. NED previously had concerns regarding the impact to bats from the proposed lighting on site. Provided that the information within the Site Lighting Report is adhered to, NED are content that there is unlikely to be a significant impact to bats from the proposal.

Birds
Two trees are proposed to be removed as a part of site works. While no evidence of nesting birds was recorded during the site surveys, these trees will provide suitable opportunities for nesting birds All wild birds and their nests are protected under the Wildlife Order NED advises that any removal of vegetation on site must be undertaken outside the bird breeding season accepted as being 1st Match to 31st August. If this cannot be done, a pre-commencement check for active nests, and/or a breeding bird survey must be completed by a suitably experienced ecologist.

Otters & Badgers
While no evidence of otter or badger activity was found on site or within the appropriate buffer, the habitats on site are suitable for otters and badgers. Otters are a European Protected Species under the Habitats Regulations and are subject to a strict level of protection. Badgers and their places of refuge are protected under the Wildlife Order.

Upon consideration of the proposal, NED are content that there is unlikely to be a significant impact on protected and/or priority species and habitats.

110. It is considered that the proposed development is not likely to harm a European species or result in an unacceptable adverse impact on, or damage to known priority habitats, priority species or features of natural heritage importance.

111. On this basis it is considered that the development as proposed is in keeping with the natural heritage requirements and policy NH2 and NH5 are met.

Flooding

112. A Flood Risk and Drainage Assessment by McAdam Design Ltd. has been submitted with the application.

113. The Flood Risk and Drainage Assessment details the following:

The proposed site falls outside of the present day and climate change Fluvial and Sea Floodplain. The storage tank top of concrete levels are on an elevated plane to existing river bank levels and a 5m watercourse working strip is provided for maintenance, with consideration of this a detailed FRA would not be necessary as there is no risk of fluvial flooding to the site.

A review of the site information against the other policy criteria for FLD1, FLD2 and FLD4 resulted in no further assessment required for the proposed redevelopment.

Policy FLD3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains has been considered further within the DA illustrated within the report as there is pluvial flooding shown within the site.

The development proposes hardstanding for vehicular access, working area and the CSO storage tank surface which will result in an increase of impermeable surfacing of approximately 0.05ha, so the drainage proposal will be designed to allow the increased runoff to be attenuated within the site.

To mitigate the risk of potential spillages from the existing site, 0.02ha of the proposed hardstanding will be collected via a gully and drained to the proposed CSO storage tank. The remaining 0.03ha of hardstanding will drain into gullies, collect in a lined soakaway and discharge at a rate controlled by a flow control to current greenfield run-off rates.

Policy FLD5 - Development in Proximity to Reservoirs has been considered further within the DA illustrated within the report as the site is within the flood inundation area of Ballyhanwood Tullycarnet Service Reservoir located 1km distance away owned and maintained by NI Water.

Northern Ireland Water have confirmed that Ballyhanwood Tullycarnet Service Reservoir has Responsible Reservoir Manager Status which gives condition assurance to allow development within the flood inundation area.

Management of flooding from reservoirs would be at the direction of emergency services, and due to its status, the likelihood of the managed reservoir causing flooding would be sufficiently low that no management plan is required.

114. DFI Rivers were consulted and commented that under Policy FLD1 the Flood Maps (NI) indicates that the development does not lie within the 1 in 100-year fluvial flood plain including the most up to date allowance for climate change.

115. Under Policy FLD2 DfI Rivers requested that maintenance strips of at least 5m were included for the Moatview Park Stream to the north-east of the site and the culverted watercourse at the Dundonald River located to the north-west.

Both maintenance strips have been shown on the site layout plan therefore the proposal meets the requirements of Policy FLD2.

116. Under Policy FLD3 DfI Rivers commented that:

the Drainage Assessment indicates that flood risk to and from a portion of the development will be managed using a SuDS. Commenting on the efficacy of the proposed SuDS is outside Rivers Directorate's area of knowledge and expertise. Consequently, Rivers Directorate cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.

117. Officers have no reason to disagree with the clarification offered from McAdam Design Ltd. who are qualified experts on drainage and consider that sufficient information has been provided to demonstrate that the proposal will not cause flooding to the site or any nearby residential properties and the proposed attenuation methods are suitable to ensure there is no unacceptable flooding to the site or elsewhere and the proposal complies with Policy FLD3.

118. Under Policy FLD5 DfI Rivers commented that:

Rivers Directorate is in possession of information confirming that Ballyhanwood Tullycarnet Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective.

119. Water Management Unit advised that they have considered the impacts of the proposal on the water environment and are content subject to any required statutory permissions being obtained and the applicant referring and adhering to DAERA Standing Advice.

120. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers and Water Management Unit, it is accepted that the proposal complies with the relevant policies of the Plan Strategy and the proposal will not result in flooding of the site or exacerbate flooding elsewhere.

Representations

121. Two objections were received. The matters raised in the objections have been considered against the submitted information, consultee responses and the assessment set out above.

122. The objections are addressed as follows:

- **Landscaping maintenance concerns**

123. Landscaping maintenance is not considered to be material to the assessment of the planning application. Any ongoing maintenance of landscaping will be dealt with operationally by the applicant and does not alter the planning assessment of the proposal.

- **Potential impact on stream near neighbouring property**

124. In relation to potential impacts on the stream/watercourse near neighbouring property, the application has been supported by ecological, flood risk and drainage information and a Construction Environmental Management Plan. The proposal is intended to reduce unsatisfactory intermittent discharges to Moatview Park Stream and improve water quality in the River Enler catchment.

125. NIEA Water Management Unit, DfI Rivers, NIEA Natural Environment Division and Shared Environmental Services have raised no objection, subject to appropriate conditions, informatives and statutory consents where required. The submitted information identifies construction-phase risks and sets out mitigation to protect the water environment and any flooding concerns.

- **Noise concerns**
- **Odour considerations**

126. Noise concerns have been considered through the submitted Noise Impact Assessment. The report concludes that operational noise is likely to have a low impact during daytime and night-time periods and that construction noise is predicted to be within relevant limits at receptor locations. Environmental Health has raised no objection.

127. Odour has been assessed within the submitted Odour Impact Assessment. The assessment concludes that predicted odour impacts at sensitive receptors would be negligible and not significant. Environmental Health has raised no objection, and a condition is recommended requiring the development to be undertaken in accordance with the Odour Impact Assessment.

- **Operation hours concerns**

128. The submitted planning supporting statement identifies that operational vehicle access will be occasional and limited to routine inspection, servicing and maintenance, generally within normal working hours unless emergency maintenance is required.

- **Scale of development concerns**

129. In terms of scale, the principal operational components of the development are below ground. The above-ground elements are limited to the kiosk, water booster set, telemetry pole, lighting column and security fencing, and the kiosk is finished in green GRP to assist integration. The assessment concludes that having regard to the limited scale, siting, design and screening by existing vegetation and fencing, the proposal would not be visually obtrusive and would comply with Policy UT1.

Conclusions

130. Based on consideration of all relevant matters, the application is recommended for approval as it is considered to meet the relevant policy tests of the Local Development Plan 2032 as described above.

Conditions

131. The following conditions are recommended:

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

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

2. Prior to the commencement of any works, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed by the Council in writing, detailing potential pollution sources and pathways and all pollution prevention measures as detailed in the Outline CEMP (BSG – Nov 2024) and incorporating the recommendations of NIEA Water Management Unit in their consultation response of 07/08/2025. The approved final CEMP shall be adhered in full, unless otherwise agreed in writing by the Council.

   Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

3. Prior to the operational phase of the development, a management and operational plan shall be submitted to and agreed with the Council in writing. The plan shall detail how ongoing operations, e.g. maintenance, would be undertaken to ensure there is no loss of amenity to existing residential dwellings and their associated amenity space with regard to odour, noise and light. The management and operational plan shall be subsequently implemented as approved.

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

4. The Rating Level for all noise sources associated with the development hereby approved shall not exceed 20.6dB LAr (daytime and nighttime) at the

nearest noise sensitive receptor, in accordance with the Noise Impact Assessment dated 29 November 2024.

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

5. The development hereby approved shall be undertaken in strict accordance with the Odour Impact Assessment dated 29 November 2024, including the model inputs applied within the assessment.

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

6. Construction work, including working hours, for the development shall be carried out in strict accordance with the Construction Environmental Management Plan dated 28 November 2024.

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

7. No site works of any nature, or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
   - The identification and evaluation of archaeological remains within the site;
   - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
   - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
   - Preparation of the digital, documentary and material archive for deposition.

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

8. No site works of any nature, or development shall take place other than in accordance with the programme of archaeological work approved under condition 7.

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

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 7. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months

of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

10. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05b, published to the Planning Register 23rd July 2026, 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 250 mm 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 interest of road safety and the convenience of road users

11. The access gradient to the dwelling 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 or verge, 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.

12. 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.

13. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Site Location Plan- LA05/2025/0098/F



Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – September 2026

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 position for each indicator for the month of September 2026.

2. This data is unvalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.

3. Members will note that the performance against the statutory target for local applications for September 2026 was 20.8 weeks. The downward trend in processing times is maintained for the second quarter. There also remains a focus on reducing the number of older applications as this is retained as a performance improvement objective for the Council.

4. Members will note that the performance against the statutory target for major applications for September 2026 is 196.6 weeks. Our performance in year to date is 134.2 weeks.

5. While the average processing times for major applications remains high at the end of the second quarter this reflects the fact that seven older applications were issued. Only one new major application was received of far this year making it difficult ot balance the figures and demonstrate improved performance.

6. Enforcement is reported separately on a quarterly basis but for completeness Members are advised that the Council remains on target to achieve the statutory

	target of processing 70% of cases within 39 weeks. In September 92.3% of cases were decided in 39 weeks.	
2.0	**Recommendation** It is recommended that the Committee notes the information in relation to the September 2026 Statutory Performance Indicators.	
3.0	**Finance and Resource Implications** There are no finance or resource implications.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required. .	

Appendices:	Appendix 2 – Statutory Performance Indicators – September 2026

Statutory targets monthly update - September 2026 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn[1]	Average processing time[2]	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn[1]	Average processing time[2]	% of cases processed within 15 weeks	Number opened	Number brought to conclusion[3]	"70%" conclusion time[3]	% of cases concluded within 39 weeks
April	1	0	-	-	87	51	16.0	47.1%	28	16	27.7	87.5%
May	0	2	111.0	0.0%	65	52	18.3	46.2%	19	14	19.8	85.7%
June	0	2	129.7	0.0%	61	77	20.4	44.2%	25	16	25.0	87.5%
July	0	0	-	-	41	64	13.3	54.7%	25	15	38.4	73.3%
August	0	0	-	-	51	49	23.0	26.5%	30	7	45.9	71.4%
September	0	3	196.6	0.0%	58	59	20.8	28.8%	12	13	22.1	92.3%
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	**1**	**7**	**134.2**	**0.0%**	**363**	**352**	**19.4**	**41.8%**	**139**	**81**	**21.8**	**84.0%**

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. *The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".*

3. *The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision– LA05/2025/0681/CLOPUD

1.0 **Background**

1. A Certificate of Lawfulness for a proposed use or development ("CLOPUD") submitted in accordance with Section 170 of the Planning Act (Northern Ireland) 2011 to establish the lawful commencement of planning permission S/2008/0518/F on lands adjacent and to the west of No. 2A Stockdam Road, Lisburn was not certified on 21 November 2025.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 6 March 2026.

3. The procedure followed in this instance was an informal hearing which took place on 9 June 2026.

4. The main issue in this appeal was whether on the date of the application, the development approved under S/2008/0518/F had been lawfully commenced in line with its access conditions to allow for its completion at a later date.

5. On 24 September 2026 the Commission confirmed that the appeal was allowed and certified the lawful commencement of planning permission S/2008/0518/F allowing for future completion of the proposed development at a later date.

Key Issues

1. Planning permission S/2008/0518/F granted permission for five dwellings on the 24th August 2010. Condition 1 required that the development be begun before the expiration of five years i.e. before 24th August 2015. The Council did not dispute that the foundations for one of the dwellings were laid in the correct position and the work was undertaken before the permission expired.

2. The Council argued however that the permission had not been lawfully commenced because, in their view, the works undertaken have been insufficient to comply with the pre-commencement requirement to provide a vehicular access, including the visibility splays and any forward sight line and the area within to be cleared to provide a level surface and retained and kept clear thereafter.

3. In response, the Commission stated it must be guided by the general topography which did not support in her opinion the Council's scenario that the roadside verge or visibility splays behind may have been raised above the road at the time of the dwelling construction works.

4. At the hearing, the Council accepted that any failure to maintain visibility splays and forward sight lines is an enforcement matter. As the evidence demonstrated that the first part of condition 8 was adhered to prior to commencement, their subsequent obscuring by the temporary fencing, and regrowth of vegetation is a matter for enforcement and therefore not a true condition precedent. The Commissioner was satisfied that even though they do not currently remain clear in situ this did not prevent a lawful commencement of the permission.

5. The Council argued in respect of condition 7 that there is also a scarcity of any form of physical demarcation, including road markings or visible differences in surface treatment to enable them to confirm that the works undertaken amount to the provision of a vehicular access of the required dimensions.

6. Whilst the appellant argued that the wording of this condition was vague, the Commissioner accepted that notwithstanding, the safe access and egress of vehicles remains necessary in the interests of road safety and the convenience of road users, in that it goes to the heart of the planning permission and condition 7 is correctly phrased in prohibitive terms. Condition 7 satisfied both of the tests for a condition precedent, to which the Whitley principle applies.

7. In weighing the 'balance of probabilities' 'test the Commissioner commented that the appellant's evidence in this case is scant, however in light of the testimony of the appellant's witness at the hearing and the consistent orthophotography, historical aerial and Streetview imagery and in the absence of substantiated road safety concerns evidenced by a consultation with Dfl Roads, she was persuaded that the works of construction undertaken on the vehicular access are sufficient to meet the requirements of condition 7.

