



April 2nd, 2026

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, J Lavery BEM, A Martin and N Trimble

**Notice of Meeting**

A meeting of the Planning Committee will be held on **Monday, 13th April 2026 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

**David Burns**  
**Chief Executive**

# Agenda

## 1.0 Apologies

## 2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form Sept 24.pdf*

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## 3.0 Minutes of the Planning Committee Meeting held on 9 March 2026

*For Approval*

📄 *PC 09.03.2026 - Draft Minutes for Adoption.pdf*

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## 4.0 Report from the Head of Planning and Capital Development

### 4.1 Schedule of Applications to be Determined:

*For Decision*

📄 *Item 1 - Schedule of Applications.pdf*

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- (i) LA05/2023/0690/F – New post-primary school, new primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches with associated lighting at Fort Hill College, Belfast Road, Lisburn

📄 *Appendix 1.1 LA05\_2023\_0690\_F Forthill School Final.pdf*

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- (ii) LA05/2024/0495/F – Freight transport hub for parking of HGV's and trailers, including a warehouse storage/distribution and office/administration building with onsite diesel storage and vehicle and trailer wash facilities. Dedicated site access with right turning lane, waste-water treatment plant and solar panels on South facing roofs on lands adjacent to 12 Lissue Road Lissue Road, Lisburn

📄 *Appendix 1.2 LA05 2024 0495 F Lissue Freight Hub final.pdf*

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- (iii) LA05/2024/0835/F – Retention of car storage yard on lands to the rear of 12-16 Beechfield Manor, Aghalee

📄 *Appendix 1.3a la05 2024 0835f Addendum.pdf*

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📄 *Appendix 1.3b Committee Report LA05.2024.0835.F Final.pdf*

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(iv)	<b>LA05/2025/0819/F - Removal of existing single storey flat roof extension and garage. Addition of single storey pitched roof extension and office/ storage to replace existing garage at 3 Ardara Avenue, Dundonald</b> <i>Appendix 1.4 - DM Officer Report LA05.2025.0819.F final.pdf</i>	<i>Page 103</i>
(v)	<b>LA05/2023/0439/O - Site for a dwelling and garage with associated site works on lands 50Metres Southwest of 271 Ballynahinch Road, Hillsborough</b> <i>Appendix 1.5 LA05.2023.0439.O Ballynahinch Road final.pdf</i>	<i>Page 118</i>
(vi)	<b>LA05/2024/0639/O - Replacement dwelling and retention of existing dwelling (with alterations) as farm building at Approx 180m north of 19 Ballycrune Road, Hillsborough</b> <i>Appendix 1.6 LA05.2024.0639.O Ballyrcune Road Final.pdf</i>	<i>Page 136</i>
(vii)	<b>LA05/2023/0550/F - Proposed demolition of existing ruby's bar and restaurant (retention of off sales retail unit) and redevelopment of land to comprise 12 2 bed apartments with private and communal amenity space, PV panels, bin and bicycle store, landscaping, car parking and all associated site works on lands at 793 and 793a Upper Newtownards Road, Dundonald</b> <i>Appendix 1.7 LA05.2023.0550.F Final.pdf</i>	<i>Page 156</i>
<b>4.2</b>	<b>Statutory Performance Indicators - February 2026</b> <i>For Noting</i>	
	<i>Item 2 - Statutory Performance Indicators - February 2026.pdf</i>	<i>Page 197</i>
	<i>Appendix 2 Lisburn_Castlereagh_February_Monthly_MI.pdf</i>	<i>Page 199</i>
<b>4.3</b>	<b>Appeal against Enforcement Notice (LA05/2025/0068/CA)</b> <i>For Noting</i>	
	<i>Item 3 - Enforcement Notice Decision -LA05 2025 0068CA.pdf</i>	<i>Page 200</i>
	<i>Appendix 3 Enforcement appeal LA05 2025 0068CA.pdf</i>	<i>Page 203</i>
<b>4.4</b>	<b>Appeal against Enforcement Notice (LA05/2024/0041/CA)</b> <i>For Noting</i>	
	<i>Item 4 - Enforcement Notice Decision -LA05 2024 0041CA.pdf</i>	<i>Page 221</i>
	<i>Appendix 4 Enforcement appeal decision LA05 2024 0041CA (4).pdf</i>	<i>Page 223</i>
<b>4.5</b>	<b>Notification by telecommunication operator(s) of intention to utilise permitted development rights</b>	

*For Noting*

📄 *Appendix 5 List of Notifications - April 2026.pdf* **Page 231**

📄 *Item 5 - Notifications from an Operator in respect of intention.pdf* **Page 232**

#### **4.6 Letter to Heads of planning NIEA planning improvement programme**

*For Noting*

📄 *Item 6 - Letter to Heads of planning NIEA planning improvement plan.pdf* **Page 234**

📄 *Appendix 6a Director Update - NIEA Planning Improvement.pdf* **Page 236**

📄 *Appendix 6b ANNEX A - NIEA PLANNING IMPROVEMENT PLAN.pdf* **Page 238**

## **5.0 Any Other Business**

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary Interests

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

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

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

2. Private or Personal Non-Pecuniary Interests

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

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

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

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

Pecuniary Interests

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

\_\_\_\_\_

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

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

\_\_\_\_\_

Nature of Pecuniary Interest:

**Private or Personal Non-Pecuniary Interests**

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

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

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

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Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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

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**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 9 March, 2026 at 10.20 am****PRESENT IN CHAMBER:**

Alderman J Tinsley (Chair)

Alderman O Gawith

Councillors S Burns, P Catney, A Martin and N Trimble

**PRESENT IN REMOTE LOCATION:**

Councillors D Bassett and J Laverty

**IN ATTENDANCE:**

Director of Regeneration and Growth  
 Head of Planning & Capital Development  
 Principal Planning Officer (PS)  
 Senior Planning Officers (MB, GM, and LMCC)  
 Member Services Officers (FA and EW)

**Cleaver Fulton Rankin**

Mr B Martyn, Legal Advisor  
 Ms C McPeake (remote attendance)  
 Mr P Lockhart (remote attendance)  
 Ms I Kelly (remote attendance)

**Commencement of Meeting**

At the commencement of the meeting, the Chair, Alderman J Tinsley, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. The Head of Planning & Capital Development outlined the evacuation procedures in the case of an emergency.

**1. Apologies**

It was agreed to accept an apology for non-attendance at the meeting on behalf of The Vice Chair, Councillor G Thompson, Alderman M Gregg and Councillor D J Craig.

**2. Declarations of Interest**

Councillor P Catney advised he had discussions with the developer in respect of application LA05/2025/0384/F, and that he lived close to the proposed development site for the same application. Councillor Catney stated that he had not commented or committed to a decision on the application.

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## 2. Declarations of Interest (Cont'd)

Councillor D Bassett advised that he had written a letter of support, along with party colleague Councillor R Carlin, in respect of application LA05/2025/0798/F.

By virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2025/0798/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

## 3. Minutes of Meeting of Planning Committee held on 2 February, 2026 and Special Meeting of Planning Committee on 18 February, 2026

It was agreed that the minutes of the meeting of Committee held on 2 February, 2026, and special meeting of Committee held on 18 February, 2026 be confirmed and signed.

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

### 4.1 Schedule of Applications

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

#### 4.1.1 Applications to be Determined

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

- (i) LA05/2023/0603/F – Neighbourhood Centre consisting of two retail units, a community unit, petrol filling station, four EV charging points, forecourt canopy, services bay, ATM, cycle parking, car parking, landscaping and associated site and access works on lands east of the Ballymaconaghy Road immediately south of Knockbracken Golf Centre and northeast of 1 Laurelgrove Court, Belfast

Councillor N Trimble arrived at the meeting during this item (10.57 am).

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

The committee received Mr T Stokes to speak in support of the application. Mr Stokes was joined by Messrs. W Adams, A Hair and T Cousins and together they responded to a number of Members' queries.

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

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- (i) LA05/2023/0603/F – Neighbourhood Centre consisting of two retail units, a community unit, petrol filling station, four EV charging points, forecourt canopy, services bay, ATM, cycle parking, car parking, landscaping and associated site and access works on lands east of the Ballymaconaghy Road immediately south of Knockbracken Golf Centre and northeast of 1 Laurelgrove Court, Belfast (Cont'd)

### Debate

During debate:

- The Chair, Alderman J Tinsley, welcomed the application and the level of detail contained within it, in particular the addition of retail units and a community hub; and
- Alderman O Gawith welcomed the application and advised that he was pleased to hear of the use of technology to increase the environmental sustainability of the proposed building. Alderman Gawith spoke highly of the inclusion of a community space within the proposal and concluded by stating he would be happy to follow Officers advice to approve the planning application.

### Vote

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

### Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (11.11 am).

### Resumption of Meeting

The meeting was resumed at 11.17 am.

- (ii) LA05/2023/0534/F – Proposed residential development of 26 dwellings comprising of 6 semi-detached and 20 detached, garages, car parking, open space, landscaping and all associated site and access works on lands immediately south of 58 Brooke Hall Heights and east of 26 Brooke Hall, Belfast.

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

The committee received Mr T Stokes to speak in support of the application. Mr Stokes was joined by Mr M Canning to field questions from Members, however, Members had no questions for Messrs. Stokes and Canning.

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- (ii) LA05/2023/0534/F – Proposed residential development of 26 dwellings comprising of 6 semi-detached and 20 detached, garages, car parking, open space, landscaping and all associated site and access works on lands immediately south of 58 Brooke Hall Heights and east of 26 Brooke Hall, Belfast. (Cont'd)

Members' queries were responded to by Planning Officers.

### Debate

During debate:

- Councillor P Catney commented on the addition of affordable housing within the application and spoke of, how together with the previous application, it would make the whole area more complete. Councillor Catney welcomed the investment in the area and advised that he would be voting in favour of the Officers recommendation; and
- The Chair, Alderman J Tinsley, welcomed the additional of a playpark and green spaces in application. The Chair continued that the construction of the proposed spine road would complete the area.

### Vote

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

- (iii) LA05/2025/0384/F – Proposed development of 75 dwelling units (comprising 26 apartments, 48 semi-detached and 1 detached bungalow), including new access and right-hand turn lane, car parking, landscaping, open space and all associated site works on lands at 70 Belfast Road, Lisburn

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

The committee received Mr T Stokes to speak in support of the application. Mr Stokes was joined by Messrs. M Tumilty and J Keenan and together they responded to a number of Members' queries.

Planning Officers responded to questions from Members.

### Debate

During the debate:

- Councillor P Cartney advised that he lived in close proximity to the proposed development and that he welcomed the £20 million investment to the area. Councillor Catney continued that the re-development of this brownfield site gave him hope for the future that development could take place at the old Hilden Mill site. Councillor Catney spoke of the

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- (iii) LA05/2025/0384/F – Proposed development of 75 dwelling units (comprising 26 apartments, 48 semi-detached and 1 detached bungalow), including new access and right-hand turn lane, car parking, landscaping, open space and all associated site works on lands at 70 Belfast Road, Lisburn (Cont'd)

sustainability of the location, given the proximity to bus and train services, and concluded by welcoming the social housing aspect to the application;

- Alderman O Gawith requested that a condition, which was part of the Officers recommendation in relation to the fulfilment of the planting plan, be amended to state that a variety of fruit trees and other similar pollinators be included in the planting on site. The Head of Planning and Capital Development advised that this would be possible. Later in the debate Alderman Gawith advised that he welcomed the application, which in his opinion was excellent and spoke of how it would improve the site which he described as an eyesore; and
- The Chair, Alderman J Tinsley, commended the applicant and Planning Officers for both the level of detail and the speed at which this application had been completed. The Chair concluded by welcomed the application.

#### Vote

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

#### Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (12.32 pm).

#### Resumption of Meeting

The meeting was resumed at 12.37 pm.

- (iv) LA05/2025/0798/F - New synthetic sports pitch to include 6m high ball stop fencing, fifteen-metre-high floodlighting columns with floodlights and new pedestrian entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast.

The Principal Planning Officer (PS) presented the above application as outlined within the circulated report.

No-one was registered to speak on this application.

Planning Officers responded to questions from Members.

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- (iv) LA05/2025/0798/F - New synthetic sports pitch to include 6m high ball stop fencing, fifteen-metre-high floodlighting columns with floodlights and new pedestrian entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast. (Cont'd)

### Debate

During the debate:

- Councillor P Catney welcomed the application and stated that he hoped to see more applications of this type in the future;
- Councillor D Bassett concurred with Councillor P Catney and welcomed the investment to the area;
- The Chair, Alderman J Tinsley, agreed with the previous comments, commended Officers in the timeliness of the processing of the application, and spoke favourably of the integration of community sports facilities with local schools; and
- Alderman O Gawith welcomed the application and agreed with the comments of previous Members.

### Vote

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

### Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned for lunch at this point (12.54 pm).

### Resumption of Meeting

The meeting was resumed at 1.31 pm. Councillor D Bassett did not return to the meeting after the lunch break.

- (v) LA05/2024/0923/F – Erection of 119 dwellings (mixed tenure of private and social rented) and associated/ancillary development to include new accesses, roadways, open space areas and play park on lands at Ballinderry Road, to the immediate west of 39 Enterprise Crescent, Lisburn and the immediate east of Home Bargains, Ballinderry Road, Lisburn.

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

The Committee received Mr C Bryson, to speak in support of the application. Mr Bryson was joined by Ms J Sloane and a number of Members' queries were addressed.

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- (v) LA05/2024/0923/F – Erection of 119 dwellings (mixed tenure of private and social rented) and associated/ancillary development to include new accesses, roadways, open space areas and play park on lands at Ballinderry Road, to the immediate west of 39 Enterprise Crescent, Lisburn and the immediate east of Home Bargains, Ballinderry Road, Lisburn.  
(Cont'd)

Planning Officers responded to a number of questions from Members.

### Debate

During the debate:

- Councillor N Trimble advised that he was happy to vote in favour of the application and that it met a real need in the area. Councillor Trimble continued that he had concerns over the six properties that would be privately rented but was satisfied with the information provided that Clanmill Housing would be the owners and landlord;
- Councillor P Catney spoke of a fatal accident involving a cyclist on the Ballinderry Road in 2016, however, Councillor Catney continued that given the application had been assessed by Department for Infrastructure (Roads) and Planning Officers and was recommended for approval, he was happy to accept their recommendation; and
- The Chair, Alderman J Tinsley, welcomed the erection of 119 new dwellings. The Chair continued that the area was in need of new housing and requested that Clanmill Housing ensure the area is well managed to create a settled community.

### Vote

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

### Adjournment of Meeting

The Chair, Alderman J Tinsley, declared the meeting adjourned at this point for a comfort break (2.34 pm).

### Resumption of Meeting

The meeting was resumed at 2.41 pm.

- (vi) LA05/2024/0515/F – Proposed dwelling and garage in substitution for that previously approved under application reference LA05/2022/1032/F on lands approximately 100 metres northeast of 23 Lisleen Road, Comber.

The Principal Planning Officer (PS) presented the above application as outlined within the circulated report.

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- (vi) LA05/2024/0515/F – Proposed dwelling and garage in substitution for that previously approved under application reference LA05/2022/1032/F on lands approximately 100 metres northeast of 23 Lisleen Road, Comber.  
(Cont'd)

The Committee received Mr J Martin to speak in support of the application via a remote location.

There were no questions to Mr Martin or to Officers.

#### Debate

There were no comments during the debate.

#### Vote

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

#### 4.2 Statutory Performance Indicators – January 2026

It was agreed that information relating to Statutory Performance Indicators for January 2026 be noted.

#### 4.3 Appeal Decision – LA05/2021/1253/F

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

#### 4.4 Enforcement Notice Decision – LA05/2023/1142/CA

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

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

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

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## 5. Any Other Business

### 5.1 Thanks to Planning Officers Councillor P Catney

Councillor P Catney spoke of the number of applications passed earlier in the meeting and thanked the Planning Officers for their hard work in preparing applications for the committee and for the professional manner in which they were presented. The Chair, Alderman J Tinsley, echoed these sentiments and spoke of the pressure Officers were under, including non-planning matters such as financial constraints for the applicants, which affected the timescales for such applications.

### Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman J Tinsley, thanked those present for their attendance. There being no further business, the meeting was terminated at 2.59 pm.

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Chair/Mayor



<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Decision
<b>Subject:</b>	Schedule of Planning Applications to be Determined

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>1. The following applications have been made to the Council as the Local Planning Authority for determination.</li> <li>2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</li> <li>3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. The applications are presented in accordance with the current scheme of delegation. There are two major applications and five local applications. Four of these have been called in, one was previously deferred, and one exception applies as it is subject to a Section 76 planning agreement.             <ol style="list-style-type: none"> <li>a) LA05/2023/0690/F – New post-primary school, new primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches with associated lighting at Fort Hill College, Belfast Road, Lisburn. Recommendation – Approval</li> <li>b) LA05/2024/0495/F – Freight transport hub for parking of HGV's and trailers, including a warehouse storage/distribution and office/administration building with onsite diesel storage and vehicle and trailer wash facilities. Dedicated site access with right turning lane, waste-water treatment plant and solar panels on South facing roofs on lands adjacent to 12 Lissue Road Lissue Road, Lisburn Recommendation – Approval</li> <li>c) LA05/2024/0835/F – Retention of car storage yard on lands to the rear of 12-16 Beechfield Manor, Aghalee Recommendation – Approval</li> </ol> </li> </ol>
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- d) LA05/2025/0819/F - Removal of existing single storey flat roof extension and garage. Addition of single storey pitched roof extension and office/storage to replace existing garage at 3 Ardara Avenue, Dundonald.  
Recommendation – Approval
- e) LA05/2023/0439/O - Site for a dwelling and garage with associated site works on lands 50Metres Southwest of 271 Ballynahinch Road, Hillsborough.  
Recommendation – Refusal
- f) LA05/2024/0639/O - Replacement dwelling and retention of existing dwelling (with alterations) as farm building at Approx 180m north of 19 Ballycrune Road, Hillsborough.  
Recommendation - Refusal
- g) LA05/2023/0550/F - Proposed demolition of existing ruby's bar and restaurant (retention of off sales retail unit) and redevelopment of land to comprise 12 2 bed apartments with private and communal amenity space, PV panels, bin and bicycle store, landscaping, car parking and all associated site works on lands at 793 and 793a Upper Newtownards Road, Dundonald  
Recommendation - Approval

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

### **Recommendation**

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

### 3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

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

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

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

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out.</p> <p>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 <b>or</b> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

<p><b>Appendices:</b></p>	<p>Appendix 1.1 LA05/2023/0690/F</p> <p>Appendix 1.2 LA05/2024/0495/F</p> <p>Appendix 1.3a LA05/2024/0835/F- addendum report</p> <p>Appendix 1.3b LA05/2024/0835/F</p> <p>Appendix 1.4 LA05/2025/0819/F</p> <p>Appendix 1.5 LA05/2023/0439/O</p> <p>Appendix 1.6 LA05/2024/0639/O</p> <p>Appendix 1.7 LA05/2023/0550/F</p>
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## Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	13 April 2026
Committee Interest	Major Application
Application Reference	LA05/2023/0690/F
District Electoral Area	Lisburn North
Proposal Description	New post-primary school, new primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches with associated lighting
Location	Fort Hill College, Belfast Road, Lisburn
Representations	Three
Case Officer	Laura McCausland
Recommendation	<b>Approval</b>

### Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the proposal is for a community use on a site that exceeds one hectare.
2. This proposal is presented to the Planning Committee with a recommendation to approve as the requirements of Policy CF01 Necessary Community Facilities in Settlements of the Lisburn and Castlereagh City Council Plan Strategy 2032 (the Plan Strategy) has been met as the site is located in the settlement limit of Lisburn and development will provide a necessary community facility to serve a local need and which has been designed to a high standard to respect the visual amenity of the surrounding area.
3. Regard has been given to advice from Historic Environment Division (HED) in relation to the preservation of archaeological remains of local importance and it is considered that the proposal complies with Policy HE2 of the Plan Strategy.
4. The proposed design and layout of the scheme will create a quality environment and will not have a detrimental impact on the amenity of adjacent land uses nor change or adversely impact upon the character of the ATC or

setting of Listed Buildings therefore Policies HE10 & HE12 of the Plan strategy are met.

5. The main access to the site is from Seymour Street which is a protected route. The proposal complies with policy of TRA1 the Plan Strategy in that it is demonstrated that an accessible environment will be maintained. There is vehicular and pedestrian segregation and footway provision and crossing points throughout the site.
6. Regard has been given to advice of DfI Roads and it is considered that the development complies with policies TRA2 and TRA3 of the Plan Strategy and the proposal will not inconvenience road users, prejudice road safety or impede the flow of traffic on the surrounding road network or protected route.
7. The proposal also complies with policies TRA6 and TRA7 of the Plan Strategy in that it has been demonstrated that no off-site road improvements are required to facilitate the development and adequate provision has been made for car parking and servicing.
8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment, Bat Survey and Bager Survey has been submitted in support of the application to demonstrate that the proposed development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
9. The proposed development complies with policy FLD 3 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to serve the proposed development without giving rise to flooding elsewhere.
10. The proposal complies with policy RE2 in that PV panels and design features of the proposed materials of the buildings will positively contribute to micro-generation through the production of heat and light.

## Description of Site and Surroundings

### Site Context

11. The application site is irregular in shape and approximately 8.7 hectares in size and located at the Fort Hill Integrated College, Primary and Nursery School. To the south, the site is occupied to by separate blocks of school buildings with associated carparking areas and an ancillary canteen building.

12. A sports complex building and facilities located to the north of the site provide indoor and outdoor sports and include grass pitches.
13. The main access is taken directly from Seymour Street and there are two secondary accesses at Victory Street and Low Road.
14. The entire northern, western and eastern boundaries are defined by a three metre high paladin fence which also extends along part of the southern boundary. This boundary is also partially defined by a redbrick retaining wall and tall vegetation.
15. The site rises steeply from the south and east in both a northerly and westerly direction to the most elevated point of the site, then land falls gradually in a westerly direction and falls more steeply in a northerly direction until the middle of the site then land is relatively flat over a significant area.

### Surrounding Context

16. The site lies in an urban context within the settlement of Lisburn surrounded by predominantly residential properties to the north, south and east with the Belfast to Dublin rail line to the west.
17. The site is in close proximity to the following listed properties;
  - HB19 16 018A Seymour Street Methodist Church, (Grade B1)
  - HB19 16 018B Manse, 46 Seymour Street, Lisburn (Grade B2)
  - HB19 16 017A-S 1-16 & 18, 20 & 22 Victoria Crescent, Lisburn (Grade B2)
  - HB19 17 014A Hilden House, Grand Street Lisburn (Grade B1)
  - HB19 17 014A Hilden House Brewery Grand Street Lisburn (Grade B1)
18. The application site contains the location of two recorded archaeological sites – a tree ring (ANT 064:032); and a possible rath (ANT 068:008).
19. The site is in a highly assessable location in close proximity to various public transport nodes.

### **Proposed Development**

20. Full permission is sought for a new post-primary school, new primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches with associated lighting.
21. The application is supported with the following documents:
  - Pre Application Community Consultation report.
  - Archaeological Impact Assessment
  - Design and Access Statement
  - Preliminary Risk Assessment and Generic Quantitative Risk Assessment

- Ground Investigation report
- Drainage Assessment parts 1& 2
- Preliminary Ecological Appraisal
- Badger Survey
- Bat Survey
- Bat and Floodlighting Report
- Landscape Management Plan
- Himalayan Balsam Management Plan
- Transport Assessment
- Travel Plan
- Transport Assessment Form
- Tree Survey Report
- Acoustic Design Statement
- Usage Lighting Schedule, Controls Overview and Lighting Specification

### Relevant Planning History

22. Relevant planning history is as follows:

Application Reference	Description of Proposal	Decision
LA05/2022/0882/PAN	Erection of new post primary, new primary school and nursery unit with associated works including car park, bus drop off area and playing pitches	Agreed
S/1981/0556	Three storey classroom block	Approval
S/1976/0826	Three storey extension	Approval

### Consultations

23. The following consultations were carried out:

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

Consultee	Response
Natural Environment Division	No objection
DfI River Agency	No objection
Translink	No objection
HED	No objection
LCCC Conservation Officer	No objection
LCCC Tree Officer	No objection

### Representations

24. Three representations in respect to the application have been received from two separate addresses from occupiers of Nos. 3 and 15 Victory Street, Lisburn.
25. Representations can be viewed on the public planning portal via the below link;  
[Northern Ireland Public Register](#)
26. The issues raised are set out below and are considered in the assessment section of this report:
  - Impact on residential amenity in relation to loss of light, loss of privacy and noise
  - removal of trees

### Environmental Impact Assessment (EIA)

27. 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.
28. An EIA determination concluded given the nature and scale of the development proposed which involves the replacement of existing buildings on a previously developed site within a settlement that an Environmental Statement is not required to inform the assessment of this proposal.

### Pre-Application Community Consultation

29. The proposal exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is over a hectare in size.

30. In accordance with statutory requirement under Section 27 of the Act the Applicant was required to engage in pre-application community consultation (PACC).
31. In accordance with Section 28 of the Act a Pre-Application Community Consultation report, August 2023 accompanies the application. The format of the report is in accordance with Regulation 4 of the Development Management Practice Note 10 and contains relevant information required regarding engagement.
32. The report identifies stakeholder engagement over the consultation period including a public event held on Wednesday 30<sup>th</sup> November 2022 from 4pm – 8pm at Multipurpose Hall, Fort Hill Integrated Primary School, Low Road, Lisburn.
33. The Public Event was advertised in the Ulster Star on Friday 18 November 2022 and via social media. The published advertisement provided point of contact, details of the event, engagement process, address of application site and proposal details.
34. At the venue where the Public Event was held plans were displayed on exhibition boards along with details of how attendees could provide comment, as well as the next steps in the planning process.
35. An online consultation ran between 2 December 2022 and 15 December 2022 (screenshots of which can be seen at Figure 3.1 of the PACC report), an online feedback email was created and information relating to the proposal was provided as appendix 3 of the PACC report.
36. A PACC report accompanies the application pack and provides feedback received from stakeholders throughout the community consultation process.
37. It is outlined in the PACC report that during the consultation period, a total of 9 members of the public attended the Public Event. A sample of stakeholder responses are set out in Table 4.1 of the PACC report.
38. Following a review of the feedback received from the public engagement process it was not considered necessary to make any design changes or amendments to the proposal prior to submission of the planning application.

## Local Development Plan

### Local Development Plan Context

39. 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.

40. 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.*

41. 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.
42. The Lisburn Area Plan (2001) identifies the site as undesignated land within the settlement limit of Lisburn. It also contains two recorded archaeological sites – a tree ring (ANT 064:032); and a possible rath (ANT 068:008) and a small portion of the site is within an Area of Townscape Character. Seymour Street is part of the Protected Routes network.
43. Within draft BMAP the site remains within the development limits of Lisburn and part of an Area of Townscape Character. A large portion of land is also zoned for open space that is currently in use as playing pitches. The status of the protected route remains unchanged.
44. The proposal involves the redevelopment of major community infrastructure. 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.*
45. Significant building works are proposed. 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.*

46. 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 state 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.*

47. There are significant built heritage interests in close proximity to the site. 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.*

### **Community Facilities in Settlements**

48. The proposal seeks to provide a new post-primary school, new primary school and nursery unit which fall within Use Class D1 of the Planning (Use Classes) Order (NI) 2015 with associated works including car park, bus drop-off area. Consequently, the following operational policies in Part 2 of the Plan Strategy apply.
49. 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.*

### **Open Space, Sport and Outdoor Recreation**

50. New playing pitches with associated lighting are also proposed and policy OS1 Protection of Open Space states:

*Development that will result in the loss of existing open space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance. An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.*

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

- a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality*
- b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility.*

### **Natural Heritage**

51. Given this is a large site, with tall dense mature trees, proposed floodlighting and existing buildings are to be demolished the potential impact on the natural environment is considered.
52. 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.*

53. 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.*

## Historic Environment and Archaeology

54. The site seeks to demolish an existing building within an Area of Townscape Character, the new development is also proposed in close proximity to numerous listed buildings and there are two recorded archaeological features within the site.

55. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

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

56. 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.*

57. Policy HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character states:

*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 require new development within an ATC/AVC to maintain or enhance the overall character of the area. In addition to the above criteria, 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.*

58. 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.*

*Within an Area of Townscape Character (ATC) or Area of Village Character (AVC) the Council will only consider demolition of an unlisted building where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.*

### **Access and Transport**

59. The P1 Form indicates that the proposal seeks to alter an existing access and construct a new access onto the public road for both pedestrian and vehicular use.

60. 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.*

61. In respect of the proposed access arrangements 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.*

62. Seymour Street is a protected route. Policy TRA3 – Access to Protected Route states:

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

*Motorways and High Standard Dual Carriageways – All locations*

*Planning permission will not be granted for development proposals involving direct access.*

*An exception may be considered in the case of motorway service areas.  
Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations*

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

63. *It further states for protected routes within settlement that:*

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

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

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

64. Parking is required to service the development. Policy TRA7 – Car Parking and Servicing Arrangements states:

*Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published 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

65. The scale of the development proposed requires a drainage assessment. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

## Renewable Energy

66. All new development proposals should be designed to integrate renewal energy technology. Policy RE2 Integrated Renewable Energy states:

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

## Regional Policy and Guidance

### Regional Policy

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

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

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

*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*

69. Paragraph 3.6 of the SPPS Edition 2 states:

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

70. Paragraph 3.8 of the SPPS Edition 2 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. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise*

71. 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*

72. There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy.

73. 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.*

74. 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.*

75. 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.*

#### Parking Standards

76. It is stated in parking standards that:

*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.*

**Assessment****Community Facilities in Settlements**

77. At paragraphs 1.5 and 1.6 of the supporting planning statement dated August 2023 the applicant advises that whilst currently schools operate independently this proposal is a funded scheme to replace all existing schools at this location. As the proposal involves the redevelopment of brownfield land inside a settlement it is considered to meet criteria (a) and (b) of policy CF01. This also means the requirements of criteria (c) and (d) are not applicable.
78. The Design Assess Statement highlights at page 56 and it is demonstrated on the proposed phasing plan that a phased approach is to be undertaken of the proposed works.
79. The agent via email on 13 March 2026 confirmed the proposed school population will remain unchanged. It is not proposed to increase the number of pupils and staff beyond the existing totals of 1,086 pupils and 160 teaching and other staff.
80. Therefore, the need is considered to be site specific to this location and the proposal will continue to offer a necessary community facility to serve needs of the school community and criteria (e) of policy CF01 is met.
81. With regard to criteria (f), (g) & (h) these criteria are considered to have been met for the same reasons set out within assessment of Transport at paragraphs (159-177) of this report.
82. The site is surrounded on 3 sides by residential properties and as the site is to be redeveloped rather than relocated, the school will continue to retain a focal point and landmark at this locality.
83. The justification and amplification of Policy CF01 requires community facilities to be of designed to a high standard and to respect the amenities of proposed and existing housing.
84. The Design Access Statement, Section D informs that the proposed design is compliant with the Department of Education (NI) Handbook.
85. Existing buildings are to be demolished and replaced by new buildings on site. Currently existing buildings are sited to be grouped together to the south of the site.
86. The proposed site layout 02C illustrates that the new buildings are to be relocated but remain grouped together and sited to the middle of the site, set back from the Low Road by two designated staff parking and drop off areas and a large, grassed area to serve the new primary school.

