



July 29th, 2025

Chairman : Alderman J Tinsley

Vice Chairman : Councillor G Thompson

Aldermen : O Gawith and M Gregg

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 4th August 2025** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📎 *Disclosure of Interests form Sept 24.pdf*

Page 1

3.0 Minutes of the Planning Committee Meeting held on 7 July, 2025

For Approval

📎 *PC 07 07 2025 Draft minute for adoption.pdf*

Page 3

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📎 *Item 1 - Schedule of Applications.pdf*

Page 10

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

📎 *Appendix 1.1a Rathfriland Addendum Reviewed.pdf*

Page 13

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

Page 15

- (ii) LA05/2024/0410/F – Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of 5 mobiles. Minor alterations to the existing carpark at Beechlawn Special School, 3 Dromore Road, Hillsborough













📎 *Appendix 1.2 LA05 2024 0410 F Beechlawn.pdf*

Page 62

- (iii) LA05/2023/0900/F – Proposal comprises 6 detached, and 2 semi-detached properties in lieu of 3 apartment blocks formerly approved under existing permission LA05/2020/0593/F on lands directly adjacent to 1-60 Moira Gate, Moira

📎 *Appendix 1.3 LA05 2023 0900 F Moira Gate.pdf*

Page 96


(iv)	LA05/2024/0302/F - Replacement dwelling and garage and associated site works at 54 Creevytenant Road, Ballynahinch	
	 <i>Appendix 1.4a Creevytenant Road addendum Report.pdf</i>	<i>Page 121</i>
	 <i>Appendix 1.4b Report of Site Meeting LA05-2024-0302-F.pdf</i>	<i>Page 123</i>
	 <i>Appendix 1.4c LA05 2024 0302F DM Officer report 54 Creevytenant Road.pdf</i>	<i>Page 125</i>
(v)	LA05/2023/0823/F - Retention of approved building (with alterations) for purposes incidental to the enjoyment of the occupants of No 86A Beechill Road, with associated increase in residential curtilage at 86a Beechill Road, Belfast	
	 <i>Appendix 1.5 LA05.2023.0823F Committee Report 86A BEECHILL ROAD-Reviewed.pdf</i>	<i>Page 140</i>
4.2	Statutory Performance Indicators - June 2025	
	<i>For Noting</i>	
	 <i>Item 2 - Statutory Performance Indicators - June 2025.pdf</i>	<i>Page 158</i>
	 <i>Appendix 2 Lisburn_Castlereagh_June_Monthly_MI.pdf</i>	<i>Page 160</i>
4.3	Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2024 – March 2025)	
	<i>For Noting</i>	
	 <i>Item 3 - Northern Ireland Annual Statistics Annual Statistical Bulletin.pdf</i>	<i>Page 161</i>
	 <i>Appendix 3 planning-statistics-2024-25-bulletin.pdf</i>	<i>Page 164</i>
4.4	Appeal Decision – LA05/2021/0974/O	
	<i>For Noting</i>	
	 <i>Item 4 - Appeal Decision -LA05 2021 0974o.pdf</i>	<i>Page 180</i>
	 <i>Appendix 4 Appeal Decision LA05 2021 0974o.pdf</i>	<i>Page 182</i>
4.5	Appeal Decision – LA05/2024/0075/A	
	<i>For Noting</i>	
	 <i>Item 5 - Appeal Decision -LA05 2024 0075A.pdf</i>	<i>Page 189</i>
	 <i>Appendix 5 Appeal decision LA05 2024 0075A.pdf</i>	<i>Page 191</i>
4.6	Appeal Decision – LA05/2024/0106/O	
	<i>For Noting</i>	

 *Item 6 - Appeal Decision -LA05 2024 0106o.pdf* *Page 198*

 *Appendix 6 Appeal decision LA05 2024 0106o.pdf* *Page 201*

4.7 Enforcement Appeal Decision – 2024/E0043


For Noting

 *Item 7 - Enforcement Appeal Decision -LA05 2024 0233CA.pdf* *Page 208*

 *Appendix 7 Appeal decision LA05 2024 0233CA.pdf* *Page 211*

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

For Noting

 *Item 8 - Notifications from an Operator in respect of intention.pdf* *Page 218*

 *Appendix 8 - List of Notifications - August 2025.pdf* *Page 220*

4.9 Letter to Chief Executive in respect of an update on the review of the Development Management Regulations

For Noting

 *Item 9 - Letter to Chief Executives in respect of review of development management regulations.pdf* *Page 221*

 *Appendix 9a Letter to Chief Executives & HoPs re PACC and PDH Statutory Rule - 10.07.25.pdf* *Page 223*

 *Appendix 9b the Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025.pdf* *Page 225*

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1

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*

PC 07.07.2025

3

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of meeting of Planning Committee held in the Council Chamber and in Remote Locations on Monday, 7th July 2025 at 10.00 am****PRESENT IN CHAMBER:**

Alderman J Tinsley (Chair)

Councillor G Thompson (Vice-Chair)

Alderman M Gregg

Councillors D Bassett, S Burns, P Catney,
J Craig and U Mackin**IN ATTENDANCE:**Director of Regeneration & Growth
Head of Planning & Capital Development
Senior Planning Officers (MB, PMcF and GM)
Member Services Officers (RN and BS)

Mr B Martyn (Cleaver Fulton Rankin)

Commencement of Meeting

At the commencement of the meeting, the Chair, Alderman J Tinsley, welcomed those present to the Planning Committee. Alderman Tinsley pointed out that, unless the item on the agenda was considered under confidential business, the 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 apologies for non-attendance at the meeting on behalf of Alderman O Gawith; and Councillors A Martin and the Hon N Trimble.

2. Declarations of Interest

There were no Declarations of Interest.

3. Minutes of Meeting of Planning Committee held on 2nd June 2025

It was proposed by Alderman M Gregg, seconded by Councillor G Thompson and agreed that the minutes of the meeting of Committee held on the 2nd June 2025 be confirmed and signed.

4. Texas Flooding Disaster – 4th July 2025

Councillor J Craig referred to the catastrophic flash flooding in Texas on the 4th July 2025 and lasting for a few days which – to date - had resulted in the loss of 82 young lives with many more people yet accounted for. The flash flooding had also caused considerable hardship in Texas.

Given that the Planning Committee was the only meeting currently scheduled for July 2025, Councillor Craig asked that The Right Worshipful The Mayor, Alderman A Grehan, be requested to send a letter of sympathy to the relevant Mayor or the Governor of Texas. This course of action was supported by the Committee.

The Director of Regeneration & Growth would progress this matter with The Right Worshipful The Mayor.

5. Report from the Head of Planning & Capital Development

5.1 Schedule of Applications

The Chair, Alderman J Tinsley, advised that there was one major application and three local applications on the schedule. However since the preparation of the report for the meeting, the following application had been withdrawn in its entirety:-

LA05/2020/0560/F – Proposed change of use from office/showroom to a gym facility at 96 Carryduff Road, Temple.

5.1.1 Applications to be Determined

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

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

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

The Committee received Mr B Starkey, accompanied by Messrs J Sergeant and T Cousins, to speak in support of the application and a number of Members' queries were responded to in respect of flooding, drainage and access.

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

A number of Members' queries were responded to by the Planning Officers in respect of the access arrangements, road safety, flooding, the employment use, the affordable housing requirement and natural heritage constraints during which the Senior Planning Officer confirmed that – should the planning application be approved – a condition about the protection of badgers would be included.

Debate

During debate:

- Councillor U Mackin stated that he continued to have concerns in regard to the response of the Rivers Agency by way of addressing the potential that existed of flooding at the bridge on the Banbridge Road and at Churchill Gardens which could be exacerbated by this further development upstream from the adjacent Woodvale development.

It was proposed by Councillor U Mackin and seconded by Alderman M Gregg that the above application be deferred to allow for:-

- further clarification from Rivers Agency responding to concerns about the impact in regard to flooding in Dromara Village particularly at the bridge on the Banbridge Road and in the Churchill Gardens area, which could emanate from this development and the adjacent Woodvale development; and also any preventative measures which Rivers Agency would intend putting in place to address the already ongoing problems caused by flooding in Dromara Village;
- a request being made to the applicant for an increase in the number of speed control measures within the development being explored, particularly along the road leading from the Rathfriland Road to the industrial units, and the avenues off it. The agent had indicated that – in principle - he would be supportive of additional measures.

PC 07.07.2025

6

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

Vote

The proposal in the name of Councillor U Mackin and seconded by Alderman M Gregg to defer the application to the next meeting was put to the meeting and – on a show of hands – declared “carried”, the voting being six votes in favour and two votes against, the voting being as follows:-

In favour: Councillor D Bassett, Councillor S Burns, Councillor J Craig, Alderman M Gregg, Councillor U Mackin and Councillor G Thompson (6)

Against: Councillor P Catney and Alderman J Tinsley (2)

Abstain: None (0)

The Legal Advisor left the meeting at 10.29 am and returned to it at 10.32 am. The Legal Advisor again left the meeting at 10.55 am and returned to it at 10.57 am.

Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (11.20 am).

Resumption of Meeting

The meeting resumed at 11.25 am.

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

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

The Committee received Mr A McCready to speak in support of the application and a number of Members’ queries were responded to in respect of the buildings to be taken account of in the cluster and the access arrangements for the proposed dwelling.

A number of Members’ queries were responded to by the Planning Officers on the same issues that had been raised with Mr McCready.

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

Debate

During debate:-

- Councillor U Mackin considered the proposed development to be part of an existing cluster of development along with housing on Cargycreevy Road and Cargycreevy Presbyterian Church, this cluster being visible from the development site. Furthermore the development site was enclosed by a hedge and buildings so to say that the site was not sufficient enclosed could not be supported. It would not be possible for the development to extend ribbon development as there was already a building on site and also, a lane extended beyond the site perimeter. A dwelling already uses the access so to say that there is no public access cannot be supported. Councillor Mackin would not be supporting the recommendation of the Planning Officer to refuse the application.
- Councillor J Craig considered that the development site was part of an existing cluster comprising houses on Cargycreevy Road and Cargycreevy Presbyterian Church, with Cargycreevy Presbyterian Church being clearly visible from the site. Furthermore Councillor Craig could not understand how a property behind the development site could have access to the public road, yet this development using the same access could not. Councillor Craig would not be supporting the recommendation of the Planning Officer to refuse the application.

Vote

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

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

Against: Councillor J Craig and Councillor U Mackin (2)

Abstain: None (0)

(iii) Planning Application LA05/2024/0302/F – Replacement dwelling and garage and associated site works at 54 Creevytennant Road, Ballynahinch

Before the item was heard in full, the Chair highlighted that there may be a request to have the application deferred for a site visit. Councillor P Catney proposed a site visit and then sought advice on the reasons for deferring this application to the next meeting.

The Head of Planning & Capital Development advised that there had been a representation - received during the meeting - in which the applicant claimed not to have known that the application was coming before the Committee on the 7th July 2025, and furthermore, he clarified that there had been no late request for speaking rights.

The Head of Planning & Capital Development then confirmed the reasons set out in the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee under which an application could be deferred.

It was proposed by Councillor P Catney and seconded by Councillor J Craig that the application be deferred for one month to allow for a site visit to take place.

The proposal was put to the meeting and – on a show of hands - the voting was four votes in favour and four votes against, as set out below:-

In favour: Councillor P Catney, Councillor J Craig, Councillor G Thompson and Alderman J Tinsley **(4)**

Against: Councillor D Bassett, Councillor S Burns, Alderman M Gregg and Councillor U Mackin. **(4)**

Abstain: None **(0)**

The Chairman, Alderman J Tinsley, used his casting vote and the proposal to defer the application for one month to allow for a site visit to take place was therefore “carried”.

The Director of Regeneration & Growth left the meeting during discussion.
(12.07 pm)

Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (12.10 pm).

Resumption of Meeting

The meeting resumed at 12.15 pm.

5.2 Statutory Performance Indicators – May 2025

Members were provided with information in relation to statutory performance indicators for May 2025, the content of which was noted.

5.3 Appeal Decision – LA05/2022/0538/O

Members were provided with a report and decision of the Planning Appeals Commission in respect of the above appeal, the contents of which were noted.

5.4 Appeal Decision – LA05/2023/0438/O

Members were provided with a report and decision of the Planning Appeals Commission in respect of the above appeal, the contents of which were noted.

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

Members were provided with information regarding notification by telecommunication operators of intentions to utilise Permitted Development Rights at a number of locations in the Council area, the content of which was noted.

6. Any Other Business

6.1 Requirement to Enter into a Section 76 Planning Agreement for Planning Application LA05/2022/0033/F Alderman M Gregg

In response to a query from Alderman M Gregg, the Head of Planning & Capital Development advised that – further to the meeting of Council on the 24th June 2025 - the above matter would be scheduled for the meeting of Committee scheduled to be held on the 4th August 2025. It had been withdrawn from the schedule of applications for this meeting before the agenda was published as one of the applicant's advisors was on annual leave.

There being no further business, the meeting concluded at 12.23 pm.

Chair/Mayor



Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The following applications have been made to the Council as the Local Planning Authority for determination. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The applications are presented in accordance with the current scheme of delegation. There are two Major applications and three local applications. Two have been Called In (one of which was previously deferred), and one exceptions apply. <ol style="list-style-type: none"> LA05/2022/0821/F -Proposed mixed use development comprising housing (46 units) and 9 employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works at a site to the north of 60 Rathfriland Road and south and west of 52 Rathfriland Road, Dromara, Dromore Recommendation – Approval LA05/2024/0410/F – Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of 5 mobiles. Minor alterations to the existing carpark at Beechlawn Special School, 3 Dromore Road, Hillsborough. Recommendation – Approval LA05/2023/0900/F –. Proposal comprises 6 detached, and 2 semi-detached properties in lieu of 3 apartment blocks formerly approved under existing permission LA05/2020/0593/F on lands directly adjacent to 1-60 Moira Gate, Moira Recommendation – Approval

	<p>d) LA05/2024/0302/F - Replacement dwelling and garage and associated site works at 54 Creevytenant Road, Ballynahinch Recommendation – Refusal</p> <p>e) LA05/2023/0823/F - Retention of approved building (with alterations) for purposes incidental to the enjoyment of the occupants of No 86A Beechill Road, with associated increase in residential curtilage at 86a Beechill Road, Belfast. Recommendation - Refusal</p> <p>2. The above referenced applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</p>	
2.0	<p><u>Recommendation</u></p> <p>For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

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

Appendices:	<p>Appendix 1.1a-b LA05/2022/0821/F</p> <p>Appendix 1.2 LA05/2024/0410/F</p> <p>Appendix 1.3 LA05/2023/0900/F</p> <p>Appendix 1.4a-c LA05/2024/0302/F</p> <p>Appendix 1.5 LA05/2023/0823/F</p>

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	04 August 2025
Committee Interest	Major Application
Application Reference	LA05/2022/0821/F
Proposal Description	Proposed mixed use development comprising housing (46 units) and 9 no. employment units (Classes B2 and B4) with associated public open space, new access to Rathfriland Road, parking, landscaping and ancillary site works
Location	Site to the north of 60 Rathfriland Road and south and west of 52 Rathfriland Road Dromara Dromore
Representations	Nine Objections
Case Officer	Mark Burns
Recommendation	Approval

Background

1. This application was included in the Schedule of Applications for consideration by the Committee at a meeting on 7 July 2025. The recommendation was to approve planning permission.
2. Following the presentation by officers, Members agreed to defer consideration of the application to allow for further clarification to be sought in respect of:
 - the road layout and in particular the traffic calming measures on the carriageway providing access to the proposed employment unit from the Rathfriland Road; and
 - the impact that the proposed may have on the existing Flood Alleviation System (FAS) for Dromara village and any increased risk of flooding in the village with a history of being flooded.

Further Consideration

3. Additional advice was sought from DfI Rivers in respect of the queries raised and in a response dated 9 July 2025, it was confirmed that the proposed development will not impact or add to any further flooding concerns, taking into account the existing Flood Alleviation Scheme for Dromara village and the

mitigation measures proposed for this development in terms of the surface water drainage being attenuated to greenfield run-off rates. .

4. As previously advised the Drainage Assessment states that the storm run-off from the site is controlled to green field run-off levels (37 l/s) and stored in oversized pipes with the discharge being controlled using a hydro brake before being discharged to the River Lagan.
5. DfI Rivers confirmed that they have no objection to the proposed development and officers having regard to this advice are satisfied that the requirements of policy FLD1 are met.
6. Additional advice was sought from DfI Roads, and in particular to the Private Streets Determination drawing which has the traffic calming measures included.
7. A query was raised as to the inclusion of a rumble strip leading from Road 1 (new access from Rathfriland to Industrial units) onto Road 2 (road serving dwellings closest to Rathfriland Road), but not from Road 1 to Road 3 (Road serving dwellings closest industrial units).
8. DfI Roads advise in response that there is no rumble strip on Road 3 nearest the industrial units because this is a traditional road layout and that the entrance to Road 2 includes a rumble strip as it is a shared surface Road and the rumble strip defines the change in the road type.
9. DfI Roads confirm that they have no objections to the proposed and are content with the road layout, traffic calming measures and parking provision without the need for further alterations to the proposed development.
10. Officers having regard to this advice of DfI Roads are satisfied that the requirements of policy TRA2 are met without the need to amend the private streets determination drawing. No road safety issue is identified that requires the introduction of further road safety measures.
11. The applicant does not volunteer any change to the road layout and has requested in a letter dated 23 July 2025 that the proposed road layout be considered as presented and agreed with DfI Roads.

Conclusion and Recommendation

12. The advice previously offered that planning permission should be approved is not changed.
13. The information contained in this addendum should be read in conjunction with the main DM officer's report previously presented to the Committee on 07 July 2025.

Lisburn & Castlereagh City Council

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

Summary of Recommendation

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

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

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

Description of Site and Surroundings

Site Context

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

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

Surrounding Context

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

Proposed Development

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

Relevant Planning History

18. The relevant planning history is as follows:

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

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

Consultations

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

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

Representations

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

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

Environmental Impact Assessment (EIA)

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

Pre-Application Community Consultation

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

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

Local Development Plan

Local Development Plan Context

32. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
33. It is stated at Part 1 of the Plan Strategy that:

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

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

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

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

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

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

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

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

The Plan will support development proposals that:

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

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

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

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

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

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

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

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

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

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

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

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

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

The Plan will support development proposals that:

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

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

Economic Development

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

Class B1 Business

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

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

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

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

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

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

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

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

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

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

Housing in Settlements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59. The Justification and Amplification states that:

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

60. It also states that:

Accessible Accommodation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65. The Justification and Amplification states that:

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

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

Affordable Housing – affordable housing is:

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

c) *Intermediate housing for rent,*

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

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

Historic Environment and Archaeology

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

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

46. The Justification and Amplification states that:

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

Areas of Archaeological Potential

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

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

48. Policy HE9 Development Affecting the Setting of a Listed Building states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) the nature of the use proposed respects the character of the setting of the building.*

49. The Justification and Amplification states that:

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

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

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

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

Natural Heritage

67. Given this is a large site the potential impact on the natural environment is considered. Policy NH2 Species Protected by Law states:

European Protected Species

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

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

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

National Protected Species

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

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

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

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

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

woodland.

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

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

Access and Transport

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

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

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

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

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

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

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

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

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

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

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

Policy TRA7 – Car Parking and Servicing Arrangements states:

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

77. Paragraph 3.8 of the SPPS states:

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

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

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

79. Paragraph 3.6 of the SPPS states:

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

80. Paragraph 3.8 of the SPSS states:

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

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

82. Paragraph 6.81 of the SPSS states that:

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

83. Paragraph 6.84 of the SPSS states that:

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

84. Paragraph 6.89 of the SPSS states that:

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

85. Paragraph 6.91 of the SPSS states that:

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

86. Paragraph 6.97 of the SPPS states that:

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

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

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

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

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

90. Paragraph 6.182 of the SPPS further states that:

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

91. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

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

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

93. Paragraph 6.132 of the SPPS further states that:

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

Retained Regional Guidance

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

Creating Places

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

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

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

97. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

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

Parking Standards

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

100. Paragraph 4.10 states that:

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

Assessment

Planning and Economic Development

Economic Development in Cities and Towns

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

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

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

Development incompatible with Economic Development Uses

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

General Criteria for Economic Development

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

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

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

New residential development

Policy HOU 1 – New Residential Development

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

Policy HOU3 - Site Context and Characteristics of New Residential Development

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

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

Policy HOU4 - Design in New Residential Development

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

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

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

HOU 5 Public Open Space in New Residential Developments

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

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

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

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

Policy HOU10 - Affordable Housing

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

Natural Heritage

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

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

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

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

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

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

Bats

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

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

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

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

Otter

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

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

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

Badgers

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

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

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

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

Newts

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

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

Birds

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

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

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

Access and Transport

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

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

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

Historic Environment and Archaeology

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

Flooding

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

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

Consideration of Representations

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

Existing/Proposed Infrastructure

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

Drainage and flooding issues

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

Increase in Noise/Pollution as a result of the development

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

Increase demand on GP provision and schools

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

Impact on Wildlife

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

View will be disrupted

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

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

Conclusions

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

Conditions

246. The following conditions are recommended:

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

Reason: Time limit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To achieve internal noise level in line with BS8233

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

Reason: To achieve internal noise level in line with BS8233

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

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

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

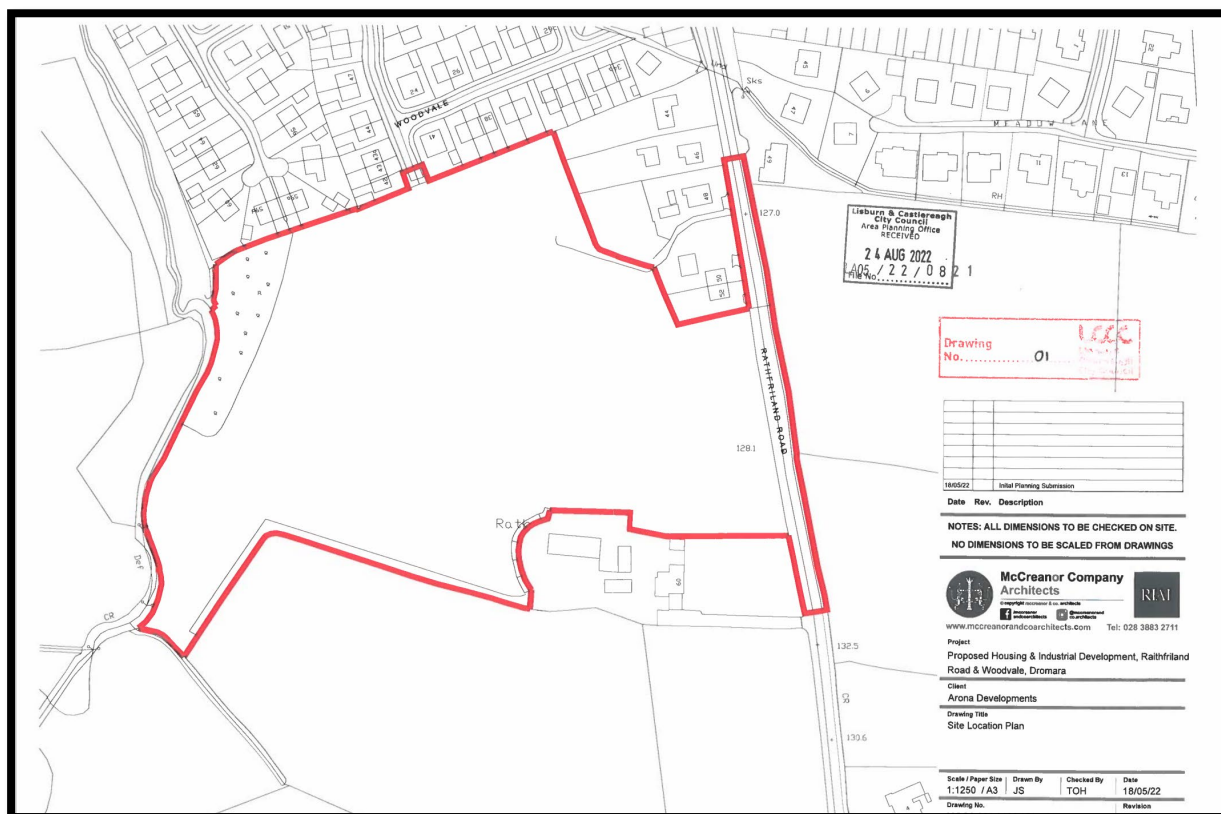
Reason: To protect the amenity of neighbouring dwellings with respect to noise

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

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

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

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



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	04 August 2025
Committee Interest	Major Application
Application Reference	LA05/2024/0410/F
Date of Application	03 May 2024
District Electoral Area	Downshire West
Proposal Description	Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of 5no. mobile classrooms. Minor alterations to the existing carpark.
Location	Beechlawn Special School 3 Dromore Road, Royal Hillsborough, BT26 6PA
Representations	None
Case Officer	Gillian Milligan
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as major development in accordance with the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the proposal is for a community use on a site exceeding one-hectare.
2. The proposal is presented with a recommendation to approve as it is considered to comply with Policy CF01 of the Plan Strategy as it is located within the settlement limit of Royal Hillsborough on previously developed land. The proposal will provide a necessary community facility to serve a local need and will be designed to a high standard whilst respecting the amenity of the surrounding area.
3. The proposal satisfies the requirements of Policies HE9 and HE10 as the proposed buildings are designed to a high standard design and the materials used are sympathetic to and will not have an adverse impact on the setting of the adjacent listed building within the school site. The proposed development will also preserve and enhance the character of Hillsborough Conservation Area. The buildings identified on the submitted plans for

demolition make no material contribution to the character of the conservation area and the works are considered to be in accordance with the requirement of Policy HE12.

4. In addition, the proposal satisfies the requirements of policies TRA1, TRA2 and TRA7 of the Plan Strategy as the proposal will create an accessible environment, there will be no alterations to the existing access arrangements onto Dromore Road and appropriate car parking and servicing arrangements will be included within the site therefore the proposal will not prejudice road safety or inconvenience the flow of traffic.
5. The proposal complies with Policy FLD 1 as a Flood Risk Assessment was submitted which demonstrates that the proposed development will not be at risk of flooding or exacerbate flooding elsewhere. There is also available capacity at the Waste Water Treatment Works.
6. The proposal also satisfies the requirements of Policies NH2 and NH5 as it has been demonstrated that the proposal will not likely harm a European protected species or result in the unacceptable adverse impact on or damage to known priority habitats, species or features of natural heritage importance.

Description of Site and Surroundings

Site

The site is located within the Royal Hillsborough Conservation Area at Beechlawn Special School, Dromore Road. The site contains several school buildings and associated parking areas.

7. The main school building, facing onto Dromore Road, is a Grade 2 listed three storey Georgian building that is painted render with a slate hipped roof. Adjacent to the listed building are several two storey buildings which are finished in render with pitched tiled roofs.
8. At the rear of the listed building are more school buildings of modern construction which are finished in red brick and render with pitched tiled roofs. There are several mobile classrooms at the rear of the site.
9. The site is at a lower level than the road and slopes slightly downwards to the east. There is a vehicular access onto Dromore Road with a large parking area at the front of the site. At the rear of the listed building is also a hardstanding area used for parking.

10. There is a stone wall with mature trees along the front boundary with the Dromore Road. Along the southern, eastern and northern boundaries are mature trees.

Surroundings

11. The surrounding area is mixed-use in character with residential and commercial properties within the settlement limit of Royal Hillsborough, Hillsborough Castle and demesne to the north/ north-west of the site and Hillsborough Forest Park to the east and south-east of the site. Agricultural land within the countryside is to the south of the site.