8. In summing up, the Commissioner was satisfied that the first part of Condition 8 was complied with and the second not a true condition precedent. Thus, as there was no dispute that works of construction, in the form of laying of foundations, occurred before the permission would have expired, the approved development shall be taken to be begun in line with the legislative requirement and can be lawfully completed.

9. This appeal decision highlights that the Planning Appeals Commission consider the bar to be low in terms of the evidence required to substantiate a material start and it provides clarity in terms of how planning conditions should be worded in respect of access arrangements as pre-commencement works. It also provides guidance to officers in relation to seeking advice from Dfl Roads on road safety matters for this type of application if they are minded not to certify the development is commenced.

2.0 **Recommendation**

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

3.0 **Finance and Resource Implications**

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

4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 3 – Appeal Decision – LA05/2025/0681/CLOPUD

Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2025/L0020
Appeal by:	J W & J Porter Ltd
Appeal against:	The refusal of an application for Certificate of Lawfulness of Proposed Use or Development
Proposed Development:	Lawful Commencement of Planning Permission S/2008/0518/F (by way of works associated in the erection of the development including installation of access) prior to the expiration date (24 August 2015) allowing for future completion at a subsequent date
Location:	Lands adjacent and to the west of No. 2A Stockdam Road, Lisburn
Planning Authority:	Lisburn & Castlereagh City Council
Application Reference:	LA05/2025/0681/CLOPUD
Procedure:	Hearing on 9th June 2026
Decision:	Commissioner C McDonagh, dated 24th September 2026

Decision

1. The appeal is allowed, and a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is attached.

Reasons

2. The main issue in this appeal is whether, on the date of the application, the development approved under S/2008/0518/F had been lawfully commenced in line with its access conditions to allow for its completion at a later date.

3. The application for a CLOPUD was received by the Council on 16th September 2025, in accordance with Section 170 of the Planning Act (Northern Ireland) 2011 (the Act). This appeal was brought under Section 173 of the Act against the Council's refusal to certify the application.

4. Section 170 (1) of the Act states, If any person wishes to ascertain whether – (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use or operations in question. Section 170(2) states, if, on an application under this section, the Council is provided with information satisfying it that the use or operations described in the application would be lawful if instituted or begun at the time of the application, it must issue a certificate to that effect, and in any other case it shall refuse the application.

5. This appeal relates to an approval granted under the Planning (Northern Ireland) Order 1991 (the Order), and it is therefore necessary to consider the matters in the context of the prevailing legislation at the time. Article 34 of the Order states that every permission granted is subject to the condition that the development to which it relates must be begun within five years of the date on which the permission is granted; or other such period (whether longer or shorter) as the Department considers appropriate. The purpose of Article 34 is to bring to an end permission not begun within a specified period of time to prevent an accumulation of unimplemented permissions and allow proposals to be reviewed periodically in light of changing circumstances, including updated planning policies.

6. Article 36(1) of the Order sets out how Article 34 is to be interpreted. It states development shall be taken to be begun on the earliest date at which any of the operations comprised in the development begin to be carried out including (a) where the development consists of or includes the erection of a building, any work of construction in the course of erection of that building. The planning permission S/2008/0518/F granted permission for five dwellings on the 24th August 2010. Condition 1 required that the development be begun before the expiration of five years i.e. before 24th August 2015. There is no dispute that the foundations for one of the dwellings were laid in the correct position and the work was undertaken before the permission expired. However, the Council argue that the permission has not been lawfully commenced due to non-compliance with pre-commencement conditions.

7. The permission contained four pre-commencement conditions (conditions 7, 8, 12 and 16). Condition No. 12 relates to geotechnical certification and was resolved during the application. At the hearing, the Council accepted that Condition 16 was not a true condition precedent thus it does not form part of my consideration as to whether the development was commenced lawfully. Condition 7 and 8 relate to the access arrangements and the Council argue the permission has not been lawfully commenced because, in their view, the works undertaken have been insufficient to comply with the pre-commencement requirement to provide a vehicular access, including the visibility splays and any forward sight line and the area within to be cleared to provide a level surface and retained and kept clear thereafter.

8. The appeal site is located on the Stockdam Road, Lisburn, opposite No. 1A. It is irregular in shape and slopes gently away from the road to the south and east. The roadside boundary is defined by a verge of up to 2 metres wide, in a mix of grass, muck and leaves with a temporary mesh fence behind, intermixed by bramble and vine type vegetation. Four large concrete drainage pipes/boulders are positioned alongside the fence over a dis-used access in the northwestern corner. Nine dwellings in Breton Park back onto the northern boundary, which comprises of a retaining wall with garden fencing on top. To the east is the fenced rear garden and driveway of a large, detached dwelling, (2A Stockdam Road) which is accessed immediately south of the appeal site.

9. Dwelling foundations are visible in the northern section, with small heaps of building materials and a second area of hardstanding in the east. The remaining surface is covered in grass, with patches of broken brick and stone strewn throughout. The surrounding area is residential, with dwellings to the

opposite side of Stockdam Road and open space to the east and at Duncans Park to the south.

Condition 8

10. Taking Condition 8 first, as it is narrower in scope than condition 7, it requires '*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 before the development hereby permitted is commenced and shall be retained and kept clear thereafter*.'

11. The appellant provided an Ordnance Survey of Northern Ireland, Land and Property Service (LPS) certified orthophotography image, dated 13th August 2015. Its shows the entire site surface coloured brown, consistent with the scrape or removal of any vegetation. The appellant highlighted the absence of a hedge or any vegetation along Stockdam Road, and a new site access towards the south of the site and internal vehicle tracks. They argue this is indicative of use by construction vehicles for the laying of the dwelling's concrete foundations, with their grey colour the same as the colour of the material laid at the access suggestive of concrete/hardcore.

12. They further provided a drawing prepared by Whittaker and Watt titled '*Topo and LPS 2015 Photo Overlay*' which overlays the 13th August 2015 image referred to above and the approved Dwg. C101 referred to in condition 7. That Roads Service Determination (PSD) drawing shows proposed road widening where required to 5.5 metres and in respect of the new vehicular access, identifies a new 2 metre wide footpath across the full site frontage. The 60 metre x 2.4 metre sight lines run across the existing road to the south (other than at the access radii). To the north they extend over the proposed footpath, with a 1 in 2 slope bank behind and annotated '*Hedge to be relocated to enable sight lines and footpath. Type to match as existing: Any new trees or shrubs shall be placed at least 1m back from the sight line*.' The Council referred to 'an area of what appears to be tarmac at the approved access point from the site onto Stockdam Road' and at the hearing, whilst referring to the overlay as 'blurred' did not dispute it was hardcore, correctly positioned or that its annotated sight line runs over the brown or grey coloured orthophotography surface, indicating the clearance of the hedge along the full frontage length.

13. Mr Maze, a building professional provided testimony at the hearing in relation to the works he undertook during 2015 on behalf of the previous landowner. He states the hedge was removed from the sloping roadside bank along the full extent of the appeal site frontage prior to the other construction works. He also advised that a topographical site survey was undertaken by Land Survey Services (LSS) and the approved access location and dimensions were plotted onto it, with the corresponding pegging out of the access before it was dug out. Hardcore was then added to achieve a level surface. He referred to a Building Control (BC) inspection of the subsequently installed dwelling foundations and their comments that he had '*done enough to start the site'* and subsequent erection of temporary fencing to secure the site. Other testimony related to the subsequent use and storage of construction material for the adjacent Breton Park development is not directly relevant to the issues raised in this appeal.

14. Whilst referring to the appellant not providing the BC or LSS survey documents the Council did not challenge Mr Maze's testimony.

15. In respect of the appellant's argument that the hedge removal constitutes the clearance of the visibility splays and forward sight line required by the first part of condition 8, the Council's evidence incorporated historical google earth imagery, including that dated 21st April 2015 with a hedge detectable at that time along the full frontage of the field, void of any disruption or construction works. This indicates the construction works, including the hedge removal occurred between 21st April and 13th August 2015, prior to the expiry of the permission. However, the Council argued that as the road frontage is now overgrown, the appellant's evidence does not demonstrate if any remaining roadside verge was raised or levelled to provide a surface no higher than 250mm above the level of the adjoining carriageway in accordance with the first part of condition 8.

16. I am not convinced by the Council's argument, in part based on the Streetview images provided from June 2012, January 2021 and June 2022. The June 2012 image shows the roadside grass verge at a similar level to the Stockdam Road and a hedge, approximately 1 metre high behind. When considered in context of the approved drawing 'Longitudinal section of Road 1' (dwg. 7), referred to by the Council, which utilises an existing ground level within the appeal site of circa. 1 metre beneath the Stockdam Road, I am persuaded by Mr Maze's recollections that the hedge seen in the 2012 Streetview was extracted from the roadside bank, which sat below the level of Stockdam Road. A difference in road surface can be seen by the later Streetview images of January 2021, with stone in place of grass in the roadside verge behind which the temporary fencing sits (with vine and bramble growth starting by June 2022) still broadly consistent with the level of the road. In combination with the absence of the reference within the condition to a fixed point in the road from which the 250mm maximum height is to be measured, I must be guided by the general topography. This does not support the Council's scenario that the roadside verge or visibility splays behind may have been raised above the road at the time of the dwelling construction works. The land generally slopes downward from the level of the road and was, on the balance of probabilities cleared to a level not higher than 250mm above the level of the adjoining carriageway along the full frontage. Accordingly, I find that the first part of condition 8 was complied with.

17. Turning to the second limb of condition 8, and whether it represents a true condition precedent in respect to pre-commencement, the Council relied in their written evidence on the Commission decision 2024/L0014, which relates to a single dwelling, in particular those aspects that state that when a visibility splay has been implemented it cannot lawfully be removed. However, the appellant relied on the Commission decision 2020/E0007, which has a similar condition construction to condition 8 to secure the retention and maintenance of the visibility splay and sight line as an ongoing control measure. That case focused on the constructed access for a farm dwelling which was mostly in accordance with the approved plans, but for a telegraph pole which obstructed the visibility splay.

18. At the hearing, the Council accepted that any failure to maintain visibility splays and forward sight lines is an enforcement matter. As the evidence demonstrates that the first part of condition 8 was adhered to prior to commencement, their subsequent obscuring by the temporary fencing, and regrowth of vegetation is a matter for enforcement and therefore not a true condition precedent. The fact they do not currently remain clear in situ did not prevent a lawful commencement of the permission.

Condition 7

19. Condition 7 states, '*The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with Drawing no. C101, bearing the Planning Service date stamp 11th June 2010 and Roads Service determination date stamp 3rd August 2010, prior to the commencement of any works or other development hereby permitted'*.

20. At the hearing, the Council acknowledged the grey area seemed to extend back from the Stockdam Road across the required access width. Based on the overlay I estimate it is 5 metres back from the approved "x" point on Stockdam Road as far the approved rumble strip, and its breadth generally extends to the approved outside edge of the two metre wide footpath either side, a combined width of 9.5 metres. This equates to an area of circa 48m² over which the grey coloured hardcore was laid, a not insignificant area of coverage.

21. The focus of the Council's concern relates to "clear absences" on the ground of features shown on the approved PSD drawing, specifically the new footpath and the dearth of definition of the approved access arrangements, including the required 6 metre radii kerb line. Notwithstanding the appellant's argument that kerbs could not be installed in the early stages of construction as the weight of the 20-tonne concrete lorry used to construct the foundations would damage a non-sealed surface, the Council argued that there is also a scarcity of any form of physical demarcation, including road markings or visible differences in surface treatment to enable them to confirm that the works undertaken amount to the provision of a vehicular access of the required dimensions. They relied on the appeal decision 2024/L0015 to demonstrate the works must be enough to constitute the 'vehicular access' from the road to the property and 2023/L0012, which points to a vehicular access condition being fully implemented to be considered completed.

22. 2024/L0015 relates to a single dwelling, with a vehicular access required via a condition worded as per condition 7 of S/2008/0518/F not provided. The Commissioner found at Paragraph 15 that "*the visibility splays, whilst included, are not in themselves the vehicular access. To my mind a vehicular access provides an access point from a road into a property'*. The evidential context differs to this appeal where there is no dispute that the construction works undertaken at the new access point on the Stockdam Road and into the appeal site are in the correct location and the orthophotography and overlay supports its construction to the depth of the drawing C 101's annotated rumble strip, beyond which point the access transitions into the shared surface internal road. The construction works include at least part of the new vehicular access and amount to more than the creation of the visibility splays.

23. 2023/L0012 relates to 26 apartments on the edge of an urban area, with the Commissioner concluding that the required visibility splay was not cleared, a road speed sign and electricity pole remained in the approved access location and the 8-metre radius with new dropped kerbs shown on the plans was not implemented and was fatal to the application. However, in this case, the Drawing No. C-101 shows the 6-metre radius but does not contain kerb or surface details. A CLOPUD is specific to the evidence including the importance of the alleged omissions in context of the site-specific features and requirements of the permission and I will return to this appeal later in this decision. However, I find little support for the Council's proposition that a vehicular access has to be fully implemented to be considered completed and agree with the appellant that condition 7 does not require its completion, only that the vehicular access, including visibility splays and any forward sight line shall be "provided" in accordance with the drawing. Furthermore, the splays and forward sight line have been "provided" and line with the Oxford Dictionary definition of "provide" that requires that they are supplied or made available.

24. The Council also rely on 2023/L0012 in support of their position that condition 7 is a true condition precedent that goes to the heart of the permission. Conversely the appellant argues that condition 7 is ambiguous in that it is premised upon the concept of "any works or other development" and that this language is vague and confusing, undermining its ability to go to the heart of the planning permission. I must therefore consider firstly whether condition 7 is a true condition precedent, and whether what has become known as the Whitley principle (derived from *FG Whitley and Sons Co. Ltd. V Secretary of State for Wales and Clwyd County Council [1992] 3 PLR 72)* applies. It is broadly that works undertaken in breach of a pre-commencement condition in law will not be sufficient to commence development. Whilst it establishes a general principle, subsequent authorities have built upon it by confirming that the condition must go to the heart of the permission and have warned against an over-rigid application of what is a judicial creation to address a gap in the statutory framework.