87. The post-primary school is sited adjacent and parallel to the railway line and approximately 50m from the nearest residential property. Associated buildings will occupy a large portion of the site.
88. The proposed floor plans illustrate several departments are to be provided over 3 floors within blocks that are intrinsically linked via connecting corridors with the main entrance to buildings is to the south with access points across each block. An enclosed play area is to be created between the post- primary school blocks.
89. The proposed building is to be 8.8m at the highest part, PV panels are to be provided on roof with a material finish of the post-primary school building includes facing brick and polycarbonate and timber cladding, with curtain cladding detail aluminium windows and doors. Roofing plans at each floor level indicate roof lights.
90. A service yard and bin storage area are located north of the post-primary school building and existing tall mature trees are to be retained along the western boundary of the site between the post-primary school and residential properties at Llewellyn Avenue.
91. Proposed cross section plans and phased cut and fill plans, illustrate a degree of cut and fill to be required accommodate the proposed development due to existing topography on site.
92. The primary school building's proposed elevation plan illustrates a single storey building with a stepped roof that is both sloped and flat, large rectangular openings and door openings are to be provided along each elevation. The finish floor level to be 0.5 with at the highest part a ridge height of 6.6m. The proposed material finish is similar of that to the proposed post-primary school building also featuring a curtain wall and polycarbonate cladding along the front elevation with several access points around the building.
93. The proposed primary school floor plan includes classroom areas, sensory areas, staff areas, separate WC, library area, meeting rooms, support areas and a large hall.
94. The proposed nursery school building's floor plan illustrates a central large playroom with adjoining individual rooms comprising of staff room, utility area storage areas and separate pupil and staff WCs. The building has several access points.
95. The proposed nursery school is to be 5.6m in height and proposed elevational plan illustrates a single storey building with a sloped roof and material finish of brick with aluminium clad walls to match window frames and rainwater goods.

96. The proposed primary and nursery school buildings both offer play areas to the rear that back onto to the rear gardens of properties along Victory Street and Garvey Terrace. Proposed planting is to be planted along this rear and eastern boundary and access is afforded to the front of each building.
97. The nursery school eastern elevation will be viewed from the rear gardens of properties at Garvey Terrace. A proposed separation distance of approximately 30m between the proposed building and play area is to be created with a proposed 2.4m double sided timber close boarded fence and 2.4m paladin fence to be erected.
98. The nursery school rear northern elevation and primary school north elevation faces unto rear of properties along Victory Street. A proposed separation distance of approximately 30m between the proposed building and play area is to be created with a proposed 2.4m double sided timber close boarded fence and 2.4m paladin fence to be erected.
99. The existing Depot building adjacent to No. 15 Victory Street is to be demolished and proposed woodland planting is to be provided along this boundary and a 2.4m double sided timber fence and 2.4m paladin fence.
100. The proposed Sports Hall building is to be sited approximately 18m from the western boundary of 15 Victory Street. The proposed floor plan illustrates a large gymnasium area, changing and showering areas, staff areas and equipment storage areas.
101. The Sports Hall building is 5.5metres in height with brick, polycarbonate cladding and aluminium doors, curtain walling and composite doors. window openings are rectangular and high level along the western elevation. No window openings are to be created along the north, east or southern elevations.
102. Due to separation distances, topography, siting on site and mature planting that is to be retained both static and transient public views of the post primary building will be fleeting and brief in the context of surrounding development.
103. The proposed scale and built form are considered to be acceptable. The design is of all buildings are of high material finish and design detail assists with breakup the proposed buildings massing and create visually interesting elevation when viewed from adjoining residential properties at Victory Street and Garvey Terrace.
104. Sufficient separation distances are considered to be acceptable, proposed landscaping and boundary treatment will ensure there is no negative impact on visual amenity of adjoining residential properties nor potential for loss of light, loss of privacy or overlooking into existing residential amenity areas.

105. Regarding impact on residential amenity properties along Victory Street and Garvey Terrace are the closest receptors to new development onsite. This portion of the site to be developed by primary and nursery school is currently in use as a playground area and proposed play areas to the rear of these buildings are consistent with existing use and are to be used within normal school operating hours.
106. An Acoustic Design Statement, June 2022 accompanies the application within section 4.9 of the report, consideration is given of the proposal's impact in relation to noise on residential amenity of these properties. The report has been considered by LCCC Environmental Health Department who have no objection to the proposal.
107. Therefore, having visited the site, considered the supporting information and having regard to the advice of the consultees who are content with the proposal's impact on these properties and in the interest of protecting residential amenity this can be mitigated and controlled by condition and that the requirements of the supplementary guidance for policy CF01 are met.

### **Open Space, Sport and Outdoor Recreation**

#### OS1 – Protection of Open Space

108. Policy OS1 protects against the loss of open space. The site is located on lands and is in use grass area associated with long established recreational open space use at this location.
109. The proposed 3G pitches and tennis courts are to be sited to the north of the school buildings creating a similar arrangement on site to that of existing.
110. This proposed siting respects zoning of the area of open space and is reflective of existing site layout of playing fields (position of goals) and adjoining rear gardens of residential properties along Delacherois Avenue and Lawnmount Crescent.
111. Catchments and boundary treatment of a 2.4m paladin fence and woodland planting and extra heavy standard trees are to be planted along rear boundaries of Delacherois Avenue with retention of planting along the western boundary of the site.
112. Flood lighting is to be provided at intervals within the sporting area and playing pitches as shown on Lighting plan and lux levels are to be as indicated on Lux plans 52A and 53. The lighting plan clearly indicates levels do not exceed 10LUX at any neighbouring receptor.

113. The agent via emails on 9<sup>th</sup> & 13<sup>th</sup> March 2026 confirmed that the hours of operation proposed for sports pitch to be Mon-Fri 08.00-20:30, Saturday 08:30-18:00 and Sunday 12:00-17:00 and the sports pitches will be able to be used up to 22:00 Monday to Friday between 1st May – 31st August without floodlighting.
114. Environmental Health have considered accompanying information and consider the proposal to be acceptable in relation to impact of floodlighting on adjacent land uses subject to conditions.
115. On review of Environmental Health Officer's advice and supporting information the proposal is considered to be acceptable and will not create conflict with existing residential amenity in relation to noise or light pollution.
116. The proposal is considered to replace 'like for like' use to enhance the existing community offering at this location and is deemed to compatible with existing and surrounding residential uses at this locality.
117. The proposed development is considered betterment of existing community offering and improve the visual attractiveness and impression of the site and wider area.
118. The proposed development is associated with existing open space use and proposed works will ensure longevity of this recreational use at this location providing a sustainable, sporting, recreation, community and volunteering opportunity.
119. The proposed development will afford wider social and community benefits at this location relating to health and well-being, education skills and employment, social inclusion and volunteering.
120. . NED were consulted and on review of supporting ecological information offer no objection. Therefore, it is regarded that proposed development will no greater impact than that of exiting or no significant impact on amenity, character or biodiversity of the area.
121. For the reasons set out above, the proposed development is in accordance with Policy OS1 in that it is deemed that there will be no loss of existing open space as the proposal continues to provide open space enhance existing provision with attractive social and community benefits.

### **Natural Heritage**

122. The proposal seeks to demolish existing buildings on site. A Preliminary Ecological Assessment (PEA), May 2024, Badger Survey, February 2025, Bat

Survey May 2024 and a Bat Survey and Floodlighting Report, February 2026 was submitted by GGA Associates surveys in support of the application.

123. Findings within the PEA report inform that the site is not to be within or adjacent to any site of local nature conservation importance and no protected habitats were identified within the site relating to flora.
124. The PEA identifies the site to be open but partially wooded within an urban setting in relation to fauna. The PEA confirms the presence of bats at this locality. A subsequent Bat Survey by GGA, May 2024 and February 2026 was submitted in support of the application.
125. Detail within the Bat Survey May 2024 included surveys that confirmed the buildings to be demolished to have no physical evidence of bats. A Preliminary Roosting Potential was undergone in trees considering of which is to be retained and removed.
126. Point 2.65 of the Bat Survey May 2024 identified bat activity in form of commuting and foraging on site, point 2.69 confirms that no bats were observed to emerge from any buildings or trees within the site. Despite these findings the report indicates mitigation and recommendations to include 4. No bat roosting boxes to be provided as a precautionary approach.
127. With regard to impact of flood lighting on bat activity a Bat Survey and Floodlighting report with suggested mitigation measures has been submitted in support of the application.
128. A Badger Survey has been submitted in support of the application that does not recommend any necessary mitigation measures.
129. Findings within the survey state:

*No badger setts or evidence of their presence were found within the site were found. The presence of badgers is not suspected at this time. A dead badger was found outside of the 30m survey area on the railway track southwest of the site. Badgers are present on the railway corridor but no setts, latrines or evidence of their activity were found within 30m of the site boundary. The boundary fencing was checked for breach points. There were trails passing beneath the fence but these were too small to be suitable for badgers. A footprint assessed as that of a fox was found in the mud within the scrub west of the sports pitches. The trails were narrow and often led to a fence were there were no breach points indicating that they were made by a cat that could have gone over the high fence. The snuffle marks were within piles of leaves and were assessed as being made by birds*

130. All supporting ecological information considering the impact of the proposed development on protected and priority species and habitats has been considered by NED.
131. NED acknowledge receipt of all supporting ecological information provided by agent and their current position does not seek any further details or do not raise concern. NED having considered the impacts of the proposal on

designated sites and other natural heritage interests and, on the basis of the information provided offered no objection.

132. A Tree Survey Report, Andrew Boe, April 2021 and Tree Retention and Removal Plan has been submitted in support of the application.
133. The Council's Tree Officer was consulted and has advised that the Tree Report and proposed Tree Protection Plan is adequate. All landscape features have been considered and will not be negatively impacted by the proposed development. A proposed planting scheme including indigenous species and areas of open space are to be retained and created that cumulatively will improve the biodiversity value of the site.
134. The PEA identified Himalayan Balsam to be present onsite in response to NED's comments 6<sup>th</sup> November 2023 a subsequent Himalayan Balsam Management Plan, May 2024 has been submitted in support of the application that recommends pre commencement surveys.
135. On review of supporting ecological information and comments from NED to date it has been demonstrated that and that adequate mitigation can be implemented and development will not likely harm any European Protected Species and policy NH2 has been adhered to.
136. Additionally on review of supporting ecological information and comments from NED it has also been demonstrated that the proposed development will not likely result in an unacceptable adverse impact on any priority habitats, priority species or any features of natural heritage worthy of protection including trees. Therefore criteria (a)- (d) of policy NH5 has been met.
137. Therefore, the impact on priority habitats and priority species consistent with the requirements of policies NH2 and NH5 of the Plan Strategy.

### **Historic Environment and Archaeology**

138. With regard to policy HE2 The Preservation of Archaeological Remains of Local Importance and their Setting, the application site contains the location of two recorded archaeological sites – a tree ring (ANT 064:032); and a possible path (ANT 068:008). An Archaeological Impact Assessment (AIA), August 2023 accompanies the application.
139. Detail within the AIA acknowledges archaeological sites a site visit and desktop study considers that the site is located within an area of low – moderate archaeological potential given the existence of known recorded monuments within the site boundaries the report recommends pre and post mitigation investigations to be undertaken.
140. On 19<sup>th</sup> February 2024 HED considers AIA and their response state:

*HED (Historic Monuments) is content that the proposal satisfies policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy HE4 of Lisburn and Castlereagh City Council Local Development Plan 2032 Part 2: Plan Strategy (September 2023).*

*An acceptable archaeological programme of works should reference the submitted AIA. HED (Historic Monuments) notes that the HERoNI record for ANT 068:008 states: "It is uncertain whether the name refers to the former existence of a rath or an artillery fort." An acceptable archaeological programme of works should include a satisfactory mitigation for identifying possible 16th/17th century remains in the vicinity of ANT 068:008.*

141. In consideration of HED (Historic Monuments) comments and supporting information officers are content that subject to conditions policy HE2 is capable of being met.
142. With regard to policy HED9 Development affecting the settling of a Listed Building, the site is located in close proximity to listed buildings as listed in paragraph (15) of this report. HED were consulted and have considered the impact of the proposed development on the setting of listed properties and offer no objection.
143. On consideration of supporting detail within the agent's planning statement and DAS due to the relocation of buildings further north on site, the separation distance between the proposed buildings and setting of listed properties is to increase. Therefore, any perceived impact of massing of redevelopment of the site is considered to be reduced.
144. Existing buildings are sited partially on the most elevated part of the site due to topography at this location. The proposed 'cut and fill' and retention of existing mature trees is considered in this instance to further assist the proposed buildings to integrate into the site beyond that of existing development and any impact of height and visual impression of development would be fleeting and brief from closest listed properties at Seymour Street Methodist Church.
145. In consideration of existing development on site the proposed scale and material finish are acceptable, and design is considered to be of a high quality. The proposed nature and use are to remain as existing, and the character of the setting will be unaffected by the proposed development.
146. Criteria (a) - (c) of policy HED9 has been met.
147. A modest portion of the Seymour Street access and 'the caretakers' cottage' that is to be demolished lie within an Area of Townscape Character. The Council's Conservation Officer was consulted and on consideration of new development and demolition within this destination.
148. With regard to policy HE10 New Development in the ATC, the Conservation Officer is content with retention of the tree cover of this elevated site remains

along with red boundary walls associated with the building of the school to become distinctive features of the area.

149. The proposed development reflects the traditional and characteristic building form of this historic area with consideration given to the topography and tree cover that partially is to be retained so that the new development will sit comfortably and respecting views across the ATC and into and out of Lisburn Conservation Area.
150. The proposed new development is considered to be of a form, scale and design respecting the natural topography of the site and traditional building form of the surrounding terrace properties. Conservation have previously highlighted the importance of redbrick to the character of the Seymour Street ATC and welcome that where existing boundary walls are to be demolished, they will be rebuilt with redbrick and proposed materials as annotated on elevational plans are of high quality.
151. Environmental Health have been consulted and offer no objection to the proposed development subject to conditions therefore the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area.
152. Buildings are of traditional form, scale and design with use of high-quality materials will preserve and enhance views within, into, and out of this part of the ATC and adjoining Lisburn Conservation Area.
153. Supporting Tree Report and Survey accompanies the application and the Council's Tree Officer has been consulted and offers no objection to the proposed development subject to conditions.
154. Officers considers quality development which is respective of the existing historic fabric to both preserve and enhance the character and appearance of the area and enhancing existing views, into, out of and within the ATC and Lisburn Conservation Area.
155. For reasons set out in paragraphs (147- 154), the proposal is considered to meet criteria (a)- (f) of policy HE10.
156. The Conservation Officer response states:

*the building to be currently in use and although the cost of repair and maintenance would be high reuse of the existing fabric would be possible however does not contribute to the character of the distinctive townscape.*
157. The single storey detached non listed property with grey rendered walls, pitched roof and concrete roof tiles, to be demolished is set back from Seymour Street concealed behind overgrown vegetation and physically separated from Seymour Street Methodist Church by a tall redbrick wall, residential properties and a carpark.

158. On observation during site inspection, it is noted that the distinctive character exhibited at this part of the ATC to be rows of residential properties (Victorian and Edwardian terraces) and red brick listed properties.
159. Officers do not consider the unlisted building in its current form to make any material contribution to the distinctive character of the ATC and proposed access improvements works and material consideration of associated social and community benefits of the wider scheme in this instance are considered to outweigh the building's retention and therefore its demolition at this location is acceptable and policy HE12 is met.