Proposed Development

12. The proposal is to extend Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of five mobile classrooms. Minor alterations are also proposed to the existing carpark.
13. The application submission was also supported by the following:
 - Design and Access Statement
 - Pre-application Community Consultation Report
 - Ecological Appraisal and Bat Survey
 - Preliminary Risk Assessment and Generic Quantitative Risk Assessment
 - Transport Assessment Form
 - Acoustic Design Statement
 - Heritage Impact Statement
 - Flood Risk Assessment
 - Tree Schedule and Arboricultural Report

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2024/0727/LBC	Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of 5no. mobiles. There will also be minor alterations to the existing carpark.	Beechlawn Special School 3 Dromore Road Hillsborough	Under Consideration
LA05/2024/0411/DCA	Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings and removal of 5no. mobiles.	Beechlawn Special School 3 Dromore Road Hillsborough	Under Consideration
LA05/2024/0270/F	DDA double modular unit to sit with existing modular units	Beechlawn Special School 3 Dromore Road Hillsborough	Permission Granted 16/07/2024
LA05/2017/0610/F	Addition of a lift to accommodate the free movement of people with mobility challenges throughout the existing building	Beechlawn Special School 3 Dromore Road Hillsborough	Permission Granted 07/08/2017
S/2012/0755/F	Proposed construction of a new free standing fitness suite facility in the grounds of Beechlawn Special School and an extension to the Art Room of the existing school	Beechlawn Special School 3 Dromore Road Hillsborough	Permission Granted 14/05/2013
S/2006/0433/F	Proposed extension to school housing a new science classroom, associated store and WC	Beechlawn Special School 3 Dromore Road Hillsborough	Permission Granted 21/06/2006

S/2005/0074/F	Extension to Technology Suite of school	Beechlawn Special School 3 Dromore Road Hillsborough	Permission Granted 10/05/2005
---------------	---	--	----------------------------------

Consultations

14. The following consultations were carried out:

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

Representations

15. No representations have been received to the proposal.

Environmental Impact Assessment (EIA)

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

Pre-Application Community Consultation

18. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the proposal is for a community use with the area of the site exceeding 1 hectare.
19. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report was submitted with the application.
20. A public meeting was held on the 9th January 2024 at 2-4pm at Beechlawn School as advertised in the Belfast Telegraph on 2nd January 2024. The attendees of this meeting were recorded, and scheme proposals were displayed both on display boards and on tables.
21. The Architects and school Principal were available throughout the event to fully explain the development proposals and to answer any questions raised by those attending.
22. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning. The report concludes that the general opinion was that the proposed development would be a great improvement to the facilities on the current school site and it was broadly welcomed.

Local Development Plan

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 determination 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 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

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

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

27. In accordance with the transitional arrangements, the Plan Strategy and the Lisburn Area Plan (LAP) is the statutory development plan. However, the draft Belfast Metropolitan Area Plan 2015 (draft BMAP) remains a material consideration.
28. In the LAP and draft BMAP the application site is located within the Settlement Development Limit of Hillsborough. In draft BMAP the site is also located in Hillsborough Conservation Area. Significant weight is attached to the Conservation Area designation in draft BMAP as this was not challenged and it formed part of the final proposals for the draft Plan.
29. This proposal is for an extension to an existing school, adjacent to a listed building within a settlement and conservation area. The following strategic policies in Part 1 of the Plan Strategy apply.
30. Strategic Policy 01 Sustainable Development states:

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

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

31. 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. Strategic Policy 10 Education, Health, Community and Culture states that:

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

33. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

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

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

Community Facilities in Settlements

35. The proposal is for an extension to an existing school (which is a community use under Use Class D1 of the Planning (Use Classes) Order (NI) 2015 (or as amended)) within a settlement limit. Policy CF01 Necessary community facilities in settlements states:

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

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

In the case of land zoned for residential use it must be demonstrated to the Council, with sufficient evidence, that the proposal:

- e) is necessary to serve the local population*
- f) offers safe and convenient access through provision of walking and cycle*

infrastructure, both within the development proposal and linking to existing or planned networks

g) meets the needs of mobility impaired persons

h) respects existing public rights of way.

Justification and Amplification

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

Historic Environment

36. There is a listed building – ‘The old Rectory’ within the site. Policy HE9 development affecting the setting of a listed building states:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

a) the detailed design respects the listed building in terms of scale, height, massing and alignment

b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building

c) the nature of the use proposed respects the character of the setting of the building.

Justification and Amplification

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

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

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow

fundamental architectural principles of scale, height, massing and alignment and use appropriate materials.

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

37. The site is within Hillsborough Conservation Area. Policy HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character states that:

The Council will require new development within a Conservation Area to:

- *enhance the character and appearance of the area where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.*

The Council will permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a Conservation Area or ATC/AVC where all the following criteria are met:

- a) *the development is in sympathy with the characteristic built form of the area*
- b) *the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area*
- c) *the development does not result in adverse environmental impacts such as noise, nuisance or disturbance which would be detrimental to the particular character of the area*
- d) *important views within, into and out of the area are protected*
- e) *trees, archaeological or other landscape features contributing to the character or appearance of the area are protected*
- f) *the development conforms with guidance set out in Supplementary Planning Guidance, Part E.*

Justification and Amplification

Conservation Areas are merited statutory designation by the Council based on their historic built form or layout as 'areas of special architectural or historic interest within its district the character or appearance of which it is desirable to preserve or enhance'.

General Criteria

General issues to be taken into account in assessing development proposals in a conservation area or ATC/AVC include:

- *the appropriateness of the overall massing of the development*
- *its scale and size*
- *its relationship with its surrounding context e.g. respecting historic layout, street patterns, land form and adjoining architectural style*
- *the use of materials generally matching those which are historically dominant in the area*

- *the need for the development not to have a visually disruptive impact on the existing townscape*
- *the development should not adversely affect the character of a conservation area through noise, nuisance and general disturbance*

New Buildings, Change of Use and/or Extensions or Alterations

The development of new buildings and/or extensions or alterations of buildings in a Conservation Area or ATC/AVC should be high quality design, and sensitive to the existing buildings, character and appearance of the particular area and will not prejudice the amenities of adjacent properties. Extensions should be subsidiary to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Careful consideration will be required for alterations and extensions affecting the roof of a property as these may be particularly detrimental to the character and appearance of a Conservation Area or ATC/AVC.

In assessing applications for the change of use of a property, consideration will be given to other land use policies and the impact of the proposed use on the character and appearance of the Conservation Area or ATC/AVC. Shop fronts should be sympathetic to their setting and relate in scale, proportions and materials to the remainder of the building and the local street scene.

Trees

Trees often make an important contribution to the appearance and character of a Conservation Area or ATC/AVC. In assessing development proposals affecting a conservation area the Council will take into account their potential impact on existing trees.

Where trees make an important visual, historic or amenity contribution to the area the Council will seek appropriate protection measures through the imposition of planning conditions or may consider making a Tree Preservation Order

All trees within a Conservation Area are automatically protected as though a Tree Preservation Order was in place under Section 127 of the Planning Act (Northern Ireland) 2011.

38. The proposal includes demolition of buildings within the Conservation Area. Policy HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character states:

Within a Conservation Area the Council will only consider demolition of an unlisted building where the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.

Justification and Amplification

The Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a Conservation Area or ATC/AVC.

The onus will be on the applicant to demonstrate and justify why the building makes no material contribution and the need for demolition. Any demolition would be subject to appropriate arrangements for redevelopment of the site and recording of the building before its demolition.

In determining proposals for demolition or partial demolition of unlisted buildings the Council will therefore take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the Conservation Area/ATC/AVC as a whole.

Access and Transport

39. The extended buildings will continue to use an existing unaltered vehicular access onto Dromore Road which is not a Protected Route, with alterations to the existing parking layout. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

40. Policy TRA2 Access to Public Roads states that:

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

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

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses

and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

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

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

Justification and Amplification

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

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

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

42. The existing car parking layout will be altered. Policy TRA7 – Car Parking and Servicing Arrangements in New Development states that:

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

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

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

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

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

d) where shared car parking is a viable option

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

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

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

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

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

Flooding

43. Part of the site is within a floodplain from a watercourse which flows to the north of the site from Park Lake. Policy FLD1 Development in Fluvial (River) Flood Plains states:

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

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) essential infrastructure such as power supply and emergency services*
- b) development for the storage of hazardous substances*
- c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) any development located close to flood defences.*

Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in Undefended Areas

The following categories of development will be permitted by exception:

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

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) essential infrastructure*
- c) development for the storage of hazardous substances.*

44. Reservoir inundation maps indicate that this site is in a potential area of inundation emanating from the Royal Hillsborough Park Lake therefore Policy FLD5 Development in Proximity to Reservoirs is applicable. Policy FLD5 states:

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

- a) it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; or*
- b) where assurance on the condition, management and maintenance regime of the relevant reservoir(s) is not demonstrated, the application is accompanied by a Flood Risk Assessment, or other analysis, which assesses the downstream flood risk in the event of an uncontrolled release of water due to reservoir failure as being acceptable to enable the development to proceed.*

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

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

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

Justification and Amplification

Reservoirs or dams constitute a potential source of flood risk that can have serious consequences. Flooding of downstream areas within what is known as the area of inundation may ensue if the structure fails or is overtopped. Downstream flooding may also arise from the controlled release of water, for example via spillways during periods of high flows due to weather conditions. This is normal practice to avoid capacity exceedance and overtopping.

In any of these circumstances there is potential for rapid inundation of downstream areas and response times to flooding are likely to be short.

Development within a flood inundation area can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety. Accordingly, planning permission for new development can only be granted subject to such assurance and therefore a planning application must be accompanied by certification from a person with demonstrable experience in flood risk management, which will then be appraised by DfI Rivers.

In circumstances where an impounding structure does not fall within the policy it remains the responsibility of the applicant to consider and assess the flood risk and drainage impact of the proposed development and to mitigate the risk to the development and that beyond the site.

Natural Heritage

45. The proposal includes the demolition of existing buildings adjacent to woodland and water and therefore has the potential to impact upon protected and priority species and habitats or Features of Natural Heritage Importance. 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.

Justification and Amplification

It is a criminal offence to harm a statutorily protected species. The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

European protected species are listed under Annex IV of the Habitats Directive (transposed under Schedule 2 of the Habitats Regulations) and must be subject to a system of strict protection. Other national protected species are listed under the Wildlife Order under Schedules (1), (5) & (8). It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

The granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements.

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

48. The proposal is for a community use. 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.

49. It states that:

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

50. Paragraph 3.6 of the SPPS states:

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

51. Paragraph 3.8 of the SPPS states:

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

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

Retained Regional Guidance

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

Hillsborough Conservation Area Booklet
Parking Standards

Assessment

54. The proposal is for an extension to Beechlawn Special School to provide additional classroom accommodation which includes demolition of existing buildings, removal of five mobile classrooms and minor alterations to the existing carpark.
55. The Design and Access Statement submitted as part of the proposal details that the proposed site is currently occupied by a single storey laundry and garage building, a two storey Education and Welfare Officer house and a vacant Principal's house. These will be demolished to allow construction of a two storey extension for administrative offices, Music & Drama classrooms, two PMLD (profound and multiple learning difficulties) classrooms, a resource room and five general classrooms.

Community Facilities in Settlements

56. Policy CF01 refers to community facilities as those defined in Part D1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 or as amended. The use of the site as a school falls within Part D1 and therefore Policy CF01 is applicable in the assessment of this application.
57. The site is located within the settlement limits of Royal Hillsborough. Policy CF01 provides a list of criteria which will be acceptable for community facilities in settlements. It is considered that the proposal complies with part b) of Policy CF01 as the site is on previously developed land that will be cleared to accommodate the new extended building.
58. Within the Justification and Amplification, it states that necessary community facilities to serve a local need should be designed to a high standard and located to provide focal points and landmark features.
59. The proposal is considered as a necessary community facility to serve a local need as it is a co-educational Controlled School catering for pupils with Additional Educational Needs and has an enrolment of 254 pupils from within the local area of Hillsborough and County Down.
60. The proposal is designed to a high standard. It includes a two storey extension adjacent to the existing listed building (the Old Rectory) facing onto Dromore Road. The extension will include two traditional pitched roofs gable onto the road. Between the two sections of pitched roofs there will be small sections of flat roof over the proposed classrooms. An entrance canopy will be added to the front elevation which will be supported by columns clad with timber.

61. The scale of the extension has been designed to be sympathetic to the surrounding built form. The front elevation has been stepped back from the old Rectory and will have a lower ridge height to be subordinate to the listed building.
62. The form of the proposed extension is rectangular with traditional pitched roofs and gable ends facing towards Dromore Road to be sympathetic and reduce massing adjacent to the listed building.
63. The proposed materials will be in keeping with the characteristics of the listed building and the surrounding conservation area. The proposed extension will be finished in painted render and red 'Heritage Blend' brick with slate roof tiles. A portion of local stone will be added around the main entrance to create a focal point and blend with the stone walling along the front of the site. Other materials include aluminium windows and rainwater goods and curtain walling glazing to the fire escape.
64. Within the Justification and Amplification of Policy CF01 it also requires that the design of community facilities respects the amenities of proposed and existing housing.
65. The proposal will have no unacceptable adverse impacts of overlooking, overshadowing or loss of light to any existing or proposed housing. The nearest residential property to the site is over 96 metres to the west of the site at Oaklands and there are no proposed residential developments nearby.
66. An Acoustic Design Statement was submitted as part of the application to assess any noise impact on surrounding housing. The statement demonstrates that any noise from the classrooms during operation will have no adverse noise impact.
67. In relation to any external plant, it is noted that the type and location of external plant and equipment is not agreed. However, the Acoustic Design Statement details that in order to ensure there is a low impact at the nearest neighbouring residential (Oaklands), it would need to be that the Rating Level of the Services Plant is no greater than the Typical Background Sound Level.
68. The Council's Environmental Health Department was consulted and is content with the proposal from a noise perspective provided a condition is included with any permission that the Rating Level for all external plant and equipment shall not exceed 46dB LAr (daytime) and 35dB LAr (nighttime) at the nearest noise sensitive receptor to protect the amenity of neighbouring dwellings.
69. It is considered having read the noise report and taken account of the advice from Environmental Health that the proposal is in keeping with Policy CF01 and there will be no adverse impacts on the amenities of any nearby housing.

Historic Environment

70. There is a listed building (the Old Rectory) (Grade B2) within the site and adjacent to the proposed extension which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.
71. Policy HE9 development affecting the setting of a listed building is therefore applicable. A Design and Access statement was submitted as part of the proposal and Historic Environment Division (HED) was consulted.
72. HED commented that it has considered the impact of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal, as presented, subject to condition.
73. HED further advised that it is content that the proposed demolition of some of the existing unsympathetic buildings and the proposed new extension to the existing Beechlawn Special School will be a betterment to the setting of the listed building.
74. HED in noting that the main school entrance would continue to be used for site access advised care must be taken that the listed wall is not damaged by site traffic during the construction phase of the project. HED requested that a condition is added to any permission that a method statement be provided prior to the commencement of works for the protection of this wall. Having visited the site officers agree with this advice and a condition is recommended.
75. As detailed above in paragraphs 60-63 the proposal has been designed to be sympathetic to and respect the listed building with the scale, height and massing subordinate to the listed building and the proposal will use quality materials of render, red 'heritage brick', stone and slate roof tiles which is in keeping with the listed building.
76. The proposed extension will not change the established use and is therefore considered to respect the character of the setting of the listed building.
77. The proposal is therefore considered to comply with Policy HE9 and will have no adverse impact on the setting of the listed building.
78. The site is located within Hillsborough Conservation Area. Policy HE10 relates to new development in a Conservation Area and states that the Council will require new development within a conservation area to enhance the character and appearance of the area where an opportunity exists or to preserve its character or appearance where an opportunity to enhance does not arise. A list of criteria is also provided.
79. The Council's Conservation Area Officer was consulted and considers that through this application an opportunity exists to both preserve and enhance the

character and appearance of the area.

80. The development is considered to be in sympathy with the characteristic built form of the area. The Conservation Area Officer welcomes that the new buildings are largely rectangular in form and notes that they have been orientated with two gable ends facing onto the Dromore Road, with two roofs of traditional form, to define a new front entrance to the school building. This appears to reduce the impact of the size and mass of the proposed footprint of the overall building so it will appear less dominant when compared to the listed building. It is also stated in Para 2.1 of Hillsborough Conservation Area booklet that any new building should reflect simple rectangular form with, pitch roof and gable ends.
81. However, the Conservation Area Officer considers that the proposal when viewed from the Dromore Road remains large in scale and a further reduction in overall scale would enable the proposed building to be subservient to the principal listed building and in doing so protect those important views within, into and out of Hillsborough Conservation Area. It is accepted, however that it is not possible to provide the necessary accommodation for the needs of pupils on one floor given the restricted nature of the site and it is an extension to a three storey building. The proposed extension has been designed to be subordinate to the listed building with a lower ridge height and HED is content with the impact of the proposed extension on the setting of the listed building. These factors are therefore afforded greater weight than the comments of the Conservation Officer, and it is considered that the proposal is in sympathy with the characteristic built form of the area and part a) of Policy HE10 is satisfied.
82. The scale, form, materials and detailing of the development has been considered in paragraphs 60-63 and in paragraph 72 that HED consider the proposed extension to be a betterment to the setting of the listed building.
83. The Conservation Area Officer acknowledges and is content that the orientation of the proposed building is at right angles to the principal listed building, with the gable end facing towards the Dromore Road and notes boundary walls to the site are built from local stone. The Conservation Area Officer recommended that stone would be an appropriate means of finish and provide a differentiation between the buildings. However, the architect submitted a statement in response to Conservation Officer's comments and stated that due to the challenges and cost of using stone in a school building they have limited it to the ground floor entrance which will reinforce the relationship with the stone boundary wall.
84. The architect's statement also details that the materials selected would reflect the architectural language of Royal Hillsborough. Red brick was chosen as it can be seen within the conservation area along Park Lane and the northern boundary of the Square. Furthermore, the brick proposed is a red 'Heritage Blend' with a kiln-fired, aged appearance, chosen to reflect traditional brickwork

in the area. The findings of the report are accepted and the Conservation Officer's request for more stone to be used in the design was not pursued.

85. The Conservation Area Officer has requested that red 'Heritage Blend' brick is conditioned in any permission to ensure that the materials respect the characteristic form of the Conservation Area.
86. With regard to the use of other materials, the Conservation Area Officer is content that windows, doors and rainwater goods will be aluminium, slate roof tiles are specified and although not natural Bangor Blue slate, it is understood that there are cost implications with a school building of this scale and that eaves are to be clipped to retain a simple vernacular form.
87. It is therefore considered that the proposal will respect the characteristics of adjoining buildings in the area and complies with part b) of Policy HE10.
88. It has been considered in paragraphs 65-68 that the development will not result in adverse environmental impacts such as noise, nuisance or disturbance which would be detrimental to the particular character of the area and therefore the proposal is considered to comply with part c) of Policy HE10.
89. It is considered that important views into and out of the conservation area are still protected. The proposed development will replace existing buildings on the site which do not contribute to the character of the conservation area and HED has commented that the proposal will be an enhancement to the setting of the adjacent listed building. The proposed extension will also be built in line with and subordinate to the listed building and the stone wall along the front of the site and trees along the boundaries of the site will be retained to protect views of the site and into and out of the conservation area. The proposal complies with part d) of Policy HE10.
90. There are a number of trees on the site which are within the Conservation Area and therefore protected under Section 127 of the Planning Act (NI) 2011. The Council's Tree Officer was consulted and is content with the proposed replanting scheme which will replace several ash trees along the southern boundary that are recommended for felling. Protection of the trees during construction and the landscaping plan will be conditioned in any permission to ensure the continuity of amenity afforded by any existing trees to be retained within the site and to protect the character and appearance of the conservation area. The proposal therefore complies with part e) of Policy HE10.
91. It is considered that the proposal complies with part f) of Policy HE10 as it conforms with guidance set out in Supplementary Planning Guidance Part E and the Hillsborough Conservation Area Booklet as the extension is sensitive and subordinate to the adjacent building, it will use materials that are in keeping

with the character and appearance of the conservation area and will not prejudice the amenities of adjacent properties.

92. For the reasons discussed above, the proposal is considered to comply with Policy HE10 and the Hillsborough Conservation Area Booklet and will preserve and enhance the character and appearance of the Hillsborough Conservation area.
93. Policy HE12, Demolition or Partial Demolition in a Conservation Area, recognises that within a Conservation Area demolition of an unlisted building will only be considered where the building makes no contribution to the character or appearance of the area and subject to appropriate arrangement for the redevelopment on site.
94. The buildings to be demolished are adjacent and to the south-west of the Old Rectory. Historical maps show that these buildings were later additions as the site developed as a school. The buildings are two-storey and front onto Dromore Road with a similar building line to the listed building. The Conservation Area Officer details in their consultation response that the buildings are of no architectural or historical merit and do not enhance the established character of the area. However as discussed previously the Conservation Area Officer had some concerns with the scale and materials proposed for the re-development of the site and the impact on the setting of the listed building but these have been addressed, and it is considered that the redevelopment of the site is appropriate to the setting of the listed building and the conservation area.
95. The Conservation Area Officer has no concerns with the demolition of the mobile units as they are of no architectural or historic merit and being located to the rear of the site make no contribution to the setting of the listed building. They cannot be seen from any views within, into or out of the Conservation Area.
96. Demolition of unlisted buildings in the conservation area are assessed against the same broad criteria outlined within Policy HE8 for the Demolition or Partial Demolition of a Listed Building as follows:
 - The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.
 - The adequacy of efforts made to retain the building in use.
 - The merits of alternative proposals for the site.
97. The Conservation Area Officer commented that the buildings proposed to be demolished appear to be in reasonable repair and the cost of repair and maintenance would be low in relation to the significant benefits and value which would be gained from retention of the buildings continued use. Also, the

existing buildings contribute to the setting of the listed building and the onus is with the applicant to demonstrate and justify the need for demolition.

98. The architect submitted a statement justifying the demolition of the buildings as follows:

- The buildings are domestic in scale and do not offer the space or integration required for a Special Educational Needs school environment.
- The existing buildings are detached from the main body of the school and have narrow staircases, no lift and fail to meet current accessibility and building regulations.
- Buildings contain asbestos and their retention would require significant and costly works to maintain them in safe condition without providing any long-term benefit to the school.
- Relocation of accessible parking bays directly beside the entrance to allow sheltered access to the school.

99. It should be noted that an application for listed building consent was submitted for the proposal given it's location within the curtilage of a listed building and HED was consulted. HED commented that it is:

'content that the proposed demolition of some of the existing unsympathetic buildings and the proposed new extension to the school will be a betterment to the setting of the listed building.'

100. It is considered that sufficient information has been provided to justify the demolition of the identified buildings and that the buildings make no material contribution to the character of the conservation or the setting of the listed building and the proposed extension is appropriate for the redevelopment of the site. The proposal therefore complies with Policy HE12 and demolition is acceptable.

101. The proposal has been considered having regard to section 104 and 105 of the Planning Act (NI) 2011 and it has been demonstrated that the proposed demolition is acceptable alongside the redevelopment scheme and would preserve and enhance the Conservation Area.

Access and Transport

102. Detail submitted with the application demonstrates that there will be no alterations to the existing vehicular access onto Dromore Road. The proposal will include alterations to the existing parking layout and movement within the site.

103. In accordance with Policy TRA1 the proposal will create an accessible environment for all visitors to the site. There will be level access to the proposed extension via the new entrance and several points throughout the building, a large hard surfaced pedestrian area will be added in front of the school to create a new pick up / drop off area for pupils and clear pedestrian crossing points will be added to the new layout. The proposal will also include disabled parking bays and EV charging point. It is therefore considered that the proposal complies with Policy TRA1.
104. Under Policy TRA 6 a Transport Assessment Form has been submitted as part of the application. It details that there is no increase in pupil or staff numbers to the school and no alterations to the existing access onto Dromore Road. There is currently 100 staff and 30 pupils being dropped off and picked up by parents, 10 pupils by taxi and ten buses for remaining pupils.
105. The peak times for traffic accessing the site will be in the morning between 8:30am to 8:45am and the evening between 2:45pm to 3:00pm which reflects the normal school opening hours.
106. The Transport Assessment details that the site entrance is not impacted by the proposed works and there will be limited impact on the existing transport infrastructure as there is no proposed increase in pupil and staff numbers, no increase in trips generated from the proposed operations within the extended building or reduction of parking/drop-off spaces.
107. As traffic movements are as per existing, there should be no increase in the risk of accidents occurring and no change in impact in noise generation and air quality.
108. It is therefore considered that as there will be no intensification of the existing access, the requirements of Policy TRA2 are met.
109. Due to the nature of the school, it is recognised that staff should be the focus when encouraging the use of sustainable modes of travel and will be encouraged to car share, use the bus as there is a stop 200m from the school and EV charging point will be included in the parking layout.
110. Under Policy TRA7 development proposals should provide adequate provision for car parking and appropriate servicing arrangements and that the precise amount of parking will be determined according to the specific characteristics of the development and its location having regard to published standards or areas of parking restraint.

111. The Design and Access statement details that the current parking provision is 79 spaces with 50 spaces in a carpark at the front of the school and 29 spaces in an additional overflow carpark further into the site.
112. As the specialist provision is for children up to the age of 18 the parking standards for secondary schools are used. The total number of spaces required is calculated to be 85 spaces. One space is required per teaching staff. There are 30 staff so 30 spaces required. One space is required per two ancillary staff. There are 70 ancillary staff so 35 spaces required and one third of the total staff provision should be available for visitor parking (total staff provision is 65 spaces) therefore an additional 20 spaces are required. The proposed layout includes 85 spaces therefore the parking provision meets current parking standards and there will be suitable parking for staff and parents/visitors to the site. It is acknowledged that the proposed parking is a betterment to the existing parking arrangements on site.
113. As per Parking Standards suitable facilities are also provided for buses, cars/taxis to pick up and set down pupils and servicing vehicles within the site without engaging reverse gear. Internally a one-way system can be provided with associated lay-by to allow setting down and picking up of pupils by both bus and car and a large hard surfaced area in the middle of the school site has been designated for bus spaces.
114. DfI Roads was consulted and offer no objections subject to a condition that the hard surfaced areas are constructed prior to the operation of the new extension to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.
115. It is considered having regard to advice of DfI Roads and assessed the proposed access and parking against the relevant guidance that the proposal will create an accessible environment, provide sufficient parking and will not prejudice road safety or significantly inconvenience the flow of traffic. The tests associated with Policies TRA1, TRA2, TRA6 and TRA7 of the Plan Strategy are met.

Flooding and Drainage

116. DfI Rivers indicated that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. However, under Policy FLD1 - Development in Fluvial (River) Flood Plains – The Flood Maps (NI) indicates that the site lies within the 1 in 100 year strategic flood plain including the most up to date allowance for climate change. As this is the strategic flood map and not a detailed modelled Flood Hazard map, the applicant was requested to undertake a Flood Risk Assessment (FRA) that would verify the more accurate extent of the flood plain.