25. In *R (Hart Aggregates Ltd.) v Hartlepool Borough Council [2005] EWHC 840 (Admin)*, Sullivan J. warned, "The court should be wary of applying the principle in an unduly rigid fashion and thereby pushing it to such an extreme that, far from giving effect to the underlying purpose of the legislation … actually frustrates it by leading to absurd and wholly unforeseen results." This approach was endorsed in *Greyfort Properties Ltd v Secretary of State for Communities and Local Government [2011] EWCA Civ 908* and the Northern Irish Courts in *Blackwood's Application v Derry and Strabane District Council [2018] NIQB 87*, have repeated this theme, with the Whitley principle described as "a Judge made device to be applied with caution" and the judgment noted that, "Repeated exhortations of caution against the over-rigid or over-literal application of the Whitley principle have emerged as one of the major themes of post-Whitley cases."

26. If the approach taken in Whitley was a blanket approach to pre-commencement conditions, Hart Aggregates and subsequent cases recognised exceptions to the principle and introduced the proposition that a planning condition must be phrased as an express requirement or prohibition that makes it clear that the actual start of the development is conditional on the

condition being satisfied and the condition must go to the heart of the permission. A condition that merely states that something was to be done before development is commenced does not preclude development. If development were to take place in that instance, then any 'non-compliance would be a breach of condition only and the local authority would have to seek compliance with the condition'. As set out previously this scenario applies to the second limb of condition 8.

27. Whether something goes to the heart of the planning permission is not merely a matter of construing the grant of the permission. The grant may give reasons why the condition is imposed; but those reasons cannot resolve the question by themselves. Rather, the question can be answered only by a fact sensitive enquiry into the terms of the condition in the context of the permission, and the permission in its planning context, as explained at *Meisels v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1987 (Admin) (Paragraph 19)*.

28. The Council first presented at the hearing the argument that because the reason for its imposition was, '*To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users*', as required by DFI, condition 7 does go to the heart of the permission. However, no specific evidence was presented on the nature of the safety concerns on Stockdam Road, detail of its usage characteristics (such as traffic volumes or speeds), the direction of any hazards or how the features highlighted as omitted would have made either the access or egress unsafe back in 2015. The concerns proved on questioning to be of a general nature. Notwithstanding, the safe access and egress of vehicles remains necessary in the interests of road safety and the convenience of road users, in that it goes to the heart of the planning permission and Condition 7 is correctly phrased in prohibitive terms. Condition 7 satisfies both of the tests for a condition precedent, to which the Whitley principle applies.

29. The specifics of every access is different and subject to localised factors on the road network. Stockdam Road runs between housing at Burandell Manor (to the north) and Duncan's Road (to the south). North of the approved access location there are three residential accesses, No. 2 and No.1A Stockdam Road and Beechtree Hill (with 7 dwellings therein). To the south there is only No. 2A Stockdam Road and amenity space at Duncan's Park. The road has a five-tonne weight limit, is narrow, twisty and undulating in parts and combined with its cited 30 mile per hour speed limit the appellant's analysis that it is not an attractive through road and has low-level usage is consistent with my observations. During a 30-minute site visit just three vehicles passed the site, with a small number of pedestrians walking dogs. On a second visit the only road activity was two pedestrians passing the site walking dogs.

30. None of the parties directed me to any component identifiable at the approved vehicular access location, with the appellant removing a fence panel to enable site access. I stood inside the approved access location, facing the group of large trees, allowing for their growth since the 2015 orthophotography image. I observed an area where the roadside bank appeared to have been cut back, distinguishable from the steeper southern section, indicating some groundworks were undertaken to achieve a more gradual access gradient.

Patches of corresponding hardcore and stone could be seen interspersed with vegetation, consistent with the location on the 2015 image and the testimony of the builder that hardcore was added to achieve a level surface.

31. At the approved access location, I found there to be a good view across the 60 metre length of the visibility splay towards the brow of the hill and the bend after Breton Hill, albeit somewhat restricted by the bramble and vines that have grown through the roadside fence. On egress turning south the view of oncoming traffic is wider due to the downward slope of the road, the width of the verge at circa. 2 metres and the grass bank on the opposite side of the Stockdam Road along the frontage of No. 1A. The travelling public would have a good view of vehicles emerging due to higher land in the north looking down on the site access and when travelling from the south, the road bend will naturally slow approaching traffic allowing for greater reaction time.

32. Notwithstanding the Council's late introduction of road safety concerns, I do not agree that the absence of defined access radii/footpath kerb lines is fatal to the case before me. Firstly, I have no input from DFI, including the initial reasons for the condition to establish if the construction of the appeal development would generate a volume of traffic per day onto the Stockdam Road that would require the implementation of the vehicular access to the standard suggested by the Council or if these further works would only become necessary after the dwellings became operational and it is only at this time that a road safety issue would occur.

33. Secondly, I am mindful of *Blackwood's Application v Derry and Strabane District Council [2018] NIQB 87*, which concluded that the laying of foundations could not have been undertaken in the absence of a vehicular access from the main road to the site. At paragraph 26 it states, "*in the real world something quite rough and rudimentary would have sufficed for this purpose*". The orthophotography dated 13th August 2015 shows the internal room arrangement of the dwelling. The erection of these foundations would have required equipment, including diggers or tractors plus vehicles delivering materials such as concrete blocks. They could not have got from the road into the property without a sufficiently sized vehicular access.

34. The Council further argued that the grey area had nearly gone by the 2017 historical imagery, with the site accessed from the land to the north (later Breton Park) or from opposite Beechtree Hill (where the large concrete drainpipes are currently positioned). Notwithstanding I consider the hardcore to be still visible at the approved access in the historical imagery of 6th April 2019, the 13th August 2015 orthographical image is the closest to the point of commencement of the dwelling. I accept the grey area above the dwelling's foundations is newly laid hardcore however, as it does not run from the Stockdam Road into the property it does not meets the Council's definition of a vehicular access. It is separate from a small grey strip to the inside of Stockdam Road which I estimate, based on the overlay, to be circa. 4 metres wide and 2 metres deep, significantly smaller at circa. 8m² than at the approved access location of circa 48m². Unlike the earlier 21st April 2015 aerial image vehicle track marks can be discerned on 13th August 2015 throughout the site, including running northward from the hardcore access location to the dwelling's foundations, with additional vehicular tracks visible around its

narrower block outline and extra grey material deposited to the inside of that already laid by the time of the later 2016 'orthography from Council's map'. When combined they point to the use of the access and the southern section of the site up to and beyond the commencement of the dwelling.

35. The evidential burden on the Council runs to more that hypothetical scenarios and they have produced no persuasive evidence why large construction vehicles would have used a smaller rougher hardcore strip over that installed to the required width or to contradict the appellant that they provided the approved access when erecting the foundations for the dwelling before it was covered by temporary fencing. I do not consider the placement of a security barrier over the northwest access to be an indicator that it was the only access. Furthermore at the hearing, the Council witness confirmed that in the absence of a clause that only the approved access can be used, any use of a secondary access area by construction vehicles is of no consequence to whether the appellant's evidence demonstrates that the permission, including the approved access was lawfully implemented by 24th August 2015

36. In the absence of convincing detail as to why the access that was created was unsafe, I am not persuaded that all the works identified on the PSD drawing, including the definition of the access radii alignment or other required dimensions were necessary prior to the commencement of the construction of the development granted planning permission. In terms of the omitted frontage pavement, I do not accept that it is part of the vehicular access referred to in the condition 7. As described it relates primarily to vehicles, whereas a pavement is required for the safety of pedestrians. Secondly, there is no pavement to either the north or south of the site. Therefore, in the absence of any information from DFI, I can only assume that its purpose along the site frontage was to provide for the safety of future residents within the site. Therefore, a footpath is only needed on occupation of the dwellings. Those walking past the site can continue to avail of the wide grass verge that runs across the front of 1A Stockdam Road opposite in the infrequent occasion that the restricted road width causes potential conflict between pedestrians and cars.

37. The omission of kerbing, which is not identified on the PSD, does not mean that on this road, with few vehicles and occasional walkers only, that the vehicular access was not provided in the circumstances of this case. I do not consider my conclusions inconsistent with 2023/L0012, in which the concern was that pedestrians on the footpath seeking to cross the approved access may not perceive it as an access without kerb defining the radii or noticeable road surfacing works. Like in this appeal the drawing referred to did not stipulate details such as the surfacing and materials to be used in constructing the access and thus there is no need for surface materials for safety but in that case, a telegraph pole and speed sign hindered visibility on exit. The Department of Infrastructure, Roads (DFI) refer to their expectation that "*radii would be kerbed without the defining product having to be specified*" and their advice assisted the Commissioner in robustly analysing their road safety concerns.

38. Unlike that case, the access for the appeal development is onto a minor road rather than over an existing footpath in an urban area. The only pavement

along Stockdam Road is a small stretch opposite the site at the corner of Beechtree Hill meaning pedestrians in this area would be naturally more cautious and the generous width of roadside verge which now exists has been demonstrated to have been cleared at the time of construction to provide the required sight lines and visibility splays for vehicles exiting the site. The absence of kerbing detail in the PSD drawing C-101 and lack of specific road safety detail around it or radii definition at the vehicular access further distinguish the circumstances from 2023/L0012.

39. The Council accepted at the hearing that the intention of the appellant in carrying out the works of commencement, be that to save the permission or carry out the works of development is irrelevant as set down in *Staffordshire County Council v Riley (2001) EWCA Civ 25 7)*. In the absence of evidence of its own to contradict the appellant's testimony that the access material remains on site and was never removed the scenario that the permission could not be resurrected has not arisen, and any future works would have to continue in line with the terms of the permission. In any event, if the Council have concerns regarding road safety, this could be dealt with by enforcement, such as breach of condition.

40. The appellant's evidence in this case is scant, however the standard of proof of 'on the balance of probabilities' is as set down in the decision *Gabbitas V SoSE [1985] JPL 630*. In light of the testimony of the appellant's witness at the hearing and the consistent orthophotography, historical aerial and Streetview imagery and in the absence of substantiated road safety concerns I am persuaded that the works of construction undertaken on the vehicular access are sufficient to meet the requirements of condition 7. Likewise, I am satisfied that the first part of Condition 8 was complied with and the second not a true condition precedent. Thus, as there is no dispute that works of construction, in the form of laying of foundations occurred before the permission would have expired the approved development shall be taken to be begun in line with the legislative requirement and can be lawfully completed.

41. On this basis, for the reasons set out above the Council's decision to refuse to certify the operation was not well founded. The appeal succeeds and a CLOPUD is attached.

This decision is based on the following drawing:

Drawing No.	Drawing Title	Scale
01 dated 16th September 2025	Site Location _ Planning	1:1250 @A4

COMMISSIONER CARRIE MCDONAGH

List of Appearances

Planning Authority:	Jeni Cowan, Lisburn and Castlereagh City Council* Peter McFadden, Lisburn and Castlereagh City Council* Joanne Doran, Lisburn and Castlereagh City Council*
Appellant:	Stewart Beattie KC instructed by Carson McDowell Solicitors Grant McBurney, Carson McDowell Solicitors Lauren Coulter, Bell Rolsten Andrew Maze, Previous Landowner
Observers:	Jesscia George, Lisburn and Castlereagh City Council* Redmond McNamee, Carson McDowell Solicitors Laura Stanfield, Carson McDowell Solicitors

List of Documents

Planning Authority:	A	Statement of Case and Appendices, Lisburn and Castlereagh City Council
Appellant:	B	Statement of Case and Appendices, Bell Rolsten

*Denotes witness appearance online

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 170

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on the 16th September 2025 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged red on the location plan attached to this certificate would have been lawful within the meaning of section 170 of the Planning Act 2011, and can be completed for the reasons set out in the appeal decision to which this certificate is attached.

Signed: *Carrie McDonagh*

COMMISSIONER CARRIE MCDONAGH

24th September 2026

FIRST SCHEDULE

Lawful Commencement of planning permission S/2008/0518/F allowing for future completion at a later date.

SECOND SCHEDULE

Lands adjacent and to the west of No. 2A Stockdam Road, Lisburn as shown on the Site Location Plan, Drawing 01 dated 16th September 2025

Notes:

(1) This certificate is issued solely for the purpose of section 170 of the Planning Act 2011.

(2) It certifies that the matter described in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.

(3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.

(4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Location Plan



Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2021/0360/F

1.0 **Background**

1. An application for a site for proposed infilling dwelling and garage on lands between 11 & 13 Crossan Road, Lisburn was refused planning permission on 29 January 2026.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 1 June 2026.

3. The procedure followed in this instance was an informal hearing dated 3 September 2026.

4. The main issues in the appeal are whether the development is a type which in principle is acceptable in the countryside, and whether it would cause detrimental change to the rural character of the area.

5. On 16 September 2026 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner disagreed with the appellants attempt to introduce alternative concepts such as "rounding off" where these are not expressly contained within the policy wording and they focused on the specific policy tests rather than more subjective planning concepts when assessing countryside infill proposals.

2. This decision provides valuable clarification on the interpretation of frontage under Policy COU8 and supports a more restrictive approach to counting ancillary buildings and backland structures than that applied by the Council.

3. The Commissioner attached greater weight to the wording of Policy COU8 than to the guidance contained within Building on Tradition, concluding that supplementary guidance cannot override or qualify adopted policy where the policy wording is clear.

4. A key finding of the appeal was the Commissioner's rejection of the appellant's argument that the same dwelling could both form part of the established frontage and occupy the gap. This provides useful clarification for future infill assessments, confirming that a dwelling cannot be counted twice to satisfy the requirements of Policy COU8.