### **Access and Transport**

160. A Transport Assessment, Travel Plan, Transport Assessment Form and Speed Survey has been prepared by O'Connor Sutton Cronin & Associates and submitted in support of the application.
161. Detail within the Transport Assessment acknowledges proposed works to existing access points stating:

*that the Seymour Street access will be operated as the main site entrance for the proposed new Fort Hill Integrated College Campus and will provide access for future additional students/staff to the proposed bus drop-off areas. The junction radii are proposed to be reduced to increase pedestrian safety by reducing the turning speed of vehicles and a right turn lane will be provided to facilitate the potential additional right turning movements on the junction.*

*Access Low Road No further changes are proposed to this entrance access, it is proposed to be retained for pedestrian and vehicular access for maintenance vehicles*

*Low Road access will be retained to serve the proposed new primary school, associated with the new drop-off facilities for school buses and vehicles.*

*Second access Low Road It is proposed to realign this junction to improve the driver sightlines along Low Road and facilitate a new footpath for pedestrian use.*

*Victory Street access will be retained to provide occasional maintenance access to the proposed pitches in the development site. It is proposed to close the existing maintenance depot. During the construction phase, it is proposed to use Victory Street as a temporary access to serve the temporary school accommodation. The temporary access provides extensive in site drop off and turning facilities along with parking to minimise the impact on Victory Street. Any intensification at this access will be temporary and for the duration of the construction period only.*

162. The TA also provides junction modelling and trip distribution considering base year to design year 2.
163. The development provides a total of 194 car parking spaces. This provision of parking at the development is in line with the requirements as set out in The Parking Standards guidelines.

164. The TA outlines a parking strategy is to be implemented to prevent the flow of traffic within the site and a one-way system with pick up and drop off points dispersed throughout the site affording buses and cars to pick up and set down using either coach space, manoeuvring space or a turning area, all without engaging reverse gear.
165. The Transport Assessment Form identified the number of journeys per day by various methods of transport including HGVs. Detail within TAF considers the impact of the proposed detail on travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site.
166. The TAF provides a TRICS data survey investigations of the total peak volumes of traffic travelling to and from the proposed development is submitted and the consultant estimated there to be peak hour (i.e. 08:00 – 09:00) arrivals and (08:00 -0900, 12:00-13:00 & 15:00- 16:00).
167. The TAF findings suggest that the impact of the proposed development will remain as existing impact on the existing road network nor is there likely to noise or air quality issues experienced in the surrounding environment.
168. Cycle parking is annotated on the proposed site layout and the Travel Plan states:
- objective of this development to partake in the Eco-Schools programme. This will encourage pupils and staff to reduce their carbon footprint and provide additional motivation to make use of sustainable transport.*
169. Criteria (a), (b) & (c) of TRA1 has been met in that the proposal seeks to facilitate and aid accessibility via linking the existing pedestrian infrastructure in the immediate area to the proposed site and connectivity via paths throughout the site with dropped kerbs are to be provided to facilitate those who are mobility impaired are to be provided at crossing points throughout the site. An internal road is to be created provided to assist road users, pedestrians and cycle movements manoeuvring within the site.
170. A number of pick up and drop off points are to be created and ease of access to public transport facilities through connectivity within the site and ease of access to such nodes on the main road network therefore criteria (d) has been met.
171. DfI Roads have considered detail provided and are content thus providing a safe means of access to the site the proposed internal road and road network has sufficient capacity to support the proposed development. Officers having read the content of the supporting documents accept the advice of DfI Roads.
172. Advice received from DfI Roads confirms that they have no objection. 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 criteria (a) of Policy TRA2 and that it will not prejudice road safety or significantly inconvenience the flow of vehicles.

173. Seymour Street is a protected route within the settlement limit therefore criteria (b) of policy TRA2 and policy TRA3 are engaged. As previously mentioned, the proposal seeks to make improvement works to existing access points.
174. Detail within the supporting TAF acknowledges there to be no increase in traffic movements beyond that of existing. It is accepted that access arrangement cannot reasonably be taken from an adjacent minor road and the other access points have been modelled and are to remain in use therefore it is also considered that the nature and level of access will significantly assist in the creation of a quality environment.
175. DfI Roads on review of supporting information considered the proposed development to be acceptable and raise no concern in relation to road safety or intensification onto the protected route.
176. Therefore, the proposed development is considered to meet criteria (b) of policy TRA2 and TRA3.
177. The site is at highly assessable location within the settlement on an arterial route. Detail within the supporting Travel Plan and TAF promote alternative transport modes in the immediate vicinity to include green travel, public transport including bus stops adjacent to the site and Hilden Train Station. Car parking specified to meet parking requirements to serve this scale of development is to be provided.
178. On consideration of supporting documents and advice from DfI Roads the proposal is in accordance with policies TRA6 and TRA7.

### **Flooding**

179. The site Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal flood plain nor are there are no undesignated watercourses within the site. A Drainage Assessment part 1 & 2, O'Connor Sutton Cronin & Associates, August 2023 was provided in support of the application.
180. 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 within the site or elsewhere considering impact of climate change. The assessment determines the site for development in relation to flood risk.
181. On 30<sup>th</sup> March 2026 NI Water recommend approval advising that.  
  
*Although this sub-catchment is capacity constrained, NI Water is content to approve a foul sewage connection on the basis of like for like discharge as confirmed by Planning Consultant.*
182. On 4<sup>th</sup> October 2023 DfI Rivers provided comment in relation to the impact of the proposed development in relation to flood risk.

183. On consideration of Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk outside Flood Plains – Dfl Rivers response states:

*Dfl Rivers, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy of this Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors*

184. Water Management Unit advised 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.
185. Based on a review of the information and advice received from Dfl Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD3 of the Plan Strategy.

### **Land Contamination**

186. A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and Additional Site Investigation by RSK in support of the application.
187. Consultation with NIEA Regulation Unit Land and Groundwater Team was carried out who offer no objections to the development and have provided conditions to include detailed remediation strategy prior to commencement.
188. On the basis of supporting information and advice provided by NIEA Regulation Unit Land and Groundwater Team that through the proposed development through remedial measures and use of conditions will not pose risk to human health in relation to land contamination.

### **Renewable Energy**

189. The design as indicated on the proposed plans would provide a degree of natural light via use of roof lights and window openings that in conjunction with the building's fabric through the use of modern materials will positively contribute to micro-generation through the production of heat and light.
190. PV panels are to be provided, and the buildings shall be constructed in line with current NI Building Regulations and the DfC Design Standards which emphasises sustainable design and energy efficiency. Therefore, it is considered that the proposal complies with policy RE2.

### **Consideration of Representations**

191. Three representations have been received in respect of the proposed development.

192. Issues raised and consideration of issues are set out below;
- Impact on residential amenity in relation to loss of light, loss of privacy and noise
193. Consideration of the impact on residential amenity including objectors' properties is set out in detail in points (98-121) of this report.
194. Officers are content that the having considered all accompanying detail of the proposal, current use of play area to rear of third-party properties that the impact of noise on residential properties can be controlled via condition on the advice of Environmental Health officers.
195. Officers are content that impact of single storey primary and nursery school buildings will not have a negative impact on third party's residential amenity in relation to loss of light or loss of privacy due to scale of buildings, proposed planting, boundary treatment and achievable separation distances of approximately 30m.
196. Therefore, having considered the third-party comments in respect to the application officers are content that the proposed development in respect to impact on residential amenity.
- Removal of Trees
197. Whilst the proposal involves the removal of trees there is further planting proposed. Supporting detail and tree survey report and planting plan accompanies the application and has been considered by NED and the Council's Tree Officer who offer no objection to the proposal subject to conditions.
198. Therefore having considered third party comments officers are content with proposed removal of trees within the site.

## Conclusions

199. For the reasons outlined above, it is accepted that the proposal complies with the local development plan and the relevant policies detailed in the preceding paragraphs.

## Conditions

200. The following conditions are recommended:

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

Reason: Time limit

2. The Rating Levels (dB LAr) of sound from all noise sources associated with the development, specified within Section 4.9 of the Acoustic Design Statement dated June 2022, shall not be exceeded at any time at any noise sensitive property.

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

3. During the operational phase of the development, use of the sports pitches shall be restricted to between the times of 08:00 to 22:00 Monday to Friday, 08:30 to 18:00 on Saturdays and 12:00 to 17:00 on Sundays.

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

4. Development shall be undertaken in strict accordance with Drawing 52A 'External Site Lighting- Sports Pitch Lux Plot' dated July 2025.

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

5. The operation of floodlights shall be restricted to between the times of 08:00 to 20:30 Monday to Friday, 08:30 to 18:00 on Saturdays and 12:00 to 17:00 on Sundays.

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

6. Any artificial lighting to the development shall minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

7. Prior to the commencement of development, a detailed remediation scheme must be submitted to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and is subject to the approval in writing of the Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

8. On completion of any remediation works required under Condition 7 [above proposed conditions] and prior to use of the development, a Verification Report demonstrating that the site now represents a minimal risk to the future occupiers must be submitted in writing and agreed with the Council, including evidence that this development is suitable for use based on minimal risk screening values. This report should be completed by a competent person and in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) document.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

9. In the event that previously unknown land contamination is discovered development on the site shall cease. The Council should be advised and a full written risk assessment in line with current government guidance (DAERA, Environmental Advice for Planning, Practice Guide, Redeveloping Land Affected by Contamination and the Environment Agencies LCRM) that details the nature of the risks and any necessary mitigation measures shall be submitted for approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by the Council.
11. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval and maintained thereafter for the lifetime of the development.

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

13. 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

and 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.

14. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 12.

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

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

### Site Location Plan – LA05/2023/0690/F



**Lisburn & Castlereagh City Council**

Committee	Planning Committee
Date of Committee Meeting	13 April 2026
Committee Interest	Major Application
Application Reference	LA05/2024/0495/F
Date of Application	5 June 2024
District Electoral Area	Lisburn South
Proposal Description	Freight transport hub for parking of HGV's and trailers, including a warehouse storage/distribution and office/administration building with on-site diesel storage and vehicle and trailer wash facilities. Dedicated site access with right turning lane, waste-water treatment plant and solar panels on south facing roofs.
Location	Adjacent to 12 Lissue Road, Lisburn, BT28 2SZ
Representations	One
Case Officer	Gillian Milligan
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 site area at 3.01 hectares exceeds one hectare in size.
2. The proposal complies with policies ED1 and ED9 of the Lisburn & Castlereagh City Council Plan Strategy 2032 (the Plan Strategy) in that it has been demonstrated that the proposed use on zoned employment land is compatible with adjacent uses, is of a scale, nature and form appropriate to the existing area and because all the general criteria for new economic development uses in policy ED 9 are met.
3. The proposed complies with policies TRA1 and TRA 2 of the Plan Strategy in that it is demonstrated that an accessible environment is created within the site

and the new access onto the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

4. The proposal also complies with policy TRA7 of the Plan Strategy in that it is demonstrated that adequate parking and appropriate servicing arrangements have been provided having regard to the specific characteristic of the development, its location and parking standards. DfI Roads has no objection.
5. The proposal complies with policies NH1, NH2 and NH5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will not give rise to significant adverse effects on designated sites, protected species or priority habitats, species or features of natural heritage importance. The proposed development is also unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
6. The proposal complies with policies FLD2, FLD3 and FLD4 of the Plan Strategy as the development will not cause flooding to the site or exacerbate flooding elsewhere.
7. The proposal complies with Policy WM2 as it has been demonstrated that the private treatment plant will not create or add to a pollution problem or create or add to flood risk.
8. The proposal complies with Policy RE2 of the Plan Strategy renewable energy technologies will be integrated into the development with solar panels on the roof of the building.

## Description of Site and Surroundings

### Site

9. The proposal is 3.01 hectares site located on lands adjacent to 12 Lissue Road, Lisburn. The site has been cleared for development with only an area of hardstanding in the northern portion remaining. The land within is relatively flat and sits at a higher level than the road gradually falling in height towards the railway line which runs along the southern boundary of the site.
10. To the north and east of the site is the Coca-Cola manufacturing and bottling plant, to the west is Lissue Road, and to the south is the railway line with industrial buildings beyond at Lissue Walk.
11. The western boundary of the site along Lissue Road is defined by timber ranch style fencing with post and wire fencing on the inside and some hedging and trees. There is also post and wire fencing with trees and hedging along the northern and southern boundaries and to the eastern boundary new metal

fence posts are constructed where scrub vegetation appears to have been cleared.

12. The site is accessed by an existing field gate at the north-western corner off the access from the Coca-Cola plant to the north.

### **Surroundings**

13. The site is located to the edge of Knockmore Industrial estate with industrial buildings on three sides to the north, south and east of the site. To the west and further north, the land is in open countryside and mainly in agricultural use.

### **Proposed Development**

14. The application is for a freight transport hub for parking HGV's and trailers. It also includes a warehouse storage/distribution and office/administration building with onsite diesel storage and vehicle and trailer wash facilities, site access with right turning lane, waste-water treatment plant and solar panels on the south facing roofs.
15. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report was submitted with the application as the threshold for a Pre-application Notice and community consultation was reached as the site exceeds one hectare and is defined as a major application.
16. The application was also supported by the following documents:
  - Design and Access Statement
  - Scheme Design Overview
  - External Lighting Report
  - Pre Application Community Consultation Report
  - Noise Impact Assessment
  - Transportation Assessment
  - Road Safety Audit
  - Drainage Assessment
  - Culvert Technical Note
  - Drain and Sewer Service plan
  - Ecological Statement and Biodiversity Checklist
17. During the processing of the application several of the above referenced reports have been updated and amended. The latest revisions of the reports and any additional information or clarification can be accessed via the planning portal.

### **Relevant Planning History**

18. There is no relevant planning history for the site.

**Consultations**

19. The following consultations were carried out.

Consultee	Response
NI Water Strategic	No Objection
Environmental Health	No Objection
DFI Roads	No Objection
NIEA WMU	No Objection
NIEA NED	No Objection
Shared Environmental Service	No objection
Rivers Agency	No Objection
Translink	No Objection

**Representations**

20. One letter of objection was received, and the main issues of concern include:

- Query over redline including land outside of the ownership of the applicant.
- Flooding concerns due to culverted sheugh.
- Impact on sight splays at existing access to Coca-Cola site.
- Impact on road safety at level crossing.
- Impact on biodiversity due to removal of trees and sheugh.

**Environmental Impact Assessment (EIA)**

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

22. The site area is 3.01 hectares which exceeds the thresholds set out in Section 10 (a) - Industrial estate development projects of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.

23. An EIA determination was carried out, and it was concluded that given the scale and nature of the proposal and by reason of its location within an established area of employment with compatible uses there is not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

### **Pre- Application Community Consultation**

24. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
25. The public consultation required under Section 28 of the Planning Act (Northern Ireland) 2011 was advertised in line with legislation on 4 January 2024 in the local press and took place on 11 January 2024, at 6pm at KFW Group, 25 Ferguson Drive, Knockmore Industrial Estate, Lisburn.
26. Drawings were displayed in the boardroom with the architect and applicant in attendance to answer any questions from any interested parties.
27. Notice was also provided to councillors and 2 neighbours via email with a leaflet explaining the proposal.
28. No one attended the public consultation meeting and no comments were received.

### **Regional Development Strategy**

29. The Revised Regional Development Strategy (RDS) 2035 was published in 2010. It is the spatial strategy of the Stormont Executive, and it seeks to deliver the spatial aspects of the Programme for Government (PfG).
30. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.
31. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exist across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes.
32. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area and ensure sufficient land is available for jobs. Lisburn is identified in the RDS

2035 as a major employment and commercial centre. There is no specific reference to this site within the RDS 2035.

## Local Development Plan

### Local Development Plan Context

33. 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.

34. 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.*

35. In accordance with the transitional arrangements, the Plan Strategy and the Lisburn Area Plan (LAP) are the extant Plans. Draft BMAP remains a material consideration.
36. The site is located outside the settlement limit within the countryside in LAP and this remains the case in the first draft of BMAP
37. At the Public Inquiry into draft BMAP representations were made to the PAC to include the site and surrounding lands within the settlement limit and zoned for employment uses. The inclusion of these lands within the settlement for employment was recommended by the Commission.
38. In the subsequent revision to draft BMAP in 2014 the site was identified within the settlement limit of Lisburn and part of designation LC06 - Employment Land at Knockmore Road/Lissue Road.