117. A Flood Risk Assessment was submitted which concluded that whilst the Beechlawn School site is affected by potential flooding, the proposed extension is located outside of the predicted flood extents (1% AEP, 2080). Therefore, the proposed development is compliant with Policy FLD1. DfI Rivers was consulted and commented that while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.
118. DfI Rivers also added that it cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are “safe”. The Planning Authority should make the final decision on whether the flood evacuation plan, the proposed development and the scale of intensification of use are acceptable.
119. Officers have no reason to disagree with the detail submitted in the FRA which was carried out by a qualified consultant. The proposal is replacing existing school buildings therefore the proposed development and scale of intensification are acceptable and the requirements of policy FLD1 have been satisfied.
120. Under Policy FLD5 - Development in Proximity to Reservoirs – DfI Rivers commented that reservoir inundation maps indicate that this site is in a potential area of inundation emanating from the Royal Hillsborough Park Lake. However, it is in possession of information confirming the Council as long lease holders and have an inspection and maintenance regime in place. Consequently, they have ‘Responsible Reservoir Manager Status’ and DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.
121. Based on the advice offered from DfI Rivers it is considered that the proposal complies with Policy FLD1 and FLD5 of the Plan Strategy and the proposal will not result in flooding of the site or exacerbate flooding elsewhere.
122. Detail submitted with the application demonstrates that the proposal will use mains sewer. NI Water was consulted and has no objections as there is available capacity at the Wastewater Treatment Works. Water Management Unit also offers no objections as there is available capacity.

Contaminated Land

123. A Preliminary Risk Assessment (PRA) was submitted as part of the application which recommended that the site based on information collected through field and desk study identifies moderate risk to the water environment and an intrusive investigation of soils and groundwaters to inform a Generic Quantitative Risk Assessment (GQRA) for the site was recommended.
124. A Generic Quantitative Risk Assessment was submitted which was informed by intrusive site investigation. An oil tank, made ground, chemical storage and traffic were identified as potential onsite sources of land contamination. A former burial ground is identified as a potential off-site source. Following

intrusive investigation, the GQRA identifies low risk to the water environment and human health.

125. NIEA Regulation Unit was consulted with both the PRA and GQRA and offers no objections to the proposal subject to conditions and informatives as no unacceptable risks to the water environment were identified.
126. The Council's Environmental Health Department was also consulted with these documents to ensure no adverse impacts on human health. It replied with no objections subject to similar conditions as recommended by Regulation Unit. It is therefore considered that any potential contamination will have no adverse impact on human health.

Natural Heritage

127. As the proposal includes the demolition of buildings adjacent to mature boundaries and woodland with some tree removal an Ecological Appraisal was submitted which demonstrated that:
 - There are no nature conservation designations within 2km of the school.
 - There is little greenspace to be impacted by the proposals
 - The school is set in mature tree landscape associated with Hillsborough Demesne.
 - All 4 buildings to be removed were checked for Bat Roost Potential. Three buildings are of Negligible Bat Roost Potential and no further assessment is necessary.
 - One building on the southwest side would need checked for bat roost and is Low Bat Roost Potential.
 - No Invasive Species noted.
 - There are no wetlands/watercourses on site.
 - No evidence of Protected Species.
128. The Ecological Appraisal recommends that additional landscape planting, where design allows, would be beneficial to biodiversity and well-being of those using the school and environs.
129. A Bat survey was submitted for the building with low bat roost potential which detailed that no bats were noted emerging from the buildings and again recommended that planting is enhanced within the site to continue to provide good habitat for bats within the area and that a Wildlife Friendly Lighting Plan is required.
130. A lighting plan and updated landscaping plan with enhanced planting was submitted following the advice of the Ecologist.
131. 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. NED reviewed the lighting information submitted, along with the bat survey and due to the numbers of bats recorded during the bat survey is

content that the proposed lighting of the site is unlikely to significantly impact the local bat population.

132. It is therefore considered having regard to the submitted report and the advice provided by NED that the proposal complies with Policies NH2 and NH5 of the Plan Strategy as it not likely to harm a protected species and will have no unacceptable adverse impact on or damage to known priority species or habitats or features of natural heritage importance.

Consideration of Representations

133. No letters of representation have been received to the proposal.

Conclusions

134. For the reasons outlined in the report, the proposal is considered to comply with the relevant policy tests set out in the Plan Strategy as it will have no adverse impact on the setting of the adjacent listed building, the character of the conservation area or the amenity of the area.

Recommendation

135. It is recommended that planning permission is approved.

Conditions

136. The following conditions are recommended:

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

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

2. The development hereby permitted shall not be operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02B published to the Planning Register on 9 July 2025 to provide adequate facilities for parking, servicing, and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. The development hereby permitted shall not commence until all redundant fuel storage tanks (and associated infra-structure) are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2). The quality of surrounding soils and groundwater shall then be verified and agreed with the Council in writing. If any additional contamination be identified during this process, conditions for new contamination and risks, as detailed, will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. In the event that new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:
<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>
 In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. After completing all remediation and monitoring works, and prior to occupation of the development, a verification report shall be submitted to and agreed with the Council in writing. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:
<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.
 The verification report shall present all the remediation and monitoring works and other agreed measures undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and the development can be

carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. The Rating Level for all external plant and equipment shall not exceed 46dB LAr (daytime) and 35dB LAr (nighttime) at the nearest noise sensitive receptor.

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

7. The materials of the proposed building as indicated on Drawing no. 03 published to the planning register on 24 May 2024 shall be as detailed below:

- Roof tiles to be fitted flush with the roof with blue/ black ridge tiles;
- Eaves to be 'clipped' without barge boards;
- All windows and doors to the proposed building to be aluminium. powder coated;
- External walls of the proposed building to include a smooth painted render, 'Heritage Blend' brick and stone surround to entrance;
- All rainwater goods to be aluminium powder coated and supported by traditional rise-and-fall brackets;

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

8. Prior to commencement of works a detailed method statement for the protection of the listed stone wall along the front boundary of the site shall be approved in writing by the Council in consultation with HED and the works shall be conducted fully in accordance with the details approved.

Reason: To protect the setting on the listed building and ensure the development respects the Conservation Area.

9. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection shall be erected or installed as specified on the Tree Impact & Protection Plan Drawing no. 24 published to the planning register 2 June 2025 and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and shall be in place before any materials or machinery are brought onto site. Protective fencing must remain in place until all work is completed, and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

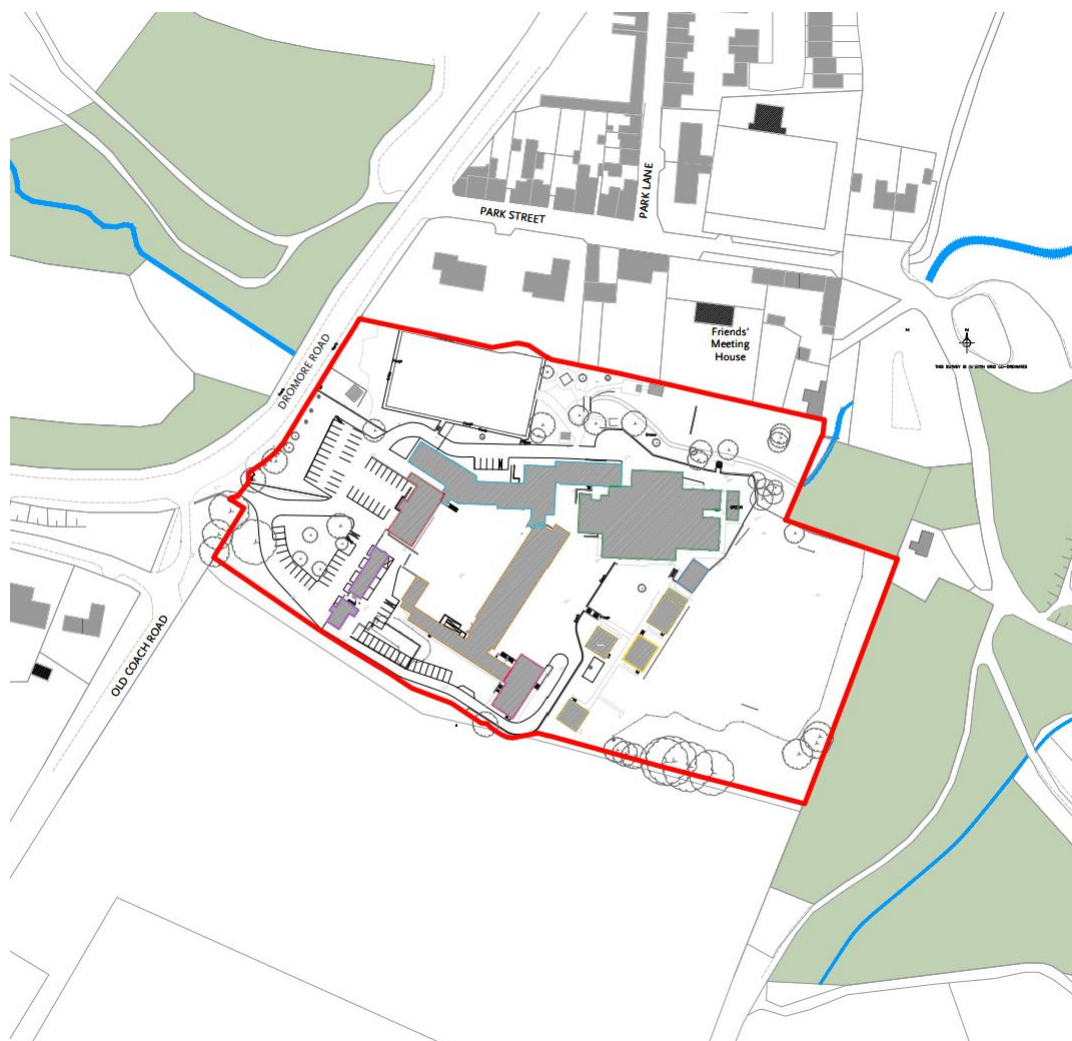
10. There shall be no storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

11. Should any construction works be required by necessity within the Root Protection Area of any tree that is to be retained, works shall be carried out using hand dig methods of construction only.

Reason: To ensure damage is not caused to protected trees by the development hereby approved.

Site Location Plan – LA05/2024/0410/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 August 2025
Committee Interest	Local Application
Application Reference	LA05/2023/0900/F
Date of Application	14 th November 2023
District Electoral Area	Downshire West
Proposal Description	Application for amendments to an extant permission. Proposal comprises 6 no. detached and 2 no. semi-detached properties in lieu of 3 no. apartment blocks formerly approved under existing permission LA05/2020/0593/F.
Location	Lands directly adjacent to Nos. 1-60 Moira Gate, Moira, BT67 0DA
Representations	None
Case Officer	Louise O'Reilly
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 subject to a Section 76 planning agreement.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 and of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed building creates a quality residential environment and will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance/ loss of light.
3. Furthermore, the density is less than that previously approved under LA05/2020/0593/F. The proposal is in keeping with the density 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. The proposal is considered to comply to policy HOU10, in that the applicant will provide two of the proposed dwellings as affordable housing, which will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policies NH2 and NH 5 of the Plan Strategy in that it is demonstrated 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 habitats, species or features of Natural Heritage Importance.
6. The proposed complies with Policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian paths.
7. It is also considered that the development complies with Policies TRA2 and TRA3 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. 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 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.
9. The proposed development complies with the policy tests set out in policy FLD 3 of the Plan Strategy as it has been demonstrated that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing wastewater treatment works to service the development.

Description of Site and Surroundings

Site

10. The site is located within the Moira One development, Lurgan Road, Moira. The application site is located within the south-western portion of the site and is accessed via an existing internal road which serves the existing dwellings constructed to date and the wider site under construction.
11. The northwestern boundary is defined by a close boarded timber fence 1.8m high, with the northeastern boundary undefined on the ground. The site has been cleared, and the southwestern section is currently utilised for the storage of building materials and the site office.

12. The topography of the land falls from the northeast to the southwest towards the Lurgan Road and the internal access road.

Surroundings

13. The surrounding area comprises residential dwellings already constructed to the north, east and south. Agricultural land dominates land use to the northwest.

Proposed Development

14. The application is for full planning permission for amendments to an extant permission and the proposal comprises 6 no. detached and 2 no. semi-detached properties in lieu of 3 no. apartment blocks formerly approved under existing permission LA05/2020/0593/F at plots 62-83.

Relevant Planning History

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

Reference Number	Description	Decision
LA05/2020/0593/F	Proposed phase 2 residential development comprising 65 residential units) 22 no. apartments, 18 semi-detached dwellings and 25 detached dwellings) garages and ancillary works including proposed amendment to Phase 1 site frontage approved under LA05/2015/0609/F (Amended scheme)	Granted 7 th April 2022
LA05/2017/0572/F	Housing development of 8 no. dwellings in total, comprising 4 no. detached and 4 no semi-detached dwellings, garages and associated road and site works	Granted 13 th February 2018
LA05/2015/0609/F	Housing development of 32 no dwellings in total, comprising 24 no. detached and 8 no. semi-detached dwellings, garages and associated road and siteworks (Amended scheme)	Granted 12 th February 2018

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Northern Ireland Housing Executive	No objection

Representations

17. No representations have been received.

Local Development Plan

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

Plan Strategy 2032

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

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

20. In accordance with the transitional arrangements the Local Development Plan is the Plan Strategy and the Lisburn Area Plan 2001. Draft BMAP remains a material consideration.
21. The site is within the settlement development limit as designated by the adopted LAP 2001 and draft BMAP 2015 post enquiry version. A portion of the site lies within residential zoning MA 04/09 and entirely within MA 03/02, as well as benefiting from varying planning approvals which cover the subject site. The draft housing designation in draft BMAP has significant material weight given the associated planning history.
22. The first phase of the development was constructed under planning permission LA05/2015/0609/F, for 32no. dwellings comprising 24no. detached and 8no. semi-detached. Planning Permission LA05/2020/0593/F, granted 65no. residential units, comprising 22no. apartments, 18no. semi-detached and 25 no. detached dwellings. This current application seeks to replace the 22no. apartments in the form of four blocks, with 8no. dwellings comprising 6no. detached and 2no. semi-detached dwellings. The proposal represents a reduction of 14no. residential units.
23. The following strategic policies for Housing and Sustainable Development are set out in Part 1 of the Plan Strategy.
24. 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.

25. 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.

26. 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.

27. 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.

28. 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.*

29. 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.*

30. As this is an application for nine residential units the following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

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

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

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

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

32. 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.

33. 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.*

34. 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.

35. It also states that:

Accessible Accommodation

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

36. Given the scale of residential development public open space is not required as part of the proposed development.

37. 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.

38. 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.

39. 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.

Access and Transport

40. The P1 Form indicates that access arrangements for this development involve the use of an existing unaltered access to a public road.
41. 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.

42. More traffic is proposed to use the existing access. 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.

43. 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.

44. Parking is requirement for the eight dwellings. Policy TRA7 Car Parking and Servicing Arrangements in New Developments 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 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.

45. Policy TRA8 - Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal.

A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) *safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) *the needs of mobility impaired persons; and respect existing public rights of way*
- c) *safe, convenient and secure cycle parking.*

In addition, major employment generating development will be required to make appropriate provision for shower and changing facilities.

Regional Policy and Guidance

Regional Policy

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

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

- 47. 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.

- 48. 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.

- 49. Paragraph 3.6 of the SPPS states:

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

or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

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. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
52. 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

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

Creating Places

54. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
55. 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.

56. 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.

57. 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

58. 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.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Parking Standards

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

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

61. This application is for the change of house types for eight residential dwellings within the settlement limit of Moira. The land on which this development is proposed has been zoned for housing (MA04/09 and MA 03/02) in draft BMAP. There is also a history of an extant planning permission for housing. As such, this is a suitable location for new residential development and the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

62. The lands to the southwest, north and northeast of the application site are partly built out and the proposed road infrastructure in part developed consistent with the extant planning permission. The new buildings are laid out to take account of this existing constraint of the road layout as constructed.
63. The scheme comprises 6no. detached and 2no. semi-detached dwellings. Two house types are proposed of similar size and design but typical of a suburban setting. The proposed dwellings are in lieu of 3no. apartment blocks comprising 22 residential units.
64. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments adjacent to the north and west of the site.
65. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
66. 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.
67. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
68. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Places document and criteria (a) of policy HOU3 are met.
69. No other landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

70. Four house types are proposed, all 2 storey, 6 detached and 1 pair of Semi-detached.
71. House Type 1B Detached – Site 68:
 - 4 Bed
 - Ridge Height: 8.2m from FFL
 - Floor space: 166.6m²
72. House Type 2B Detached – Site 67:
 - 3 Bed
 - Ridge Height: 8.7m from FFL
 - Floor space: 124.2m²
73. House Type 2A Detached – Sites 61, 62, 63 and 66:
 - 3 Bed
 - Ridge Height: 8.7m from FFL
 - Floor space: 124.2m²
74. House Type 5A (RHS) and 5B (LHS) pair of Semi-detached – Sites 64 and 65:
 - 4 Bed
 - Ridge Height: 8.7m from FFL
 - Floor space: 140.8m²
75. Amenity space provision for each of the site is as follows:
 - Site 61: 115.9m²
 - Site 62: 121m²
 - Site 63: 210m²
 - Site 64: 209m²
 - Site 65: 130m²
 - Site 66: 84m²
 - Site 67: 60m²
 - Site 68: 270m²
76. The amenity space provision exceeds the recommended average of 70m² per dwelling for this type of development as a whole as set out in supplementary planning guidance Creating Places. Sufficient useable space is provided as well as space for domestic uses including bin storage with access to the road via the side driveway for bin collections. It is considered that criteria (k) is met.
77. The proposed finishes of the dwellings include light sandy/buff artificial handmade brick to main façade with tonal differences and light/mid grey artificial handmade brick to rear return, grey aluminium double glazing, dark grey timber doors, black/ grey interlocking concrete roof tiles and gutters and downpipes in mid-grey. The proposed finishes are deemed acceptable and are considered to draw upon the materials and detailing exhibited within the surrounding area and

will ensure that the units are as energy efficient as possible. It is considered that criteria (a) and (f) are satisfied.

78. The proposed height, scale and massing of the dwellings are acceptable. Sufficient separation distances, the proposed layout working with the existing topography of the site and the height, orientation of the dwellings considering the sun path from east to west and the suitable height, scale and massing of the proposed dwellings ensure that no loss of light or overshadowing to an unacceptable degree shall result.
79. In terms of overlooking between the proposed dwellings, windows in the side elevations are for a ground floor utility room access door to outside, secondary living room window and a secondary high level family room window and bathroom/ensuite windows at first floor level. The internal layout and arrangement of adjacent dwellings in is keeping and reflective of the existing development being built out. The proposed floorplans, the position of the windows along with the separation distances, the proposed boundary treatments, combined with the offset layout ensures that there is no direct inter-overlooking to an unacceptable degree between the proposed dwellings or their associated private amenity space.
80. The land falls from northeast to the southwest. This results in the dwellings being stepped down with the topography of the site. Retaining structures are required between the gardens and access road and the rear gardens of the proposed dwellings at plots 66 and 67. The retaining structure is to range between 0.75m and 0.5m.
81. Proposed boundary treatments include garden walls 1.8m in height, 1.8m high timber fencing, combined with proposed amenity/structure planting shrub planting of mixed evergreen and deciduous species for biodiversity and seasonal affect with bark mulch. The proposed boundary treatments, landscaping and separation distances, between the existing and proposed dwellings will ensure that no overlooking to an unacceptable degree shall result to prospective residents. In light of the above criteria (b) and (i) have been met.
82. In consideration of the above, I am satisfied that the scale and massing of the proposal within the site context and also the streetscape is acceptable, and it will not cause adverse effects towards nearby buildings in terms of overshadowing or overdominance.
83. In respect of security and natural surveillance, all of the dwellings outlook onto the public realm. Site 68, 66 and 61 are corner sites which benefit from dual frontage. Criteria (l) is considered to be met.
84. All of the proposed dwellings follow a building line which reflects the curvature of the road, with grassed areas to the front providing soft landscaping, breaking up the built form and hard standing, with driveways to the side providing in curtilage parking for two vehicles.

85. In terms of density the proposal seeks to change the house type from that of three apartment buildings containing 22 no. apartments to 6 no. detached and 2 no. semi-detached dwellings. This reduced density is lower than previously approved and is in keeping with that found in the established residential area and the proposed pattern of development constructed to date and is in keeping with the overall character and environmental quality of the established residential area and the wider Moira One Development which is currently under construction. The average unit size exceeds space standards set out in supplementary planning guidance. The proposal satisfies criteria (d).
86. There is no requirement for public open space due to the scale of the development. Likewise, there is no requirement for the provision of a local community or neighbourhood facility. The site is accessible to a number of shops and other neighbourhood facilities in Moira. Criteria (c) is met.
87. The internal road layout provides for safe and convenient access around the site which will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
88. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy.
89. The detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy HOU8 – Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas

90. The design of the proposed dwellings is considered to be in keeping with the existing dwellings constructed to date in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to open space that is appropriate to planning policies and is consistent with that found in the immediate vicinity.
91. The separation distance between the proposed dwellings and their relationship with the existing residential dwellings constructed to date and existing boundaries is adequately addressed and respected by this proposal. Therefore, it will not create conflict or unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
92. In consideration of the above, I am satisfied that the proposal complies with Policy HOU8.

Policy HOU10 – Affordable housing in settlement

93. Policy HOU10 requires a 20% affordable housing provision. This current application was submitted for eight dwellings which equates to two dwelling units. The applicant's solicitor in email dated 16th April has confirmed plots 64 and 65, 2 no. semi-detached dwellings, both four-bedroom dwellings as the affordable housing provision.
94. A draft Section 76 Legal Agreement to secure the delivery of the affordable housing has been provided by the applicant's solicitor.
95. It is recommended that the agreement is subject to no more than four of the other dwellings proposed being occupied until the 2 no. semi-detached dwellings are constructed and available for occupation as affordable housing.

Access and Transport

TRA1 – Creating an Accessible Environment

96. The P1 Form indicates that the proposal does not involve the construction of a new access to the public road. DfI Roads were consulted and have no objection to the proposal subject to conditions and in accordance with the Private Streets Determination drawings. It is considered that the proposal complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible and safe environment will be created through the provision of footways and pedestrian crossing points.

TRA2 – Access to Public Roads

97. There is an early history of planning permission for 22 apartments. Fewer trips are likely to be generated from the amended proposal for eight dwellings. DfI Roads were consulted and have no objection to the proposed development on the grounds of road safety or traffic impact. Whilst it is acknowledged that the proposed development will cause the existing access to be more intensively used it will not be used to the same extent as the previously approved scheme.
98. For this reason, it is also considered that the development complies with policy TRA2 of the Plan Strategy in that regard has been given 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.

TRA7 – Carparking and servicing arrangements in new developments

99. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking (at least two spaces per dwelling) and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic.

TRA8 – Active Travel Networks and Infrastructure Provision

100. The proposal continues to provide for connectivity to active travel networks and as such, policy tests associated with TRA8 continue to be met.
101. Based on a review of the information and the advice received from DfI Roads, it is considered that the proposal satisfies the policy tests associated with policy TRA8 of the Plan Strategy.

Drainage

102. NI Water in a response received on 23 June 2025 confirmed no objection to the proposal and there is available capacity at the Wastewater Treatment Works. here is a public surface water sewer within 20m of the proposed development boundary which can adequately service this proposal

Historic Environment and Archaeology

103. Archaeological conditions were attached to the previous history of approval under application LA05/2020/0593/F. Conditions 18 of planning permission LA05/2020/0593/F related to archaeology.
104. Discharge of conditions application LA05/2023/0121/DC, required the applicant to provide an archaeological programme of works. Historic Environment Division (HED) were consulted and considered the programme of works and were content with the archaeological mitigation strategy and were content for the scheme to proceed to archaeological licensing.
105. Given the above information that was verified under the LA05/2023/0121/DC, HED was not consulted on this current proposal. Based on the information and consideration under the original approval, it is therefore contended that the proposed development complies with policies HE1, HE3 and HE4 of the Plan Strategy.

Consideration of Representations

106. No representations have been received.

Recommendations

107. The application is presented with a recommendation to approve subject to conditions and deed of variation 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 of the Plan Strategy.

Conditions

108. The following conditions are recommended:

- 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.

- The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. 23-138-A10e, bearing the LCCC Planning Office date stamp 19 May 2025 prior to the occupation 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.

- 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.

- 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. 23-138-A10e, bearing the Department for Infrastructure determination date stamp 04 June 2025.

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

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. 23-138-A10e, bearing the date stamp 19 May 2025, 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 within the site.

- 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.

- No dwelling(s) 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 / the development).

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

- Foul sewage shall be connected to the main sewer with Northern Ireland Water approval

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

- The proposed landscaping should be carried out in accordance with the Landscape Management Plan submitted to the Council and published on the NI Planning Portal 14th November 2023.

Reason: To ensure the sustainability and successful establishment and development of all landscape works within the site.

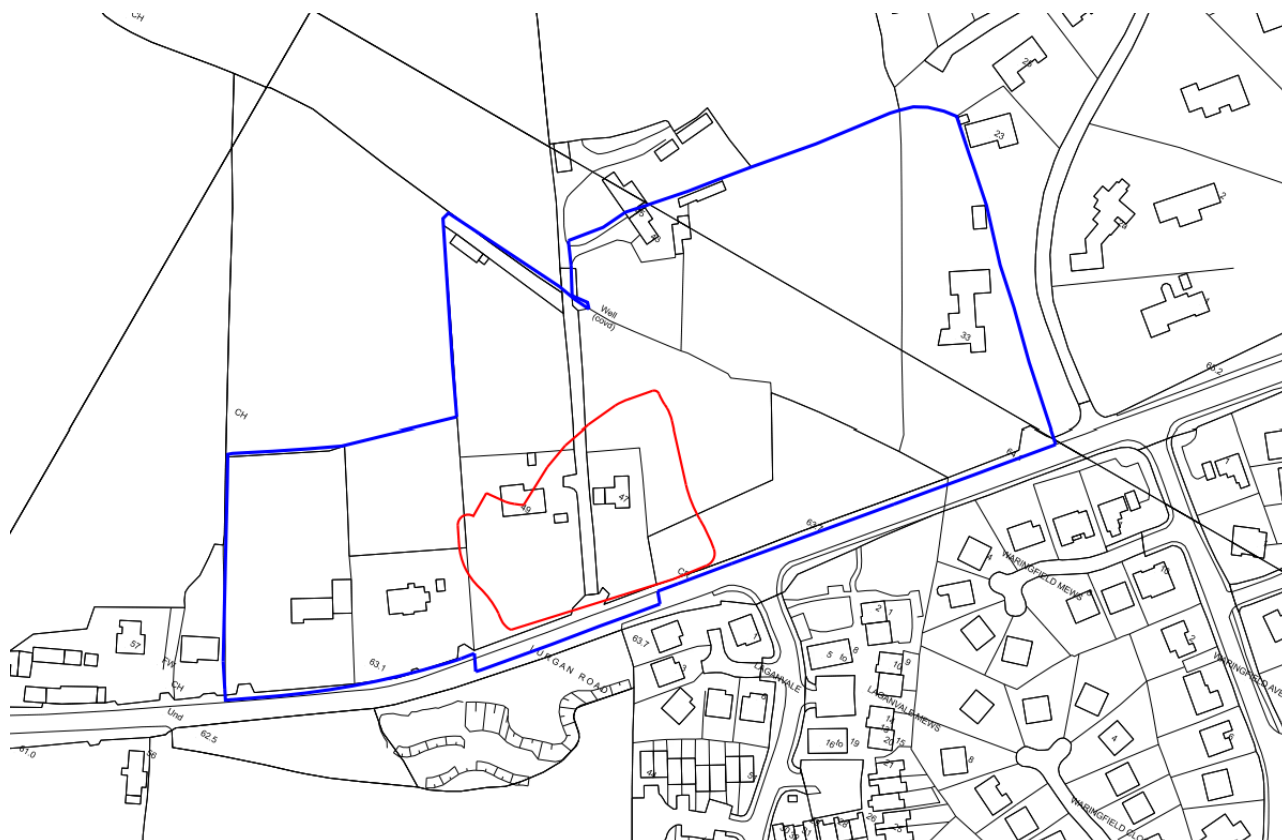
- All hard and soft landscape works shall be carried out in accordance with Drawing 09, 10 and 11 all published on the NI Planning Portal 4th December 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

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

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

Site location Plan – LA05/2023/0900/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	4 August 2025
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2024/0302/F
Proposal Description	Replacement dwelling and garage and associated site works
Location	54 Creevytennant Road, Ballynahinch, BT24 8UJ
Representations	None
Case Officer	Michael Creighton
Recommendation	Refusal

Background

1. This application was included in the Schedule of Applications for consideration by the Committee at a meeting on 7 July 2025. The recommendation was to refuse planning permission.
2. Prior to any presentation by officers' members agreed to defer consideration of the application to allow for a site visit to take place.
3. A site visit took place on 11 July 2025. A separate note of this site visit is provided as part of the papers.