	5. The Commissioner found that the proposal would create ribbon development and fail the infill exception, concluding that the planning harm was inherent within the policy conflict itself and upheld the Council's first and second reason for refusal. 6. However, the Commissioner did not uphold the Council's concerns under policy COU16, concluding that the proposal respected the prevailing pattern of development and would not harm rural character highlighting that conflict with COU8 does not, in itself, justify a refusal under COU16, reinforcing the need for officers to demonstrate distinct and identifiable harm to rural character or settlement pattern when relying on COU16 and reasons for refusal should standalone on their own merits.	
2.0	**Recommendation** It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	**Finance and Resource Implications** No cost claim was lodged by any party in this instance.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 4 – Appeal Decision – LA05/2021/0360/F

Planning Appeals Commission

Appeal Decision

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

Appeal Reference:	2026/A0021
Appeal by:	Mr Sam Baird
Appeal against:	Refusal of full planning permission
Proposed Development:	Proposed infilling dwelling and garage
Location:	Lands between 11 & 13 Crossan Road, Lisburn
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/0360/F
Procedure:	Hearing dated 3rd September 2026
Decision by:	Commissioner G McCallion, dated 16th September 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issues relate to:
   - whether the development is a type which in principle is acceptable in the countryside as it; and
   - whether it would cause a detrimental change to the rural character of the area.

3. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires 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 states 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.

4. 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, as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), a reference to the Local Development Plan now becomes a reference to the Departmental Development Plan (DDP) and the PS read together. In this appeal, the DDP is the Lisburn Area Plan 2001 (LAP). In the DDP, the site is located outside a settlement, in the countryside and within the Green Belt designation. There are no policies contained within the DDP that are pertinent to these proposals, so no conflict arises with the PS.

5. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted although in some circumstances it can be a material consideration. In it the appeal site is also located within the countryside. There are no other provisions in the DDP that are material to the determination of the appeal. The appeal should therefore be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.

6. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development, Edition 2' (SPPS). It is material to all decisions on individual appeals. In compliance with paragraph 1.11 of the SPPS, operational policies set out in the PS are now in effect. Existing policy retained under the transitional arrangements has ceased to have effect in the Council area. It now falls to the Commission to assess the appeal in the context of the LDP, in accordance with the above legislative provisions and the reasons for refusal as provided by the Council. Guidance contained within 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' (BOT) is also a material consideration.

7. The appeal site comprises approximately 0.48 hectares of agricultural land situated between the recently constructed dwelling and garage at No. 11A Crossan Road and the more established dwelling at No. 11 Crossan Road. The site is irregular in shape owing to the exclusion of a tennis court in its south-eastern corner. Its eastern boundary is adjacent to Crossan Road and is defined predominantly by fencing and mature hedgerows. The northern boundary, which adjoins No. 11A, and part of the western boundary are similarly enclosed by mature hedgerows. To the south, the site is bounded by an agricultural access track serving an agricultural shed and lands to the west. The tennis court is enclosed by mature conifer planting along its northern and eastern edges, while the boundary between No. 11 and the agricultural track is well-defined by mature hedgerows and established trees.

8. 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". The Policy advises that, details of operational policies relating to acceptable residential proposals are set out in policies COU2 to COU10. Thus, one such type of development that is acceptable in the countryside is that which complies with the provisions of Policy COU8 'Infill/Ribbon Development'. Policy COU1 concludes that "any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 [to] COU16".

9. Policy COU8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it continues 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. The Policy defines a substantial and continuously built-up frontage as being 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.

10. It continues 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. Buildings forming a substantial and continuously built-up frontage must be visually linked.

11. The Justification and Amplification (J&A) to Policy COU8 states that a ribbon of development cannot be defined solely by numbers. However, it advises that where two buildings front a road and are located beside one another, there may be a tendency towards ribbon development. The J&A further notes that substantial gaps between buildings often provide important visual breaks in the countryside and that infilling such gaps is generally undesirable as it can create or add to ribbon development.

12. At the hearing, both parties confirmed that No. 17 Crossan Road is not engaged in terms of contributing to the ribbon of development nor providing a qualifying building regarding the exception to ribbon development, pursuant to the provisions of Policy COU8. The was agreement that Nos. 11, 11A and 13 Crossan Road are engaged in both determining whether a ribbon of development will be created or added to and whether the exception contained within the Policy is met.

13. It was common ground between the parties that Nos. 11A and 13 Crossan Road presents a tendency to ribboning because they are beside one another and both front onto the public road. The Council, however, argued that the domestic garages associated with those dwellings should also be treated as qualifying buildings, such that the ribbon comprises four buildings rather than two and that the proposal would therefore add to an existing ribbon of development. The Appellant maintained that the proposal would neither create nor add to a ribbon of development but would instead round off development along this section of the road. At the same time, he argued that the appeal site represents an infill opportunity within an existing ribbon.

14. I would concur with the parties that Nos. 11A and 13 Crossan Road both front the road and, by virtue of their siting and orientation, are located beside one another. Having regard to the J&A of Policy COU8, there is a clear tendency towards ribbon development. Whilst the garages, associated with these dwellings, also front the road they are positioned behind their respective dwellings and are not located beside either the dwellings or each other. Consequently, I do not regard them as qualifying buildings for the purposes of assessing ribbon development pursuant to Policy COU8.

15. However, whilst the proposed dwelling would front the public road and be positioned adjacent to No. 11A, the tennis court situated between it and No. 11 means that the proposed dwelling and garage would not adjoin the dwelling at No. 11. As such, the development would read as a linear sequence of three dwellings comprising Nos. 13, 11A and the proposed dwelling. In my view, this would extend built development along this section of the road beyond an existing tendency towards ribboning and would result in ribbon development.

16. My finding that the proposal would result in ribbon development is not altered by the Appellant's reliance on the concept of rounding off. In this regard, I find the

Appellant's argument both confusing and internally inconsistent, as it conflates rounding off development with the separate policy tests contained within Policy COU8. The Policy requires an assessment of whether a proposal would create or add to a ribbon of development and, if so, whether it satisfies the infill exception. Rounding off is not a test prescribed by Policy COU8 and therefore cannot be determinative of whether the proposal is acceptable under that Policy.

17. Furthermore, although the Appellant accepts that there is a tendency towards ribbon development along this section of Crossan Road, he nevertheless contends that the introduction of an additional dwelling would not create a ribbon of development. I find these positions difficult to reconcile. Having considered the matter in detail during the hearing, I am not persuaded by that proposition. In my view, extending the established linear pattern of roadside development beyond Nos. 11A and 13 Crossan Road would move beyond a mere tendency towards ribboning and would create a ribbon of development along this section of the road. Accordingly, I find that the proposal would result in ribbon development and I therefore turn to consider whether it benefits from the infill exception set out in Policy COU8.

18. There was no dispute that No. 11 Crossan Road, the appeal site, and Nos. 11A and 13 Crossan Road all have frontage to the public road. The Appellant referred to the agricultural shed located behind the appeal site, arguing that it would have frontage to the Crossan Road were the intervening vegetation and tennis court removed. The Appellant also placed reliance on the BOT guidance, particularly pages 70-71 and 74-77, which include diagrams and accompanying commentary relating to the assessment of gap sites and infill development. The Appellant contended that, as BOT is referenced throughout the PS, both documents should be read holistically. In his view, the existing dwellings, their garages and the agricultural shed create a discernible built-up frontage and expose an inconsistency within Policy COU8, whereby ancillary domestic buildings are excluded when assessing a substantial and continuously built-up frontage but may be taken into account when considering ribbon development.

19. The Appellant further refers to the approval of No. 11A Crossan Road, maintaining that the appeal proposal, together with that dwelling, would occupy what was previously the gap between Nos. 11 and 13 Crossan Road. On that basis, he argues that refusing the present proposal would be inconsistent with the application of Policy COU8, noting that the Policy contemplates a gap capable of accommodating two dwellings and does not place an "embargo" on a proposal for a single dwelling. He also contends that the development would round off the remaining gap and would not materially alter the existing pattern of development, having regard to the surrounding built form, including garages and an agricultural shed.

20. Turning first to the agricultural shed, I am not persuaded that it constitutes a qualifying building for the purposes of Policy COU8. Whilst the headnote of the Policy does not expressly require a frontage to extend to the road edge, it does require it to be adjacent to a public road or laneway. As acknowledged by the Appellant at the hearing, the ordinary meaning of "adjacent" is "beside" or "next to". Moreover, the J&A provides further support for this interpretation, stating that a building's frontage should extend to the edge of the public road or private

laneway. The Appellant argued that this text should be disregarded because it does not appear within the Policy wording itself. However, the purpose of the J&A is to assist in the consistent interpretation and application of Policy. The J&A text accords with the ordinary meaning of the term "adjacent" and supports the conclusion that a qualifying building must form part of the roadside pattern of development.

21. A building that is separated from a road by intervening land cannot reasonably be regarded as adjacent to it. In this case, whilst a discernible feature in the landscape, the agricultural shed is set well back from Crossan Road and is physically separated from it by the existing tennis court, intervening land and established vegetation. As such, it neither fronts nor forms part of the roadside pattern of development along this section of the road. Accordingly, I find that the shed does not possess the frontage required by Policy COU8 and cannot be regarded as a qualifying building for the purposes of assessing infill or ribbon development.

22. Regarding the Appellant's argument that the agricultural shed would possess frontage if the tennis court and intervening vegetation were removed. The appeal must be determined on the basis of the circumstances that presently exist on the ground, rather than a hypothetical situation dependent upon the alteration or removal of established landscape features. As matters currently stand, the agricultural shed does not share a direct physical or visual relationship with the road. Accordingly, this argument does not alter my conclusion regarding the shed's relationship to the road or its status for the purposes of Policy COU8.

23. I accept that the detached garages associated with Nos. 11A and 13 are visible and form part of the wider built environment. However, the Appellant's argument conflates the BOT guidance with the requirements of Policy COU8. Policy COU8 contains no requirement to apply the BOT guidance when assessing the existence of a substantial and continuously built-up frontage. Rather, Policy COU8 draws a clear distinction between principal buildings and ancillary domestic structures for that purpose. It provides no justification for treating garages or other incidental outbuildings as qualifying buildings. Accordingly, I am not persuaded that the detached garages at Nos. 11A and 13 should be included as part of the substantial and continuously built-up frontage, and I find that such an interpretation is unsupported by the wording of the Policy.

24. Nor am I persuaded by the Appellant's contention that the Council has applied the BOT guidance selectively. Whilst the guidance may continue to assist in interpreting certain policies, it was prepared in the context of Planning Policy Statement 21 and its relevance is reduced where the wording of a corresponding policy has materially changed. That is the position in relation to Policy COU8. Furthermore, supplementary guidance cannot override or qualify the clear wording of adopted planning policy. Consequently, insofar as any conflict is said to arise between the BOT guidance and Policy COU8, I attach greater weight to the Policy itself as the operative basis for decision-making in this appeal.

25. Regarding the Appellant's reliance on No. 11A as the second dwelling necessary to satisfy the requirements of Policy COU8, namely that the gap be "*sufficient to accommodate two dwellings within an otherwise substantial and continuously built-*

up frontage", I consider that this gives rise to an inherent inconsistency in the Appellant's interpretation of the Policy. On the one hand, No. 11A is relied upon as forming part of the existing substantial and continuously built-up frontage. On the other, it is simultaneously treated as one of the two dwellings to be accommodated within the gap. In my view, these positions are mutually incompatible. A dwelling which has already been approved, constructed and forms part of the existing built development cannot also be regarded as occupying the gap for the purpose of satisfying the Policy exception. To find otherwise would effectively count the same dwelling twice, both as part of the frontage and as part of the proposed infill. I do not consider that such an interpretation is supported by the wording of Policy COU8 or consistent with the purpose of the exception.

26. I am not persuaded by the Appellant's contention that Policy COU8 imposes an effective "embargo" on the development of a single dwelling. The Policy does not provide that any gap capable of accommodating two dwellings is automatically acceptable. Rather, the exception applies only where all of its requirements are satisfied, including the existence of a substantial and continuously built-up frontage. The reference to a gap capable of accommodating two dwellings describes the scale of development that may be acceptable under the exception; it does not remove or dilute the need to satisfy the other Policy criteria. Accordingly, the fact that the appeal proposal relates to a single dwelling does not, of itself, demonstrate any inconsistency within the Policy.

27. At the hearing, the Appellant accepted that the gap between Nos. 11 and 11A Crossan Road could not accommodate two dwellings of a size and scale comparable to those in the surrounding area. He also accepted that on a straightforward application of Policy COU8 and excluding the detached garages associated with Nos. 11A and 13 Crossan Road, no substantial and continuously built-up frontage exists. Those concessions are fundamentally inconsistent with the requirements of the Policy exception. Accordingly, and for the reasons set out above, I find that there is no small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, and accordingly the exception is not met.

28. Notwithstanding the above, I have also considered the proposal in its wider context. There are four dwellings located along the same side of Crossan Road as the appeal site, including No. 17 Crossan Road, which lies to the north-west of No. 13. These properties are all set within generous plots characterised by substantial private amenity space. Whilst No. 17 does not possess frontage to Crossan Road and therefore does not form part of the substantial and continuously built-up frontage assessment, I accept that the appeal site is comparable in size to the surrounding residential plots.

29. Furthermore, the proposed dwelling and garage would broadly reflect the scale, form and plot size of neighbouring development and would respect the frontage widths associated with Nos. 13, 11A and 11 Crossan Road. In that regard, I agree that the proposal would not appear incongruous within the existing pattern of development along this section of the road. Consequently, I find no substantive basis for the Council's concerns regarding the proposal's relationship with the established pattern of development.