39. Determining weight is afforded to the inclusion of this land within the settlement of Lisburn for employment in the last revision to BMAP in 2014. The recommendation to designate this land for employment was not contested and an employment use is proposed.
40. Given this site is located within an employment designation the following strategic policies in the Plan Strategy apply.
41. 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.*
42. A new freight transport hub with storage and distribution warehouse and related ancillary facilities falls within Class B4: Storage or Distribution use of the Planning (Use Classes) Order (Northern Ireland) 2015 and the following operational policies in Part 2 of the Plan Strategy also apply.

### **Economic Development**

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

*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.*

44. 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.*

### **Natural Heritage**

45. As the proposal is bound at the western and southern boundaries by culverted watercourses, is hydrologically connected to Belfast Lough, and includes the removal of vegetation the potential impact upon natural heritage features must be considered.

Policy NH1 European and Ramsar Sites – International states:

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

- a) a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) a listed or proposed Ramsar Site.*

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

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.*

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**

- 46. The proposal involves the creation of a new vehicular access onto a public road for a freight transport hub with associated buildings, parking and manoeuvring of vehicles.
- 47. 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.*

48. 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.*

49. To evaluate the transport implications of adding development of this scale to the road network require developers to submit a Transport Assessment. Policy TRA6 Transport Assessment states:

*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.*

*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.*

50. The proposal includes parking and servicing for large articulated vehicles and staff car parking. Policy TRA7 Carparking 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.*

*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.*

### **Renewable Energy**

51. All new development proposals should be designed to integrate renewable energy technology. Policy RE2 Integrated Renewable Energy states:

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

### **Flooding**

52. Undesignated culverted watercourses bound the western and southern boundaries of the site, but the site is not identified in a floodplain or with a history of flooding.

53. It is proposed to connect to the existing drainage infrastructure on the boundaries of the site. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states:

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

54. The scale of development proposed meets the threshold for submission of a drainage assessment. 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 Dfl Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.*

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

55. Culverting works have been previously carried out on the site. Policy FLD4 Artificial Modification of Watercourses states:

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

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

## Waste Management

56. The proposal includes a private treatment plant in lieu of a connection to the main foul sewer. 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.*

## Regional Policy and Guidance

### Regional Policy

57. The SPSS Edition 2 was published in December 2025. It is stated at paragraph 1.5 that:

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

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

59. 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.*

60. Paragraph 3.6 of the SPSS 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.*

61. 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 interest of acknowledged importance.*

62. 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.

63. Paragraph 6.81 of the SPPS states that:

*The planning system has a key role in achieving a vibrant economy. In this regard the aim of this SPPS 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.*

64. Paragraph 6.84 of the SPPS 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.*

65. Paragraph 6.89 of the SPPS 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.*

66. Paragraph 6.91 of the SPPS 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.*

67. Paragraph 6.97 of the SPPS states that:
68. *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.*
69. With regards to Natural Heritage Paragraph 6.174 of the SPPS states that:
- Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.*
70. Paragraph 6.182 of the SPPS 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.*
71. 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.*
72. With regards 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.*
73. Paragraph 6.132 of the SPPS 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.*

74. Paragraph 6.232 states that:

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

### **Retained Regional Guidance**

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

#### Development Control Advice Note 15- Vehicular Access Standards

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

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

#### Parking Standards

77. 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**

### **Planning and Economic Development**

78. Policy ED 1 states that a Class B4 storage or distribution use will be permitted 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.
79. The site is located within the settlement limit of Lisburn on land zoned for employment use in the latest revision to BMAP 2014 as designation LC06 Employment Land at Knockmore Road/Lissue Road.

80. The proposal is compatible with the designations, and the existing employment uses to the north-west, south and east of the site. The Coca-Cola bottling and distribution plant is immediately to the east of the site and the Knockmore and Lissie Industrial Estates to the south and Knockmore Hill Industrial estate to the north-west.
81. The proposed site layout is designed for HGV traffic movements around the site and for the parking, loading, unloading, washing and refuelling of HGVs.
82. The development also includes a warehouse and administration building which is linear in form and measures 74 metres in length, 24.7 metres width and 10 metres at its highest point.
83. The building is finished in grey metal panelling on the walls with grey Trapezoidal insulated roof panels with roof lights. The front elevation has a section of blue metal cladding, and the roller shutter doors will be blue to provide contrast and detailing. The south facing roof will have PV panels.
84. At the front of the site is a 'long stay' parking area which is identified in the Design and Access statement as staff parking for the HGV drivers. There is also a parking area at the front of the building for other staff. Most of the HGV operations are located to the rear behind the building.
85. Planting and grassed areas are included throughout the site to soften the visual impact of the large hardstanding areas. Grass and tree planting will also be added along the front boundary of the site and there are existing trees along the southern boundary with the railway line that will be retained to aid integration of the proposal.
86. The scale, nature and form of the development and buildings proposed are considered appropriate to the surrounding industrial nature of the area and in keeping with the design and finishes of the other warehouse buildings within the employment zoning.
87. For the above reasons set out in the preceding paragraphs the criteria of policy ED1 are met.

#### General Criteria for Economic Development

88. For the same reasons set out in the assessment of policy ED1 it is considered that the proposed development is compatible with surrounding employment uses and as such criterion (a) is satisfied.
89. The proposal is designed not to harm the amenity of nearby residents. The closest residential property is located 150 metres south of the site with the railway line and other industrial/employment units in between. A Noise Impact Assessment was submitted which concluded that:

*'following the prediction of the cumulative noise levels resulting from the use of the proposed new warehouse unit, plant noise and HGV activity, no significant noise impact is predicted at the noise sensitive receptors.'*

90. An External Lighting Report was also submitted to demonstrate the lighting of the site will have no adverse impact on the amenity of the area.
91. The Council's Environmental Health department was consulted and has no objection to the proposal on the grounds of noise or light pollution. Conditions to control any potential noise and lighting from the proposal to ensure the amenity of neighbouring dwellings is protected are recommended and included later in report. Based on an assessment of the submitted report and having regard to the advice of the Environmental Health Department the requirements of criterion (b) are satisfied.
92. There are no built heritage features within or nearby the site. A biodiversity checklist and Ecological Statement was submitted which describes the loss of an area of species poor grassland which was assessed as having limited conservation value. The site is not located within any designation of nature conservation importance but is hydrologically linked to Belfast Lough, a private package treatment plant is proposed, and storm water is to be discharged to a culvert. Consequently, Natural Environment Division and Shared Environmental Service were consulted and offer no objection Based on a review of the submitted reports and having taken account of the advice of both consultees, it is considered that the proposal does not adversely affect any features of natural heritage and the requirements of criterion (c) are met.
93. The site is not located within an area of flood risk. The site is bound at the west and south by culverted undesignated watercourses which are not considered to be within an existing floodplain. A drainage assessment was submitted that demonstrates that the issue of out of sewer flooding will be managed within the proposed drainage network and safely disposed of. Having reviewed the contents of the drainage assessment and considered the advice of DfI Rivers the requirements of criteria (d) are met.
94. Having read the relevant reports, taken account of the advice of NIEA Water Management and considered the mitigation measures required in particular to protect the water environment from the use of the refuelling and washing facilities the proposal will not adversely impact on the surface water environment and the requirements of criterion (e) are met.
95. In addition, NIEA Regulation Unit were also consulted and commented that:

*'Regulation Unit's Land & Groundwater team advise that, based on available information, there are no significant sources of previous potentially contaminating land uses identified on this application site or in the adjacent area. The proposed development is therefore considered likely to be a low risk to the water environment. The waste water treatment plant with effluent discharge to adjacent watercourse will require a Pollution Prevention Control*

*Permit if the plant treats more than 50m<sup>3</sup> per day. The applicant will also be required to apply to water management unit for a discharge consent to discharge treated effluent to adjacent watercourse.'*

96. Based on this advice a negative condition is required to ensure the development does not become operational until the PPC permit is approved and a consent to discharge is in place.
97. Consistent with the advice detailed in paragraph 89 a Noise Impact Assessment was submitted which demonstrates that no significant noise impact is predicted at the noise sensitive receptors. The requirement of criterion (f) is met.
98. A private treatment plant is proposed to deal with foul effluent arising from the development. Having regard to the detail of the submitted reports and the advice of NI Water and Water Management Unit the requirement of criterion (g) is met.
99. DfI Roads have been consulted and having regards to the advice offered in terms of vehicular movements and traffic progression the requirements of criteria (h), (i) and (j) are met. Having reviewed the detail of the submitted plans adequate arrangements are made for access arrangements, parking and manoeuvring within and around the site.
100. 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.
101. The buildings are designed to a high quality and are laid out to respect the character of this established area of employment. The materials are considered appropriate in this industrial setting where there are similar buildings in the two neighbouring industrial estates. The building has been designed with sustainable objectives with PV panels on the south facing roof.
102. The access road is designed to promote road safety; there is sufficient parking and manoeuvrability for the proposed HGVs and staff using the site and most of the HGV operation is located to the rear of the building to screen it from public views.
103. Landscaping has been provided throughout the site and along the front roadside boundary to aid integration and soften the visual impact of the areas of hardstanding. Compensatory planting will also be added for hedging that was previously lost from the site to aid biodiversity.
104. For the reasons set out in paragraphs 101 to 103 the requirements of criteria (k) and (l) are met.

105. The site is secured by a 2.4-metre-high security fencing with automatic access gates. Site lighting will also be provided to deter crime and promote personal safety which is in accordance with the requirements of criterion (m).
106. Criterion (n) is not engaged as the site is not located in the countryside.
107. With regards to the requirements of Policy NH1, the proposed development is hydrologically connected to Belfast Lough and its associated European sites. Shared Environmental Service was consulted and commented that following an appropriate assessment in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This is further detailed under the consideration of the natural environment later in this report. For this reason, criterion (o) is met.

### **Access and Transport**

108. The proposed freight transport hub requires a large area of hardstanding for parking and manoeuvring HGVs and staff parking for the warehouse and administration building. An accessible environment is created for the ease of access to all visitors to the site in accordance with Policy TRA1. Level access cannot be provided as the existing site levels do not permit this, but a ramp will be provided at the front of the building to improve accessibility. There are pedestrian footways along the public road with dropped kerbs and street lighting. The parking area for staff/visitors is directly outside of the building. Bicycle parking will also be provided.
109. A new access with a right turn ghost island off Lissue Road is proposed. The submitted plans demonstrate how the access has been designed to take account of the position of the railway line/ level crossing to the south and the access to Coca-Cola site to the north. The right turn ghost island has been included to ensure there is no back up of HGVs turning into the site that may impede the level crossing. Tracking plans have been submitted to demonstrate the safe access of HGVs into and out of the site.
110. There has been extensive consultation with DfI Roads who offer no objections to the proposal subject to the approval of PSD drawings. It is therefore considered that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles in accordance with Policy TRA2.
111. A Transport Assessment (TA) was submitted with the application and the finding of this assessment are that:
- *The traffic generated by the proposed development has been established through derivation of anticipated trips by the proposed site operator. The site operator is known, and the proposed user has*

*provided indicative traffic flows for similar sized existing sites and based on their existing operations.*

- *The operational capacity assessment has indicated that all junctions, including the proposed site access, can accommodate the predicted level of traffic generated by the development proposals in the most onerous future assessment year, and the proposals have been developed to minimise the impact on road safety, both internal to the development site and on the local highway network*

112. Based on a review of the report and having regard to the advice of DfI Roads it is considered the proposal will not impact adversely on the wider road network and that no mitigation in terms of junction improvements is required. The site will be accessible to pedestrians via the surrounding footpath network on the Lissue Road, Moira Road, and Halftown Road. The site is also accessible to cyclists along the road network and cycle parking will be provided adjacent to the building. There are no public bus services within 400m walking distance of the site, however there is available buses on Moira Road which link to Lisburn City Centre.
113. The current parking standards for Use Class B4 Storage and Distribution are one operational space per 250 sqm and one non-operational space per 250 sqm. The size of the building is 2,200 sqm therefore 9 operational spaces and 9 non-operational spaces are required. The site layout demonstrates that 32 spaces will be provided adjacent to the building which exceeds the parking standards.
114. A second parking area is provided at the front of the site that is indicated as a 'long stay' parking area which the Design and Access statement sets out is for HGV driver's cars as they are abroad for 3 to 4 days at a time. This is considered as unique to the nature of the development, and the excess parking is acceptable on this basis.
115. DfI Roads offer no objection in terms of the size and layout of the parking spaces. Officers are content that an adequate provision of car parking will be provided, and the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles in compliance with Policy TRA7.

### **Natural Heritage**

116. A biodiversity checklist and Ecological Statement was submitted which details that the development results in the loss of an area of species poor grassland which was assessed as having limited conservation value and the application site is not located within any site that has been designated for its nature conservation importance but is hydrologically linked to Belfast Lough.
117. Due to the hydrological link to designated sites Shared Environmental Service (SES) was consulted. SES commented that:

*This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Lisburn and Castlereagh City Council which is the competent authority responsible for authorising the project.*

*Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation.*

118. Officers are agreed with the SES advice and conditions relating to the final storm drainage for the site being constructed in accordance with all the environmental mitigation measures as detailed in the pollution control plan and that no development shall take place on-site until a Consent to discharge has been granted in respect of sewage disposal.
119. This will ensure the project will not have an adverse effect on the integrity of any European site. It is therefore considered that the proposal is not likely to have a significant effect on the integrity of any European or Ramsar site either alone or in combination with other plans or projects in compliance with Policy NH1 of the Plan Strategy.
120. In relation to protected species, the site was assessed as having 'Low' potential for foraging and commuting bats with none of the vegetation within the site sufficiently mature to provide bat roosting potential. There were no signs of badger or otter activity identified within the application site or a 50m buffer surrounding the redline boundary of the site.
121. With regards to priority habitats the Ecological statement details that there has already been some hedgerow trimming and removal on the site and although it is not possible to assess what these hedges consisted of, they are likely to have been similar to the remaining section of hedge along the boundary and therefore, compensatory replacement planting should be carried out to mitigate for hedgerow removal.
122. Natural Environment Division was consulted and commented:

*Using the information submitted, NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that some hedgerow removal is required as part of the proposed development, NED has reviewed the information submitted and is content that the mitigation/compensation is appropriate for this proposal. NED refers to the Hedgerow Standing Advice.*
123. For the reasons outlined, the proposed development is not likely to harm a protected species or result in the unacceptable adverse impact on priority habitats, species or features of natural heritage importance. Having regard to the content of the submitted reports and the advice of SES, NED and Water

Management Unit the proposed development is considered to be in compliance with policies NH1, NH2 and NH5 of the Plan Strategy.

### Flooding

124. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Undesignated watercourses bound the western and southern boundaries of the site which have been culverted.
125. The Flood Maps (NI) does not indicate a flood plain associated with the undesignated culverted watercourses that are located along the western and southern boundaries of the site.
126. There is a general presumption under policy FLD 2 against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place but up to 10m where considered necessary. Dfl rivers was consulted and noted that the required wayleave has been included on the site layout drawing.
127. Due to the size of the proposal and the amount of hardstanding a Drainage Assessment was required under Policy FLD3. Dfl Rivers was consulted with the Drainage Assessment and commented:

*Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Directorate cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. The Drainage Assessment has provided a detailed drainage design that demonstrates that the issue of out of sewer flooding will be managed by attenuating the 1 in 100-year event including allowances for climate change within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence from Rivers Directorate. If this was achieved it would satisfy the requirement under LDP 2032, FLD 3 to provide adequate measures to mitigate the flood risk from the development to elsewhere.*

128. In respect of the culverted watercourses at the western and southern boundaries of the site, Dfl Rivers commented under Policy FLD4 that:

*Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.*

*Rivers Directorate, in keeping with the SPG, advises the council that the culverting previously completed has a satisfactory engineering reason.*

*Rivers Directorate notes that Schedule 6 approval for the previously completed culverting has been granted from Rivers Directorate, Eastern Division dated 11th January 2025.*

129. Based on a review of the information submitted and the comments from DfI Rivers, it is considered that the proposal complies with Policies FLD2, FLD3 and FLD4 of the Plan Strategy and the development will not cause flooding to the site or exacerbate flooding elsewhere.