Further Consideration

4. Members viewed the site location plan and the location of where the building had previously been located but now demolished was highlighted by the Head of Planning and Capital Development.
5. Members were advised that the demolition works were purportedly carried out on health and safety grounds as the structure on the roadside was considered to be unsafe.
6. The Members also observed the extent of the works carried out on the site to prepare the land for development.

7. Members noted the significant amount of site clearance works that had taken place after the demolition works to fill the ground with hard fill (stone) and create a level area in preparation for the development.
8. It was observed that no building works had taken place to secure the previous approval for a dwelling.
9. By way of update and to clarify the most recent planning history:
 - The certificate of lawfulness submitted to demonstrate a fallback position was not certified and the decision was not appealed. The deadline to lodge an appeal is now time expired.
 - The application to renew the planning permission LA05/2023/0200/F was recommended for refusal and placed on a weekly list in accordance with protocol for the operation of the planning committee. It was not called in and the decision is now issued.

Conclusion and Recommendation

10. The purpose of the site visit was to afford Members an opportunity to visit the site and observe the proposed development in its context.
11. No new information has been received nor were any new issues raised at the site visit that require officers to update or amend the previous report. The advice previously offered that planning permission should be refused is not changed.
12. This addendum should be read in conjunction with the main DM Officer's report presented to the Committee on 7 July 2025.

LISBURN & CASTLEREAGH CITY COUNCIL

Report of a Planning Committee Site Visit held at 54 Creevytenant Road, Ballynahinch on Friday 11th July 2025 at 10.15 am.

PRESENT:

Alderman J Tinsley (Chair)

Councillor G Thompson (Vice-Chair)

Alderman O Gawith

Councillors P Catney and J Craig

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Member Services Officer (RN)

Apologies for non-attendance had been submitted by Alderman M Gregg, and Councillors D Bassett, S Burns, U Mackin, A Martin and The Hon N Trimble.

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

LA05/2024/0302/F – Replacement dwelling and garage and associated siteworks on land at 54 Creevytenant Road, Ballynahinch

The application had been presented for determination at the meeting of the Planning Committee held on the 7th July 2025 with an Officer recommendation to refuse. However, before the application was heard, and at the request of Members, it was deferred so that a site visit might take place.

At the site visit, Members viewed the site location plan to note the position of where a building had previously been located but was now demolished. They also observed the works that had been carried out to clear the site in preparation for development.

The Head of Planning & Capital Development advised, in response to Member queries, that:-

- Two applications were currently in process. The first was for the renewal of planning permission and the second for a replacement dwelling and garage at 54 Creevytenant Road, Ballynahinch (this application being the subject of the site visit)
- As observed, a significant amount of site clearance had been done and covered with stone.

Site Visit for LA05/2024/0302/F

11th July 2025

124

- The demolition works had been done allegedly on the grounds of health and safety so as to remove an unsafe building from the roadside.
- The application could not be considered a replacement as there was no building on the site to replace.
- An application for a Certificate of Lawfulness had been made by the applicant. It had not been certified as there was no evidence that any building works had taken place to secure the planning permission. Any of the works carried out to date were considered to be in preparation for the development.
- The planning appeal deadline for the Certificate of Lawfulness had expired.

The Head of Planning & Capital Development advised that the application would be included in the schedule for the August 2025 meeting of Committee.

There being no further business, the site visit concluded at 10.24 am.

11th July 2025

Lisburn & Castlereagh City Council

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

Description of Site and Surroundings

Site & Surroundings

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

Proposed Development

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

Relevant Planning History

5. The application site planning history states -

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

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

Consultations

- 8. The following consultations were carried out:

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

Representations

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

Local Development Plan

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

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

Plan Strategy 2032

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

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

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

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

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

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

14. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

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

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

16. The proposal is for a replacement dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

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

Replacement Dwellings

18. Policy COU3 – Replacement Dwellings states:

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

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

Non-Listed Vernacular Buildings

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

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the

original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

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

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

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

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

Integration and Design of Buildings in the Countryside

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

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

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

- a) it is a prominent feature in the landscape*
- b) it is not sited to cluster with an established group of buildings*
- c) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*

- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

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

Habitats, Species or Features of Natural Heritage Importance

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

Waste Management

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

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

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is

sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

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

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

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

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

Justification and amplification

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

Regional Policy and Guidance

Regional Policy

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

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

25. Paragraph 3.8 of the SPPS states:

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

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

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

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

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

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

Retained Regional Guidance

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

Building on Tradition

29. Paragraph 5.1.3 of Building on Tradition states that:

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

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

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

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant

distance away from the original footprint unless there are clear and evident benefits.

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

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

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

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

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

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

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

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal

involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

34. The proposal is described as a site for a replacement dwelling and the first step of the policy test normally is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

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

36. The agent has stated that:

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

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

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

The actual report did not use those actual words rather

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

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

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

Development in the Countryside

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

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

Waste Management

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

Access and Transport

46. The P1 Form and plans submit indicate that the proposal is to use an existing access to Creevytenant Road.
47. DfI Roads have not identified any concerns in relation to the principle of using this access. Based on a review of the information submitted and advice from DfI Roads it is considered that the proposed complies with Policy TRA2 of the Plan Strategy in that that details demonstrate that the use of this access will not prejudice road safety or significantly inconvenience the flow of vehicles.

Consideration of Representations

48. Not applicable.

Conclusions

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

Recommendations

50. It is recommended that planning permission is refused.

Refusal reasons

51. The following conditions as recommended:

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

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

Site Location Plan – LA05/2024/0302/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 August 2025
Committee Interest	Local (Called In)
Application Reference	LA05/2023/0823/F
Proposal Description	Retention of approved building (with alterations) for purposes incidental to the enjoyment of the occupants of No 86A Beechill Road, with associated increase in residential curtilage
Location	86A Beechill Road, Belfast, BT8 7QN
Representations	One
Case Officer	Catherine Gray
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to refuse.
3. It is recommended that planning permission is refused as the proposal is contrary to Policy HOU 7 Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy), in that the scale, massing, and design of the proposal is not sympathetic with the built form and appearance of the existing property.
4. The proposal is also contrary to Policy HOU7 Residential Extensions and Alterations of the Plan Strategy, in that the proposal unduly affects the privacy or amenity of neighbouring residents by reason of overlooking.
5. The proposal is contrary to Policy ED7 Retention of Zoned Land and Economic Development of the Lisburn and Castlereagh City Council Plan Strategy, in that the development would result in the loss of land or buildings zoned for economic development in a local development plan to another use.

Description of Site and Surroundings

Site and Surroundings

6. The application site is located to the southern side of Beechill Road, Belfast. It is accessed via an existing laneway from the Beechill Road, through double gates.
7. The application site is large and is occupied by a similarly large two-storey dwelling with a rear return and the building that is the subject of this application.
8. The site is essentially split into two parts with one access point off the existing laneway. The land surrounding the building which is the subject of this application has been fully landscaped with a tarmacked driveway and parking area.
9. There is also a tarmacked area to the front of the existing dwelling house for the parking and manoeuvring of vehicles.
10. The building that is the subject of the application is two-storey to the front and three storeys to the rear. There is a balcony on the top floor of the front elevation and a balcony to the gable end on the same floor.
11. The building could not be accessed on the day of the site inspection. From the submitted plans the majority of the ground floor incorporates a double garage and entrance which provides access to living accommodation on the first floor and an ensuite bedroom, bathroom, home office and gym in the basement.
12. The building is finished in a mixture of materials, including render, stone, and cladding. The windows and doors are uPVC. It has its own boiler and oil tank to the rear.
13. The building is in close proximity to the boundary behind it which consists of a wooden panelled fence approximately 1.8m in height. To the rear of the wooden fence is the neighbour's row of conifer trees, however these are outside the red line of the application site.
14. The topography of the site, to the front of the existing dwelling house is relatively flat in nature and then as you move into the section of the site that the building the subject of the application is on, has varied levels. Generally, it rises from west to east.
15. The proposed extension to the curtilage has already been implemented and the new northeastern boundary is defined by new hedgerow.
16. The site is located on land that is adjacent to existing employment/industry development (Beechill Business Park), adjacent to some scrub land and also

adjacent to the existing site of 86A Beechill Road which is a domestic property.

17. The surrounding area has a mixture of residential properties and employment/industry uses and commercial uses.

Proposed Development

18. This is a full application for the retention of an approved building (with alterations) for purposes incidental to the enjoyment of the occupants of No. 86A Beechill Road, with associated increase in residential curtilage.

Relevant Planning History

19. The relevant planning history is as follows:

Application Reference	Site Address	Proposal	Decision
LA05/2018/0264/F	Land north of 86a Beechill Road, Belfast, BT8 7QN	Proposed equipment store and offices above	Permission Granted 08/02/2019
LA05/2018/0248/F	86a Beechill Road, Belfast, BT8 7QN	Proposed 2 storey front extension to dwelling	Permission Granted 13/06/2018
LA05/2016/1071/F	The Manor House, 86A Beechill Road, Belfast	Proposed first floor extension to garage with gable ends and dormers	Permission Granted 08/03/2017
Y/2013/0329/F	The Manor House, 86a Beechill Road, Belfast	Proposed first floor extension to garage with gable end and dormer window	Permission Granted 03/02/2014
Y/2013/0142/F	The Manor House, 86A Beechill Road, Belfast	Proposed extension to rear and side of dwelling	Permission Granted 14/08/2013
Y/2013/0036/F	The Manor House, 86a Beechill Road, Belfast	Erection of 2 storey extension to rear of dwelling and included alterations	Permission Granted 11/04/2013

20. The most recent planning history is not a material consideration given any weight in the assessment of this proposal. The development was never commenced, and the planning permission time expired in February 2024.
21. A different building was constructed on the same site which is described as incidental to the enjoyment of the neighbouring dwelling. While it is not referenced in the description of development the plans indicate this is ancillary living accommodation. This proposal is considered on its own merits afresh without reference to the planning history.

Consultations

22. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection

Representations

23. One representation has been received on the proposal from the occupant of 86C Beechill Road (the closest neighbouring property) raising the following concerns:

- Loss of privacy and overlooking

- Retrospective

- High hedge

- Potential future use

- Ownership
24. The concerns raised in the representation are considered later in the report.

Local Development Plan

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

Plan Strategy 2032

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

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the

Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

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

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

27. In accordance with the transitional arrangements the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan 2001 (LAP). Draft BMAP remains a material considerations.
28. Within the LAP the application site is on unzoned land within the Settlement Development Limit.
29. Within dBMAP the application site is within the Settlement Development Limit and on zoned land, designation MCH 11, area of existing employment/industry.
30. Significant weight is attached to designation in draft BMAP as it was agreed through Public Inquiry that this land be zoned for employment/industry. This advice was accepted by the Department for the Environment and the land identified in the adopted Plan land zoned for employment/industry. Whilst the adopted Plan remains unlawful the Council cannot ignore the advice of the PAC up to the stage just before the Plan was adopted.
31. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

32. The strategic policy for Economic Development, Strategic Policy 11 states that:

The Plan will support development proposals that:

a) support and promote the Strategic Mixed Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements

b) support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses

c) encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation

d) provide Class B1 Business within the strategic mixed use sites at West Lisburn/ Blaris and Purdysburn/Knockbracken in accordance with key site requirements.

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

Residential Extensions and Alterations

34. The applicant describes the proposal as incidental to the enjoyment of the neighbouring dwelling and from the submitted plans the building is proposed to be used as ancillary accommodation within the curtilage of the neighbouring dwelling. The proposal therefore falls to be assessed under Policy HOU7 Residential Extensions and Alterations. It is stated in policy HOU 7 that:

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

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

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

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

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

It also states that:

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

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

Economic Development

35. The building is constructed and the curtilage of the main dwelling extended into land zoned for employment so the proposal also falls to be assessed against policy ED 7 Retention of Zoned Land and Economic Development.

36. Policy ED7 Retention of Zoned Land and Economic Development states:

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) the proposal is compatible with the predominant economic use*
- b) it is of a scale, nature and form appropriate to the location*
- c) the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy*
- b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use*
- c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location*
- d) the present use has a significant adverse impact on the character or amenities of the surrounding area*
- e) the site is unsuitable for modern employment/economic, storage or distribution purposes*
- f) an alternative use would secure the longterm future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not*
- g) there is a definite proposal to replicate existing economic benefits on an*

alternative site in the vicinity.

A development proposal for the reuse or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

37. The justification and amplification of policy ED7 states the following:

The Council is keen to support the diversity of the local economy and the retention of existing sites for economic development is necessary to achieve this aim.

The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment, particularly small businesses, helping reduce the demand for greenfield sites.

Any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the Local Policies Plan process.

An exception on zoned land may be made for a sui generis employment use compatible with the existing or proposed economic development use.

On unzoned land for a mixed use scheme, as a specific regeneration initiative to meet the needs of a particular locality, a significant element of the lands should be retained for economic purposes.

Access and Transport

38. No changes are proposed to the existing access arrangements but a question arises as to whether the access is more intensively used.

39. 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.

Regional Policy and Guidance

Regional Policy

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

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

41. Paragraph 3.8 of the SPPS states:

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

Retained Regional Guidance

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

Development Control Advice Note 15 – Vehicular Access Standards

43. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:
44. *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

45. This is an application for full planning permission for the retention of an approved building (with alterations) for purposes incidental to the enjoyment of the occupants of No. 86A Beechill Road, with associated increase in residential curtilage.
46. The description that the building is approved is not agreed for the reasons set out at paragraphs 19 and 21 of the report. This is a retrospective proposal for ancillary accommodation within an extended curtilage of a neighbouring dwelling. It is considered on its own merits having regard to prevailing policies of the Local Development Plan as set out at paragraphs 31 to 44. No weight is

attached to the earlier LA05/2018/0264/F grant of planning permission which is time expired.

47. For the purpose of comparison and to assist in differentiating between the planning history and this retrospective proposal the following drawings are included.

Figure 1: Site Layout Plan - LA05/2018/0264/F

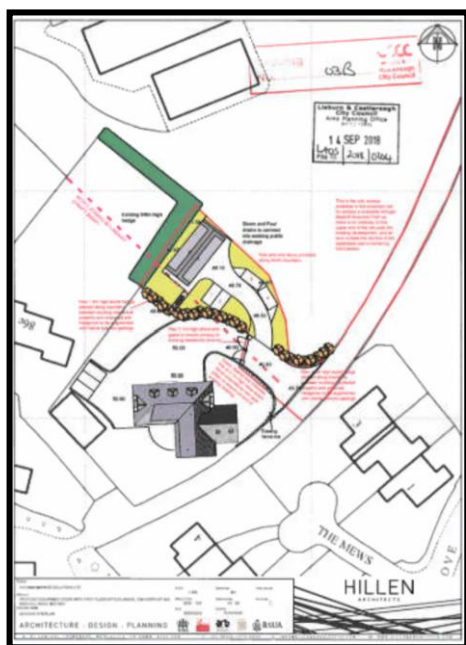
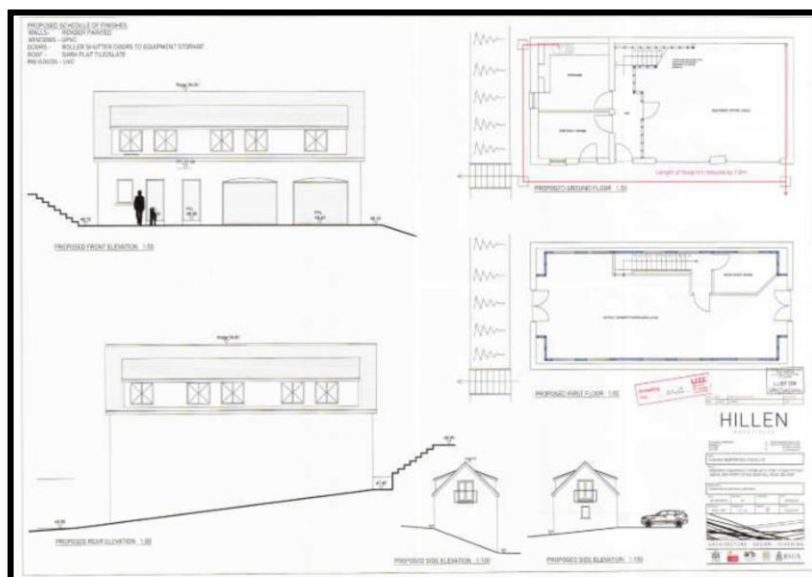
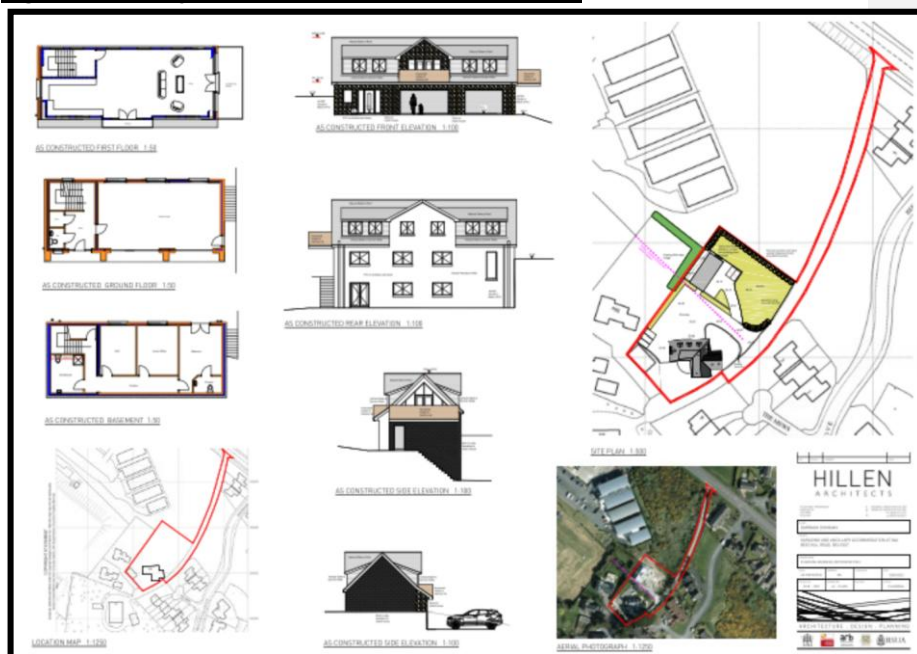


Figure 2 - Elevations and floor plan - LA05/2018/0264/F



48. This retrospective application and the building as constructed is significantly different from what was previously approved above.

Figure 3: Site Layout Plan, Floor Plans & Elevations - LA05/2023/0823/F



49. The proposed building has a ridge height of 9.5m above the ground level to the rear. When compared with the earlier history there is an increase of 0.2 m in height, an additional floor of accommodation, the rear elevation has six additional windows, additional glass panelled patio style door and two windows on the top floor are projected into a wall instead of being roof dormer windows. The side elevation facing the Beechill Road, has two balconies one of which is an outdoor terrace. The front elevation is also significantly different.
50. Turning to consideration of the proposal against policy HOU7.

Residential Extensions and Alterations

51. The existing property at 86A Beechill Road is a large dwelling on a large plot even without the proposed extension to the curtilage.
52. The supplementary guidance in the Plan Strategy states that for garages and other associated outbuildings:

Buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views.

53. No justification is provided to explain why this building could not have been provided with the established curtilage of the existing dwelling and why such a

Commented [CH1]: I presume this is a direct quote

large increase in the curtilage is required. It is further considered that the proposed building is not subordinate in size or scale to the existing residential property. The building, although it has a shared access with the existing dwelling house to 86A Beechill Road, appears on the ground not to be ancillary to the existing dwelling. Its layout, design scale form, mass and appearance would indicate that this is a separate dwelling adjacent to the existing dwelling, not ancillary to the neighbouring dwelling or incidental to the enjoyment of that property.

54. It is considered that it would not visually detract from the appearance and character of the surrounding area however its scale, massing and design is not sympathetic to the existing property. It's design and appearance lends itself to a separate self-contained unit.
55. Criteria (a) of policy HOU7 is not met for this reason.
56. Turning to criteria (b) the windows to the rear elevation on the ground and first floor have the potential to overlook into the neighbour's garden and their private amenity space despite a mature conifer hedgerow within an adjacent property providing an element of screening.

57. Environmental Health commented a that:

There is a large hedge on land outside the ownership of the applicant which runs along the northwestern boundary of the proposed development. This hedge may cause a loss of amenity at the proposed development due to loss of light. The hedge may be subject to a complaint and subsequent remedial action under the High Hedge legislation.

The applicant and any prospective owner should be made aware that the proposed development is located in close proximity to commercial buildings. This may give rise to offensive conditions and as a result impact upon the amenity enjoyed by the proposed development due to noise and light.

58. The adjacent neighbour has objected to the proposal and raised specific concerns about the trees and loss of amenity. The neighbour has indicated that they would like to cut down the trees, however they are aware if they do that they would be overlooked by the windows on the rear of the new building erected on this site. If granted planning permission there is also a risk that the planning applicant could ask for the hedgerow be cut down consistent with the advice in the Environmental Health response.
59. Either way there is a high risk that the hedgerow could be removed and as the planning applicant is not in control of the hedgerow a precautionary approach is adopted to the impact this development has on the amenity of the neighbouring resident by reason of overlooking and loss of privacy. The number of windows in the elevation is considered to be overbearing.
60. Given the proximity of the building to the boundary, its use as residential accommodation and the number of windows in the rear elevation and the consequential impact this has on the amenity of the neighbouring residents criteria (b) is not met.

61. With regards to criteria (c), as the proposal is retrospective it is considered that it would not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute to local environment quality.
62. With regards to criteria (d), sufficient space remains within the curtilage of the property for both recreational and domestic purposes including the parking and manoeuvring of vehicles.
63. The proposed extension to the curtilage is not considered to be necessary due to the size of the established curtilage and adequate for the size of the existing dwelling. Approval of an extension to the residential curtilage would also result in the loss of land zoned for employment/industry and this is dealt with later in the report.
64. For the reasons set out above it is considered that the proposal does not comply with policy HOU7 Residential Extensions and Alterations, of the Plan Strategy.

Loss of Employment Land

65. Significant weight is attached to the draft employment designation in BMAP for the reasons set out in paragraph 27 to 33 of the report.
66. The agent puts forward the argument that the delineation of the zoning is somewhat irregular and that the area on which the approved building is sited is effectively landlocked from the zoning. The agent also states that the draft BMAP designation is now largely irrelevant as the Lisburn and Castlereagh Plan Strategy was adopted.
67. The agent in their supporting statement also assesses the proposal against policy ED7 and states that as the land is not zoned for economic development purposes, it cannot be regarded as contrary to policy ED7.
68. It is noted that the planning history on the site LA05/2018/0264/F as outlined above) details that the same applicant and agent relied on the zoning within dBMAP to support the business use approved in the previous application.
69. As discussed above, it is the view of officers that the designation of the land zoned for employment/industry is given determining weight. This is also supported in a recent appeal decision (Appeal Ref: 2017/A0220, Planning Ref: LA05/2015/0588/O) where the commissioner stated that:

I can only assume that if BMAP were to be lawfully adopted it be probably likely to contain the appeal site within the settlement limits of Lisburn. I must therefore attach significant weight to the proposal to include objection 2137 to dBMAP into the adopted plan.

70. Whilst this is a different proposal, and the Plan Strategy is adopted the same principles still apply. Until the Local Policies Plan is completed BMAP will remain a material consideration and the Commissions approach on the weight to be given to lands zoned within dBMAP and BMAP is correct.

71. The agent does not elaborate is why we should treat this as an exception to policy or raise other material considerations to be weighed in the planning balance. In the absence of this officers examine the proposal against the criteria of policy ED7.
72. Policy ED7 states that development that would result in the loss of land or buildings for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.
73. A significant portion of the zoned land has already been developed for employment/industry use. On the ground the zoned land has not been substantially developed for alternative uses.
74. The policy does allow for an exception for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where certain criteria can be demonstrated. This proposal is not for a B1 or sui generis employment use.
75. The policy also allows for an exception for retailing and commercial leisure development which is ancillary in nature.
76. This proposal is for a use ancillary to a residential dwelling and does not fit into any of the criteria stated above within policy ED7.
77. Therefore, the proposal is contrary to Policy ED7 Retention of Zoned Land and Economic Development of the Lisburn and Castlereagh City Council Plan Strategy, in that the development would result in the loss of land or buildings for economic development in a local development plan to other uses.

Access and Transport

78. The proposal does not involve any changes to the existing and approved access to the site and the development provides for adequate levels of space for the safe parking and manoeuvring of vehicles within the curtilage of the site.
79. It was not considered necessary to consult DfI Roads with this development proposal as the proposal was described as incidental to the enjoyment of the dwelling at 86a and would not give rise to a road safety or additional traffic impact. For this reason, it is considered that the proposed development would not result in the intensification of the use of an existing access and that the requirements of policy TRA2 are met.

Consideration of Representations

80. One representation has been received on the proposal from the occupant of 86C Beechill Road (the closest neighbouring property) and the concerns are addressed below:

Loss of privacy and overlooking

Concern is raised about loss of privacy due to the change in intended use and the significant number of windows that will look into the backyard of property number 86C Beechill Road. Instead of 5 high windows used for business purposes, there are 10 windows overlooking into their garden, and have a clear view of the property's bedrooms, patio and ground floor living area.

The proposal has been assessed against policy HOU7. It is considered that the proposal is contrary to Policy HOU7 Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal unduly affects the privacy or amenity of neighbouring residents. This is addressed at paragraph 56 of the report.

Retrospective

The concern is raised that if this was in the original application, as neighbours in the adjacent property, they would have had an opportunity to provide the impact of this development from their perspective. The view is expressed that by making this a retrospective application, they have not had the opportunity to provide the impact of this development from their perspective.

It is acknowledged that this is a retrospective application. The application is assessed against the same policy context whether it be proposed or retrospective development. Any unauthorised development is undertaken at the developer/owners own risk. The concerns raised are taken account of in the assessment of the application. This is addressed at paragraph 46 of the report.

High hedge

The view is expressed that they are concerned about the comments from Environmental Health regarding the high hedge legislation. The view is expressed that the hedge on their side has provided them with the required privacy even before the building was erected and that it take a more important role now with a residential house right next to the boundary. It also raises the potential of complaint from the neighbour (the applicant). They state that a reduction in the height of the hedge will absolutely impact the privacy and there will be a clear view to all their living spaces.