30. However, these considerations do not overcome the primary Policy objection. Having found that no substantial and continuously built-up frontage exists and the gap cannot accommodate two dwellings, the proposal therefore fails to meet the Policy exception and cannot benefit from the limited relaxation to the presumption against ribbon development. Accordingly, I conclude that the proposal would create a ribbon of development contrary to Policy COU8, and the Council's second reason for refusal is sustained, insofar as stated.

31. Policy COU16 'Rural Character and Other Criteria' states that, in all circumstances, proposals for development in the countryside must accord with the Policy and must not cause a detrimental change to, or further erode, the rural character of an area. A proposal will be unacceptable where it fails to satisfy one or more of the criteria set out within the Policy. Whilst the Council's reason for refusal does not expressly identify the criterion or criteria offended, it states that the proposal would fail to respect the traditional pattern of settlement exhibited in the area and would adversely affect rural character. As confirmed at the hearing, the refusal reason, therefore, engages criteria (c) and (e) of Policy COU16.

32. The Council contends that the proposal would fail to respect the traditional settlement pattern of the area as it would contribute to ribbon development. However, I have already found that the proposal would not appear incongruous with the existing pattern of development by virtue of its siting, scale and plot size. In that regard, I am satisfied that it would integrate with the surrounding area.

33. Moreover, Policy COU1 establishes a two-stage assessment for residential development in the countryside. First, a proposal must satisfy one of the circumstances in which residential development proposals are acceptable in the countryside. Secondly, it must also comply with the general criteria set out in Policy COU16. As confirmed by the Council at the hearing, the assessment under Policy COU16 is therefore distinct from, and not dependent upon, any conclusion reached regarding the interpretation of Policy COU8. Neither criterion (c) nor criterion (e) of Policy COU16 refers to ribbon development or incorporates the requirements of Policy COU8. In these circumstances, I do not consider that the Policy framework requires the issue of ribbon development, already addressed under Policy COU8, to be revisited through the application of Policy COU16.

34. The established pattern of development along this section of Crossan Road comprises detached dwellings set within generous plots, with substantial amenity space to the front, sides and rear. The appeal proposal reflects that prevailing character. Moreover, when viewed from Crossan Road, the appeal site does not present as a significant visual gap or interruption in the built environment. This is largely due to the presence of the tennis court associated with No. 11, the well-maintained boundary hedgerows, and the shed located to the rear of the site, all of which contribute to a perception of visual enclosure and continuity.

35. Thus, having regard to the existing pattern of development along this section of Crossan Road and the character of the gap site, including the tennis court and the presence of the agricultural shed within the wider site context, I am not persuaded that its visual effects would be so significant as to unacceptably disrupt the traditional settlement pattern exhibited in the area or adversely impact the rural character found along this section of the Crossan Road. The Council's objection

arises from the specific requirements of Policy COU8 concerning ribbon development rather than from any separate impact expressed within criteria (c) or (e) of Policy COU16. Thus, whilst I have found that the proposal fails to satisfy Policy COU8 for the reasons already given, I am not persuaded that those considerations also give rise to a conflict with criteria (c) or (e) of Policy COU16. Accordingly, the Council's third reason for refusal is not sustained.

36. Notwithstanding the above, the Appellant argued that the provisions of the PS should not be applied mechanistically. He directed that that planning judgment must be exercised having regard to all material considerations. He relied on appeal decisions in support of a more flexible application of countryside policy. These are considered below.

37. To further support his position, the Appellant referred to case law, namely *Tesco Stores Ltd v Secretary of State for the Environment and Others* [1995] All ER 636, *R v Rochdale Borough Council ex parte Milne* [2000] EWHC 650, *Application by Belfast Chamber of Trade & Commerce, Belfast City Council and North Down Borough Council for Judicial Review* [2001] NICA 6, *Application by James Stewart for Judicial Review* [2003] NICA 4, *Lisburn Development Consortium's Application for Judicial Review* [2007] BNIL 96, *Lamont's (David John Stewart and Elaine) Application* [2014] NIQB 3.

38. The Appellant relied on the case law to support his contention that planning policies are intended to guide, rather than dictate, decision-making and that planning judgment must be exercised in light of all material considerations. He argued that the question of whether a substantial and continuously built-up frontage exists should not, by itself, determine the outcome of the appeal, and that the proposal must instead be assessed in the overall planning balance. On that basis, he maintained that that the absence of four qualifying buildings should not be fatal to the appeal.

39. The caselaw judgments themselves were not provided in full. I am therefore unable to assess their precise factual circumstances, legal context, or the extent to which they are comparable to the appeal before me. However, I acknowledge the Appellant's contention that planning policies are intended to guide decision-making rather than operate as inflexible rules, that development plan policies should be considered in the round, and that decision-makers are entitled to attach such weight to material considerations as they consider appropriate in the circumstances of an individual case.

40. The Appellant also raised issues of fairness, maintaining that had the application been determined earlier under Planning Policy Statement 21, it would likely have received favourable consideration. He attributed delays in the processing of the application to resource pressures within the Council. These included the prolonged absence experienced by the planning officer responsible for processing the application due to personal circumstances and the Council's reluctance to determine applications pending legal challenges concerning ribbon development.

41. I acknowledge the Appellant's frustration regarding the time taken by the Council to determine the application and the documentation within the planning file which suggests a favourable outcome may have been reached had the matter been

determined earlier in the planning process and prior to the adoption of the PS. The Appellant also attributes part of the delay to the Council's "tentative" approach to the assessment of countryside infill proposals following the judgment in *David Burns and Gordon Duff's Applications for Judicial Review* [2022] NIQB 10. However, my role is to determine the appeal on its planning merits and by reference to the decision ultimately made by the Council. Issues concerning alleged procedural deficiencies or delays are not matters for determination in this appeal. Such concerns should be raised directly with the Council, or any other relevant body, through the appropriate complaints or administrative channels.

42. In any event, the Appellant could have exercised his statutory right of appeal against the Council's failure to take a planning decision pursuant to Section 60 of the Act. Whilst I recognise the frustration arising from the delay in determining the application, the planning system provides a mechanism by which allegations of delay could have been addressed. In those circumstances, I am not persuaded that the delay, of itself, justifies departing from the policy framework in force at the time the application was determined.

43. The Appellant further contended that the principles later incorporated within Policy COU8 were being applied in advance of their formal adoption. In support of this position, he referred to correspondence between the Commission and the Council between July and August 2023. He also referred to applications LA05/2022/0927/F, LA05/2022/0605/F and LA05/2022/0606/F as examples of permissions granted for infill development, which in his view, departed from the policy requirement for a gap capable of accommodating two dwellings and thereby demonstrated an inconsistent approach to decision-making.

44. However, there is no cogent evidence before me that these applications were determined by reference to the draft PS, following the Department's direction of 28 June 2023 and, prior to the lawful adoption of the PS in September 2023. Indeed, the case officer reports, appended in full by the Appellant, indicate that the prevailing policy framework at the time the decisions were taken was Planning Policy Statement 21, and that the applications were assessed and determined against the provisions of that policy. As such, they provide no persuasive evidence that the draft PS was being applied in advance of its lawful adoption.

45. In any event, it is well established that planning applications and appeals must be determined on their own particular facts and merits. Therefore, whilst I have had regard to the Appellant's submissions concerning consistency in decision-making, I find the examples cited to be of limited assistance.

46. In respect to the correspondence between the Commission and the Council, this merely records administrative arrangements that applied prior to the adoption of the Council's PS and identifies the approach to be taken in respect of appeals during the transitional period. Whilst it recognised that retained planning policy remained a material consideration pending adoption of the PS, it did not suggest that such policies continue to apply following adoption of the PS. Nor does it confirm that the draft PS policies were to be applied in advance of its lawful adoption. This correspondence therefore does not assist the Appellant's case.

47. I also attach limited weight to the Appellant's reliance at the hearing on anecdotal conversations said to have taken place between himself, the Council's Head of Planning and a former Commissioner regarding the interpretation and application of policy. Those assertions are unsupported by documentary evidence, and I have no reliable basis upon which to verify either the substance of the discussions or the context in which any comments may have been made. Even if such conversations occurred as described, they would not outweigh the adopted policy framework.

48. The Appellant also relies on planning application references LA05/2020/0421/O and LA05/2020/0420/O at Gregorlough Road, which were determined together and appended in full to his evidence. However, I am not persuaded that those decisions are directly comparable to the appeal before me. The Gregorlough applications were assessed contemporaneously under the same extant infill policy, whereas the dwelling approved under reference LA05/2018/0528/F adjacent to the appeal site was considered under a different policy framework. Moreover, the factual circumstances are materially different. At Gregorlough Road, the two applications related to a single gap capable of accommodating two dwellings. In contrast, the appeal proposal seeks to rely upon an extant dwelling approved in a different policy context to satisfy the current requirements of Policy COU8, including the tests relating to a small gap and a substantial and continuously built-up frontage. Whilst I acknowledge that the Gregorlough decisions are presently the subject of legal challenge, they remain extant at the date of my decision. Nevertheless, for the reasons outlined above, I do not regard those decisions as directly comparable or of significant assistance in determining this appeal, and I therefore attach them limited weight.

49. I have considered the appeal decisions relied upon by the Appellant. However, I do not find them persuasive on the particular facts of this case. Unlike appeal 2024/E0119, this is not a case where the identified policy conflict was accompanied by a finding that the development would result in little or no planning harm. Nor is it analogous to appeal 2024/A0035, where the harm arising from the policy conflict was found to be limited and outweighed by significant public benefits. Here, the proposal fails to satisfy the exception contained within Policy COU8 and would extend a form of development that this Policy is specifically intended to resist. Consequently, the planning harm is inherent in, rather than separate from, the Policy conflict.

50. I have had regard to the broader principles advanced by the Appellant, including the need to exercise planning judgment and to consider material considerations in the round. However, in the evidential context before me, I am not persuaded that the material considerations relied upon, whether considered individually or cumulatively, carry sufficient weight to outweigh the conflict with Policy COU8 or justify a departure from the LDP. As the proposal fails to satisfy the relevant Policy tests governing residential development in the countryside, the principle of development has not been established. In the absence of overriding material considerations sufficient to justify a departure from the LDP, I find the proposal contrary to Policy COU1 as it is not a type of development which is acceptable in the countryside. Consequently, the Council's first reason for refusal is sustained.

51. Regarding the Appellant's reliance on *South Oxfordshire District Council v Secretary of State for the Environment* [1981] 1 WLR 1092, the judgment was not provided in full. I am therefore unable to compare its circumstances with those of the appeal before me. However, I accept that extant, and in some circumstances expired, planning permissions may constitute material considerations.

52. Nevertheless, the Appellant confirmed, that planning application references LA05/2025/0083/CLOPUD, LA05/2024/0311/F, LA05/2024/0408/CLEUD and S/2012/0251/F were cited for background purposes only. These were not relied upon by him as being determinative of the appeal. I therefore attach limited weight to these matters. In any event, no persuasive evidence was provided that permission S/2012/0251/F has been lawfully implemented and application LA05/2025/0083/CLOPUD was refused. Accordingly, these did not materially advance the Appellant's case.

53. Thus, for the reasons given above, I find that the Council's first and second reasons for refusal are sustained, insofar as stated, and are determinative. The proposal is therefore contrary to Policies COU1 and COU8 of the PS, and the appeal must fail.

The decision is based on the following drawings:

- Site location plan, council stamped drawing No. 01
- Proposal site layout, council stamped drawing No. 02A
- Proposed elevations, council stamped drawing No. 03
- Proposed floor plans and sections, council stamped drawing No. 04
- Proposed garage plans, council stamped drawing No. 05
- Contextual site plan, council stamped drawing No. 6
- Proposed entrance details, council stamped drawing No. 07

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -	Mr Kevin Maguire, Lisburn and Castlereagh City Council
Appellant: -	Mr Andy Stephens, Matrix Planning Consultancy

List of Documents

Planning Authority: -	Statement of Case, Lisburn and Castlereagh City Council
Appellant: -	Statement of Case, Matrix Planning Consultancy

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2022/0506/F

1.0 **Background**

1. A retrospective application for temporary change of use of lands from school playground to car sales and car wash and temporary retention of and change of use of former school building to office at 44 Scroggy Road, Glenavy was refused planning permission on 29 September 2025.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 2 December 2025.

3. The procedure of the appeal was a written representation.

4. The main issues in the appeal were whether the proposed development was acceptable in principle in the countryside and whether it satisfied the sequential test requirements of Policy TC1 of the Lisburn & Castlereagh City Council Plan Strategy.

5. On 24 September 2026 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The applicant argued that retail policy was not engaged as use was sui generis, however the Commissioner agreed with the Council's assessment, applying a substance over form approach and considered that whilst the use for car sales is sui generis, the activity involves the display and sale of goods to members of the public, which are fundamental characteristics of retailing.

2. The proposal was therefore correctly assessed against Policy TC1, on the basis of its functional retail characteristics rather than its technical use class designation.

3. The Commissioner reaffirmed the Council's position that the evidential burden rests with the applicant to provide a robust sequential assessment to demonstrate compliance with Policy TC1 and sustained the Council's refusal reason in relation to TC1.

4. A key finding from this appeal is that the temporary nature of a proposal does not diminish the requirement for compliance with policy requirements.

	5. The Commissioner reaffirmed the Council's approach to plan-led decision-making is correct, concluding that the material consideration of economic and employment benefits of the proposal were insufficient to outweigh the clear conflict with the development plan.	
2.0	**Recommendation** It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	**Finance and Resource Implications** No cost claim was lodged by any party in this instance.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 5 – Appeal Decision – LA05/2022/0506/F

Appeal Decision

Planning Appeals Commission
4th Floor
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Appeal Reference:	2025/A0102.
Appeal by:	RPM Motors NI Ltd.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Retrospective application for temporary change of use of lands from school playground to car sales and car wash and temporary retention of and change of use of former school building to office.
Location:	44 Scroggy Road, Glenavy, BT29 4NE.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2022/0506/F.
Procedure:	Written Representations with Commissioner's site inspection on 14th September 2026.
Decision by:	Commissioner Kieran O'Connell, dated 24th September 2026.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside and whether the proposal complies with the sequential approach requirements of Policy TC1 of the Lisburn & Castlereagh City Council Plan Strategy.