### **Renewable energy**

130. The proposal will include PV panels on the south facing roof of the proposed building. This is to be welcomed as it adds to sustainable goals in the production of renewable energy for the use in the host building. The panels will have no visual or amenity impact on neighbouring land uses. For these reasons the requirement of policy RE2 are met.

### **Water Management**

131. The proposal includes a private treatment plant. NIEA Water Management Unit (WMU) was consulted and is content that the proposal will have no adverse impact on the surface water environment subject to a condition relating to the proposed development being implemented in accordance with the agreed drainage plan which will decrease the risk of the incorrect diversion of contaminated water to drains carrying rain / surface water to a waterway.
132. NIEA WMU also directs the applicant to note that proposed discharges relating to septic tanks or wash facilities, will also require separate discharge consent issued under the Water (Northern Ireland) Order 1999.
133. The Council's Environmental Health department was consulted and is content that the private treatment plant will have no adverse impact on the amenity of neighbouring dwellings with respect to odour.
134. It has therefore been satisfactorily demonstrated that the private treatment plant will not create or add to a pollution problem or create or add to flood risk and the requirements of Policy WM2 are met.

### **Consideration of Representations**

135. One letter of objection was received. Consideration of the issues raised are set out below:

- Query over redline including land outside of the ownership of the applicant.

The applicant has confirmed that they own all the land outlined in red and the correct certificate has been completed.

- Flooding concerns due to culverted sheugh.

A Drainage Assessment was submitted and DfI Rivers was consulted. Schedule 6 consent has been granted by DfI Rivers for the culverted watercourses. DfI Rivers offers no objections, and the proposal has been assessed above to comply with policies FLD2, FLD3, and FLD4 therefore it is considered that the proposal will not cause flooding to the site or exacerbate flooding elsewhere.

- Impact on sight splays at existing access to Coca-Cola site.

There has been extensive consultation with DfI Roads with regards to road safety. DfI Roads offers no objections to the proposal based on the sight splay details shown on the plans.

- Impact on road safety at level crossing.

There has been extensive consultation with DfI Roads with regards to road safety. Detailed submitted with the application sets out that the location of the access has been designed by taking into consideration the railway line. DfI Roads offers no objections to the proposal.

- Impact on biodiversity due to removal of trees and sheugh.

A Biodiversity checklist and Ecological Statement was submitted that demonstrates the proposal will provide compensatory planting to aid biodiversity. Natural Environment Division was consulted and is content with the proposal.

## Conclusions

136. For the reasons outlined in the report, the proposal is considered to be in accordance with policies ED1 and ED9 of the Plan Strategy. The proposed use of zoned employment for a storage and distribution use is compatible with adjacent uses and is of a scale, nature and form appropriate to the existing area.
137. The access and parking arrangements are in accordance with policies TRA1, TRA 2 and TRA7. It will not impact adversely on the natural environment and is in accordance with policies NH1, NH2, NH5, FLD2, FLD3, FLD4 and WM2. Renewable energy is incorporated into the design in accordance with policy RE2.

## Recommendations

138. It is recommended that planning permission is approved subject to the following conditions

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 drainage for the site shall be constructed in accordance with the approved drainage plan, Drawing No. 15A published to the planning portal 13 January 2025.

Reason: In order to decrease the risk of the incorrect diversion of contaminated water to drains carrying rain / surface water to a waterway.

3. The rated sound level emanating from the proposal shall be in strict accordance with Tables 8 & 9 of the Noise Assessment dated 29 August 2024.

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

4. The hours of operation of the workshop and trailer wash at the site shall not exceed 0700 – 2300 on any day.

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

5. 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 54dB during the daytime and 52dB during the nighttime periods.

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

6. All roller shutter doors shall be kept closed at all times except for access and egress.

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

7. Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the

environmental zone for exterior lighting control – E2 (Rural). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

8. The development shall not become operational until the final storm drainage for the site has been constructed in accordance with and include all the environmental mitigation measures as detailed in the pollution control plan Drawing No. 18 published to the planning portal on 13 January 2025, unless otherwise agreed in writing with the Council.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

9. No development shall take place on-site until a Consent to discharge has been granted under the terms of the Water (NI) Order 1999 in respect of sewage disposal.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10. If during the development works, new contamination or risks 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. 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 and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. After completing any required remediation works, and prior to operation of the development, a Verification Report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the development wastes and risks and achieving the remedial objectives.

Reason: Protection of environmental receptors and to ensure that risks from land contamination to the future users of the land and neighbouring

land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

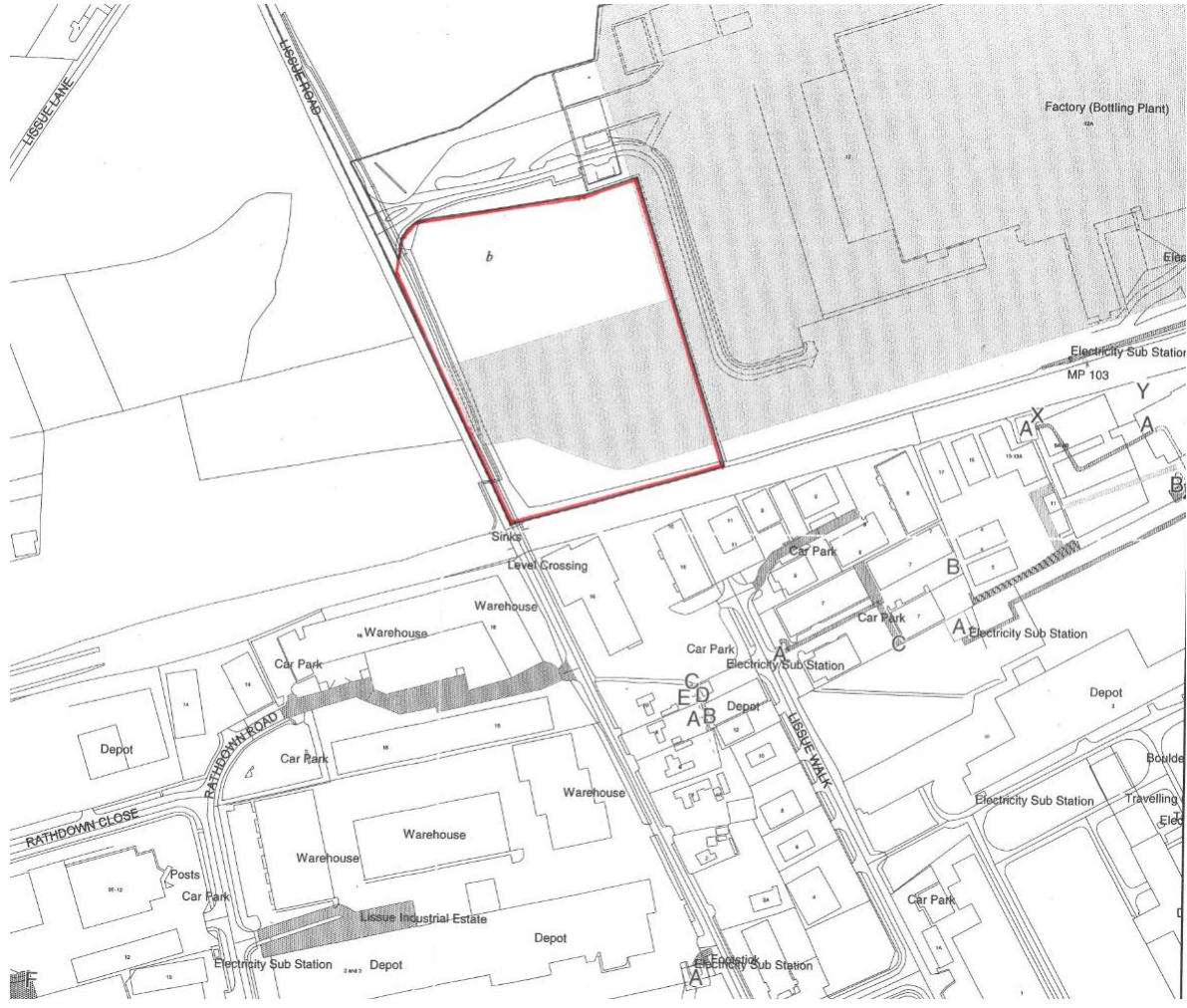
12. All landscape works shall be carried out in accordance with Drawing No. 04A published to the planning portal on 27 March 2026 and the approved details. The works shall be carried out no later than the first available planting season after operation of the development.

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

13. No development shall take place on-site until a Pollution Prevention Control Permit has been granted by NIEA in respect of effluent discharge.

Reason: To ensure protection of the water environment.

### Site Location Plan – LA05/2024/0495/F



**Lisburn & Castlereagh City Council**

<b>Planning Committee</b>	
Date of Committee	13 April 2026
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2024/0835/F
Date of Application	18 November 2024
District Electoral Area	Killultagh
Proposal Description	Retention of car storage yard
Location	Lands to the rear of Nos 12-16 Beechfield Manor, Aghalee
Representations	17
Case Officer	Joseph Billham
Recommendation	<b>Approval</b>

**Summary of Recommendation**

1. This application was included in the Schedule of Applications for consideration by the Committee on 18 February 2026. The officer’s recommendation was to approve planning permission.
2. After the application was presented and a representation was heard from an objector, Members agreed to defer consideration of the application to allow for further information to be sought from DfI Roads in respect of the safety of the access onto the public road.
3. Officers were requested to copy the objections received to date and any additional representations submitted following deferral of the application to allow DfI Roads to assess all the available evidence in full.
4. Officers reconsulted DfI Roads Service on 26 February 2026 seeking clarification on the safety for the access arrangements and copying the objection letters relating to the extent of the use of access received after initial DfI Roads response of 12 December 2024.
5. No further submissions were made by the objectors since the application was deferred on 18 February 2026.

### Further Consideration

6. A consultation response was received from DfI Roads on 02 March 2026 stating:

*I have reviewed and considered the latest supporting statement submitted by McKeown and Shields Associates Ltd. and JD Autos NI Ltd. uploaded by LCCC Planning Service on the 25th of September 2025 and all other objection representations associated with the development proposal. DfI Roads retains its position of the 13/12/2024.*

7. The advice offered by DfI Roads remains unchanged and no new issues are raised that require the first officer's report to be updated or amended. Consequently, the advice at paragraphs 63 and 64 of the main report remains unchanged.

### Conclusions and Recommendation

8. The purpose of deferring the application was to seek further information from DfI Roads in respect of the safety of the access onto the public road.
9. Officers were also requested to copy the objections received to date and any additional representations submitted following deferral of the application to allow DfI Roads to assess all the available evidence in full.
10. DfI Roads, having reviewed their previous response including the representation received from all the parties with an interest in the application, do not change their advice. The content of the main planning report remains unchanged, and officers remain satisfied that the requirements of policy TRA2 are met for the reasons set out previously.
11. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 18 February 2026.

### Conditions

- 10 No new or amended conditions are recommended.

### Site Layout Plan – LA05/2024/0835/F



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	18 February 2026
Committee Interest	Local Application (Called In)
Application Reference	LA05/2024/0835/F
Date of Application	18 November 2024
District Electoral Area	Killultagh
Proposal Description	Retention of car storage yard
Location	Lands to the rear of Nos 12-16 Beechfield Manor, Aghalee
Representations	16
Case Officer	Joseph Billham
Recommendation	<b>Approval</b>

### Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to approve as the proposal is in accordance with requirements of Policy ED2 of the Plan Strategy. It has been demonstrated the scale, nature and design of the proposed storage and distribution use because of its limited scale and back land location is appropriate to the character of Aghalee. No new buildings are proposed, and an existing access is utilised. It is also compatible with the adjacent residential use as the land is only used for storage, operated during the day-time and does not involve the repair or dismantling of motor vehicles.
3. Furthermore, the proposal is in accordance with all the general criteria – (a) to (o) of Policy ED9 of the Plan Strategy for the reasons set out at paragraphs 00 to 00 of the report.
4. As businesses in villages are required to also meet the requirement of policy TC5 the proposal is also considered to comply with criteria a) and b) of the policy in that it has been demonstrated the proposal is linked to an established local business that serves a local need for the continued operation of that

business. The scale of development, form and the fact that cars are stored with the curtilage of an existing building means that it does not affect the existing character and appearance of the village.

5. The proposal makes use of an existing access. There is no intensification of the use of the access based on the supporting information provided and having taken into account the advice of DfI Road the development is in accordance with Policy TRA2 of the Plan strategy and the access arrangements to the public road are adequate. There is no prejudice road safety nor will the development significantly inconvenience the flow of traffic.

### Description of Site and Surroundings

6. This site is located in the village of Aghalee at the north side of Lurgan Road at lands to the rear of Nos. 12 to 16 Beechfield Manor.
7. This 0.4-hectare rectangular site is and accessed via an existing laneway at the junction of the Lurgan Road and Ballycairn Road. The laneway runs parallel with the rear boundaries of the dwellings at Nos. 12 to 16 Beechfield Manor.
8. The site is comprised of an existing gravel yard and an existing single storey former agricultural building that is in a considerable state of disrepair. The building is sited centrally on site and comprises of red brick exterior with a rounded corrugated sheeting roof. Part of the roof has collapsed. The building also includes an open sided side lean on roof. The building has several windows and doors openings on the ground floor.
9. At the time of inspection approximately 30no. vehicles were parked in the yard.
10. The laneway from Lurgan Road is a gravel laneway bounded by fencing on both side as these boundaries are shared with the residents and businesses adjacent to the laneway.
11. The northern boundary is comprised of mature trees and hedging and an existing agricultural field gate that allows access to the field at the north. The western boundary is comprised of a large earth mound. The southern boundary consists of a number of mature trees and timber 1.8m vertical timber fencing. The eastern boundary is comprised of a 2m wall and the side elevation of a two-storey building.

### Surroundings

12. The site is bounded by open agricultural fields to the north and west. To the east lies a number of buildings associated with the Beeches Resource Centre. To the south is the Beechfield Manor residential development which is comprised of two-storey detached dwellings.

### Proposed Development

13. The application seeks planning permission for the retention of car storage yard.

### Relevant Planning History

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

### Consultations

15. The following consultations were carried out:

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

### Representations

16. There have been 16 letters of representation received during the processing of the planning application.
17. These representations are available to view on the Planning Portal via the following link:
- [Northern Ireland Public Register  
\(https://planning.register.planningsystemni.gov.uk/simple-search\)](https://planning.register.planningsystemni.gov.uk/simple-search)
18. The issues within the representations received include:
- Issue of access and laneway being unsuitable and no visibility splays present
  - Large lorries delivering

- Size of the site will enable the car dealer to expand and operate business from the site for car sales, car repairs and storage.
  - Impact of pollution
  - Impact on property value
  - Impact on quality of life and out of place in rural setting and residential area
  - Unauthorized surveillance from CCTV lead to overlooking
  - Trespassing on land and use nearby residents
  - Clearance and repurposing of laneway result in environmental impacts
  - Proceeded without proper planning permissions and no consultation with residents
  - Damage to adjoining fences during access clearance and to secure gates
  - Application form incorrect for staff vehicles
  - Using laneway outside of daytime hours by applicant for motorbikes and racetrack
  - Impact on privacy on use of laneway
  - Application form Section 6 is incorrect and misleading for retention of development.
  - No drainage provision
  - Construction of earth mound has restricted access to gate to maintain boundary hedge
  - Yard used at weekends and outside of reasonable hours
  - Anti-social behaviour from site
  - Fire Hazard and no access to fire appliance.
  - Yard being used for farm animals.
19. The issues raised in these representations have been considered as part of the assessment of this application and are dealt with in detail later in the report.