It is acknowledged that the existing high hedge/trees is noted to be in the neighbour/objectors land, and outside the applicants red line of the application site. As discussed above and paragraphs 58-60, it is considered that the proposal is contrary to policy HOU7 in that the proposal unduly affects the privacy or amenity of neighbouring residents.

Potential future use

Concern is expressed with respect to potential future uses including renting this space for short term rentals or even changing this to a full residential house.

Any future change of use would be subject to a planning application and would have to be considered on its own merits.

Ownership

The question is asked ‘Has the building changed ownership and are there any potential ramifications from the same?’.

Land ownership is not a planning matter; it is a legal matter. Planning permission does not confer title and Certificate A is completed. No P2 is brought that would indicate that the building occupied by someone from outside the household of 86a Beechill Road.

Conclusions

81. All material considerations have been assessed; all consultation responses have been taken on board and the concerns raised in the representation have been addressed.
82. It is considered for the reasons set out in the report that the proposal is contrary to policy HOU7 and policy ED7 of the Plan Strategy.

Recommendation

83. It is recommended that planning permission is refused.

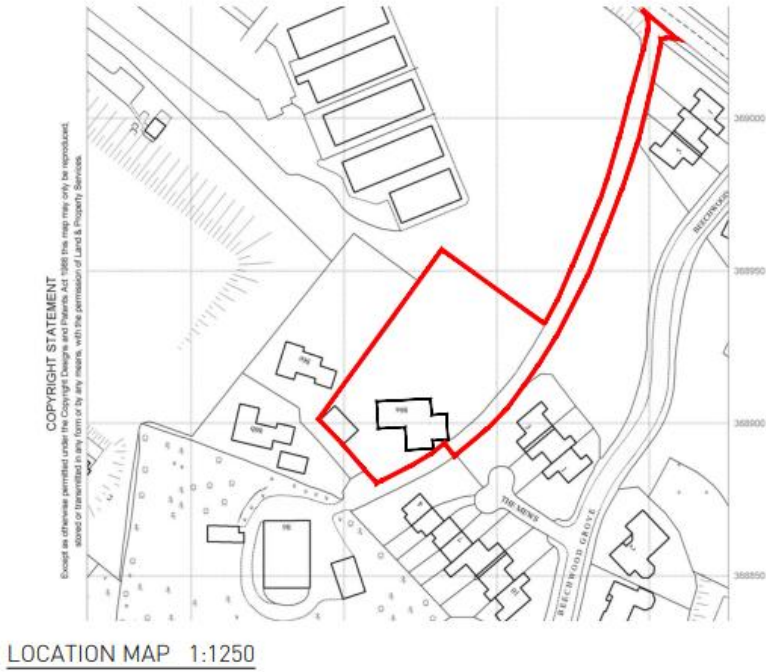
Refusal Reason(s)

84. The following refusal reason(s) are recommended:
- The proposal is contrary to Policy HOU 7 Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy, in that the layout, scale, form massing, and design of the proposal is not sympathetic with or subordinate to the built form and appearance of the existing property and its location outside of the curtilage is not justified.

• The proposal is contrary to Policy HOU7 Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal unduly affects the privacy or amenity of neighbouring residents by reason of overlooking, loss of privacy and that the rear elevation is overbearing on the neighbouring property.

• The proposal is contrary to Policy ED7 Retention of Zoned Land and Economic Development of the Lisburn and Castlereagh City Council Plan Strategy, in that the development would result in the loss of land or buildings for economic development in a local development plan to other uses.
- 17

Site Location LA05/2023/0823/F



Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

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

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the position for each indicator for the month of June 2025.
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 June 2025 was 42.2 weeks. There remains a focus on dealing with older planning applications and this is reflected in the average number of weeks taken to process applications this month.
4. Our continued focus on reducing the number of older applications means a good foundation is established to allow the Council to return to good performance with an overall improvement against the statutory target in the incoming business year.
5. The performance against statutory target for major applications for June 2025 was 76.6 weeks. The types of major applications that are processed by the Unit are complex in nature and involve protracted consultation processes including the preparation of Section 76 planning agreements.
6. It is still a priority to bring at least one major application forward to Committee each month. Five decisions for major applications issued in the first three months of this financial year and our performance in year to date is 30 weeks.

7. Procedures are now in place for managing Section 76 agreements and this should see a reduction in the processing times for this category of application more aligned to the timescales to what has been achieved over the quarter rather than looking at the monthly figures.
8. 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 June 81.3% of cases were decided in 39 weeks.

2.0 **Recommendation**

It is recommended that the Committee notes the information in relation to the June 2025 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	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
-----	---	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
-----	--	----

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p> <p>.</p>	
-----	---	--

Appendices:

Appendix 2 – Statutory Performance Indicators – June 2025

Statutory targets monthly update - June 2025 (unvalidated management information)
Lisburn and Castlereagh

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	1	27.4	100.0%	50	81	47.6	17.3%	29	11	87.3	36.4%
May	3	2	119.2	50.0%	40	58	52.3	20.7%	20	17	105.1	47.1%
June	1	2	76.6	50.0%	56	85	42.2	24.7%	25	16	20.8	81.3%
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	5	5	30.0	60.0%	146	224	47.8	21.0%	74	44	72.4	56.8%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2024 – March 2025)

1.0	<p><u>Background</u></p> <ol style="list-style-type: none">1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in Northern Ireland and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.2. On 26 June 2025, the Department for Infrastructure published the Northern Ireland Statistics Annual Statistic Bulletin (April 2024 – March 2025) which can be found at the link: https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2024-march-20253. This bulletin provides an overall view of planning activity across Northern Ireland including a summary on the performance of Council's measured against the two statutory targets for major and local planning applications.4. This bulletin recognises that there have been some key events in recent years that will have impacted on planning activity and processing performance namely the introduction of a new planning portal, this should be borne in mind when making comparisons with other time periods. <p><u>Key Issues</u></p> <ol style="list-style-type: none">1. There were 9,716 planning applications received during 2024/25; a 3% decrease from the previous financial year [10,025 applications] across all the Council Areas. The majority of the applications received were categorised as local applications – 9,284; a decrease of 5% on previous year [10,025]. Of the balance 161 were categorised as major applications and one was regionally significant.2. The number of applications received is noted to have decreased in Lisburn and Castlereagh by 12.0% compared with the previous year [84 applications less] which is much highre than elsewhere in Northern Ireland.3. The number of planning decisions issued during 2024/25 across Northern Ireland was 9284, a decrease of 4.6% on the previous year [9734 applications].4. A total of 730 decisions issued within LCCC, which was more than the number issued the previous year [611]. Lisburn and Castlereagh reported the largest
-----	---

increase 19.5% in the total number of decisions issued which is above the average in Northern Ireland as a whole.

- 5. In 2024/2025 it took on average 19 weeks to process local applications to decision or withdrawal across all Councils. This was 1.8 weeks decrease than the previous financial year. Three of the eleven Councils met the 15 week target in 2024/2025.
- 6. Lisburn & Castlereagh City Council was one of eight Councils that did not meet the fifteen week target for processing local applications. The average processing times for local applications within LCCC was 38.8 weeks which was 3.6 weeks less than in the previous year.
- 7. Officers were focused on reducing the number of older applications in the 2024/25 business year and although performance against the statutory target was not met a significant number of older applications were decided providing a foundation for better performance for this category of application in the incoming year.
- 8. A total of 161 major planning applications were received in Northern Ireland during 2024/25, which was 2% more than the previous year. The average processing time for major applications decreased by 6.9 weeks from the previous year to 39.6 weeks across all councils. Five of the eleven Council met the 30 week target in 2024/25.
- 9. A total of 15 major applications were received in LCCC during the reporting period and performance in respect of major applications within LCCC was 59.2 weeks, an increase of 2.8 weeks compared to the previous year. Processing times for this category of application has remain fairly constant and while there remains a focus on improving performance for major applications the need for Section 76 agreements for some applications make it difficult to achieve a target of thrity weeks in the short term.
- 10. The challenge in achieving good performance consistently can depend on several unrelated factors all of which can mask good performance generally. Improvements in processing times for local applications remains a performance improvement objective for the Council and key performance indicators are developed to assist the Unit returning to good performance against the statutory indicator.

2.0

Recommendation

- It is recommended that the Committee notes the information provided in relation to
- Analysis of 2024/2025 Bulletin relative to LCCC
 - Northern Ireland Statistics Annual Statistic Bulletin (April 2024 – March 2025)

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 <u>or</u> rationale why the screening was not carried out This is a report providing an analysis of planning statistics relative to LCCC. EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	This is a report providing an analysis of planning statistics relative to LCCC. RNIA is not required.	

Appendices:	Appendix 3 – Northern Ireland Planning Statistics – Annual Statistical Bulletin (April 2024 – March 2025)
--------------------	--



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn

Bonneagair 164

Department für

Infrastructure

www.infrastructure-ni.gov.uk

NORTHERN IRELAND PLANNING STATISTICS

Annual Statistical Bulletin 2024/25

April 2024 to March 2025



Theme: People and Places
Coverage: Northern Ireland
Frequency: Annual
Date of Publication: 26 June 2025

Published by: Analysis, Statistics & Research
Branch
Department for Infrastructure
1st Floor, James House, Gasworks Site,
2-4 Cromac Avenue, Belfast, BT7 2JA

Statistician: Suzanne Napier
Telephone: 028 90540390
Email: ASRB@nisra.gov.uk



Contents

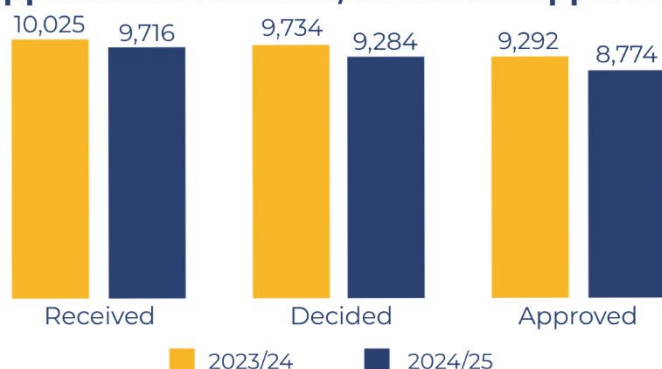
Key points	3
Infographic	4
Introduction	5
Chapter 1: Overall NI planning activity	6
Chapter 2: Major development	10
Chapter 3: Local development	12
Chapter 4: Enforcement activity	14

Key points

- There were 9,716 planning applications received in Northern Ireland (NI) during 2024/25; a 3% decrease from the previous year. This comprised of 9,554 local, 161 major and one regionally significant application.
- A total of 9,284 planning applications were decided during 2024/25; a decrease of 5% from the previous year. Decisions were issued on 9,112 local and 172 major applications during 2024/25.
- The average processing time for local applications brought to a decision or withdrawal during 2024/25 was 19.0 weeks across all councils. This exceeds the 15 week target and represents a decrease of 1.8 weeks from the previous year. Three of the 11 councils met the 15 week target in 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during 2024/25 was 39.6 weeks across all councils; this is the lowest annual processing time since the transfer of planning powers. While exceeding the 30 week target, this represents a decrease of 6.9 weeks compared with the previous year. Five of the 11 councils met the 30 week target in 2024/25.
- Across councils 70.7% of enforcement cases were concluded within 39 weeks during 2024/25, meeting the 70% target. This represents a decrease from the rate recorded in 2023/24 (76.4%). Individually, six of the 11 councils met the 70% target in 2024/25; seven councils met the target in the previous year.

Overall planning applications

Applications received, decided & approved



Comparing 2024/25 with 2023/24:

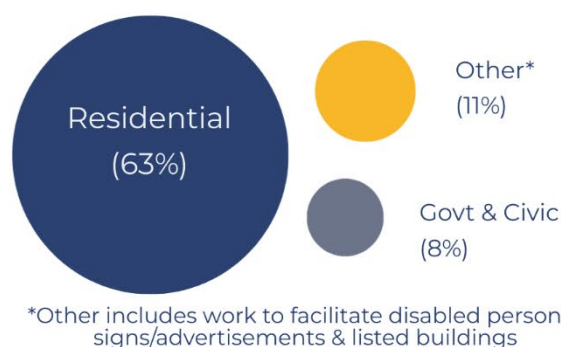


Applications received

A total of 9,716 planning applications were received during 2024/25:



3 largest development types



Planning statutory targets - 2023/24 & 2024/25

Average processing times (weeks) - major



Average processing times (weeks) - local



% of enforcement cases concluded within 39 weeks



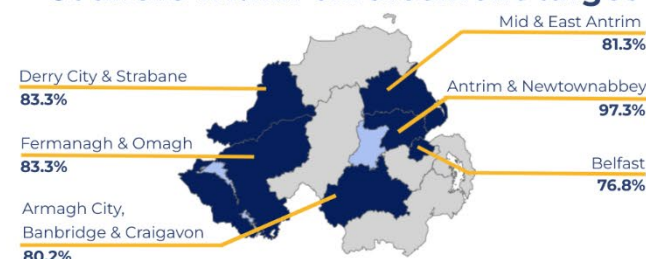
Councils within major target



Councils within local target



Councils within enforcement target



Northern Ireland Planning Statistics: Annual Statistical Bulletin 2024/25

Introduction

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

Figures for 2024/25 are now final and will not be subject to further scheduled revision.

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

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

Future releases

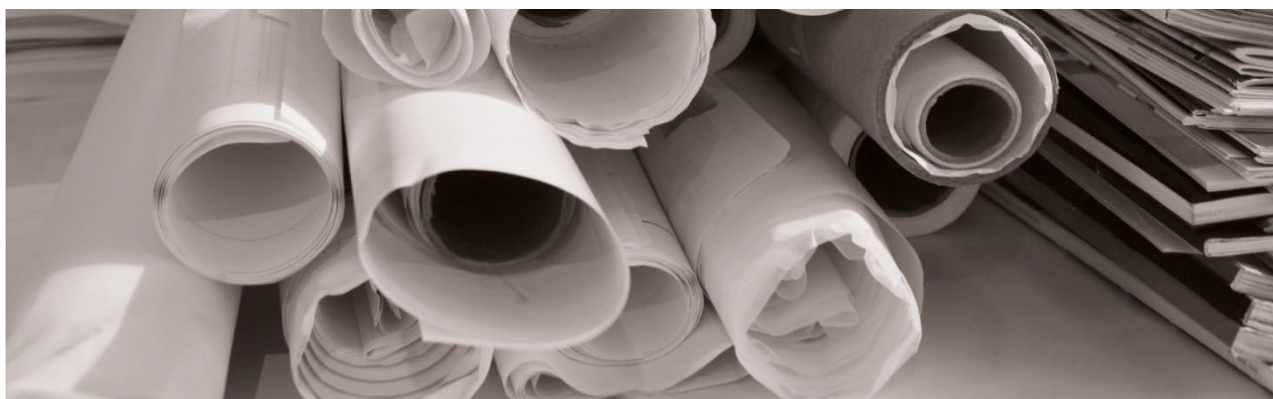
The next report will be a quarterly report covering the period 1 April to 30 June 2025. This quarterly report is planned for release in September 2025. The next annual report covering 2025/26 is planned for release in July 2025. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

Northern Ireland regional planning IT systems

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

Alternative formats

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



Chapter 1: Overall Northern Ireland planning activity

Planning activity has continued to decline in 2024/25 with the volume of planning applications received and processed (i.e. decided or withdrawn) being the lowest since the series began in 2002/03. The number of enforcement cases opened in 2024/25 was the lowest annual figure since 2014/15; it was similar for the number of cases closed with 2024/25 being the lowest annual figure recorded since 2015/16.

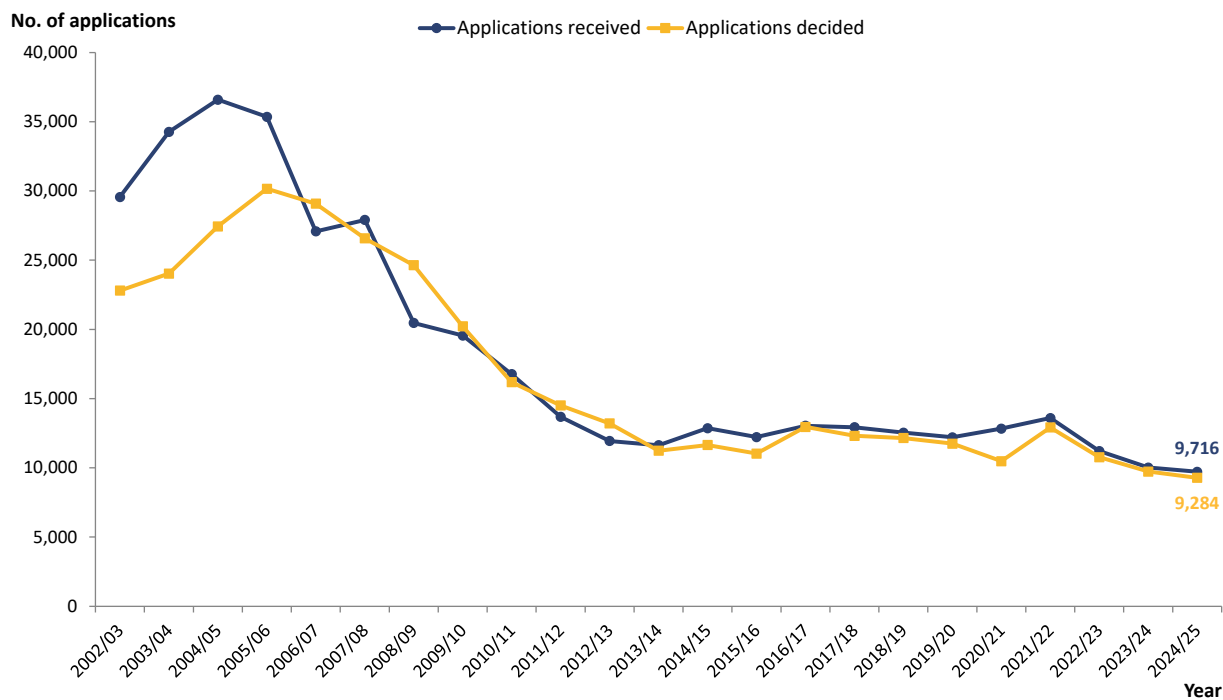
There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and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

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in 2024/25 was 9,716; a decrease of 3.1% from the previous year (10,025) and the lowest annual figure on record, (Figure 1.1). [Refer to Tables 1.1, 1.2.](#)

Almost three-quarters of the planning applications received in 2024/25 were for full planning permission (73.4%); a decrease on the proportion reported for 2023/24 (74.5%). [Refer to Tables 5.6.](#)

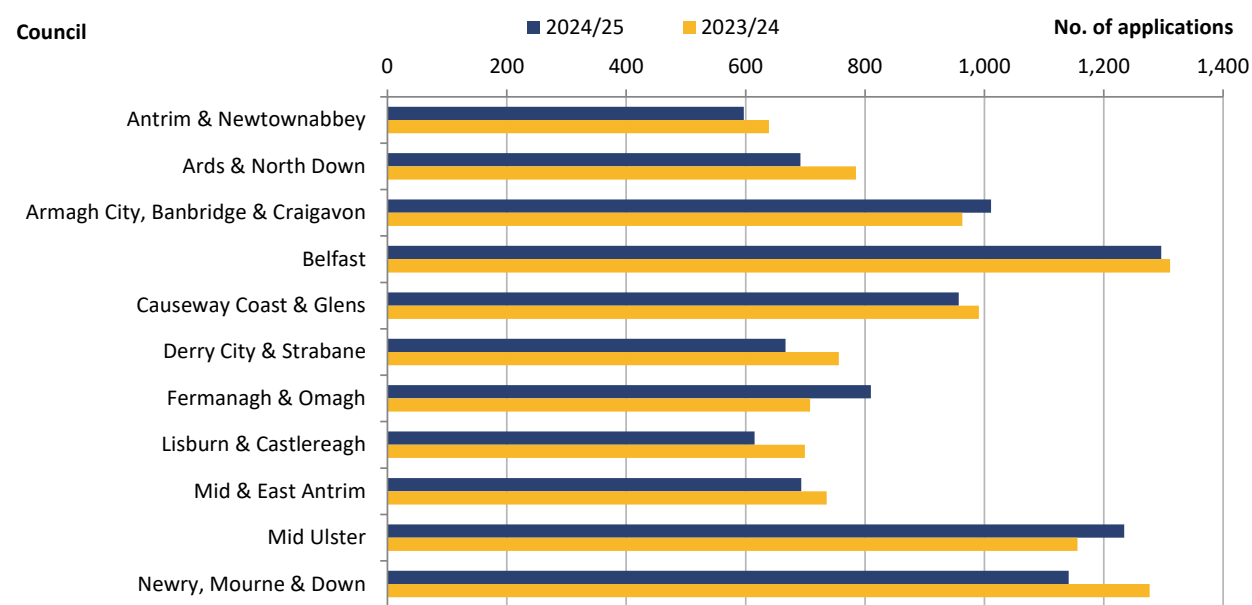
Fig 1.1 NI planning applications, annually, 2002/03 to 2024/25



Eight councils reported a decrease in the number of planning applications received in 2024/25 compared with the previous year, with the greatest percentage decrease reported in Lisburn and Castlereagh (-12.0%). Three councils reported an increase over the year with Fermanagh and Omagh (14.4%) reporting the largest increase.

During 2024/25, the number of planning applications received varied across councils, ranging from 1,296 in Belfast (accounting for 13.3% of all applications received across NI) to 597 in Antrim and Newtownabbey (6.1% of all applications received). See Figure 1.2.

Fig 1.2 Applications received by council, 2023/24 & 2024/25



Applications decided

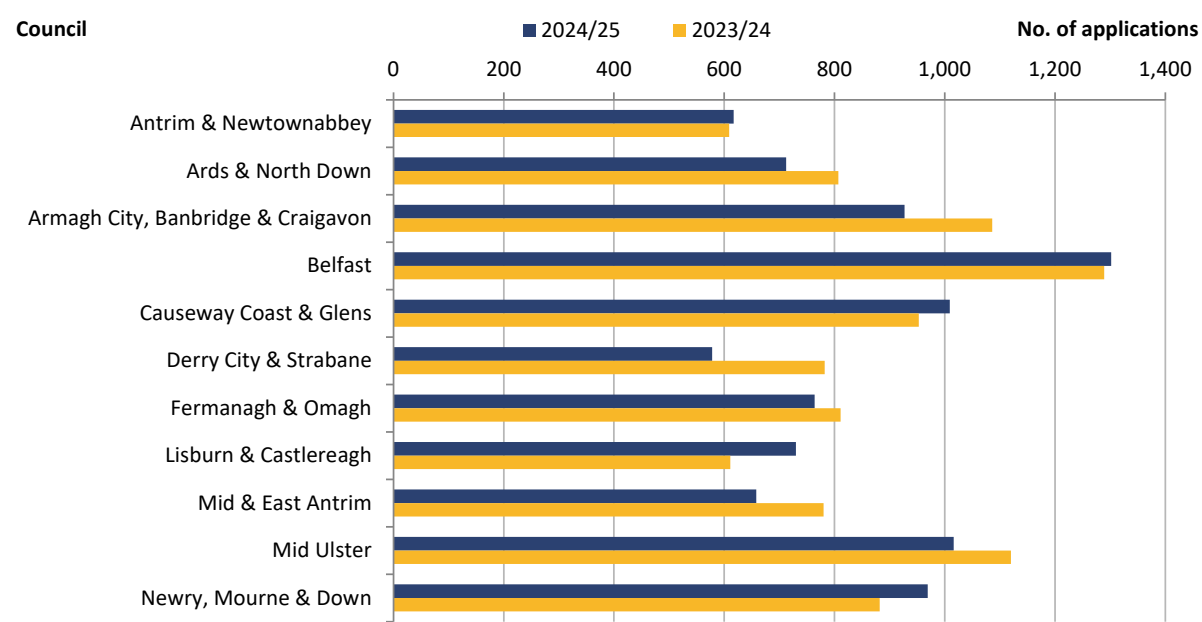
The number of planning decisions issued by councils and the Department in 2024/25 was 9,284; a decrease of 4.6% from the previous year (9,734) and the lowest annual figure on record. See Figure 1.1 and [Tables 1.1, 1.2](#).

Almost three quarters of planning decisions in 2024/25 (74.8%) were for full planning permission; the same as the proportion recorded for 2023/24. [Refer to Tables 5.6](#).

Across councils the number of decisions issued during 2024/25 ranged from 1,302 in Belfast (accounting for 14.0% of all decisions across NI) to 578 in Derry City and Strabane (6.2% of all decisions).

Six of the 11 councils reported a decrease in the number of applications decided in 2024/25 when compared with the previous year, with the greatest decrease recorded in Derry City and Strabane (-26.1%). Five councils reported an increase over the year, with Lisburn and Castlereagh reporting the largest increase (19.5%). See Figure 1.3 and [Table 1.2](#).

Fig 1.3 Applications decided by council, 2023/24 & 2024/25



In 2024/25, 630 applications were withdrawn, a 10.7% increase over the year from the 569 applications withdrawn in 2023/24.

Approval rates

The overall Northern Ireland approval rate for all planning applications was 94.5% in 2024/25. This was down when compared to the rate in 2023/24 (95.5%). [Refer to Table 1.1](#).

Approval rates varied across councils during 2024/25, from 98.2% in Mid Ulster to 89.8% in Newry, Mourne and Down. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2](#).

Live applications

There were 7,514 live applications in the planning system across NI at the end of March 2025, a decrease over the year from the end of March 2024 (7,869), and the lowest end of March live count since 2019/20 (6,350).

Three out of every ten live applications at the end of March 2025 were over one year old (32.1%); an increase from the proportion reported at the end of March 2024 (30.3%), and the highest end of March rate since reporting began in 2010/11. [Refer to Table 1.3.](#)

Departmental activity

There were three applications received by the Department in 2024/25, down from the seven received during 2023/24. Two applications were decided during the year, compared with four decided in the previous year. One departmental application was withdrawn in 2024/25, the first application to be withdrawn since Q1 2022/23.

At the end of March 2025 there were 22 live Departmental applications; 19 out of the 22 were in the planning system for over a year.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the five RSD applications live in the planning system at the end of March 2025, two have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining three awaiting ministerial recommendation, the 30 week period has been exceeded for two of them.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (6,149; 63.3%) of applications received in 2024/25, followed by 'Other' (1,088; 11.2%) and 'Government and Civic' (774; 8.0%).

The top three development types decided in 2024/25 were 'Residential' (5,896), 'Other' (1,099) and 'Government and Civic' (729). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

There were 97 renewable energy applications received in 2024/25; a decrease from the previous year (126). Eighty-six renewable energy applications were decided during 2024/25; similar to the number decided in 2023/24 (87).