3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (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.

4. 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 (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP) and the PS read together with any conflict resolved in favour of the PS.

5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area in which the appeal site is located. The Belfast Metropolitan Area Plan (BMAP) was adopted in 2014 and subsequently declared unlawful in 2017. As such, the draft 2004 version (dBMAP) may remain material in certain circumstances. Within both the LAP and dBMAP, the appeal site is located in the countryside, outside any settlement limit and within the Green Belt. The LAP directs to the Planning Strategy for Rural Northern Ireland, whilst dBMAP states that the prevailing policies for development in the Green Belt are contained within the Rural Strategy. Those policy provisions have since been superseded, first by PPS21 and subsequently by the policies of the PS. In any event, no objections have been raised regarding the site's designations under either the LAP or dBMAP, and there is no evidence before me to suggest that the proposal would conflict with the objectives of those designations. Accordingly, there is no conflict between the relevant provisions of the DDP and the PS.

6. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland, 'Planning for Sustainable Development' Edition 2 (SPPS). It is material to all decisions on individual planning applications and appeals. Paragraph 1.9 of the SPPS states that where a Council has adopted its PS, existing policy retained under the transitional arrangements shall cease to have effect in the district of that Council. As the Council has adopted its PS, the previously retained regional policies, such as the Planning Policy Statements, cease to have effect within this Council area. No objections have been raised in relation to the SPPS. Consideration of the relevant Plan Strategy policies is set out below.

7. The appeal site is located on the eastern side of Scroggy Road, approximately 750 metres south of Glenavy, within the grounds of the former Ballymacrickett Primary School. It comprises part of a previously developed site containing former school buildings, areas of hardstanding, parking provision and established vehicular access arrangements. An existing forecourt area is used for the display and sale of motor vehicles, while a single-storey modular building on the site is used in connection with office accommodation and a separate building/structure for car washing/valeting activities.

8. The surrounding area comprises a variety of land uses including residential properties, community facilities and open agricultural land. Facilities in the vicinity include St. Joseph's Catholic Church and graveyard, St. Clare's Community Hall, Ballymacrickett Primary School and St Joseph's Gaelic Athletic Club. A former children's day-care facility is located to the rear of the site and residential properties are located to the north and south.

9. 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. Policy COU1 also recognises that there are 'a range of other non-residential development proposals' that may in principle be acceptable in the countryside. In such circumstances, proposals must comply with all relevant policy requirements contained within the operational policies where relevant to the development. Policy COU1 further states that inappropriate retailing in the countryside will be resisted and that retailing opportunities will only be considered in relation to Policies COU11 (Farm Diversification), COU14 (The Conversion and

Reuse of Buildings for Non-Residential Use) and, in exceptional cases, Policy TC6 (Petrol Filling Stations and Roadside Service Facilities).

10. Policy COU1 further requires that any proposal for development in the countryside meet all of the general criteria set out in Policies COU15, 'Integration and Design of Buildings in the Countryside' and COU16, 'Rural Character and Other Criteria'. No objections have been raised regarding these policies.

11. The Council contends that the appeal proposal is contrary to Policy COU1 of the PS because it does not fall within any of the categories of non-residential development identified in Policies COU11 to COU14. It further argues that, as the proposal involves the sale of motor vehicles, it constitutes retailing and must be assessed against the retail provisions of Policy COU1 and Policy TC1 (Town Centres, Retailing and Other Uses). In this regard, the Council maintains that the Appellant has failed to demonstrate that an adequate sequential approach has been adopted and that there are no suitable and available sites within sequentially preferable locations capable of accommodating the proposed development.

12. The Appellant contends that the proposal should be permitted on a temporary basis pending the preparation of a permanent scheme for the conversion and reuse of the former school buildings on the site. In support of that position, reference is made to Policy COU14, which provides for the conversion and reuse of suitable locally important buildings, including former schools. The Appellant further contends that the application of the sequential approach contained within Policy TC1 is inappropriate in the context of a motor vehicle sales business. Whilst accepting that the proposed use is sui generis, he relies on Appeal Ref. 2024/A0123 and argues that motor vehicle sales, as a sui generis use, should not be treated a retail use for the purposes of applying Policy TC1. He argues that such a use should not be conflated with conventional retail development and is materially different from the types of retail uses typically directed towards town centre locations.

13. There is no dispute between the parties that the sale and display of motor vehicles and the operation of a car wash are sui generis uses. The Council relies on previous Commission decisions in support of its contention that, notwithstanding their sui generis status, motor vehicle sales constitute retailing for planning policy purposes. In Appeal Ref. 2017/A0056, the Commissioner found that whilst car sales are a sui generis use, 'the sale of motor vehicles is by its very nature a form of retailing'. Similarly, in Appeal Ref. 2019/A0219, the Commissioner also concluded that commercial vehicle sales, although sui generis, constituted a form of retail activity.

14. During my site visit, I observed a number of vehicles displayed for sale within the appeal site together with an associated modular office building. Whilst the proposal also includes a car wash facility, to which I shall return later in this decision, I observed no servicing bays, workshop facilities or other operational features that would suggest the primary character of the site was anything other than the display and sale of motor vehicles. I have also had regard to the Appellant's reliance on Appeal Ref. 2024/A0123, wherein the Commissioner concluded that sui generis uses should not be conflated with uses contained within the Use Classes Order. However, that appeal concerned a gymnastics academy and not the sale of motor vehicles. By contrast, Appeal Refs. 2017/A0056 and

2019/A0219 dealt specifically with vehicle sales and concluded that, notwithstanding their sui generis status, such uses constitute a form of retail activity. There is no dispute that the proposal is sui generis for the purposes of the Use Classes Order. However, the principal activity proposed is the display and sale of motor vehicles to members of the public. Having regard to the foregoing, together with my observations of the appeal site and the nature of the development proposed, I consider that the proposal constitutes a form of retailing for the purposes of the PS. Accordingly, I consider that the retail provisions of Policies COU1 and TC1 are engaged.

15. The Council contends that, because the proposal does not fall within any of the categories of non-residential development identified in Policies COU11 to COU14, it is not a type of development which is acceptable in principle in the countryside. I also note the contention of both the Appellant and the supporting Third-Party Statement of Case that Policy COU1 expressly recognises that there are other non-residential development proposals which may be acceptable in the countryside. However, having found that the proposal constitutes retailing for the purposes of the PS, the principal issue is whether it accords with the retail provisions of Policy COU1. I note the Appellant's reliance on the reference in Policy COU1 to other non-residential development proposals. However, the policy also contains specific provisions relating to retailing in the countryside. Given my finding that the proposal constitutes retailing for the purposes of the PS, I consider those provisions to be the relevant policy tests in this case.

16. Policy COU1 states that development of inappropriate retailing in the countryside will be resisted and that retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6. It is necessary to consider whether the appeal proposal falls within any of those policy circumstances.

17. The Appellant refers to the future conversion and reuse of the former school building and the provisions of Policy COU14. However, he acknowledges that the appeal proposal relates to the temporary use of a former modular classroom building rather than the original school building. Any future proposal for the conversion and reuse of the former school building is not before me. Nor am I persuaded that the appeal proposal falls to be considered under Policy COU14. Moreover, the permission sought relates principally to the use of land for the display and sale of motor vehicles and associated activities rather than to the conversion and reuse of the former school building itself. Furthermore, there is no contention that the proposal falls within Policy COU11 or, exceptionally, Policy TC6. In these circumstances, the proposal does not fall within any of the policy circumstances identified in Policy COU1 in which retailing opportunities in the countryside may be considered. I therefore conclude that the proposal conflicts with the retail provisions of Policy COU1 and that the Council's first reason for refusal has been sustained.

18. The proposal also includes a car wash use. Whilst the Appellant contends that the car wash is primarily used in conjunction with the motor vehicle sales business, he also accepts that members of the public may avail of the car wash and valeting service and that the proposal is described as comprising both car sales and a car wash. In these circumstances, I am not persuaded that the car wash use can be regarded as merely ancillary to the vehicle sales business. That conclusion is

consistent with the approach adopted by the Commission in Appeal Ref. 2024/A0096, wherein ancillary status was not accepted in the absence of sufficient supporting evidence. In any event, whether the car wash is regarded as a separate use or ancillary to the vehicle sales business, this does not alter my conclusion that the appeal proposal conflicts with the retail provisions of Policy COU1.

19. The Council's second reason for refusal concerns whether the Appellant has demonstrated compliance with the sequential approach required by Policy TC1. The Council contends that the Appellant has failed to demonstrate such compliance. The Appellant maintains that a sequential assessment is unnecessary, as a motor vehicle sales operation, being a sui generis use, should not be regarded as a retail or town centre use for the purposes of the policy. Notwithstanding that position, the Appellant has sought to demonstrate that the operational requirements of the business, including the need for a self-contained site with road frontage, external hardstanding for the display of vehicles, and the longer-term potential for showroom and office accommodation, cannot be accommodated within sequentially preferable locations.

20. The Appellant has undertaken a degree of site searching and identified several sites which were considered available for sale or let. In addition, a Third-Party Statement of Case submitted in support of the appeal includes a sequential assessment of locations within Glenavy, Crumlin, Lisburn and Moira. Collectively, it is contended that no suitable and available sites exist within the sequential hierarchy established by Policy TC1 having regard to the operational requirements of the proposed business.

21. Policy TC1 establishes a clear hierarchy of preferred locations, progressing from primary retail core and retail frontage sites, through city and town centre locations and edge-of-centre sites before consideration is given to out-of-centre locations. The Third-Party sequential assessment seeks to address each stage of that hierarchy. However, whilst reasons are advanced as to why a number of locations would not meet the operational requirements of the business, those conclusions are largely unsupported by objective evidence relating to site availability and suitability. The PropertyNews search results submitted by the Appellant are undated, and insufficient information has been provided to verify when the searches were undertaken or whether the properties remained available at the relevant time. Furthermore, no clearly defined catchment area has been identified and limited information has been provided regarding the methodology used to identify and discount potentially suitable sites within the sequential hierarchy. Accordingly, I am not persuaded that sufficient evidence has been provided to demonstrate that no suitable and available sites exist within sequentially preferable locations. I therefore find that the Appellant has not demonstrated compliance with the sequential approach required by Policy TC1.

22. The Appellant argues that it is illogical to apply the sequential approach in Policy TC1 to a motor vehicle sales business. Whilst motor vehicle sales may differ in character from conventional town centre retailing, Policy TC1 does not distinguish between different forms of retail development in applying the sequential approach. Any particular operational or locational requirements arising from the nature of the use are matters to be considered within that assessment rather than a basis for

avoiding it. Consequently, I am not persuaded that the nature of the proposed use justifies departing from the sequential approach required by Policy TC1.

23. The Third-Party Statement of Case submitted in support of the appeal and the letters of support from local residents highlight the beneficial reuse of a previously vacant site, the reported reduction in anti-social behaviour, the absence of technical objections, and the claimed economic value and local employment benefits associated with the proposal.

24. Whilst economic and employment benefits are cited in support of the proposal, limited evidence has been provided as to their scale or significance. The beneficial reuse of a previously vacant site, the reported reduction in anti-social behaviour, and the fact that planning permission is sought on a temporary basis are considerations which support the proposal. However, I am not persuaded that these considerations outweigh the identified conflicts with Policies COU1 and TC1.

25. Reliance is further placed on the temporary and reversible nature of the development and the prospect of a future permanent scheme for the former school site. However, any such future proposal is not before me and, as acknowledged by the Appellant, would relate to a different form of development involving the conversion and reuse of the principal former school building. The appeal therefore falls to be determined on the basis of the development currently proposed. The fact that permission is sought on a temporary basis does not, in itself, establish compliance with the PS nor overcome the identified conflicts with Policies COU1 and TC1.

26. For the reasons given above and having regard to the provisions of Policies COU1 and TC1 of the PS, the LDP read as a whole, the SPPS and all other material considerations, the appeal proposal conflicts with the retail provisions of Policy COU1 and the Appellant has not demonstrated compliance with the sequential approach required by Policy TC1.

27. The appeal is dismissed.

This decision is based on the following drawings refused on 29th September 2025:

01, Site location Plan at 1:1,250 scale.
02, Existing and proposed Block Plan at 1:500 scale.
03, Floor Plans and Elevations at 1:50 scale.
04C, parking Plan at 1:250 scale.

COMMISSIONER KIERAN O'CONNELL

List of Documents

Planning Authority: -	Statement of Case and associated appendices by Lisburn & Castlereagh City Council. Rebuttal Statement by Lisburn & Castlereagh City Council.
Appellant: -	Statement of Case and associated appendices by Gravis Planning. Rebuttal Statement and associated appendices by Gravis planning.
Third Party Support: -	Statement of Case and associated appendices by Deirdre & Noel McCloskey

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2023/0555/F

1.0 **Background**

1. An application for demolition of an existing derelict dwelling house and erection of replacement energy efficient dwelling house and garage at 22 Drumalig Road, Drumalig, Carryduff was refused planning permission on 31 March 2026.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 30 April 2026.

3. The procedure was a written representation.

4. The main issue in the appeal is the effect of the development on natural heritage. On 28 September 2026 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner reinforces the Council's position that where ecological evidence identifies moderate bat roosting potential and recommends further survey work, surveys are both time and seasonal bound and should relate specially to the subject.

2. The Commissioner attached significant weight to the absence of the requested ecological surveys, highlighting that the burden rests with the applicant to provide sufficient evidence to demonstrate compliance with natural heritage policy requirements.

3. A key finding appeal confirms that, where adequate survey information is lacking, the Council is not required to assume the absence of protected species or ecological harm, particularly where there is evidence of suitable roosting and foraging habitat. The appeal reinforces that a precautionary approach must be applied to the assessment of protected species.