## Planning Policy Context

### Local Development Plan Context

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

### Plan Strategy 2032

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

*Transitional arrangements will apply in relation to the existing Plan designations.*

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

22. In accordance with the transitional arrangements the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.
23. In LAP the site is located inside in the settlement limit of Aghalee. No other designation applies. There is no change to the development plan status of the site in the last revision to draft BMAP.
24. This proposal is for development in a settlement. The strategic policy for sustainable development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

*The Plan will support development proposal that:*

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

### **Local Development Plan 2032 Part 2 - Operational Policies**

25. The proposal is for the storage of motor vehicles and distribution to a local retail car sales business. The use is considered fall within Class B4 of the Planning (Use Classes) Order (Northern Ireland) 2015.

26. Policy ED2 Economic Development in Villages and Small Settlements states for class B4 Uses:
27. *Class B2 Light Industrial Use and Class B3 General Industrial Use and Class B4 Storage or Distribution Use*

*A development proposal for a Class B2 light industrial use, Class B3 general industrial use or Class B4 storage or distribution will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and is compatible with any adjacent residential use.*

*Justification and Amplification*

*Within villages and small settlements, favourable consideration will be given to applications for industrial, business and storage or distribution uses provided the proposal is of a scale, nature and design appropriate to the character of the settlement involved and it meets the normal planning criteria for this type of development.*

The requirements of policy ED9 General Criteria for Economic Development applies to all economic development proposals in villages and small settlements. The policy states:

28. 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.*

#### *Justification and Amplification*

*When considering economic development proposals, the Council will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings, and the natural and historic environment.*

*Environmental issues relating to economic development are not only important in themselves but can make sound economic sense. Well-designed buildings and sites are better for the wider environment and can minimise running costs. Development should aim to create an attractive, healthy, safe and sustainable environment.*

*For major developments a Transport Assessment and a Travel Plan will be required. The Council will seek to ensure that proposed development will not lead to increased congestion on the public road network and that the location chosen is also accessible to walking, cycling and public transport networks.*

*The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 set out the types of projects where an Environmental Statement will be required to assess the likely environmental effects of the proposal and properly consider any mitigating factors.*

29. It is further stated in policy TC5 Villages and Small Settlements that:

*Proposals for retailing, business or community uses in villages and small settlements will be granted where:*

- a) it is demonstrated a proposal meets a local need*
- b) it is of a scale, form and design that does not affect the existing character and appearance of the area.*

#### *Justification and Amplification*

*Growth of appropriate scale, nature and type should also be encouraged in villages and small settlements to retain their vitality and meet an identified local need. This will ensure the sustainability of the local community and also the wider rural population. This policy recognises the important role villages and small settlements can play in rural communities.*

### **Access and Transport**

30. An existing unaltered access to the public road and the issue of the intensification occurs needs to be considered. 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 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 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.*

*The justification and amplification states:*

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

31. The site is within the consultation zone for the former Aghalee Bar at 2 Soldierstown Road. 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.*

32. There is a requirement to encourage the integration renewable energy technologies into development proposals. Policy RE2 Integrated Renewable Energy states:

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

*The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies.*

*This is referred to as ‘micro-generation’ and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources. New large-scale urban, public sector and rural development proposals can maximise the benefits that can be derived from integrated renewable technology.*

*Some forms of micro-generation development currently benefit from permitted development rights under the Planning (General Permitted Development) Order (Northern Ireland) 2015. This legislation should be referred to when considering the retrofitting of small-scale renewable energy development.*

### **Regional Policy and Guidance**

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

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

34. 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 interest of acknowledged importance.*

35. *Paragraph 6.82 of SPPS Edition 2 provides the regional strategic objectives for economic development. It states:*

The regional strategic objectives for facilitating economic development through the planning system are to:

- promote sustainable economic development in an environmentally sensitive manner;
- tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality;
- sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
- support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
- promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
- ensure a high standard of quality and design for new economic development.

36. It is stated at paragraph 6.232:

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

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

## Assessment

### ED2 Economic Development in Villages and Small Settlements

38. The proposal is for the retention of a Class B4 storage or distribution use within the small settlement of Aghalee.
39. The agent provided a supporting statement to demonstrate how the proposal is of a scale, nature and design appropriate to the character of the settlement and compatible with adjacent residential use.

40. The agent has advised in the statement that the existing premises owned by the applicant for his car sales business at 13 Soldierstown Road is at capacity with no further room for the storage of cars for sale. A site inspection to the business premises at 13 Soldierstown Road confirmed the existing site is at capacity.
41. The scale of development has been explained within the supporting statement as small in scale. No other business activities take place on site such as the cleaning, repair and selling of motor vehicles.
42. The number of trips per day has been stated to be in the range 0 – 5 visits a day. The cars are delivered on a singular basis to application site to be stored. The officer did not observe any vehicle movements at the time of the visit and have no reason to dispute the figures provided in the supporting documentation.
43. Once a car has been requested for viewing by a customer it is brought to the premises on Soldierstown Road for inspection and viewing. No customers are brought to the site, and this is only for staff to either drop off or collect the car.
44. No new buildings are erected, and the existing building is not being used for the storage of vehicles. The site is located down a long laneway that is 178m from the Lurgan Road. The site is not visible from the Ballinderry Road, Lurgan Road or Beechfield Manor.
45. For the reasons set out in the preceding paragraphs it is considered that the scale, nature and design of the proposal is appropriate to the character of Aghalee.
46. Small settlements are described in the Plan Strategy as:

*These important local service centres provide goods, services and facilities to meet the daily needs of the rural area. They are good locations for rural businesses and can accommodate residential development in the form of small housing estates, housing groups and individual dwellings.*
47. There are a mix of uses within Aghalee that includes, residential, community halls and retailing). In addition, there is retrospective permission under application LA05/20191112/F for a *Proposed vehicular valeting yard and associated building, store and canopy* at 19 Lurgan Road that lies within the settlement limit of Aghalee.
48. It is considered the B4 storage use is an appropriate use for business within the settlement. The scale and size of development here shall have a low impact on the surrounding area and is used for staff to collect and drop off vehicles.

49. The proposal shall not have an adverse impact on the character of the settlement given the site is set back from the public road, clustered with existing buildings and partly surrounded by mature trees and hedgerow. It is considered compatible with the adjacent residential use. The environmental health unit offers no objection on the grounds of noise. Given the relationship of the access to the boundary of the neighbouring residential properties however it is considered appropriate to limit the hours of operation to 0800 – 1800 Monday to Friday and 08:00 – 13:00 on Saturday with no activity on Sundays to protect the amenity of residents.

#### ED9 General Criteria for Economic Development

50. The proposal is considered to be compatible with the surrounding land uses for the reasons set out in the preceding paragraphs.
51. In regard to the amenities of nearby residents Environmental Health has been consulted in relation to noise, pollution, air quality and general amenity and offered no objections. The officer agreed that it is important to restrict the operating hours given the proximity of the development to the existing laneway. Criteria a) and b) are met based on the observations from the site visit and the advice of Environmental Health.
52. The proposal shall not have an adverse effect on features of natural or historic environment. The proposal is not located with an area of flood risk and shall not cause or exacerbate flooding. No washing or servicing takes places on site, and the yard is only used for the storage of cars. NIW, NIEA and EHO have been consulted and offered no objections. The proposal shall not impact on the water environment. Criteria d) and e) are met.
53. In relation to criteria f) EHO have been consulted on noise nuisance and offered no objections. Criteria f) is met.
54. NIW, NIEA and EHO have been consulted and offered no objections. The proposal shall be capable of dealing with emission or effluent. Criteria g) is met.
55. DFI Road have been consulted and offered no objections. The proposal is considered safely handle extra vehicle traffic. The existing access is being utilised and DFI Roads have no objection to access arrangement, parking and manoeuvring on site. Criteria h) and i) are met.
56. The proposal is accessible for the needs of people whose mobility and impaired and through public transport through local bus links. Walking and cycling provision space is sufficient on site. Criteria j) is met.

57. The site layout, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Criteria k) is met. The existing vegetated boundaries are being retained and shall be conditioned in event of approval. The site is screened from public view on Lurgan Road due to the built nature of the surrounding area. Criteria l) is met.
58. The proposal has been designed to deter crime and promote personal safety. Criteria m) is met.
59. The proposal is not located within the countryside and criteria n) does not apply here. No development is proposed that impacts on the environment and policy NH1 is not assessed.

#### TC5 Villages and Small Settlements

60. The agent has provided a supporting statement that the proposal is due to provide the necessary storage space which enables the appellant to sustain and increase economic development and growth of the business within the area.
61. The statement advises the proposal shall sustain and create jobs and create business growth ensuring development and is environmentally sensitive. The proposal has been demonstrated to be of appropriate scale and type that shall meet local need within the settlement of Aghalee. Criteria a) is met.
62. The proposal is considered to be of appropriate scale, form and design that does not affect the existing character and appearance of the area. The proposal does not include new floorspace or buildings and is set back from the Lurgan Road by 200m+. The design and form of the proposal shall not have an adverse impact here. Criteria b) is met here.

#### Access, Movement and Parking

63. The detail provided within the application the existing entrance from Lurgan Road and existing yard for car parking is being utilised.
64. DfI Roads have been consulted and offer no objections to this development. A very small number of trips are generated given the scale of development and it is the observation of the case officer from the site visit that there is any intensification. It is therefore considered that Policy TRA 2 and section a) is complied with. No concern arises in respect of road safety or the traffic progression.

### Policy HE 9 - Development affecting the Setting of a Listed Building

65. In regard to Policy HE 9 the proposal is considered to respect the listed building HB19 03 025 Public House (formerly Aghalee Bar) 2 Soldierstown Road Aghalee. The proposal does not include new buildings and therefore no design details are present as part of the application. HED have been consulted and stated:

*Historic Environment Division: Historic Buildings has considered the effects of the proposal on the listed building HB19 03 025 Public House (formerly Aghalee Bar) 2 Soldierstown Road Aghalee and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that it's setting will remain unaffected.*

66. There are limited design works and the nature of the size and scale of the proposal for car storage is considered appropriate for the area as advised above. The proposal is considered to respect the character of the setting of the building.

### RE2 Integrated Renewable Energy

67. The proposal is retrospective for the car storage yard. There is no development or new floorspace being erected as part of the proposal. The existing building on site shall not be impacted by the proposal. Policy RE2 relates to the greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings.
68. As the proposal does not include new or existing buildings there is no design or renewable technologies applicable and therefore it shall not have an adverse visual or amenity impact. Policy RE2 is met.

## **Consideration of Representations**

69. There have been 15 letters of representation received during the processing of the planning application. The issues raised in these representations have been considered as part of the assessment of this application.
- Concern: Issue of access and laneway being unsuitable and no visibility splays present  
Response: The existing access is being utilised and DfI Roads have no objection to the access arrangement, parking and manoeuvring on site.

- Concern: Large lorries delivering  
Response: Within the supporting statement it is stated no bulk deliveries take place and this is on a singular basis when delivering individual cars. In event of approval a condition relating to hours of operation shall be applied.
- Concern: Size of the site will enable the car dealer expand and operate business from the site for car sales, car repairs and storage.  
Response: The proposal is seeking retrospective permission for car storage. Should the site be used for other purposes including car repairs and sale would be subject to Planning Enforcement.
- Concern: Impact of pollution  
Response: LCCC Environmental Health have been consulted in relation to the impact on pollution and offered no objections.
- Concern: Impact on property value  
Response: Loss in property value is not a planning material consideration that can be given determining weight.
- Concern: Impact on quality of life and out of place in rural setting and residential area  
Response: The scale and size of development is considered appropriate to the surrounding area within the settlement limit of Aghalee. The site shall be conditioned to have the opening hours that shall not exceed 0800 – 1800 Monday to Friday and 08:00 – 13:00 on Saturday with no activity on Sundays. The proposal shall not have an adverse impact on the character of the settlement limit.
- Concern: Unauthorized surveillance from CCTV lead to overlooking  
Response: Upon recent site inspection on 25/11/25 the CCTV cameras have been removed from the site.
- Concern: Trespassing on land and use nearby residents  
Response: If there are land ownership issues between the applicant and the objector, this is a legal issue between the relevant parties.
- Concern: Clearance and repurposing of laneway result in environmental impacts  
Response: The application is retrospective in nature and therefore shall be no adverse impact on the natural heritage.
- Concern: Proceeded without proper planning permissions and no consultation with residents  
Response: The application has been applied for retrospectively in accordance with The Planning Act (Northern Ireland) 2011, Section 55. All neighbour notifications have been carried out.
- Concern: Damage to adjoining fences during access clearance and to secure gates  
Response: Damage to adjacent properties is a civil matter between third parties that is outside the remit of planning.
- Concern: Application form incorrect for staff vehicles  
Response: The application form indicates 1 – 2 staff visit per day and within the supporting statement it is between 0 – 5 during the day depending on customers requesting to see cars that need transported to the business premises on Soldiertown Road. This is considered acceptable during the business hours of operation.

- Concern: Using laneway outside of daytime hours by applicant for motorbikes and racetrack  
Response: The site shall be used for storage purposes in connection with the existing businesses on Soldierstown Road. Any potential or suspected breach of planning conditions should be submitted to the Planning Enforcement Team to undertake an investigation.
- Concern: Impact on privacy on use of laneway  
Response: There shall be no undue impact on privacy from the use of cars using the laneway due to the fence boundary present along the laneway.
- Concern: Application form Section 6 is incorrect and misleading for retention of development.  
Response: The application form is accurate, and the proposal has been applied for retrospectively in accordance with The Planning Act (Northern Ireland) 2011, Section 55.
- Concern: No drainage provision  
Response: LCCC Environmental Health, NI Water and NIEA Water Management Unit were consulted and offer no objection.
- Concern: Construction of earth mound has restricted access to gate to maintain boundary hedge  
Response: Earth mound has been referred to Planning Enforcement. Access for maintenance works is a civil matter.
- Concern: Yard used at weekends and outside of reasonable hours  
Response: In event of approval the site shall be conditioned for the opening hours shall not exceed 0800 – 1800 Monday to Friday and 08:00 – 13:00 on Saturday with no activity on Sundays. Any activity outside of these hours are for a matter of enforcement.
- Concern: Anti-social behaviour from site  
Response: The appellant has demonstrated upon taking over the site it has been cleared and made safe. The site has access gates at the front of the site onto Lurgan Road and at the bottom of the laneway to deter any anti-social behaviour.
- Concern: Fire Hazard and no access to fire appliance.  
Response: Environmental Health have been consulted and offered no objections.
- Concern: Yard being used for farm animals.  
Response: The application is only for the change of use relating to car storage on site. The livestock present on site has been referred to Planning Enforcement.

## Conclusions

70. In conclusion the proposal is considered to comply with criteria a) and b) of the Policy ED2 in that it has been demonstrated the proposal is linked to an established local business that serves a local need for the continued operation of that business. The scale of development, form and the fact that cars are stored with the curtilage of an existing building means that it does not affect the existing character and appearance of the village.

71. Furthermore, as advised above the proposal is considered to be in accordance with all the criteria a) – o) of Policy ED9 of the Plan Strategy in relation to the general criteria for economic development.
72. There is no intensification of the use of the access based on the supporting information provided and having taken into account the advice of DfI Road the development is in accordance with Policy TRA2 of the Plan strategy and the access arrangements to the public road are adequate. There is no prejudice road safety, nor will the development significantly inconvenience the flow of traffic.
73. The proposal is also considered to comply with criteria a) and b) of policy TC5 in that it has been demonstrated the proposal is linked to an established local business that serves a local need for the continued operation of that business. The scale of development, form and the fact that cars are stored with the curtilage of an existing building means that it does not affect the existing character and appearance of the village.