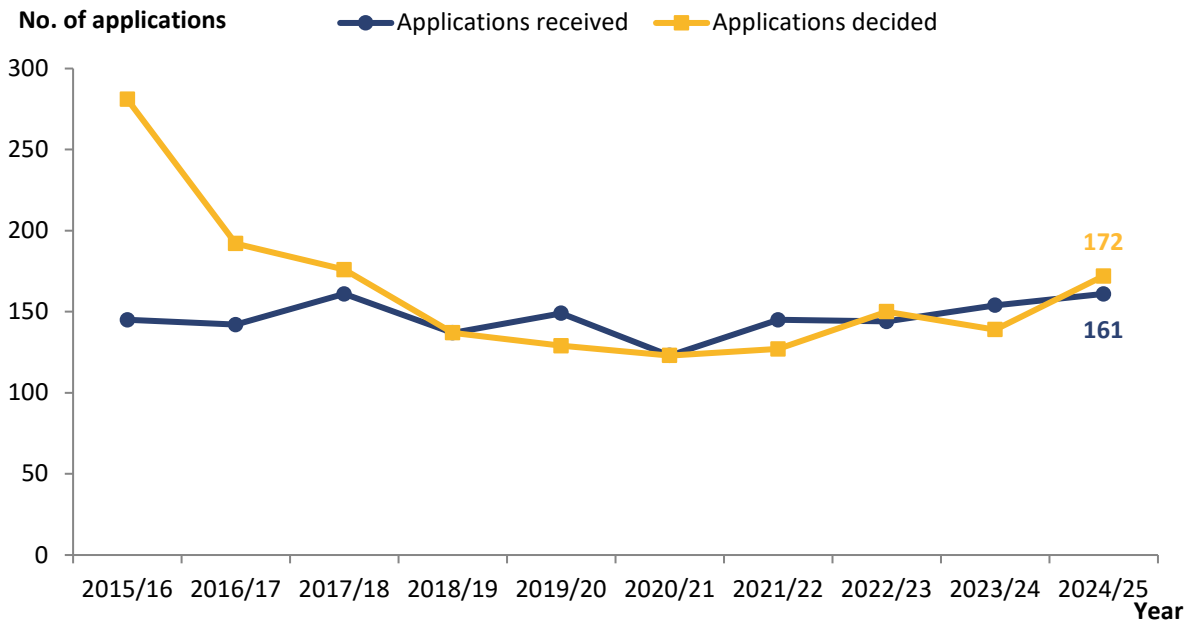


Chapter 2:

Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 161 major planning applications were received in NI during 2024/25, up from the number received in the previous year (154). [Refer to Table 3.1.](#)


Fig 3.1 Major development applications, annually, 2015/16 to 2024/25



During 2024/25, 172 major planning applications were decided; up from the 139 decided in the previous year (Figure 3.1).

The approval rate for major applications decided upon during 2024/25 was 97.7%. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target



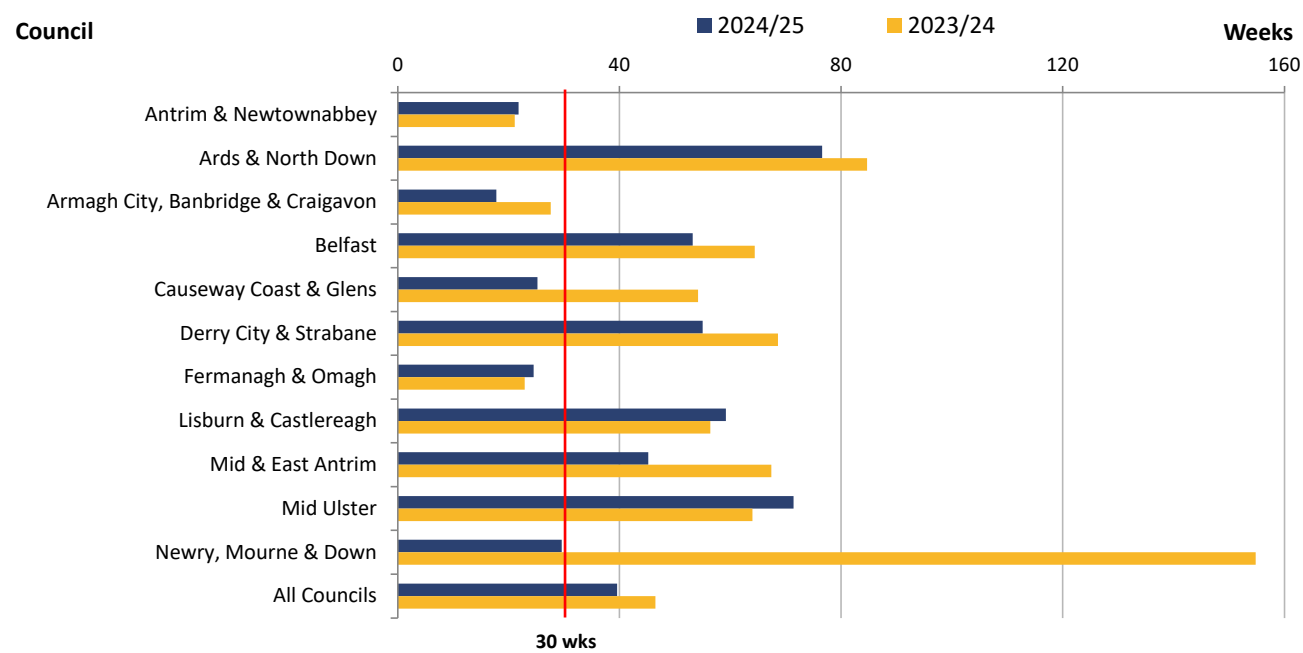
It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks

Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during 2024/25 was 39.6 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 6.9 weeks when compared with 2023/24 (46.5 weeks).

The processing time in 2024/25 (39.6 weeks) for major planning applications is the lowest annual processing time recorded across the series since reporting started in 2015/16.

In total, 172 major planning applications were decided by councils and 11 were withdrawn during 2024/25, the figures for 2023/24 were 136 decided and eight withdrawn.

Fig 3.2 Major development average processing times by council, 2023/24 & 2024/25



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

[Refer to Table 3.2 for further information.](#)

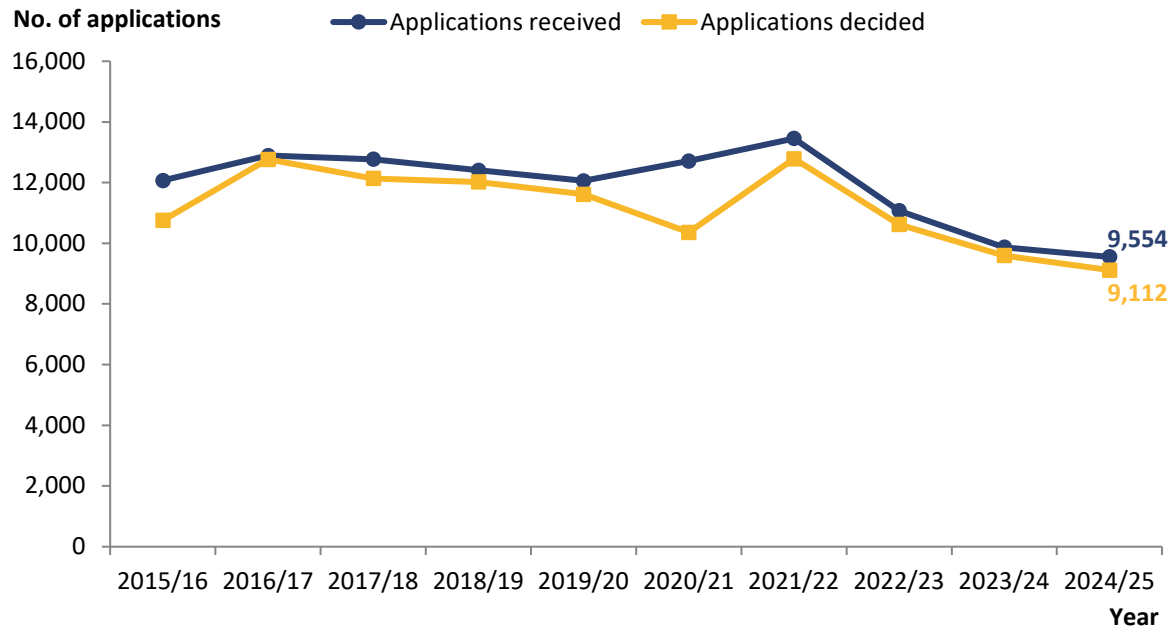


Chapter 3:

Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during 2024/25 was 9,554; a decrease of 3.2% on the previous year (9,870). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, annually, 2015/16 to 2024/25



The number of local applications decided in 2024/25 was 9,112; down by 5.0% on the previous year (9,595); [refer to Table 4.1.](#) The overall approval rate for local applications was 94.4% in 2024/25; down from the rate reported in 2023/24 (95.4%).

Local planning applications statutory target

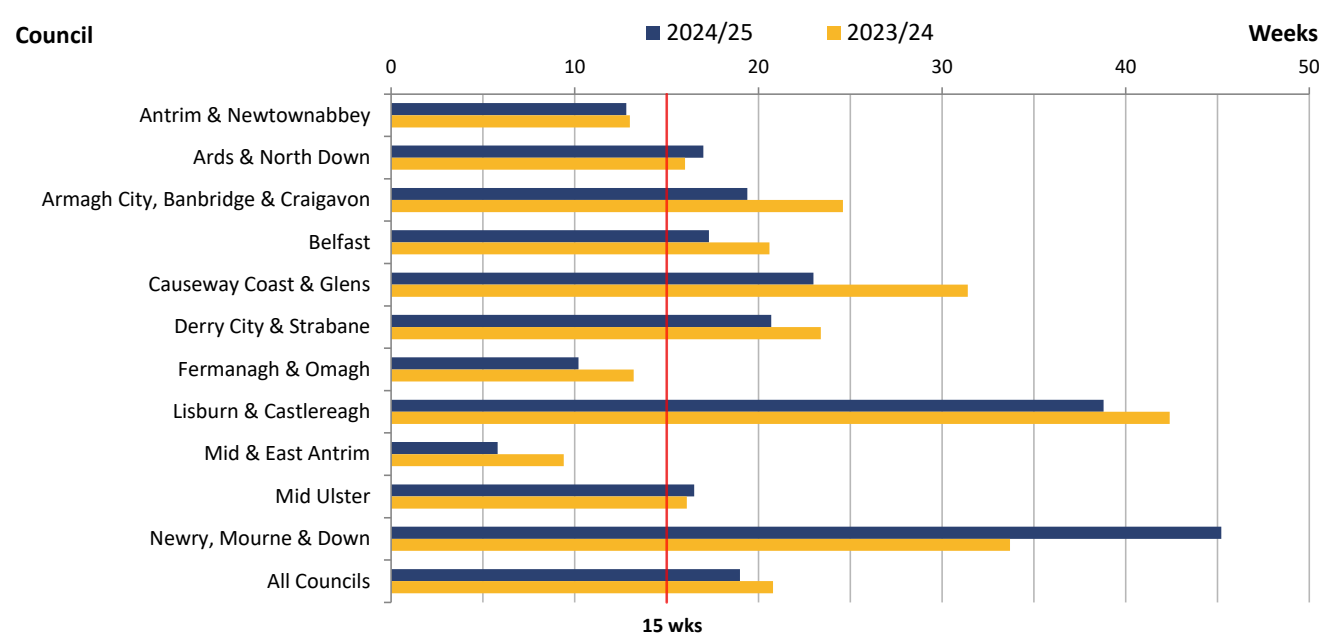


It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during 2024/25 was 19.0 weeks. While this exceeds the statutory target of 15 weeks, it represents a decrease of 1.8 weeks from the average processing time reported for 2023/24 (20.8 weeks).

Three of the 11 councils met the 15 week target in 2024/25; these were Mid and East Antrim (5.8 weeks), Fermanagh and Omagh (10.2 weeks) and Antrim and Newtownabbey (12.8 weeks). See Figure 4.1. [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, 2023/24 & 2024/25



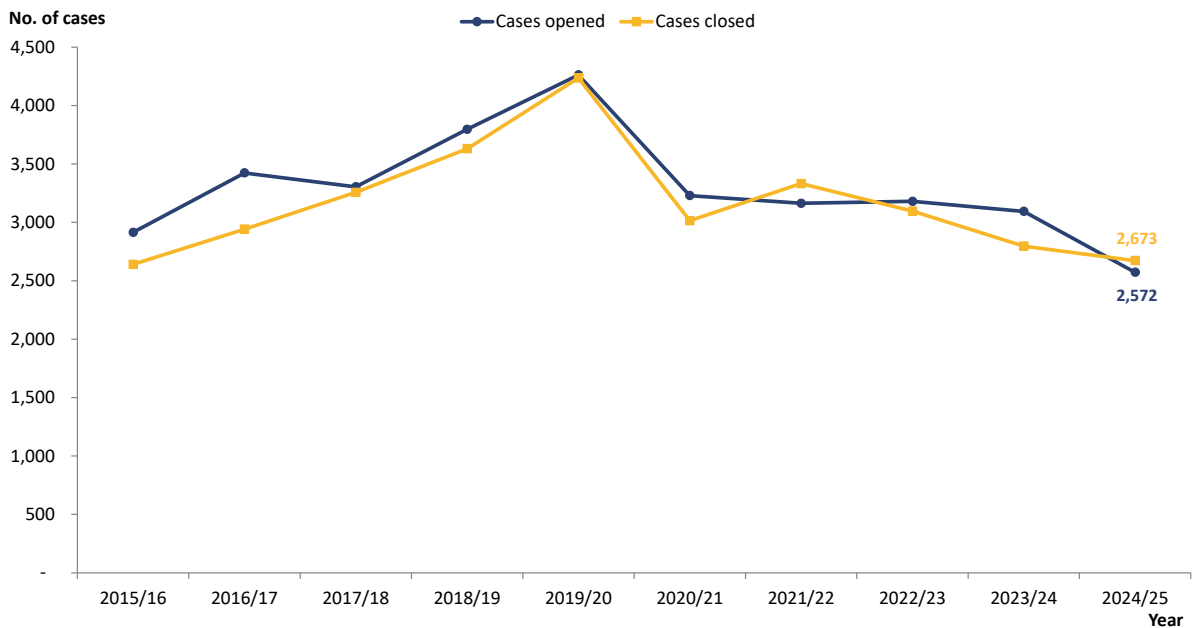


Chapter 4:

Enforcement activity

The number of enforcement cases opened in NI during 2024/25 was 2,572; down by 16.9% over the year (3,094). The number of cases closed during 2024/25 was 2,673; down by 4.4% over the year from 2,796 (Figure 6.1). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, annually, 2015/16 to 2024/25



The number of enforcement cases over two years old stood at 1,586 at the end of March 2025, accounting for 40.8% of all live cases, and is the highest proportion of cases over two years since the series began. This compared with 36.6% of live cases at the end of March 2024. [Refer to Table 6.4.](#)

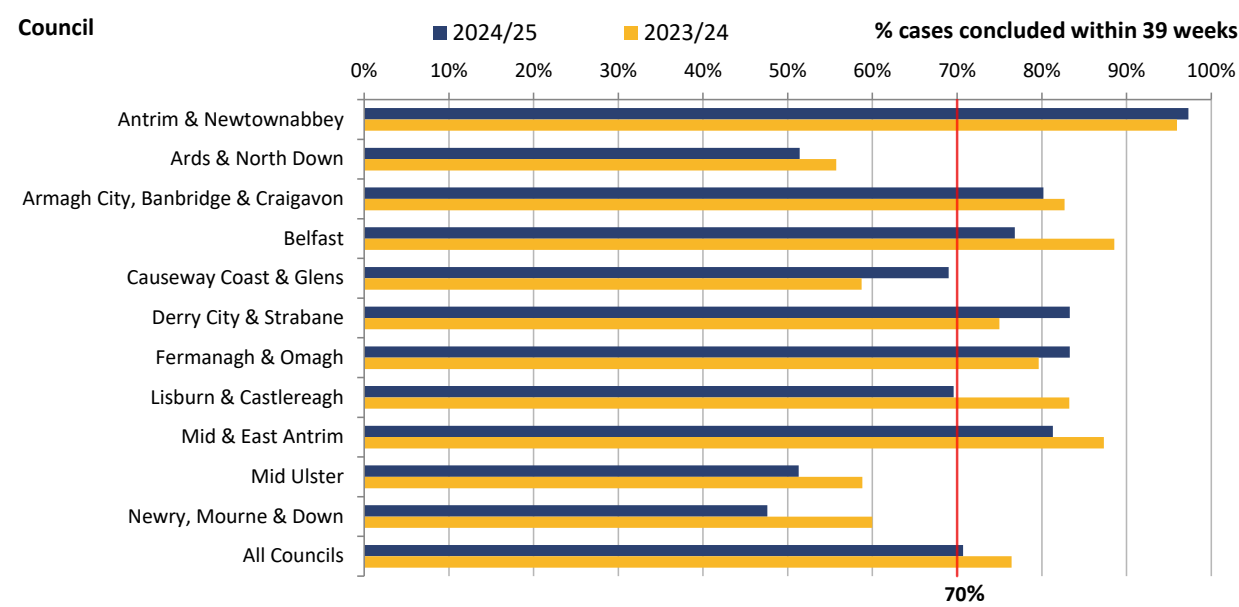
Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 70.7% of enforcement cases were concluded within 39 weeks during 2024/25 meeting the statutory target of 70%. This represents a decrease from the rate reported for the same period last year (76.4%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, 2023/24 and 2024/25



Six of the 11 councils met the statutory target in 2024/25, one less than previous year.

Antrim and Newtownabbey recorded the highest percentage of cases processed within 39 weeks, with 97.3% processed within target during 2024/25, up from 96.0% recorded in 2023/24. See Figure 6.2 and [Refer to Table 6.2.](#)



© Crown copyright 2025

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v.3. To view this licence visit the [national archives website](#) or email: psi@nationalarchives.gsi.gov.uk. Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned. This publication is also available on the [Department for Infrastructure website](#). Any enquiries regarding this document should be sent to us at ASRB@nisra.gov.uk.

Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled ‘[accredited official statistics](#)’¹.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing regulation@statistics.gov.uk or via the OSR website.

¹ National Statistics are [accredited official statistics](#).

Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2021/0974/O

1.0 **Background**

1. An application for a site for dwelling and garage on an infill site, with associated site works on lands to the rear of 83 Lany Road, Moira, Lisburn refused planning permission on 22 June 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 23 October 2023.
3. The procedure followed in this instance was by an informal hearing on 12 April 2024.
4. The main issues in the appeal were whether the proposed development would be acceptable in principle in the countryside, create a ribbon of development and have an adverse impact on rural character.
5. In a decision received on 18 June 2025 the Commission confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner concluded that policy COU8 clearly excludes domestic ancillary buildings such as garages, and there was only one qualifying building which is the dwelling at No. 83. As no substantial and continuously built-up frontage existed at this location the principal test of the policy could not be met.
2. In the absence of a substantial and continuously built-up frontage the Commissioner did not consider that the form, orientation, siting and position of one qualifying building alone was sufficient to establish a pattern of development. In this case, as the proposal is only for one dwelling, and given there is no substantial and continuously built-up frontage, the proposal failed to meet the exception test as it was not a gap site and would create a ribbon of development.
3. The Commissioner observed that when travelling in both directions along the private laneway, a dwelling and garage would be a prominent feature in the landscape due to a combination of its open aspect caused by the lack of natural boundary treatment along its north-east, south-east and south-west boundaries and the consequent lack of enclosure for the proposed buildings to adequately integrate when viewed from the laneway. For this reason, the Commissioner also concluded that the appeal proposal would not integrate into the landscape contrary to criteria (a), (b) and (d) of Policy COU15 of the PS.

4. The Commissioner also observed that the appeal proposal would result in the suburban build-up of development along the lane which is an unacceptable form of development in the countryside which would adversely impact on the rural character of the area. The Commissioner also concluded therefore this fails to satisfy criteria (a), (c) and (e) of Policy COU16 of the PS.
5. The Commissioner concluded that the appeal proposal offended policy COU10 of the PS, and there were no overriding reasons that the proposed dwelling and its garage was essential. The proposal was therefore contrary to Policy COU1 of the PS. It also failed to meet policies COU8, COU15 and COU16.
6. This is another example of the proper application of infill policy and while there is limited learning it is presented to the Members for information and future reference to assist with learning.

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	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
-----	---	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
-----	--	----

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	
-----	--	--

Appendices:

Appendix 4 – Appeal Decision – LA05/2021/0974/O



4th Floor
92 Ann Street
Belfast
BT1 3HH

Phone: 02890 893 906 (direct line)
Phone: 028 9024 4710 (switchboard)
Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Lisburn & Castlereagh City Council, Local
Planning Office
Via email

Our reference: 2023/A0069
Authority
reference: LA05/2021/0974/O
18 June 2025

Dear Sir/Madam

Appellant name: Mr. T Allen

Description: Site for dwelling and garage on an infill site, with associated site works

Location: To the rear of 83 Lany Road, Moira, Craigavon

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Kathryn McCullough
PACWAC Admin Team



Appeal Decision

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

183

Appeal Reference:	2023/A0069
Appeals by:	Mr T Allen
Appeals against:	The refusal of outline planning permission
Proposed Development:	Site for dwelling and garage on an infill site, with associated site works
Location:	To the rear of 83 Lany Road, Moira, Craigavon
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/0974/O
Procedure:	Informal Hearing on 12 th April 2024
Decisions by:	Commissioner Kevin Gillespie, dated 17 th June 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal development would be acceptable in principle in the countryside, create a ribbon of development and have an adverse impact on rural character.
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. Lisburn and Castlereagh City Council adopted its PS in September 2023. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations (NI) 2015 (as amended), the Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. Any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.
5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area with the draft Belfast Metropolitan Area Plan 2004 (dBMAP) remaining a material consideration in certain circumstances. Within the LAP and dBMAP, the appeal site is within the open countryside, outside of any settlement limits and within the greenbelt. The LAP contains no policies of relevance to the appeal proposal. It refers to the Planning Strategy for Rural Northern Ireland, which was superseded by Planning Policy Statement 21, 'Sustainable Development in the Countryside' (PPS 21).

Greenbelt policies were overtaken by a succession of regional policies which, in this Council area, have now been superseded by those policies within the PS. There is no conflict between the DDP and the PS insofar as they relate to the proposal.

6. Whilst the Strategic Planning Policy Statement for Northern Ireland (SPPS) remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained policies have now ceased to have effect. I now turn to the particular policies of relevance to this appeal in the PS. Guidance in Building on Tradition (BoT) remains applicable.
7. Policy COU1 of the PS states that there are a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. The acceptable residential development proposals are then set out in Policies COU2 to COU10. Policy COU1 also states that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 and COU16.
8. The appeal site is cut from a larger agricultural field to the south-west of No. 83 Lany Road, Moira, which is a detached red brick bungalow set within a large, landscaped garden, with direct access from the public road. No. 83 is positioned at an angle that it fronts both the public road and an adjacent private lane which runs along its western boundary. The appeal site is accessed off the private lane which also serves No. 85 Lany Road which is a detached two storey farmhouse sited some 130m to the south-west of the appeal site. The character of the immediate surrounding area is predominantly rural, comprising of agricultural buildings, dispersed single dwellings and agricultural land.
9. Policy COU8 'Infill / Ribbon Development' has a presumption against granting planning permission for a building which creates or adds to ribbon development. Exceptionally it allows for the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage. For the purpose of this policy, a substantial and continuously built-up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.
10. In this case, there is no dispute between the parties that the single storey dwelling at No. 83 Lany Road represents a qualifying building for the purposes of policy. However, the parties disagree as to which buildings are qualifying buildings for the purpose of the policy. With respect to qualifying buildings, the buildings advanced by the appellant as constituting an otherwise substantial and continuously built-up frontage comprise the dwelling and detached garage at No. 83 Lany Road and the former outbuilding which was sited adjacent to the appeal site on its south-west side.
11. Given that Policy COU8 clearly excludes domestic ancillary buildings such as garages, the detached garage to the rear of No. 83 is therefore not a qualifying building for the purposes of the policy. At my site visit, I observed no evidence of an outbuilding located adjacent to the appeal site with only an area of hardstanding remaining. This leaves only one qualifying building adjacent to the private laneway, that is, the dwelling at No. 83. There is therefore no substantial

and continuously built-up frontage at this location and accordingly this element of Policy COU8 is not met.

12. Policy COU8 also requires that buildings forming a substantial and continuously built-up frontage must be visually linked. In this case, a dwelling on the appeal site would visually link with No. 83 Lany Road and its detached garage, which although not a qualifying building as regards a substantial and continuously built-up frontage, given that there are two buildings fronting onto the laneway beside one another, there would be a tendency to ribboning and therefore a dwelling on the appeal site beside these two buildings would represent ribbon development.
13. Policy COU8 also requires that the proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. In this case, the sole qualifying building that constitutes the frontage of development comprises the dwelling at No. 83 Lany Road.
14. Establishing the pattern of development is not solely a mathematical exercise to establish the average plot size but rather includes the application of planning judgement to assess the site on the ground and how it relates to the surrounding buildings and plots along the frontage in question. Nonetheless, in his evidence the appellant provided measurements of the frontages of the dwelling at No. 83 Lany Road (80m), the plot of the former outbuilding (15m) and the appeal site (40m). These were not disputed by the Council. However, and as previously detailed, no outbuilding exists on the ground.
15. In the absence of a substantial and continuously built-up frontage and from my on-site observations, I do not consider that the form, orientation, siting and position of one qualifying building alone is sufficient to establish a pattern of development. The appellant is of the view that one additional dwelling on the appeal site would not result in an adverse impact on the rural character of the area. However, given that I have found there to be no clearly identifiable pattern of development at this location, this element of the policy cannot be complied with. In any event, the policy exception is for a small gap, sufficient to accommodate two dwellings. In this case, as the proposal is only for one dwelling and given there is no substantial and continuously built-up frontage, the proposal would fail to meet the exception test as it does not represent a gap site.
16. For these reasons, I conclude that the appeal development would not constitute a small gap in a substantial and continuously built-up frontage, but rather it would result in the creation of a ribbon of development contrary to Policy COU8 of the PS and the related provisions of the SPPS. The Council's second reason for refusal is therefore sustained.
17. Policy COU15 'Integration and Design of Buildings in the Countryside' of the PS states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and be of an appropriate design. It goes on to state that a new building will not be permitted if any of the listed criteria apply. The Council contend that the appeal proposal would offend criteria (a), (d) and (e) of the policy.

18. Criterion (a) requires that the proposed buildings would not be a prominent feature in the landscape. Criterion (d) requires the site to have long established natural boundaries and that it is able to provide a suitable degree of enclosure for the buildings to integrate into the landscape and criterion (e) requires that the proposed buildings do not rely primarily on the use of new landscaping for integration.
19. When viewed from the public road, a dwelling on the appeal site would adequately integrate into the landscape, due to the fact that the proposed site is set back from the public road together with the intervening vegetation. However, when travelling in both directions along the private laneway, a dwelling and garage within the appeal site would be a prominent feature in the landscape. This would be due to a combination of its open aspect caused by the lack of natural boundary treatment along its north-east, south-east and south-west boundaries and the consequent lack of enclosure for the proposed buildings to adequately integrate when viewed from the laneway. For this reason, the appeal proposal would not integrate into the landscape contrary to criteria (a), (b) and (d) of Policy COU15 of the PS and the related provisions of the SPPS. The Council's third reason for refusal is sustained to the extent specified.
20. Policy COU16 'Rural Character and Other Criteria' of the PS states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area. It goes on to say that a new development proposal will be unacceptable where any of the criteria apply. In this case, the Council contend that the proposed dwelling and garage would offend criteria (a), (c) and (e) of the policy.
21. Criterion (a) requires that the appeal proposal is not unduly prominent in the landscape. Criterion (c) requires that it respects the traditional pattern of settlement exhibited in the area and criterion (e) requires that the proposed dwelling and garage do not have an adverse impact on the rural character of the area.
22. I have already concluded that the appeal proposal would be a prominent feature in the landscape for the reasons specified above. Furthermore, I have also found that there is no established settlement pattern at this location irrespective of the Council's view that the appeal proposal would fragment the residential curtilage which would not respect the traditional pattern of settlement in that area. Moreover, the appeal proposal would result in the suburban build-up of development along the lane which is an unacceptable form of development in the countryside which would adversely impact on the rural character of the area. As the appeal proposal therefore fails to satisfy criteria (a), (c) and (e) of Policy COU16 of the PS, the Council's fourth reason for refusal is sustained.
23. Given that the appeal proposal offends Policy COU10 of the PS, and no overriding reasons that the proposed dwelling and its garage is essential have been presented, the appeal proposal is contrary to Policy COU1 of the PS and the related provisions of the SPPS. It also fails to meet Policies COU8, COU15 and COU16. The Council's objections are therefore sustained to the extent specified. Thus, the appeal must fail.