4. The Commissioner concluded that, in the absence of the necessary bat emergence surveys, it was not possible to adequately assess the potential impacts on bats and their habitats or determine that adverse effects would be avoided. Consequently, compliance with Policies NH2 and NH5 could not be established, and the Council's refusal was justified.

5. The appellant did not lodge statements of case or participate in the appeal. While costs were not sought this appeal also emphasises the need for full and proper

	engagement to avoid the waste of resource in terms of preparing statements and/or attending hearings.	
2.0	**Recommendation** It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	**Finance and Resource Implications** No cost claim was lodged by any party in this instance.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 6 – Appeal Decision – LA05/2023/0555/F

Planning Appeals Commission

Appeal Decision

4th floor
92 Ann Street
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Appeal Reference:	2026/A0012
Appeal by:	R & D Patterson
Appeal against:	The refusal of full planning permission
Proposed Development:	Demolition of existing derelict dwelling house and erection of replacement energy efficient dwelling house and garage
Location:	22 Drumalig Road, Drumalig, Carryduff
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2023/0555/F
Procedure:	Written Representations with Commissioner's Site Visit on 31st July 2026
Decision by:	Commissioner Hannah Ellison, dated 28th September 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issue is the effect of the development on natural heritage.

3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (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.

4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11 December 2025, the Department for Infrastructure published the SPPS Edition 2 (SPPS2), which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2 makes clear that all other policy provisions within the former SPPS are unchanged. Paragraph 1.9 of the SPPS2 states that where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council.

5. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) has been adopted. The PS sets out the strategic policy framework for the Council area. In line with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together.

6. The adoption of the Belfast Metropolitan Area Plan 2015 was declared unlawful by the Court of Appeal in May 2017. In this case, the DDP is therefore the Lisburn Area Plan 2001 (LAP). Draft Belfast Metropolitan Area Plan 2004 (dBMAP) was never adopted, thus it is not a DDP, however it may be material in certain circumstances. In the LAP and dBMAP the appeal site is located in the countryside and there are no policies that are material to the determination of this appeal. Therefore, it should be determined in accordance with the provisions of the most up to date operation policy which is contained in the PS, unless material considerations indicate otherwise. I shall return to the relevant policies below.

7. This appeal concerns a two-storey dwelling and single storey outbuilding located on the eastern side of Drumalig Road. Both buildings are in a severe state of disrepair. The dwelling lacks most window panes, its roof tiles are missing in parts, and the rear and side elevations are almost entirely covered with vegetation, which also appears to be growing within the dwelling. The brick and stone elevations of the outbuilding are crumbling in parts, there are no doors to the front and the roof is largely missing. Again, there is extensive vegetation coverage across and within this structure. An access point to Drumalig Road to the west side of the dwelling is also overgrown.

8. Beyond the dwelling's north elevation, the site is totally overgrown grassland. To the front/south of the dwelling was a large pile of rubble. Beyond this, within a central part of the yard and partly falling outside of the appeal site, was a substantial collection of cut logs. To the east of the yard, outside of the appeal site, is a further outbuilding of a considerable size and also in a state of neglect.

9. The site is bound to the north and east by trees and woodland, beyond which is Rockmount Golf Club. The roadside boundary comprises of trees and hedgerow, and the southern boundary of the site is undefined as it cuts across the yard. Beyond this to the south is an area of overgrown waste ground bound by mature trees and hedging.

10. The Council's only concern in respect of the proposed replacement dwelling relates to the effect of the development on habitats and species of natural heritage importance, namely bats. Policy NH2 of the PS concerns species protected by law and states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Policy NH5 concerns habitats, species and features of natural heritage importance, and 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 priority habitats and species, amongst others.

11. The planning application was supported by a Bat Survey (Mark Smyth, 8th September 2023). It concluded that the site assessment indicates a moderate roost potential. The Northern Ireland Environment Agency advised that, due to the time elapsed between the carrying out of the survey (June and September 2023) and the consideration of the planning application in January 2026, an updated survey was required. No updated survey was submitted during the planning application process, and I have not been provided with any updated information for this appeal. As the Council has however highlighted, the aforementioned bat survey relates to the adjacent outbuilding within the eastern part of the yard and falling outside of the appeal site.

12. The appellant also submitted a Preliminary Ecological Appraisal (PEA) (Aulino Wann & Associates, October 2025). It found the appeal dwelling to have moderate bat roosting potential on account of the numerous potential roost features and good quality bat foraging habitat around the dwelling, and the appeal outbuilding as having low bat roosting potential on account of it being largely roofless with limited potential roof features. In addition, the log pile was assessed as having low bat roosting potential. Accordingly, the PEA identified that bat emergence surveys of the buildings and the log pile are required to determine whether bats are roosting before any works on the site can be allowed to proceed. This information was requested during the planning application process but was not received. I have also not received any updated information for this appeal.

13. Given that there is evidence to suggest that the structures on-site have potential for bat roosting and that there is foraging habitat nearby, and in the absence of the appropriate survey, it has not been demonstrated that the proposal is not likely to harm this European protected species and not likely to result in an adverse impact on, or damage to known habitats, species or features of natural heritage importance. As such, the proposal conflicts with policies NH2 and NH5 of the PS. The Council has therefore sustained its reasons for refusal and the appeal must fail.

This decision is based on drawings 01B, 02A, 04 and 05 which were submitted to the Council with the planning application.

COMMISSIONER HANNAH ELLISON

List of Documents

Planning Authority:- Statement of Case by Lisburn & Castlereagh City Council

Lisburn & Castlereagh City Council

CCommittee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Appeal Decision– LA05/2024/0729 & LA05/2024/0758/CLEUD

1.0 **Background**

1. As the two appeal sites are adjacent to each other and the uses are for general storage the commission decided to hear both cases simultaneously at an accompanied site visit at 36 New Road, Hillsborough on 12 November 2025.

2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 18 December 2025.

3. The procedure followed in this instance was written representations with accompanied site visit which took place on 25th March 2026.

4. The main issue in both appeals is whether the use of both sheds is lawful.

5. On 24 September 2026 the Commission confirmed that the appeals were allowed.

Key Issues

1. Both applications were made in accordance with Section 169 of the Planning Act (Northern Ireland) 2011 (which makes provision for the issue of a Certificate of Lawfulness of Existing Use or Development (CLEUD) where the existing is lawful at a particular date.

2. The Council refused both CLEUD applications on 4th November 2025, giving the following reason:

   '*The Council, having considered the information provided, is not satisfied that sufficient evidence has been submitted to show that the use of the land specified (in the First Schedule) and shown on the attached drawing No. 01 began more than five years ago up to and including the date of application and is not therefore immune from enforcement action'*..

3. The Commissioner noted there was no dispute between the parties that both appeal sheds had been constructed for a period in excess of 5 years based on the combination of the Google Earth aerial photography image of June 2019 and on-site observations. The issue before the Commission was therefore whether the appeal buildings had been used for general storage for the required period.

4. The Commissioner's report at paragraph 22 assesses all the evidence submitted by the appellant. At the end of paragraph 23 he concludes whilst no reference to the storage of Bulk Sugar Beet and Cereals at sheds (A) or (B) was expressly specified in the email to corroborate this information, from his on-site observations and the evidence overall at least over a period of time, he was satisfied on the balance of probability, that the storage of Bulk Sugar Beet and Cereals occurred within shed (A).

5. At paragraph 26 it was further stated that :

   The appeal buildings must have been built for a purpose and given the evidence of the quantum of commercial storage taking place within these buildings, combined with the lack of evidence that these buildings were ever used for any other purpose apart from storage and the Council's acknowledgement that shed (A) was used for storage between 2020 and 2024, I am satisfised that on the balance on probability the appeal buildings have been used for general storage and for no other purpose.

6. The report concludes as follows

   Determining whether sheds (A) and (B) have been used for general storage purposes in line with the legislative requirements is a fact and degree judgement, having regard to the particular circumstances of this case and the evidence presented. In the evidential context, it is reasonable to conclude on the balance of probability that the appeal buildings were constructed for and used for storage purposes in connection with the appellant's storage business at this location. Therefore, I find that the Council's refusal to certify both Certificates of Lawfulness of Existing Use or Development was not well founded. Accordingly, Appeal A and Appeal B succeed.

7. This appeal decision highlights that the Planning Appeals Commission as noted in several places uses the phrase on the '*balance of probability'*. The final paragraph also concluded that this is a case of *fact and degree and evidential context.* In this case the Commission applied a different evaluative judgement to the proposed evidence in reaching a conclusion that the existing use be certified. There is little by way of learning other than to note the Commission has consistently applied a low bar in terms of the policy test.

2.0	**Recommendation** It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	**Finance and Resource Implications** No cost claim was lodged by any party in this instance.	
4.0	**Equality/Good Relations and Rural Needs Impact Assessments**	
4.1	Has an equality and good relations screening been carried out?	No

4.2	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:	Appendix 7 – Appeal Decision – LA05/2024/0729/CLEUD & LA05/2024/0758/CLEUD

Planning Appeals Commission

Appeal Decision

4th Floor
92 Ann Street
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Appeal Reference:	2025/L0011 (Appeal A)
Appeal by:	Mr Clive Weir
Appeal against:	The refusal to certify a Certificate of Lawfulness of Existing Use or Development
Development:	Existing Shed Used for General Storage
Location:	36 New Road, Hillsborough, BT26 6ND
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2024/0729/CLEUD
Procedure:	Written representations with Commissioner's Site Visit on 25th March 2026
Decision by:	Commissioner Kevin Gillespie, dated 30th September 2026

Appeal Reference:	2025/L0012 (Appeal B)
Appeal by:	Mr Clive Weir
Appeal against:	The refusal to certify a Certificate of Lawfulness of Existing Use or Development
Development:	General Storage Shed Supplementing Farmer's Income
Location:	36 New Road, Hillsborough, BT26 6ND
Planning Authority:	Lisburn and Castlereagh City Council
Application References:	LA05/2024/0758/CLUED
Procedure:	Written representations with Commissioner's Site Visit on 25th March 2026
Decision by:	Commissioner Kevin Gillespie, dated 30th September 2026

Decision

1. Appeal A: The appeal is allowed and a Certificate of Lawfulness of Existing Use or Development is granted.

2. Appeal B: The appeal is allowed and a Certificate of Lawfulness of Existing Use or Development is granted.

Preliminary Matter

3. The appeal sites are contiguous, and the evidential material in each appeal substantially engages the same issues. In the interests of procedural economy, the determinations have therefore been conjoined.

Reasons

4. The main issue in both appeals is whether the use of both sheds is lawful.

5. In respect of Appeal A, the appellant applied to Lisburn and Castlereagh City Council (Council) for a 'Certificate of Lawfulness of Existing Use or Development' (CLEUD) under LA05/2024/0729/CLEUD on 2nd October 2024 and in respect of Appeal B, the date when the CLEUD application under LA05/2024/0758/CLEUD was made to the Council was 11th October 2024.

6. Both applications were made in accordance with Section 169 of the Planning Act (Northern Ireland) 2011 (the 2011 Act) which makes provision for the issue of a Certificate of Lawfulness of Existing Use or Development (CLEUD). Such a certificate is a statement specifying what is lawful at a particular date.

7. Section 169(1) of the Act states, 'If any person wishes to ascertain whether – (a) any existing use of buildings or other land; or (b) any operations which have been carried out in, on, over or under land, are lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use, operations or other matter'.

8. Section 169(2) of the Act states that 'for the purposes of this Act uses and operations are lawful at any time if - (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force'.

9. Section 169(4) states, 'if, on an application under this section, the Council is provided with information satisfying it of the lawfulness at that time of the application of the use, operations or other matter described in the application, the Council must issue a certificate to that effect, and in any other case it must refuse the application'.

10. The Council refused both CLEUD applications on 4th November 2025, giving the following reason 'The Council, having considered the information provided, is not satisfied that sufficient evidence has been submitted to show that the use of the land specified (in the First Schedule) and shown on the attached drawing No. 01 began more than five years ago up to and including the date of application and is not therefore immune from enforcement action'. Both appeals were made under Section 173 of the Act.

11. Section 132 of the Act refers to time limits for taking enforcement action against breaches of planning control, which Section 131 identifies as being the carrying out of development without the planning permission required or failing to comply with any condition or limitation subject to which planning permission has been granted. Relevant to this appeal, Section 132(3) concerns any other breach of planning control not set out in Section 132(1) or (2) and relates to material change of uses. It states that no enforcement action may be taken after the end of the period of 5 years beginning with the date of the breach.

12. The appeal site, which is located within the countryside, lies on the eastern side of The New Road. In situ is a two storey dwellinghouse, an associated yard area and several buildings/sheds, including the appeal buildings, of varying sizes and types of construction. The surrounding area is predominantly rural in character.

13. Appeal shed (A), which is rectangular in form, measures some 41.9m x 13.1m (549m^2) in area and is positioned adjacent to the dwellinghouse, is a steel framed building with concrete block lower walls, a concrete floor and tin profiled cladding sheets forming the upper walls and roof. It is accessed via a single roller shutter door and a pedestrian door. At the time of my site visit, I observed that it contained a motorhome, some 10No. cars/vans, agricultural machinery and parts, a metal container and a wooden bench and storage unit. An enforcement case under LA05/2023/1269/CA was opened by the Council in 2023 to investigate the current alleged unauthorised change of use of the shed to commercial storage. An application seeking a CLEUD, LA05/2024/0729/CLEUD, as detailed previously, was subsequently submitted by the appellant to address the matter. No enforcement action has been taken by the Council in respect to shed (A), pending the outcome of this appeal.