This decision is based on the following drawing numbers:

Drawing No.	Title	Scale	Received by the Commission
PP01	Location Map	1:2500 @ A3	14 th January 2022
PP02	Proposed Site Plan	1:1000 @ A2	14 th January 2022

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:-

“A1” Lisburn and Castlereagh City Council –
LDP Comments

Appellant:-

“B1” Mr T Wilson, Agent - Statement of Case

Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2024/0075/A

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. A retrospective application for consent to advertise for the retention of a projecting sign, shop sign, an ATM surround and Vinyl Safety Manifestation at 15 Bow Street Lisburn was not consented on 23 December 2024. 2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 09 April 2025. 3. The procedure followed in this instance was by way of written representation and Commissioners site visit. The site visit took place on 12 June 2025. 4. The main issue in the appeal is the effect of the advertisement on the overall character, appearance of Lisburn Conservation Area (CA). 5. In a decision received on 30 June 2025 the Commission confirmed that the appeal was dismissed. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The Commissioner noted that the location, size and scale of the fascia sign was readily apparent within the Conservation Area (CA) street scene. The materials used within the fascia sign, hanging sign and ATM surround appeared to be of modern construction and finishes and not the traditional materials typically found within the Lisburn CA. 2. Consequently, the Commissioner concluded that the design and materials of the advertisements would not reflect those of a traditional shopfront signage within the CA and would diminish and detract from the general characteristics of CA. 3. This appeal is important and is brought to the attention of Members as it reinforces the need for businesses to engage with the Council at an early stage if they intend to replace or update signage. The use of standard corporate branding or messaging is not always appropriate in a conservation area and ensuring a high standard of design improves the identity and quality of the built environment.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>

3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> 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 <u>or</u> 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 – LA05/2024/0075/A
--------------------	---



Appeal Decision

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

191

Appeal Reference:	2025/A0010
Appeal by:	Nationwide Building Society.
Appeal against:	The refusal of consent to display an advertisement.
Proposed Development:	Retrospective consent to allow 1 projecting sign, 1 shop sign, 1 other - ATM surround, 1 other - Vinyl Safety Manifestation.
Location:	15 Bow Street, Lisburn, BT28 1EL.
Planning Authority:	Lisburn and Castlereagh City Council.
Application Reference:	LA05/2024/0075/A
Procedure:	Written representations with Commissioners site visit on 12 th June 2025.
Decision by:	Commissioner Kieran O'Connell, 30 th June 2025.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the advertisements on the overall character, appearance of Lisburn Conservation Area (CA).
3. Section 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 (the Regulations) states that a Council shall exercise its powers under the Regulations only in the interests of amenity and public safety taking into account the provisions of the local development plan, so far as material and any other relevant factors.
4. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS), adopted in September 2023, sets out the strategic policy framework for the Council area. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.
5. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful on 18th May 2017; therefore, the policies contained therein do not carry determining weight in this appeal. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area, with the draft Belfast Metropolitan Area Plan 2004 remaining a material consideration in certain circumstances. Within the LAP

and dBMAP, the appeal site is located within the settlement of Lisburn and its designated town/city centre. It is also identified in both the LAP and dBMAP as being within the Lisburn CA.

6. Neither the LAP nor dBMAP contain specific policies that deal with the control of advertisements or their impacts on CA's. Furthermore, no concerns have been raised regarding these plans. Although the Appellant's evidence refers to the policy provisions contained within Planning Policy Statement 17 - Control of Outdoor Advertisements, as the PS has now been adopted in this council area, in accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), the previously retained policies, such as the Planning Policy Statements, now cease to have effect within this Council Area. Accordingly, there is no conflict between the DDP and the PS. Determining weight is therefore given to the policy provisions of the PS. The Local Development Plan 2032 Supplementary Planning Guidance (SPG) is pertinent to my consideration, as are the Lisburn Conservation Area Design Guide (LCADG) and the Historic Environment Division Conservation Principles Guidance for the sustainable management of the historic environment in Northern Ireland.
7. Section 104(11) of the Act states that where any area is for the time being designated as a conservation area, special regard must be had, in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, to the desirability of (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise. The Council acknowledges that the proposal offers an opportunity to enhance the character and appearance of the Conservation Area; however, they consider that the appeal proposal did not do so.
8. Policy HE11 is titled, the 'Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character'. It states that in a Conservation Area, the Council will only grant consent for the display of advertisements in or close to a Conservation Area where they would not adversely affect the overall character, appearance or setting of the area. It goes on to say that all proposals must also meet the requirements of operational Policy AD1 titled 'Amenity and Public Safety'.
9. Policy AD1 of the PS relates to the display of advertisements. It states that consent will be granted for the display of an advertisement where (a) it respects amenity, when assessed in the context of the general characteristics of the locality, and (b) it does not prejudice public safety. In this case, the Council's concerns relate to criterion (a) and the proposals' impact on the Lisburn CA.
10. The Justification and Amplification (J&A) text to the policy states that the display of advertisements is a feature of our main streets and commercial centres, often adding colour and interest. It adds that care must be taken to ensure that an advertisement will not detract from where it is to be displayed or its surroundings. It also emphasises that it is important to prevent clutter, adequately control digital signs and signs involving illumination and to protect features such as listed buildings and conservation areas from the potential adverse effects of advertising.

11. The J&A states that in assessing the impact of an advertisement or sign on amenity, several matters will be taken into account. The Council's concerns are twofold. Firstly, the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest and secondly, the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached.
12. The LCADG in the section on advertisements and shop signs, advises that the most appropriate form of signage is the traditional hand-painted sign; however, it recognises that as an alternative, raised lettering may be used, as is the case in this instance. With regard to illumination, it states that internally illuminated fascia signs (other than those made up of individually illuminated letters) will not normally be permitted. Hand-painted and raised lettering signs may be illuminated by discreetly sited wash-down or spotlighting. It goes on to say that projecting signs could be illuminated by unobtrusive external lighting.
13. The appeal site is a two-storey building located at 15 Bow Street, Lisburn. It is currently occupied by the Nationwide Building Society. The building is finished in red/brown bricks at the upper level with a mainly glass and metal shop front. The property lies on the western side of the Lisburn CA and the southern side of a pedestrian section of Bow Street, approximately 40m to the west of the junction of Market Street and Bow Street. The area surrounding the appeal site comprises a mix of commercial and retail uses. This area exhibits a wide variety of differing types and styles of fenestration, materials, designs and advertisements.
14. The appeal signage is in situ. The Council's concerns centre on the design, form and materials of the fascia sign, the hanging sign and the lighting. The blue fascia sign extends across the width of the appeal building and is around 5.2m in length and 0.8m high. The centrally located individual logo and lettering within the fascia is white and is a maximum height of 0.29m and is 2.18m in length, with a trough light above. The trough lighting is a similar length to the logo and lettering and projects from the fascia by approximately 0.2m.
15. The hanging sign is located on the western end of the fascia and measures around 0.5m x 0.5m with a logo around 0.3m x 0.3m. It is fixed to the fascia sign by an ornate bracket which extends from the fascia by around 0.6m. The hanging sign is externally illuminated on either side by LED light units and is a similar length to the hanging sign.
16. The Council allege that the Appellant's plans do not detail the location of the trough lighting bar mounted on the fascia. However, from my observations, the trough lighting bar appears to be demarcated by a black line, the approximate width of the Appellant's lettering and logo on their 'proposed external elevation' plan. This corresponds with the Appellant's 'typical external illumination lighting setup' plan and my observations on site. I am satisfied that adequate information on the location of the trough lighting bar is available to make a reasoned and informed decision.
17. The Appellant relies on the Historic Environment Division's 'Conservation Principles Guidance for the Sustainable Management of the Historic Environment

in Northern Ireland' to support arguments pertaining to the significance of the CA and the potential for harm to it. However, this is neither operational planning policy nor is it specific to Lisburn CA. As such, it does not outweigh the policy provisions of the PS, or the associated guidance contained within the SPG or LCADG.

18. Whist the Appellant argues that the retention of the signage would be similar to that previously approved by the Council under application reference LA05/2019/0752/A and would not be harmful to Lisburn CA; from the Council's evidence, the details consented under the aforementioned reference are different to that before me for consideration and pre-date the publication of the PS. As such, the appeal proposal must be assessed on its own merits. Furthermore, the Appellant in support of their position contends that the LCADG at paragraph 2.2, referring to the now pedestrianised section of Bow Street and the original town layout, has 'little of its historic character'. However, this is not taken in its full context, which also acknowledges that 'this street holds important views of Market Square and the historic core'.
19. The Local Development Plan 2032, Supplementary Planning Guidance, Part E, for development in Designated Conservation Areas recognises the importance of using materials generally matching those which are historically dominant in the area is important. It also states that modern materials such as plastics are to be avoided as facings on new shop fronts. Given the location, size and scale of the fascia sign, it would be readily apparent within the CA street scene to pedestrians and to those who work in the surrounding properties. It is unhelpful that the Appellant's elevational drawings do not clearly state the fascia signage finishes. However, from my observations on site, the materials used within the fascia sign would appear to be of modern construction and finishes. These would not appear to be traditional materials typically found within the Lisburn CA. In terms of the hanging sign, this too is of similar modern materials to that of the fascia sign. The Appellant's heritage spec/sizes, drawing No.8, pertaining to the hanging sign indicate that the lettering would be white satin acrylic fixed to face panels, whilst the blue section of the logo is annotated as being opaque vinyl painted blue. Consequently, the design and materials of the advertisements would not reflect those of a traditional shopfront signage within the CA. Consequently, they would diminish and detract from the general characteristics of CA. This contrast is all the more marked given its location immediately adjacent to Maks Blow Dry Bar which the Council hold up as a good example of signage within the CA. The Council's concerns on this matter are sustained.
20. The Council contend that the trough lighting bar is not 'discreetly sited' and therefore contrary to the advice provided in the LCADG. From my observations on site and notwithstanding my conclusions above regarding the materials and finishes of the signage, the trough lighting bar set within the fascia sign is of a similar colour and finish to that of the fascia panel in which it is situated. Paragraph 18.3 of the LCADG merely indicates that hand-painted and raised lettering signs may be illuminated by discreetly sited wash-down or spotlighting. It does not preclude trough lighting, nor does it require it to be within cornicing on the fascia board as requested by the Council. Furthermore, the Supplementary Planning Guidance Part E to the Local Development Plan 2032 states that 'where external illumination is proposed, trough lighting is *'preferred'* (*Emphasis added*). Whilst the SPG recommends that the trough should extend over the whole fascia and be painted to integrate into the whole display, in this case, the trough is over the

Appellant's centrally located logo and lettering, which is not the full width of the fascia. In my view, this reduces the overall bulk of the trough and assists with its integration into the fascia sign as a whole. As such, I am not persuaded that the trough lighting bar would have an adverse impact on the character and appearance of the CA taken in isolation, nor has the Council sustained its argument to that effect.

21. In terms of the projecting sign, the Council raised concerns with the two lighting bars positioned on either side. From my observations on site, the projecting sign is dominated by the lighting bars. These lighting bars are sizable and bulky, and as such are not appropriate for the sign they intend to illuminate. This results in them being an obtrusive feature from within Bow Street and within wider views of the CA contrary to the LCADG. The Council's concerns in this regard are sustained.
22. The Appellant references examples of other signs which they considered comparable to the appeal proposal, such as Thomas Cook at No.4 Bow Street and Santander at No.22 Bow Street. Thomas Cook, as recognised by the Council, has been replaced by Hayes Travel. The Council note that advertisement consent was granted under reference S/2003/0041/A for Thomas Cook on the 14th of May 2003. Likewise, the Council say they do not have any records pertaining to No.22, the Santander premises. They do, however, say that a fascia and a projecting sign were consented in 2004 under reference S/2004/0393/A relating to Abbey National PLC, which has subsequently been taken over by Santander. Again, as no details have been provided for comparative purposes, I cannot comment further on them. Notwithstanding the details of those consents, they are distinguishable from the appeal proposal as they relate to businesses that are no longer in situ. Furthermore, the decisions were made by a former Planning Authority and determined under former regional policy which has since been over taken by the policy provisions contained within the PS and its associated SPG. As such, I am not persuaded that they set a precedent for the appeal proposal.
23. Additionally, the Council allude to several unauthorised signs along Bow Street being subject to ongoing enforcement action. However, no details of these have been provided. Even if these signs were consented or immune from enforcement action, their existence would not justify replication and the further degradation of Lisburn CA. This position is reinforced by the Council's argument that Section (2) of the Regulations which clarifies that 'factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, *disregarding, if it thinks fit, any advertisements being displayed there*' (emphasis added).
24. The Appellant argues that even if it is accepted that the proposal results in 'less than substantial harm', the Nationwide Building Society is required to act in accordance with the rules and regulations set out by the Financial Conduct Authority. They say these regulations require certain advertisements relating to financial products to be displayed and require reasonable access to cash for personal and business customers across the UK. The Appellant submits that if harm were accepted, the public benefit of providing access to cash and investment in Lisburn town centre outweighs the harm. Whilst the Appellant may be required by the Financial Conduct Authority to display particular products, the Council's concerns are not with the principle of signage but with the details of the signage provided. As such, I have not been persuaded that access to cash and investment

would be prohibited, given that the use of the site as a bank is not contested and as the Council expressed no concerns with the ATM surround. Consequently, any requirement to provide financial product information would not outweigh the adverse impacts of the appeal signage on the CA.

25. For the reasons given above, the fascia sign, projecting sign and its associated lighting would neither preserve or enhance the character and appearance of Lisburn CA for the reasons given. Nor do they respect amenity, when assessed in the context of the general characteristics of the locality. The signage would therefore have an adverse effect on the character and appearance of the area. Accordingly, the Council has sustained its reasons for refusal based upon Policies AD1 and HE11 of the PS, and the appeal must fail.

This decision is based on the following drawings refused by Lisburn and Castlereagh City Council on 18th December 2024:

- 01A Site Location Plan 1:1250
- 02 Existing External Elevation @A1:1:50/@A3: 1:100
- 03 Proposed External Elevation @A3:1:100
- 04 ATM Surround @A3: 1:20
- 05 Window Graphics 1:10
- 06 Typical Trough Lighting Setup (As dimensioned)
- 07 Heritage Wordmark & Letter Sets – single line options @A3: 1:20
- 08 Drawing Type: 500mm Hanging Sign Externally Illuminated 1:5

COMMISSIONER KIERAN O'CONNELL

List of Documents

Council: - Statement of Case by Lisburn and Castlereagh City
 Rebuttal Statement by Lisburn and Castlereagh City.

Appellant: - Statement of Case by Lambert Smith Hampton.
 Rebuttal Statement by Lambert Smith Hampton.



Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2024/0106/O

1.0	<p><u>Background</u></p> <ol style="list-style-type: none">1. An application for a proposed replacement dwelling and garage for domestic use to the rear of No. 190 Killynure Road, Saintfield refused planning permission on 05 November 2024.2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 19 February 2025.3. The procedure followed in this instance was by way of written representation and Commissioners site visit. The site visit took place on 27 May 2025.4. The main issues relate to whether the development is acceptable in principle in the countryside and would cause a detrimental change to the rural character of the area.5. In a decision received on 30 June 2025 the Commission confirmed that the appeal was dismissed. <p><u>Key Issues</u></p> <ol style="list-style-type: none">6. The appellant presented a case that the proposed development was a dwelling capable of being replaced. Policy COU3 directs that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum, all external walls are substantially intact. It continues that, for the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.7. The Commissioner highlighted that the headnote text of the policy also advises that 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 under this policy.8. The Commissioner stated that despite the presence of the chimney, due to the size and scale of the building together with the temporary nature of the corrugated tin and wooden materials used to construct it, it meant that, in the round, it does not exhibit the essential characteristics of a dwelling and therefore he did not find that the appeal building qualified for a replacement dwelling under Policy COU3.
-----	--

9. Criterion (b) of Policy COU3 states that the size of the new dwelling must not have a visual impact significantly greater than the existing building.
10. The Commissioner stated that a new dwelling, at this location, would appear as unduly prominent in the landscape, when viewed from the junction of the Killynure and Ballyknocken Roads and in transit along the Ballyknocken Road, particularly when heading in a south-westerly direction towards said junction.
11. The Commissioner also concluded that even allowing for a modest size dwelling, the proposed development would create a new backdrop to No. 190, overlook this property and thus will have a visual impact significantly greater than the existing building contrary to the requirement of criterion (b) of Policy COU3.
12. Finally, the Commissioner found that the proposed new development would be visually significant, due to it being unduly prominent in the landscape and that the development could not integrate sympathetically into its surroundings and would be unacceptable due to its adverse impact on the rural character of the area that it would therefore be contrary to Policy COU 16.
13. This is another example of the proper application of policy for replacement dwellings and while there is limited learning it is presented to the Members for information and reference to assist with future learning and development.
- 14.

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	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
-----	--	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
-----	--	----

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	
-----	---	--

Appendices:

Appendix 6 – Appeal Decision – LA05/2024/0106/O



Appeal Decision

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

201

Appeal Reference:	2024/A0121
Appeal by:	Mr Greg Kirkpatrick
Appeal against:	Refusal of outline planning permission
Proposed Development:	Proposed replacement dwelling and garage for domestic use
Location:	To the rear of No. 190 Killynure Road, Saintfield, BT24 7DE
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2024/0106/O
Procedure:	Written representations with an accompanied site visit on 27 th May 2025
Decision by:	Commissioner Gareth McCallion, dated 30 th June 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issues relate to whether the development is acceptable in principle in the countryside and 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 requires that where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) on 26th September 2023. 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), a reference to the Local Development Plan now becomes a reference to the Departmental Development Plan (DDP) and the PS read together. Contrary to the Council's assertion that the DDP is the Lisburn Area Plan 2001, the Belfast Urban Area Plan is the DDP for the area in which the appeal site is located. In accordance with the legislation, any conflict between policy contained in the DDP and that of the PS must be resolved in favour of the PS. Furthermore, as the Council has now adopted its PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs)

have now ceased to have effect within this Council area. However, the guidance document 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland' remains a material consideration.

5. In the DDP, the appeal site is in the Greenbelt. There are no policies contained within the DDP that are pertinent to these proposals, so no conflict arises with the PS. In May 2017, the Court of Appeal declared the adoption of the 2014 BMAP unlawful. Consequently, no reliance can be placed on its provisions. However, while draft BMAP 2004 (dBMAP) is not a DDP, it could still be a material consideration in certain cases. In the dBMAP, the appeal site is also in the proposed Greenbelt. No objections have been presented regarding the extant and proposed Greenbelt policies.
6. The appeal site is located on raised agricultural lands to the rear of No. 190 Killynure Road near Saintfield. It comprises the building to be replaced (the appeal building), a separate smaller building containing a lavatory, which is overgrown by vegetation and an area identified by the Appellant as his preferred location for the proposed replacement dwelling. Access to the appeal site is taken from a laneway running from the Killynure Road, behind No. 190. A small garden gateway also provides connectivity between the appeal site and the farm buildings and dwelling at No. 190.
7. 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 one such type of development is that pursuant to Policy COU3 'Replacement Dwellings'. Policy COU3 directs that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. It continues that, for the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings. The headnote text of the policy also advises that 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 under this policy.
8. The Council contend that, regardless of the presence of a chimney flue and open fire located on the northern gable wall, which has been built into the hillside, the appeal building does not exhibit the essential characteristics of a former dwelling. They direct to the size and scale of the building which they calculate as being approximately 4metres (m) by 3m by 2m in height which would have been too small to be used as a dwelling. The Council also refer to the lack of internal walls, the stonework floor and the buildings construction materials comprising of wood and corrugated tin sheeting on both its walls and roof, which they contend all point to an outbuilding rather than a dwelling. During the accompanied site visit the Council pointed out that the buildings walls are not fixed to the ground and that they do not tie into the chimney structure either. It is the Council's position that, given the employment of such construction materials and methods the building was not built as a permanent structure.

9. Conversely, the Appellant contends that not only are the chimney and open fireplace present, but other essential features are also exhibited throughout the building, including the presence of domestic scale windows and the main door. Regarding the materials used in the building's construction, the Appellant advises that the structure was formerly a 'tied cottage' dating back to the end of the Second World War and the building is made up of any materials that would have been available for use at that time. The Appellant argued that these types of building were commonplace in the early 1940s, and they would have been occupied by a farm labourer, assisting with agricultural duties for a modest wage, food and keep.
10. During the ASV the Appellant directed that the building's floor comprised of quarry tiles and pointed to where a bed would have been positioned within the appeal building. He also advised that whilst the occupant would have slept in the appeal building, they would have availed of the facilities contained within the main farm dwelling, including taking their main meal in its kitchen.
11. From my onsite observations, I acknowledge that the appeal building contains a chimney, open fire and that pieces of aged wallpaper remain on the internal wall of its southern gable. However, there are no other essential characteristics of a dwelling. There are no internal walls or any evidence of there having been any within the building. Whilst there is a fireplace and a solid floor, which I found to be made up of a mixture of stone paving and tiles, there is no hearth, nor an area defined as a kitchen. The depth of the building from the front to the back is c. 3m. Each of the appeal buildings elevations are c. 1.5m in height, when measured from the ground to roof eaves. Externally, the building's south facing gable is approximately 2metres in height from the ground to its apex, with its elevation characterised by horizontally aligned wooden boards, a doorway and small window opening. This window has no sill, and no window openings are found along the rear gable, with the only other window in the building being a small rectangular opening located under the eaves on the eastern elevation. A piece of corrugated Perspex has been incorporated into the corrugated tin roof to allow additional light into the building.
12. Whilst, during the ASV, the Appellant stated that a neighbour had advised that the building had been used as a dwelling, no supporting, cogent written or verbal testimony was provided by the neighbour. I acknowledge that, during the ASV, a local estate agent informed that the appeal building represents a typical farm labours cottage of the time, of which there are many found throughout this part of Co. Down. However, while photographs of small period cottages were presented within the Appellant's background papers to the appeal, including the "Cruckaclady Farmhouse", these depict examples found in the Ulster Folk and Transport Museum and I was not provided with photographic or other details of cases of similar buildings, to that of appeal building, in Co. Down.
13. In any event, the photographs highlight differences, which I find distinguish the appeal building from the examples provided by the Appellant. The buildings provided in the photographs are built largely from stone and not wood or tin. The roofing materials depicted are thatch and not tin. Unlike the appeal building, the examples depict the buildings as having been built on a linear plan, with the window and door openings located along the front elevation and not the gable.

They also show the floors depicted as being stone and earth, not quarry tiles, as advanced by the Appellant during the ASV, with the example buildings also containing internal rendering, of stonework and whitewashed walls. Thus, I would concur with the Council that the examples provided are not comparable to that of the appeal building. Indeed, by comparison, I also find that the appeal building, unlike the examples provided by the Appellant, is largely of a temporary construction. Furthermore, in the absence of PRONI and other data directing to its use as a dwelling, I judge that the Appellant's evidence, including the information regarding similar buildings in Co. Down and the photographic examples, to be academic and I have not been provided with cogent evidence that the appeal building was once used as a dwelling.

14. Despite the presence of the chimney, due to the size and scale of the building together with the temporary nature of the corrugated tin and wooden materials used to construct it, means that, in the round, it does not exhibit the essential characteristics of a dwelling. Rather, in my mind, it does not read as a vernacular concept in line with justification and amplification provided under Policy COU3, but rather it bears a resemblance to domestic ancillary building such as a garden shed associated with the host dwelling and farm buildings at 190 Killynure Road. Given that I am not persuaded that the appeal building was used as a dwelling, I also find that the outside lavatory is more likely to have been associated with the farm dwelling than the appeal building.
15. Even if the building was used by a farm labourer in the past, this would have been in the capacity as ancillary dormitory accommodation associated with the main farmhouse, which is borne out by the appellants testimony that the occupant would have availed of the facilities in the main farmhouse including meals. The building therefore would not have been a self-contained dwelling, exhibiting the essential characteristics of same. Therefore, for the reasons given above, I find that the appeal building does not qualify for a replacement dwelling under Policy COU3 and the Council's second reason for refusal is sustained.
16. Criterion (b) of Policy COU3 states that the size of the new dwelling must not have a visual impact significantly greater than the existing building. The Council have advised that, due to the size and scale of the existing building and having regard to the topography of the preferred location site, any modern new dwelling, even a modest sized one at 250 square metres, as suggested by the Appellant during the planning application stage, would be significantly larger than the existing building when viewed in transit in both directions along the Ballyknockan Road and at the junction of it and the Killynure Road. The Appellant points to the preferred location of the proposed replacement dwelling on the lower part of the appeal site, close to the established hedge and trees located along its southern boundary which, he advises, are currently over 2.5m high. The Appellant advises that the existing boundary treatment could be conditioned and would provide, as he sees it, excellent integration of the new development into the countryside.
17. Currently the extant appeal building, given its size and location on the site, is hidden from critical viewpoints along the Killynure Road and Ballyknockan Road and does not overlook the property of, nor form any part of the backdrop to, No. 190 Killynure Road. Presently, the backdrop to No. 190 is the existing mature

boundary treatments, as discussed above, and the rising agricultural lands beyond it.

18. At the ASV, the Appellant had provided an aid in the form of a large pole erected at what would be the proposed dwellings westerly gable end. He advised that the aid reached 7m in height. Notwithstanding the preferred location of the replacement dwelling being located on the lower part of the appeal site with the retention of existing mature vegetation along the appeal sites southern boundary, even a modest single storey abode with a ridge height of less than 7m, the proposed replacement dwelling would be visually prominent and form a synthetic backdrop to No. 190 when looking north whilst in transit along the Killynure Road. Furthermore, given its elevated position, overlooking the existing property at 190 Killynure Road, the new dwelling, at this location, would also appear as unduly prominent in the landscape, when viewed from junction of the Killynure and Ballyknocken Roads and in transit along the Ballyknocken Road, particularly when heading in a south-westerly direction towards said junction.
19. Thus, due the location, even allowing for a modest size dwelling, the proposed development will create a new backdrop to No. 190, overlook this property and, thus, will have a visual impact significantly greater than the existing building. Therefore, the proposal fails to meet criterion (b) of Policy COU3 and the Council's third reason for refusal is sustained.
20. Policy COU16 'Rural Character and other Criteria' states that "in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area". The Council consider that the appeal proposal is contrary to criteria (a) and (e) of the Policy. Criterion (a) advises that a new development proposal will be unacceptable where it is unduly prominent in the landscape. Criterion (e) advises that it will be unacceptable where it has an adverse impact on the rural character of the area.
21. I have already found that the proposed new development will be visually significant, due to, inter alia, it being unduly prominent in the landscape. Thus, I find that the proposal does not meet with criterion (a) of Policy COU16.
22. From my own onsite observations, the character of the area is rural in nature with a mixture of both one and half and two storey dwellings found in proximity to the appeal site, including that of the modern home of No. 184 Killynure Road which the Appellant describes as "noteworthy" due to the use of "blackcloth protection". At the time of my site visit, there was no blackcloth protection evident on the building, which was in the final stages of construction. This dwelling is also sited at a different topographical level to that of the appeal proposal and I note that the Appellant directs that this is an "infill" development. Given I was not provided with any information regarding the Council's consideration of this new build in terms of whether it had been considered under prevailing policy contained within the PS or approved under superseded planning provisions, I find that this example is of little assistance.
23. Notwithstanding the appeal sites existing boundary treatments, which could be retained if planning permission was forthcoming, I have already found that a

modest dwelling, would appear unduly prominent in the landscape. I have also found above that the proposed new development will overlook and create a new manufactured backdrop to No. 190 Killynure Road, removing the existing natural setting of this property. Therefore, I consider that the development could not integrate sympathetically into its surroundings and would be unacceptable due to its adverse impact on the rural character of the area. Thus, for the reasons outlined above, I find that the proposal offends criterion (e) of Policy COU16 and the Council's first reason for refusal is sustained.

24. I have found that the appeal proposal does not qualify as a replacement opportunity, pursuant to Policy COU3. I have also found that the appeal proposal is contrary to Policy COU16. Consequently, the proposed development is not one which, in principle, is acceptable in the countryside and that will contribute to the aims of sustainable development pursuant to Policy COU1. Thus, for the reasons stated above, the Council's first reason for refusal is sustained.
25. In their evidence, the Council directed to and appended the planning appeal decision 2022/A0217. However, whilst that case considered the merits of an appeal regarding a replacement dwelling, the circumstances and evidential context were not the same as the appeal before me. Thus, as no two appeal cases are ever the same, it provides little assistance in this case.
26. The Appellant referred to No. 120 Monolough Road in support of his case, but acknowledged is in a different Council area and was determined under a different planning policy context than the current case. As such, the provision of this by way of an example does not assist the Appellants case as it is not directly comparable to the appeal development.
27. Consequently, as the Council's first, second, third and fourth reasons for refusal are sustained, and the proposal is contrary to Policies COU3 and COU16 of the PS, the appeal must fail.

The decision is based on the following drawings:

- Site Location Plan (Map 1), 1:2500, (drawing No.01) received by the Council on 6th February 2024
- Site Plan, 1:500, (drawing No. 02) received by the Council on 6th February 2024

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -	Ms. Laura McCausland (Lisburn and Castlereagh City Council) Ms. Helen McGuinness (Lisburn and Castlereagh City Council)
Appellant: -	Mr John Kirkpatrick (Agent) Mr Tim Martin Mr Brian Higginson

List of Documents

Planning Authority: -	Statement of Case, Lisburn and Castlereagh City Council Rebuttal Comments, Lisburn and Castlereagh City Council
Appellant: -	Statement of Case on behalf of the Appellant by John Kirkpatrick BSc RIBA Rebuttal Comments on behalf of the Appellant by John Kirkpatrick BSc RIBA

Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Enforcement Appeal Decision – 2024/E0043

1.0 **Background**

1. An Enforcement Notice was issued on 20 December 2024 requiring the use of a building as a self-contained holiday let to cease within the curtilage of a dwelling at 8 Gannon Road, Lisburn.
2. Notification that a ground (a) the deemed planning application and ground (g) that any period for compliance specified in the notice falls short of what should be reasonably be allowed. appeal had been lodged with the Planning Appeals Commission was received on 31st January 2025
3. The procedure followed in this instance by way of informal hearing which took place on 16 May 2025.
4. The main issues in the ground (a) appeal was whether the appeal development is acceptable in principle as tourism use in the countryside and would adversely impact on rural character.
5. In a decision received on 4th July 2025 the Commission confirmed that the notice was upheld, and the appeal was dismissed on ground (a) the deemed planning application refused. The ground (g) element of the appeal succeeded insofar as that the period for compliance is varied to 20 weeks.

Key Issues

6. In respect of the deemed application (the ground (a) appeal) the Commissioner noted that in addition to being contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, the Council considered the development to be contrary to criteria (a) of (b) policy TOU4.
7. The Commissioner further noted that the appellant considered the development to comply with policy TOU3 and that the Council had wrongly assessed development against policy TOU4 as they considered 'self- contained tourist accommodation' not to be aligned with 'self-catering tourist accommodation'.
8. The Council deemed the tourism use operated within a temporary modular building and argued that policy TOU 3 required the existing building be of permanent construction.

9. The Commissioner agreed with the Council's understanding of policy TOU 3 and did not consider the subject building to be an existing lawful rural building for the purpose of applying this policy.
10. On an evidential basis the Commissioner agreed with the Council that the lodge was sufficiently equipped for self-catering accommodation for two people, and therefore should be considered against the requirements of policy TOU4.
11. The Council sustained three of the four refusal reasons, and the Ground (a) appeal failed.
12. Initially the Notice had set out a compliance period of 60 days. The appellant sought to extend the period to 6 months to accommodate committed bookings for the accommodation.
13. As there was no third-party objectors or residential properties adversely impacted by the operation of the tourist accommodation the Council were willing to accept a reasonable period of extension but considered 6 months to be excessive. The Commissioner permitted 20 weeks for compliance with Notice and Ground (g).
14. Enforcement appeals are not often reported to the Committee but this case provides understanding for dealing with proposals for tourist accommodation in temporary buildings. It is presented to the Members for information and reference to assist with future learning and development.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> 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 <u>or</u> 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 – LA05/2024/0233/CA



Enforcement Appeal Decision

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

211

Appeal Reference:	2024/E0043
Appeal by:	Justin Milligan
Appeal against:	An enforcement notice dated 20 th December 2024
Alleged Breach of Planning Control:	The unauthorised use of a building for self contained tourist accommodation, shown in the approximate area marked with an "X" on the attached map, being development carried out without the grant of planning permission required.
Location:	Lands at 8 Gannon Road, Lisburn.
Planning Authority:	Lisburn and Castlereagh City Council
Authority's Reference:	LA05/2024/0233/CA
Procedure:	Informal Hearing on 16 th May 2025
Decision by:	Commissioner Carrie McDonagh dated 4 th July 2025

Grounds of Appeal

1. The appeal was brought on Grounds a) and g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed planning application by virtue of Section 145 for the development cited in the Enforcement Notice (the notice).

Ground (a) and the Deemed Planning Application

2. The main issues in this appeal are whether the appeal development is acceptable in principle as tourism development in the countryside and would adversely impact on rural character.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an application, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise.
4. The Lisburn and Castlereagh City Council Plan Strategy (PS) sets out the strategic policy framework for the Council area. Pursuant to the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP), and the PS read together.

5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area in which the notice site is located. In it the site falls within the greenbelt. The draft Belfast Metropolitan Area Plan (2004) (dBMAP) is not a DDP as it was never adopted although in some circumstances it can be a material consideration. In it the notice site is also located within the greenbelt. As the operational policies now contained in the PS make no distinction between greenbelts and the remainder of the countryside, the greenbelt designations in both the LAP and the dBMAP 2004 are of no consequence in the appeal. There are no other provisions in the DDP that are material to the determination of the appeal. The appeal should be determined in accordance with the provisions of the PS unless material considerations indicate otherwise.
6. Strategic Policy 1 (SP1) provides support for proposals which further sustainable development. Policy COU 1 titled "Development in the Countryside" provides for a range of types of development in the countryside and that will contribute to the aims of sustainable development. There is no dispute that tourism development is one of the 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. Strategic Policy 16 (SP16) supports development proposals that promote a sustainable approach to tourism development and accommodation across the district. Policy TOU 4 "Self-catering Tourist Accommodation in the Countryside" provides for self-catering tourist accommodation units in two circumstances if subsidiary in scale and ancillary to the primary tourism use of the site. The Appellant argues that in the absence of a definition or equivalent policy for use of the building as "self-contained tourist accommodation" Policy TOU 3 "Proposals for Tourist Accommodation in the Countryside" is applicable. One of the circumstances it provides for is a definitive proposal to replace an existing rural building in the countryside with tourist accommodation subject to all six criteria. Policy COU16 "Rural Character and other Criteria" requires that development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area.
7. "Yaseva Lodge" is positioned to the rear western boundary of the notice site, set back from a centrally located detached single storey bungalow with a relatively flat mature garden fronting Gannon Road, a rural area comprising of predominantly farm dwellings and agricultural outbuildings. The appeal development relates only to its use as self-contained tourist accommodation. Its timber clad walls are painted grey, with a wooden front door, aluminium framed rear windows and a zinc sloping roof. Double doors lead onto a covered raised wooden decked area (18 sqm), with a hot tub and grass terrace abounded by a wooden fence to the rear (southern boundary). Vehicular access is from the northern boundary, with hedgerow to the north and east, and sporadic planting of hedge and mixed species trees along the western boundary.
8. As NI Tourist Board (NITB) accredited "Guest Accommodation", a type of tourist accommodation listed under Footnote 22 of Policy TOU 3, with "self-catering" omitted from the types of accommodation list and undefined within Policy TOU 4, the appellant referred to each as separate NITB accommodation categories arguing the appeal development should be assessed under Policy TOU 3. They posited that the NITB inspection may have found the meal preparation facilities within Yaseva Lodge insufficient to constitute "self-catering accommodation".

9. To my mind, the types of tourist accommodation listed in Footnote 22 (hotel, guest house, bed and breakfast, guest accommodation, tourist hostel, bunk house or campus accommodation) are generally indicative of accommodation at a greater scale than Yaseva Lodge, with visitors staying overnight alongside other guests. However, each could also include an element of supervision, which the appellant argues the appeal development benefits from, as the appellant resides in the adjacent dwelling supporting their case that it should be considered under Policy TOU 3.
10. Notwithstanding the “guest accommodation” category and use as an operational tourism business constituting a definitive proposal, the Council argue that Policy TOU 3 requires that there is a building of permanent construction whereas the use is occurring in a modular type unit more akin to a garden room as (i) the construction materials have a prefabricated/temporary appearance (ii) it is set atop of a concrete plate and (iii) it has an ease of mobility and would not require dismantling.
11. The Appellant’s argument under Policy TOU 3 is predicated on there being a pre-existing rural building. They argue that as enforcement action has not been taken against the erection of “Yaseva Lodge” if the appellant were to comply the building would be treated as having planning permission and could then be replaced in line with the policy. However, whilst I found the appellant’s evidence that Yaseva Lodge was not brought to the site as a modular/prefabricated unit but erected by a contractor around a steel frame with both outer and inner walls and of sufficient quality to have withstood poor weather for over 3 years to be persuasive, I nonetheless disagree that Yaseva Lodge can be treated as an existing rural building. Whilst the operational works are not included in the EN and may remain on the notice site regardless of this decision, I am not persuaded that the planning history is of no consequence as compliance with criterion (a) of Policy TOU 3 requires that there is a lawful building in the first instance. Whilst the Council considered the building could be re-used as a form of ancillary domestic accommodation thus its demolition would constitute over-enforcement, the notice has not been complied with as required by Section 140 (11)(b) of the Act and thus the building cannot yet be treated as having been granted by virtue of section 55. It is not permitted development under Part 1 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 as, whilst within the curtilage of a dwelling house, there is no dispute that it was erected for the purposes of tourist accommodation rather than ancillary residential purposes. The building does not have planning permission nor is there a Certificate of Existing Lawful Use or Development. To consider whether it represents a permanent construction goes beyond the scope of the notice and the ground a) appeal, which relates only to the use.
12. Even had I agreed with the appellant’s argument that Yaseva Lodge could be relied on as an existing rural building, Policy TOU 3 provides for the replacement of such a building. That is not what is before me but rather the continuation of a purpose-built building for tourist accommodation use. The appellant argues as re-use of a building is usually more sustainable than its demolition and replacement, it follows that the PS would be no less favourable to the use of the building for a tourism purpose as both are predicated on there being a pre-existing building and there is no net increase in the number of buildings. Whilst the notice site is

not on the periphery of a settlement, the appellant refers to the section of Policy TOU 3 titled “Tourist Accommodation on the Periphery of a Settlement” and in particular criterion b) which allows for proposals when there are no suitable opportunities by means of the conversion and re-use of a suitable building. Given that the policy is silent on where such conversion or re-use opportunities ought to be located, the appellant is of the view that there is scope for the appeal development under TOU 3.

13. I do not accept this interpretation of Policy TOU 3. Although the first limb of the policy allows for the replacement of an existing rural building whereas the second limb allows for the circumstances where there are no suitable opportunities by means of the conversion and reuse of a suitable building, the appeal development is neither. Rather it is a continuation of the use of a purpose-built self-contained unit and regardless of that unit having minimal visual impact it does not meet the policy test of either replacement or conversion and re-use regardless of its location. Whilst the NITB certification is relied on as policy support for Yaseva Lodge as a “suitable building”, this is not a policy requirement, with the justification and amplification relating to a separate NITB objective of achieving three star grading for any accommodation. For these reasons, I do not consider the appeal development finds support within TOU 3.
14. In respect of Policy TOU 4, the Council refute the appellant’s alleged lack of understanding of what constitutes the breach, that “self-contained tourist accommodation” is not aligned to “self-catering tourist accommodation” or that the selection of the former has prejudiced the presentation of the appellant’s case. They clarified the term originated from the appellant’s 2022 planning application LA05/2022/0997/F for “*retention of self-contained holiday let*”. Its floor plans for a 36sqm room which accommodates a bed, dining/sitting area, kitchenette and an annexed shower room, including a WC and sink is consistent with the as built arrangement. Based on my observations, the kitchenette contains a sink, stovetop, fridge, dishwasher and whilst there is an absence of an oven other cooking equipment, including a microwave was present. I agree with the Council that in the evidential context of this appeal Yaseva Lodge is sufficiently equipped for self-catering accommodation for two people.
15. I do not agree with the appellant that Policy TOU 4’s requirement for a condition to limit the use for holiday letting accommodation only and not for permanent residential accommodation leads to a conclusion that a self-catering tourist accommodation unit should have the characteristics of a conventional dwelling, as the policy goes on to say that the overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use (my emphasis). Some of the types of tourist accommodation listed at Footnote 22 of Policy TOU 3 also have the characteristics of permanent residential accommodation. In the absence of persuasive evidence that characteristics or features are required for a self-catering tourism use which are not in existence, I do not consider the NITB category of guest accommodation or the description as self-contained rather than self-catering excludes consideration of the development under Policy TOU 4.
16. Policy TOU 4 states that planning permission will be granted for self-catering tourist accommodation units in either of the following circumstances: (a) one or more new units all located within the grounds of an existing or approved tourist

accommodation or holiday park; (b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right.

17. At the hearing, the appellant did not argue that the appeal development complies with either of these criteria or with the second paragraph, which requires that the self-catering development is subsidiary in scale and ancillary to the primary tourism use of the site. They argued that Policy TOU 4 is not worded in the negative and as planning policy cannot allow for every circumstance, additional circumstances are not excluded from consideration. They relied on matters including its small scale, position set back from the road, use of an existing domestic access within the curtilage of the dwelling (in which the owner resides), and in a well-integrated location where it does not break into new ground in the countryside as characteristics of the appeal development which meet the policy rationale. They posit that the use of the single building by consolidating new built development with an existing building has a lesser impact than the three units provided for by Policy TOU 4.
18. I agree with the Council that Policy TOU 4's reference to "*either of the following circumstances*" does not allow for any additional circumstances other than those listed. Had other acceptable circumstances been envisaged for self-catering tourist accommodation units the policy introduction would have read in a more open manner such as "including". I also agree with the Council that the appeal development does not have a lesser impact than that provided in Policy TOU 4 as criterion a) only allows for an expansion of an existing tourism use or where the principle has already been established, which is not the case within the notice site. I am not persuaded by the argument that the circumstances are akin to the purpose behind Policy TOU 4 as the appeal development does not create a new planning unit and meets wider objectives for sustainable forms of tourist accommodation. The emphasis in the justification and amplification is on how, in circumstances where self-catering units are permitted, it is imperative that the primary tourism use which provides the justification is in place and functioning, before the units become operational. For these reasons, the Council has sustained both their deemed reasons for refusal in respect of the listed circumstances of Policy TOU 4.
19. Policy COU16 "Rural Character and other criteria" is also raised as a deemed refusal reason in that the use, if permitted at this location would result in an adverse impact on the rural character of the area, offending criterion (e). As previously set out the built form is outside of the scope of this deemed application. A use is material to character if the activity brings a definable change to the land and I agree with the appellant that given the limited scale of the tourism use, the principle of which is not inherently unacceptable in the countryside and in the absenteeism of neighbours in sufficient proximity to detect such a use it is unlikely that a business of this nature significantly impacts on the rural character of the area. The Council's concern related to the erosion of rural character is not sustained.
20. The appellant argues that Policy COU 1 allows for material considerations "where relevant to the development". Whilst it is argued that they include the re-use of the building in a sustainable manner I have already set out under my consideration of Policy TOU 3 why I do not consider that to be the case. I

acknowledge the demand for the unit given the attractive views over the surrounding countryside and the temptation of “getting away from it all” whilst maintaining an ease of access to Lisburn and Belfast, however the purpose of the notice is to remedy the breach of planning control. Irrespective of the small scale and lack of visual impact, the quality of the accommodation or the positive customer online reviews from previous guests, it remains that the deemed application seeks a self-contained tourist accommodation use, therefore Policy COU 1 requires that it must comply with all policy requirements contained in the operational policies. As I have already concluded it is at odds with the relevant tourism policies it does not constitute a sustainable approach to development in the countryside under SP1 or a sustainable approach to tourist accommodation under SP16. Having taken the Appellant’s arguments into account, there are no material considerations that outweigh the failure to comply with policy or justify the appeal development in principle. The Council’s first deemed reason for refusal is sustained.

21. As I have found that three of the Council’s four deemed refusal reasons are sustained, the deemed application/ground a appeal fails.

Ground (g) - that any period for compliance specified in the notice falls short of what should reasonably be allowed.

22. The appellant seeks to extend the compliance period specified from 60 days to cover the period of current bookings as updated at the hearing. The Council were agreeable to extending the compliance period to four months to cover a booking for a two night stay at the end of September however, it was considered that facilitating the non-cancellation of a booking over the new year holiday period would result in an excessive continuation of harm.
23. Mindful of the date of drafting this decision, to extend into 2026 would require a period of around 6 months. Notwithstanding the lack of objection to the appeal development, I do not consider it is reasonable to allow the breach of planning control to continue for such a period of time. On this basis, I consider that 20 weeks from the date of this decision is a reasonable period for compliance with the notice as it covers the majority of the current bookings, including Halloween. The ground (g) appeal succeeds to that extent.

Decision

The decision is as follows:-

- The appeal on Ground (a) fails and the deemed planning application is refused.
- The appeal on Ground (g) succeeds and the period for compliance is varied to 20 weeks and the appeal on Ground (g) succeeds to that extent.
- The notice is upheld.

COMMISSIONER CARRIE MCDONAGH

2024/E0043

List of Appearances

- Planning Authority:-

Ms Laura McCausland, Lisburn and Castlereagh City Council.
Mr Michael Vladeanu, Lisburn and Castlereagh City Council.
- Appellant:-

Ms Oonagh Given, MRTPI on behalf of the appellant.
Mr Justin Milligan (Appellant).

List of Documents

- Planning Authority:-

“A” Statement of Case and Appendices
- Appellant:-

“B” Statement of Case and Appendices

Committee:	Planning Committee
Date:	04 August 2025
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	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Council is notified by Cornerstone, Avison Young, WHP Telecoms Ltd and Openreach, of their intention to utilise permitted development rights within the Council area to install communications apparatus. 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. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 2. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. 3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> 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 <u>or</u> 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 – Notifications from an Operator in respect of intention to utilise permitted development rights
--------------------	---

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights August Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	WHP Telecoms Ltd	EE	Willis View, 121 Pond Park Road, Lisburn	Proposed 1No. 600Ø transmission dish (D4) to be installed on new 1.0m long 76.1Ø offset support pole fixed to headframe using new offset bracket. Existing cable management to be utilized for new cables.	17/06/2025
2.	Cornerstone	02	On lands c.400m west of no 37 Lavery's Bridge Road, Moira,	Extension of existing telecoms tower • New headframe • Repositioning of antennae • Repositioning of ER's & RRU's	17/06/2025
3.	Cornerstone	Telefonica UK Limited	Hillsborough Gun Club, 18 Old Coach Road, Hillsborough	The proposal consists of the installation of 3no antennas, proposed 2no Transmission Dishes on New Steelwork, 1no Cabinets on existing concrete base and ancillary development thereto.	18/06/2025
4.	Avison Young	EE	Willis View, 121 Pond Park Road, Lisburn	Installation of 1no new equipment cabinet and 1no new power generator and associated ancillary works thereto	20/06/2025
5.	Openreach	BT	18 Moira Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	26/06/2025
6.	Cornerstone	Telefónica, UK Limited,	On lands c.400m west of no.37 Lavery's Bridge Road, Moira,	Proposed 5M extension of existing telecoms tower & new headframe. Includes repositioning of antennae, associated equipment and ancillary works.	01/07/2025



Committee:	Planning Committee
Date:	04 August 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Letter to Chief Executive in respect of an update on the review of the Development Management Regulations.

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. In a letter dated 10 July 2025 to the Chief Executive, the Department for Infrastructure outline that a new statutory rule relating to Pre-application Community Consultations and Pre-determination hearings is made. 2. The updated rules are in response to requests for streamlining of these processes in line with a joint improvement programme developed in response to Northern Ireland Audit Office and Public Accounts Committee reports. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 3. The Statutory Rule sets out the revised procedures for pre-application community consultation. 4. The Statutory Rule also revokes Regulation 7 (Pre-determination hearings) removing the mandatory requirements to hold a pre-determination hearing. 5. The Department has also made technical amendments to the Statutory Rule to correct typographical errors and to update the definition of EIA development. 6. This is the culmination of the first phase of the review of the Development Management Regulations under the Planning Improvement Programme. Phase 2 will focus on proposed changes to the Schedule of classes and thresholds for local, major and regionally significant development. 7. A copy of the Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025 is attached to the report for information and future reference.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the changes to the Development Management Regulations and that further changes are anticipated in a second phase of the project.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>N/A</p>
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

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

Appendices:	<p>Appendix 9 (a) – Letter from DfI developer</p> <p>Appendix 9 (b) - The Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025</p>
--------------------	---



Regional Planning Governance & Legislation

Council Chief Executives
& Heads of Planning

James House
2-4 Cromac Avenue
The Gasworks
BELFAST
BT7 2JA

Tel: 0300 200 7830

Email: rosemary.daly@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your Ref:

Our Ref:

10 July 2025

Dear Chief Executives & Heads of Planning

Update on the Review of the Development Management Regulations – Pre-application Community Consultation & Pre-determination Hearings

I am writing to inform you that the Department for Infrastructure has made a Statutory Rule entitled “The Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025” (S.R. 2025 No.128), which will come into operation on 1st August 2025. A copy of the Rule is attached and will be available in due course on the Legislation website: Legislation.gov.uk.

The Statutory Rule amends regulation 5 of the Planning (Development Management) Regulations (Northern Ireland) 2015 (the Development Management Regulations) to set out the revised procedures for pre-application community consultation.

The Statutory Rule also revokes regulation 7 (Pre-determination hearings), removing the mandatory requirements to hold a pre-determination hearing.

The Department has also taken the opportunity in the Statutory Rule to make technical amendments to:

- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 to correct two typographical errors and insert a provision to clarify the process for carrying out and completing an Annual Monitoring Report, as required by Section 21 of the Planning Act (Northern Ireland) 2011; and

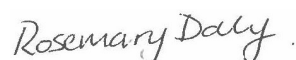
- The Development Management Regulations to update the definition of 'EIA development' to align with regulation 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017.

These amendments mark the conclusion of Phase 1 of the review of the Development Management Regulations under the Planning Improvement Programme. Phase 2, which focusses on proposed changes to the Schedule of classes and thresholds for local, major, and regionally significant development, is ongoing and will continue over the coming months.

Copies of the Rule may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070 or viewed online at www.legislation.gov.uk.

I trust you find this information helpful.

Yours sincerely



ROSEMARY DALY
Chief Planner & Director

Encl

STATUTORY RULES OF NORTHERN IRELAND

2025 No.128

PLANNING

The Planning (Miscellaneous Amendments) Regulations
(Northern Ireland) 2025

Made - - - - 8th July 2025

Coming into operation - 1st August 2025

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 9(2) and (3), 10(3), 22, 27(5), 30(1) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011^(a) and now vested in it^(b).

Citation and commencement

1. These Regulations may be cited as the Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025 and shall come into operation on the 1st August 2025.

Amendment to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015

- 2.—(1) The Planning (Local Development Plan) Regulations (Northern Ireland) 2015^(c) are amended as follows.
- (2) In regulation 15 (Availability of a development plan document) in paragraph (e)(iii) for “(a)(iv)” substitute “(a)(v)”.
- (3) In regulation 20 (Submission of documents for independent examination) in paragraph (2)(d) for “15(a)(iv)” substitute “15(a)(v)”.
- (4) In the Schedule after paragraph 4 insert—

“Annual monitoring report

5. Regulation 25 (annual monitoring report) does not apply until the council has adopted its local policies plan for its district (or the Department approves the local policies plan for that district).”.

Amendment to the Planning (Development Management) Regulations (Northern Ireland) 2015

3.—(1) The Planning (Development Management) Regulations (Northern Ireland) 2015^(d) are amended as follows.

(a) 2011 c.25 (N.I.)
(b) S.R. 2016 No.76 - see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016
(c) S.R. 2015 No.62
(d) S.R. 2015 No.71

(2) In regulation 1 (Citation, commencement and interpretation) in paragraph (3) in the definition of “EIA development” for “2015” substitute “2017” and for the footnote reference (c) “SR 2015 No.74” substitute “SR 2017 No.83”.

(3) In regulation 4 (Content of proposal of application notice) in paragraph (a) for “7” substitute “8” and for “2015” substitute “2017”.

(4) Regulation 5 (Pre-application community consultation)—

(a) at the end of paragraph (2)(a) omit “and”;

(b) after paragraph (2)(a) insert—

“(aa) maintain a website to display details of the proposed development and facilitate comments from members of the public relating to the proposed development; and”;

(c) in paragraph (2)(b)(iv) after “so,” omit “and”;

(d) at the end of paragraph (2)(b)(v) for “.” substitute “,” and insert—

“(vi) details of the website maintained in accordance with 2(aa), and

(vii) the period of time to display details of the proposed development on the website.”;

and

(e) after paragraph (3) insert—

“(4) The website in accordance with paragraph 2(aa) must display details of the proposed development for a minimum of 28 days during the period required under section 27(3) and must be after the notice publication date.”.

(5) Regulation 7 (Pre-determination hearings) is revoked.

(6) In the Schedule, for the Table at Class 1. EIA Development, in column 2 and 3 for “2015” substitute “2017”.

Transitional provisions

4. The amendments made by regulation 3(4) shall not apply in respect of applications duly made before the coming into operation of these regulations.

5. The amendments made by regulation 3(5) shall apply in respect of applications duly made after the coming into operation of these regulations.

Sealed with the Official Seal of the Department for Infrastructure on 8th July 2025.



Rosemary Daly
A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Statutory Rule uses powers conferred by sections 9(2) and (3), 10(3), 22, 27(5), 30(1) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011.

These Regulations make technical amendments to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and miscellaneous amendments to the Planning (Development Management) Regulations (Northern Ireland) 2015 which include the areas of Pre-application community consultation and Pre-determination hearings.

The Explanatory Memorandum is available alongside the Regulations on the government's website www.legislation.gov.uk