14. Appeal shed (B), which is also rectangular in form, measures some 41.9m x 18m (750m$^{2)}$ in area and is positioned to the east of shed (A), is similarly a steel framed building with concrete block lower walls, a concrete floor and tin profiled cladding sheets forming the upper walls and roof. It is accessed via a single roller shutter door. At the time of my site visit, I observed that the building was internally sub-divided into some 8/9No. small lock-up units which various items including cars and car parts/tools, car valeting equipment and associated products, motorbikes, vehicle tyres, chairs and desks. Outwith the aforementioned lock-up units but within the remainder of the shed, I also observed a car, a van, a short-wheel based lorry, a forklift vehicle and a small storage unit.

15. To the north of shed (B), a retrospective planning application (LA05/2024/0911/F) was submitted on 9th December 2024 for a shed for "*general storage and supporting existing agriculture business*". Similar to shed (B), this shed is internally sub-divided into self-storage units. From the evidence, I note that work started in respect of the construction of this shed around August 2023. This application remains undetermined by the Council.

16. To the south of shed (B) lies two large poultry houses, constructed in timber and block and which are currently in disrepair, and an egg store. To the west of shed (B), lies a further shed of similar construction, which was used for egg production. From the evidence, these buildings were constructed between 1974 and 1978 and were used in conjunction with the appellant's poultry business which commenced in the early 1970's. At my site visit, the appellant stated that none of the buildings have been used at any time for general storage purposes. This was not disputed by the Council.

17. In addition to the aforementioned enforcement case in respect of shed (A), the Council the Council opened two additional enforcement cases on other buildings within the site. One relates to the alleged unauthorised change of use from an agricultural shed to a commercial storage shed and the other relates to the alleged unauthorised construction of a building (LA05/2024/0064/CA and LA05/2025/0228/CA). No information is provided within the Council's evidence as

to what buildings within the appeal site either case relates to. This does not assist the Council's case irrespective that both cases have not been concluded, to date, by the Council.

18. The planning history of the appeal site also includes appeal decision (2021/E0072) which dealt with the alleged unauthorised use of the yard for the commercial storage of vehicles (including cars, vans and lorries) and metal skips being a material change of use of the land. On 1st June 2023, the Commission upheld that enforcement notice but varied it to cease the unauthorised use of the land and remove all unauthorised vehicles except those associated with the agricultural unit within 30 days from the date the Notice took effect. Appeal decision 2021/E0072 confirms that the subject vehicles were those stored within the open hardcore yard. That Notice did not refer to any buildings on the appeal site nor their uses.

19. There is no dispute between the parties that both appeal sheds have been constructed for a period in excess of 5 years. I am also satisfied of this given the combination of the Google Earth aerial photography image of June 2019 (see below) and my on-site observations. Given this, I consider that the appeal buildings in themselves are therefore immune from enforcement action. The issue is therefore whether the appeal buildings have been used for general storage for the required period.

20. The Council's case is that the appellant has not demonstrated, on the balance of probability, that both sheds have been used for general storage purposes under Class B4: Storage or Distribution of the Planning (Use Classes) Order (Northern Ireland) 2015 (2015 Order) for the required period such that the use is not immune from enforcement action. The appellant contends that the sheds have been used for general purpose storage by paying tenants without interruption since at least 2017, and therefore both respective uses are lawful. There is no dispute that general storage usage falls within Class B4: Storage or Distribution of the 2015 Order.

21. In an application for a CLEUD the onus is on the applicant to provide evidence of the lawfulness of the specified use. In this case, the legislation requires that for the use to be lawful, the evidence must show, on the balance of probabilities, that the general storage use was ongoing for a period of 5 years beginning with the date of the breach.

22. In support of his case, the appellant provided the following information:

- A list of some 42No. individuals/companies, the dates they rented shed/storage space from the appellant (covering the period from October 2014 to present) and the monthly rent paid to store their respective item(s). Whilst this information does not identify the specific buildings where the storage was taking place, it does nonetheless indicate that the appellant was operating a commercial storage business for some time at the appeal site.

- 3No. Invoice books covering the period from June 2020 – April 2024 detailing rental payments made by individuals/companies for the storage of eggs, motor vehicles and general storage items at 'Big Shed', 'Back Shed', 'Shed' and 'Top Shed'. Again, whilst this information does not specifically

identify sheds (A) or (B) as the buildings being used for such storage, it does nonetheless show that the appellant was operating a commercial storage business at this location and the subject sheds were in-situ and available during this timeframe.

- Invoices covering the period from April 2013 to March 2021 detailing rental payments made by individuals/companies for the storage of beet, cereals, seeds and wood pellets. Whilst no evidence has been provided to demonstrate which buildings these goods were stored in, once again, it nonetheless points to a storage business being operated by the appellant at this location.

- 1No. email from James Tolland and Co. Ltd. dated 22 May 2015 stating that they had used the appellant's storage premises 'in the past' for the storage of Bulk Sugar Beet and Cereals. There is no evidence to demonstrate that these items were stored in either shed (A) or (B). However, it corroborates the above invoices and shows that goods were being stored in premisses belonging to the appellant at the appeal site.

- 1No. Google Earth Aerial Photography image which shows sheds (A) and (B) in situ in June 2019. Although this image does not identify the purpose to which the appeal buildings were being used then, it nonetheless corroborates the parties' position that both appeal sheds have been constructed for a period in excess of 5 years and were on site during the period when the appellant claims he was using the buildings for storage purposes.

- 22No. (signed and unsigned) pro-formas detailing the name of some individuals/companies, the dates they rented shed/storage space from the appellant (covering the period from 2019 to present) and the monthly rent paid for the storage of cars, lorries, a horsebox, wood pellets and agricultural machinery. Whilst there is no evidence that any of these items were being stored in the appeal buildings, they nevertheless illustrate that storage was taking place at the appeal site. Given that the appeal buildings were in-situ at this time, and in the absence of evidence to the contrary, they could have been utilised for such storage.

- 1No. Invoice book covering the period from October 2024 – February 2026 detailing rental payments made by individuals/companies and the monthly rent paid to store their respective item(s). Whilst there is no reference on these pro-formas directly linking them to the appeal buildings, it nevertheless lends weight to the argument that the appellant was operating a commercial storage operation/business from the appeal site.

- A list of rental payments received covering the period from January 2017 to February 2026 detailing payments made by individuals/companies and the monies paid by the individuals/company. Whilst there is no evidence that the payments were made in respect of goods being stored in either shed (A) or (B), the information nonetheless demonstrates that payments were made to the appellant for storage purposes over the required 5-year timeline at the appeal site.

- 1No. email (undated) from Hayes Fuels stating that they had rented a shed at the appeal site for the storage of bulk wood pellets during the period from 5th January 2017 – 12th March 2021. Whilst this email does not identify where the pellets were being stored, at the accompanied site visit the appellant advised that they were stored within shed (A). This was not disputed by the Council and therefore weighs in favour of the appellant's case. Therefore, one can infer that the wood pellets were stored in this shed during this 5-year period.

- The Hayes Fuel email is supported by other evidence including the submission of a pro-forma which confirms the amount of rent paid (albeit that it contained a discrepancy in respect of the storage time by stating the shed was rented from June 2018 to 2020), invoices covering the aforementioned dates and 6No. undated photographs which show both the delivery of wood pellets in lorries parked outside the appeal sheds and the storage of wood pellets (loose and bagged) inside shed (A).

- 1No. (unsworn) declaration dated 2nd March 2026 from the appellant which outlines that he has operated a commercial storage facility from the appeal site since 2003. Although the declaration is unsworn, the appellant's claim is largely corroborated by objective evidence such that, when read in its entirety, it demonstrates that he was operating a commercial storage business at this location since at least 2014.

- A series on undated photographs showing the storage of motorhomes, cars/vans, agricultural machinery and the storage of wood pellets (loose and bagged) within shed (A). Within shed (B) the photos showed the storage of classic cars and general storage of kitchen rolls in a small lock-up units. Although these photographs are undated, and in themselves do not demonstrate a timeline required to gain immunity, they are nevertheless consistent with the evidence that the appellant was operating a commercial storage business and lend support that the items were being stored in the appeal buildings during those times and are consistent with what I observed being stored within Sheds (A) and (B) at the time of my site visit.

23. In his evidence, the appellant specifically referred to an email dated 22nd May 2015 from James Tolland and Co. Ltd. (see above) which stated that it had used the appellant's '*storage premises in the past'* to store Bulk Sugar Beet and Cereals. In his Statement of Case, the appellant claimed that the Company had used both appeal sheds for storage but primarily shed (A) given that it had ventilation ducting in the floor. Whilst no reference to the storage of Bulk Sugar Beet and Cereals at sheds (A) or (B) was expressly specified in the email to corroborate this information, from my on-site observations and the evidence overall at least over a period of time, I am satisfied on the balance of probability, that the storage of Bulk Sugar Beet and Cereals occurred within shed (A).

24. In the Council's Statement of Case, it referred to 3No. Invoice books covering 7No. listed tenants (Messrs Vallance and Adams, B.L. Skips, Belfast Kitchen Painters, Changeover Tech. and Windsor Autos) submitted at application stage and

covering the period from June 2020 – April 2024, which detailed invoices/rental payments primarily for the storage of eggs, motor vehicles and general storage. The Council considered that the information detailed in these books is relevant to shed (A). This evidence further assists the appellant's case.

25. In the evidential context, the Council opened an enforcement case in 2023 in respect to an unauthorised change of use to commercial storage at the appeal site. However, the Council has failed to identify any former use of the two sheds. In reviewing the evidence, I am satisfied that the appellant has been operating a commercial storage business from around 2014 to the present day. There is no dispute that the buildings to the south and west of shed (B) were used solely in conjunction with the poultry business and at no time were used for general storage and therefore can be discounted from my assessment. The shed to north of shed (B) is more recent and therefore can also be discounted. When these buildings are discounted, this leaves only the appeal buildings being available for general storage. In reviewing the evidence in the round, including the names of individuals and companies who have rented space at the appeal site from 2014 to the present, the details of the stored items and the amount of rent paid, combined with the fact that the subject sheds have been on site for over five years, and that this evidence is largely consistent with the undated photographs which not only show the items being stored within the appeal buildings but also show the sub-division of shed (B) into individual lock up storage units, this assists the appellant's case.

26. The appeal buildings must have been built for a purpose and given the evidence of the quantum of commercial storage taking place within these buildings, combined with the lack of evidence that these buildings were ever used for any other purpose apart from storage and the Council's acknowledgement that shed (A) was used for storage between 2020 and 2024, I am satisfised that on the balance on probability the appeal buildings have been used for general storage and for no other purpose.

27. Determining whether sheds (A) and (B) have been used for general storage purposes in line with the legislative requirements is a fact and degree judgement, having regard to the particular circumstances of this case and the evidence presented. In the evidential context, it is reasonable to conclude on the balance of probability that the appeal buildings were constructed for and used for storage purposes in connection with the appellant's storage business at this location. Therefore, I find that the Council's refusal to certify both Certificates of Lawfulness of Existing Use or Development was not well founded. Accordingly, Appeal A and Appeal B succeed.

This decision relates to the following drawings:

Appeal A - 2025/L0011

Drawing Number	Title	Scale
WW2418 P10	Location Plan Site Plan Plan & Elevations	1:2500 1:500 1:200

Appeal B - 2025/L0012

Drawing Number	Title	Scale
WW2418 P20	Location Plan Site Plan Plan & Elevations	1:2500 1:500 1:200

COMMISSIONER KEVIN GILLESPIE

List of Appearances

Planning Authority:-	Mr M Kinghan Mr C Beck
Appellant:-	Mr W Wallace (WHW Design Ltd. - agent) Mr C Weir (appellant)

List of Documents

Planning Authority:-	Statements of Case - Lisburn and Castlereagh City Council
	Rebuttal Statements - Lisburn and Castlereagh City Council
Appellant:-	Statements of Case - WHW Design Ltd.
	Rebuttal Statements - WHW Design Ltd.

APPEAL A

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on 2nd October 2024 the operation described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and outlined in red on the plan attached to this certificate was lawful within the meaning of section 169 of the Planning Act 2011, for the reasons set out in the appeal decision to which this certificate is attached.

Signed
COMMISSIONER KEVIN GILLESPIE
30th September 2026

FIRST SCHEDULE

Existing Shed Used for General Storage

SECOND SCHEDULE

36 New Road, Hillsborough, BT26 6ND

Notes:
(1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.

(2) It certifies that the operations described in the First Schedule taking place on the land described in the Second Schedule were lawful on the specified date and, thus, were not liable to enforcement action under section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.

(3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from those described or which relate to other land may render the owner and occupier liable to enforcement action.

APPEAL B

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on 11th October 2024 the operation described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and outlined in red on the plan attached to this certificate was lawful within the meaning of section 169 of the Planning Act 2011, for the reasons set out in the appeal decision to which this certificate is attached.

Signed
COMMISSIONER KEVIN GILLESPIE
30th September 2026

FIRST SCHEDULE

General Storage Shed (Supplementing Farmer's Income)

SECOND SCHEDULE

36 New Road, Hillsborough, BT26 6ND

Notes:
(1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.

(2) It certifies that the operations described in the First Schedule taking place on the land described in the Second Schedule were lawful on the specified date and, thus, were not liable to enforcement action under section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.

(3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations which are materially different from those described or which relate to other land may render the owner and occupier liable to enforcement action.

Lisburn & Castlereagh City Council

Committee:	Planning Committee
Date:	2 November 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Notification by telecommunication operator(s) of intention to utilise permitted development rights.

1.0 **Background**

1. The Council is notified by Openreach of their intention to utilise permitted development rights to install communications apparatus at one location within the Council area.

2. The works consist of the installation 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.

Key Issues

1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed.

2. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on Decision Time to assist Members in understanding the scope and nature of the proposed works.

3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified.

2.0 **Recommendation**

It is recommended that Members note the detail of the notifications specific to the sites identified.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

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

Appendices:	Appendix 8 – Notification from an Operator in respect of intention to utilise permitted development rights

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
November Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	18 Old Coach Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	05/10/2026
2.					
3.					
4.					