### Recommendations

74. It is recommended that planning permission is approved.

### Conditions

75. The following conditions are recommended:
1. This decision is issued under Section 55 of the Planning Act (Northern Ireland) 2011 and is effective from the date of this permission.  
  
Reason: This is a retrospective application.
  2. The existing natural screenings of the site as illustrated upon approved drawing number 02A published to the planning register 10<sup>th</sup> October 2025 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.  
  
Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.
  3. If any retained tree or hedge is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree/trees or hedge in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing landscaping.

4. The hours of operation at the site shall not exceed 0800 – 1800 Monday to Friday and 08:00 – 13:00 on Saturday with no activity on Sundays.

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

### Site Location Plan – LA05/2024/0835/F



### Site Layout Plan – LA05/2024/0835/F



**Lisburn & Castlereagh City Council**

Committee Report	
Date of Committee	13 April 2026
Committee Interest	Local Application (Called In)
Application Reference	LA05/2025/0819/F
Date of Application	13 November 2025
District Electoral Area	Castlereagh East
Proposal Description	Removal of existing single storey flat roof extension and garage and addition of single storey pitched roof extension and office/store on the site of the former garage
Location	3 Ardara Avenue, Dundonald, BT16 2BZ
Representations	Two
Case Officer	Jordan Campbell
Recommendation	Approval

**Summary of Recommendations**

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 recommended for to approval it complies with the requirements of policies HOU7 and RE2 of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy) for the following reasons.
3. The proposed rear extension and proposed office/store would not result in any unacceptable harm to the residential amenity of neighbouring properties due to loss of light, loss of privacy, or harm from overshadowing or overlooking.

## Site and Surrounding Context

4. The application is comprised of the buildings and curtilage of a two-storey detached dwelling in a rectangular plot and the site and immediate surroundings slope steeply from northeast to southwest.
5. The property benefits from a well-proportioned front garden and driveway, as well as a large, enclosed private rear garden. The curtilage is defined on all sides by mature vegetation.
6. The dwelling is positioned and oriented with its principal elevation facing southeast. It features an open-gable pitched roof, and the external walls are finished in red facing brickwork. All existing windows appear to be white aluminum frames with single glazing.
7. The surrounding area is predominantly residential in character, comprising a mix of detached and semi-detached dwellings that vary in scale, architectural style, and external materials.

## Proposed Development

8. The applicant seeks full planning permission to demolish the existing flat-roofed rear extension and detached garage to the side and construct a single-storey rear extension with a pitched-roof and a single-storey outbuilding on the site of the former garage. A mature tree to the rear of the existing garage is also proposed for removal as part of the proposed building works.
9. The proposed rear extension would be constructed broadly on the footprint of the existing rear element, albeit with an increased footprint. It would accommodate a kitchen and dining area, and the roof and external walls would be finished in materials to match the host dwelling.
10. The proposed outbuilding would occupy a similar position to the existing garage but would be larger in scale. It would accommodate an office, WC and store finished in dark smooth roof slates and facing brickwork matching the principal dwelling.
11. The original dwelling measures approximately 15.5m in depth, 11.2m in width, and 8m in height, with a ground-floor internal floor area of approximately 135m<sup>2</sup>.
12. The existing rear element proposed for demolition projects 6.5m from the original rear elevation, measures 6.9m in width and 3m in height and has a total floor area of 45m<sup>2</sup>.
13. The proposed rear extension would project 8.5m from the existing rear elevation, with a width of 8m and a ridge height of approximately 5m. It would provide an

additional 68 m<sup>2</sup> of internal floor space (23 m<sup>2</sup> more than the original single-storey rear projection).

14. The existing garage measures 4.8m in length, 2.8m in width, 3.1m in height, and has a total floor area of 13m<sup>2</sup>.
15. The proposed outbuilding would measure 9.7m in length, 3.4m in width, and 3.6m in height, with a total floor area of 33 m<sup>2</sup> (20 m<sup>2</sup> more than the garage proposed for demolition).

### Relevant Planning History

16. The following planning history associated with the application site is considered relevant to the assessment of this proposal:

Reference	Proposed Development	Decision Issued
Y/2001/0354/A41	Extension to a dwelling	Permitted Development – Application not required.

### Consultations

17. No consultations were undertaken as part of this application. It was not considered necessary as no alterations were proposed to the access arrangements and the site already has a connection to the main sewer.

### Representations

18. Following the statutory advertisement and neighbour notification (publicity) process, the following representations have been received:

Representations	Comments
Representation One	<ul style="list-style-type: none"> <li>• Adverse impact on the residential amenity of No.1 Ardara Avenue, resulting in loss of daylight and overshadowing. Impacting on the amenity / degree of daylight from which x5 ground floor windows to the dwelling's side elevation and rear garden area currently benefit.</li> <li>• Decrease property value of No.1 Ardara Avenue.</li> </ul>
Representation Two	<ul style="list-style-type: none"> <li>• The proposed garage/outbuilding would be double in length and risen by another half a metre, restricting daylight of x5 ground floor windows to the side of No.1 Ardara Avenue.</li> <li>• The proposed rear extension would move closer to the common boundary shared with No.1 Ardara Avenue by 6 metres and the height of the old</li> </ul>

	structure raised from 2 metres to 5 metres, resulting in the casting of huge shadow onto the dwelling and garden from mid-morning until sunset.
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### Local Development Plan

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

### Plan Strategy 2032

20. Lisburn and Castlereagh City Council adopted their Local Development Plan 2032 Plan Strategy in September 2023.
21. The Council's adopted Plan Strategy provides a 15-year framework to support the economic and social needs in line with regional strategies and policies, while providing for the delivery of sustainable development.
22. The Plan Strategy is divided into two parts over two documents.
23. It is stated at Part 1 of the Plan Strategy that:

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

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

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

24. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Belfast Urban Area Plan 2001. Draft BMAP remains a material consideration.

25. The application site is located within the settlement limits of Dundonald (BUAP 2001). The location of the site is within the settlement of Dundonald in the last revision to draft BMAP in 2014.

### **Part 1: Plan Strategy 2032**

26. This is a proposal for residential development in a settlement. The following Strategic Policies are considered relevant to this planning application:

#### **Strategic Policy 01 Sustainable Development**

27. 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.

#### **Strategic Policy 05 Good Design and Positive Place-Making**

28. 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.

### **Part 2: Plan Strategy 2032**

29. The proposal seeks to extend an existing dwelling. Therefore, the following Operational Policies are considered relevant to this planning application.
30. It is stated in policy HOU7 – Residential Extensions and Alterations that:

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

- a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.*
- b) The proposal does not unduly affect the privacy or amenity of neighbouring residents*
- c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality*

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

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

31. It is further advised that the Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be considered when assessing proposals against the above criteria
32. In relation to Context and Design, the Supplementary Planning Guidance, Page 4 states:

*An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in the required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends on striking the right balance between adaptation and sensitivity to the original design.*

33. It also states that:

*An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such work should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property.*

34. On page 5, the Supplementary Guidance also states:

*Alterations or an extension to a dwelling should not infringe upon a neighbour's property. For example, it is an infringement of a neighbour's property rights should foundations or guttering encroach onto their land or if an extension overhangs or attached to their property.*

35. In relation to external finishes, the Supplementary Planning Guidance states:

*The external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. Using similar or complementary materials to those of the existing property is more likely to produce a successful extension or alteration.*

36. In relation to residential amenities, the Guidance states that:

*It is important that the amenity of all residents is protected from 'unneighbourly' extensions as these can cause problems through overshadowing/ loss of light, dominance and loss of privacy. The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass and location of an extension and window positions. Single-storey extensions to the rear of a semidetached or terraced dwelling will generally be acceptable where the depth does not exceed 3.5 metres from the back wall of the original building, at the boundary with an adjoining dwelling. Larger extensions will be assessed in light of the following guidance, although it is acknowledged that flexibility may be needed in respect of older properties with small plot areas or where the proposal seeks to meet the specific needs of a person with a disability.*

37. In relation to overshadowing/ loss of light, it states:

*In terms of daylighting, the effect on all rooms apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.*

*Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations, and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.*

*To help assess the loss of light as a result of a proposed development to the front or rear of residential property, the 60 degree and 45 degree lines, for single storey and two storey extensions respectively, will be employed. These lines will be taken from the centre of the closest neighbouring window.*

38. In relation to access and parking:

*Proposed work that would result in the significant loss of parking spaces or a turning area, with no reasonable alternative being available, will not be acceptable.*

39. It is stated in policy RE2 Integrated Renewable Energy that:

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

## **Regional Policy and Guidance**

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

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

41. Paragraph 3.8 of the SPPS Edition 2 states:

*“Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise”.*

42. The SPPS Edition 2 remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS Edition 2.

43. Paragraph 4.12 of the SPPS Edition 2 states:

*“Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas”.*

44. Paragraph 4.26 of the SPPS Edition 2 states that:

*“Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as areas of outstanding natural beauty, conservation areas, areas of townscape character and areas of special archaeological interest. Appropriate and adequate amenity space, especially in residential developments (including unconventional solutions), is an important element of good design”.*

45. Paragraph 6.232 of the SPPS Edition 2 states that:

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

46. There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy. Requirements of policy RE2 are considered later in the report.

## Assessment

### **Design, Built Form, and Visual Amenity**

47. The proposed single-storey rear extension would project 8.5 m from the rear elevation of the host dwelling and would be constructed broadly over the footprint of the existing flat-roofed rear extension, which is to be demolished as part of the proposed works.
48. Owing to its siting, the proposed extension would be fully screened behind the host dwelling and would not be visible from the public domain. It is therefore considered that the proposal would not give rise to any notable adverse impact on the character or appearance of the surrounding area.
49. Proposed material finish to be smooth roof tiles to match existing with brick walls to match existing and aluminium and PVC windows.
50. The design and materials of the proposed extension are considered sympathetic to the architectural character of the host dwelling. As such, the extension would integrate visually with the existing built form and would not detract from the visual amenity of the site.
51. The proposed extension would be clearly subservient to the host dwelling by virtue of its height and scale. Its massing is also considered acceptable, providing approximately 68m<sup>2</sup> of additional floorspace relative to the existing original dwelling's ground-floor area of 135m<sup>2</sup>. The scale and proportions of the proposed extension are therefore considered to be within acceptable parameters and do not compete with the established form of the original dwelling.
52. It must be noted that a precedent for similar development exists within the immediate locality. No.7 Ardara Avenue has been extended to the rear with a single-storey addition of comparable scale. Furthermore, single-storey rear extensions are a common feature within the street scene, with Nos. 1, 5, and 7 all having constructed such additions. These examples provide a relevant and directly comparable context that supports the acceptability of the proposed extension in principle.

53. The proposed single-storey outbuilding would be erected on a similar footprint to the existing garage proposed for demolition. While the proposed outbuilding would be visible from certain viewpoints within Ardara Avenue, it would not be prominent within the wider locality. Any potential visual impact would be appropriately mitigated through the use of matching materials and a design that harmonises with the principal dwelling, thereby ensuring a coherent relationship with the established character of the site.
54. The proposed outbuilding would remain subservient to the two-storey principal dwelling by virtue of its size, scale and orientation to the street. Its total floor area of 33m<sup>2</sup>, compared with the original dwelling's 135m<sup>2</sup> ground-floor area, ensures that it would appear clearly secondary and ancillary in nature.
55. Overall, the proposed development is considered acceptable in terms of design quality and visual amenity. The works would integrate harmoniously with the character of the original dwelling and would not result in any adverse effects on the character or appearance of the wider locality.

#### **Impact on Residential Amenity**

56. The application site shares common boundaries with four neighbouring properties, namely:
  - No.1 Ardara Avenue – Adjacent property to the northeast side boundary;
  - No.5 Ardara Avenue – Adjacent property to the southwest side boundary;
  - No.6 Rockmount – To the rear boundary;
  - No.8 Rockmount – To the rear boundary.
57. Given the nature of the proposed development, it must be assessed in terms of its potential impact on neighbouring residential amenity, specifically regarding loss of privacy, overlooking, loss of daylight, and overshadowing.
58. Regarding potential loss of privacy and overlooking, the proposed rear extension is single storey in height. As a result, any views towards the rear common boundary shared with Nos. 6 and 8 Rockmount would terminate at that boundary, with sightlines interrupted by the existing intervening boundary treatment, mature vegetation along the rear common boundary. Similarly, any new views arising from the introduction of the glazed sliding doors on the southwest side elevation, facing No. 5 Ardara Avenue, would be screened by the existing boundary treatment and established vegetation. Consequently, the proposal would not give rise to any unacceptable overlooking or loss of privacy for neighbouring properties.
59. With regard to potential loss of daylight and overshadowing, the existing spatial relationship between Nos. 1 and 3 Ardara Avenue already results in a degree of overshadowing and reduced daylight to No. 1. The dwelling at No. 3 occupies an elevated plot relative to No. 1, and this height difference, combined with the

orientation of the dwellings and their established proximity, currently gives rise to overshadowing affecting five ground-floor windows on No. 1's southwest side elevation. The three forward-most windows serve an open-plan dining and kitchen area, while the two rearward windows serve a ground-floor WC and utility room.

60. The proposed removal of the mature tree located to the rear of the existing garage to accommodate a longer building would significantly reduce any existing overshadowing and daylight loss currently experienced by No. 1 Ardara Avenue. This intervention would therefore improve, rather than diminish, the amenity of the neighbouring property.
61. Whilst the proposal includes demolition of the existing garage, currently positioned close to the shared boundary with No. 1 Ardara Avenue, and its replacement with an outbuilding of increased depth and height, the resulting change in overshadowing is considered limited. While the new outbuilding may marginally increase overshadowing, the degree of change would not be so substantial as to justify refusal. It must be noted that the proposed outbuilding would align with the front elevation of the existing garage, with the additional depth extending rearwards.
62. As such, having regard to the concerns raised by the objector any impact on the three habitable-room windows serving the dining and kitchen area of No.01 would be minor and primarily attributable to the modest 0.5m increase in height. Overall, the proposal would not materially alter the established relationship between the two properties, and the overall impact on daylight and overshadowing would remain broadly comparable to existing context at this location.
63. When assessed in relation to the other adjoining neighbouring properties, the proposal would not result in any material loss of daylight or unacceptable overshadowing, owing to topography, the orientation of the dwellings, and the spatial separation between plots.
64. Therefore, it is considered that the proposed development would not give rise to any material overshadowing or unacceptable loss of daylight for neighbouring occupiers.

#### **Landscape and Arboricultural Features**

65. The proposal would necessitate the removal of an existing mature tree located to the rear of the garage. While its loss is acknowledged, it is not considered to result in any significant adverse impact on local environmental quality. The reduction in mature vegetation arising from the works is assessed as minor and not of a scale that would warrant refusal of the application. No replacement planting is necessary given the existing mature landscape setting.

### **Parking Provision**

66. The proposed development would not result in any notable reduction of available on-site car parking spaces, nor would it alter current access arrangements. Thus, the proposal would not result in any adverse impacts on parking or highway safety.

### **Open Space and Private Amenity**

67. Whilst the proposed works would result in a reduction in the overall area of private rear garden space, it is considered that post development an adequate and functional area of private outdoor amenity space would remain available to occupants.
68. In summary having visited the site and reviewed the detail of the submitted plans the proposed single storey rear extension and new outbuilding to the side meets the requirements of criteria a) to d) of policy HOU7 for the reasons set out in the preceding paragraphs.

### **Renewable Energy Integration**

69. The proposed development involves the removal of an old energy-inefficient rear extension and detached garage and their replacement with a new extension incorporating high-performance roofing, walls, floors, and glazing systems. In addition, the proposed works include upgrading the existing dwelling's single glazing and improving insulation within the roof space. Collectively, these measures would enhance the overall energy efficiency of the building envelope by improving U-values, reducing heat loss, and increasing airtightness.
70. Taking the above into account, the proposed development, through its energy-efficient design, enhanced building fabric, and sustainable construction approach is considered consistent with the objectives of policy RE2.

## **Evaluation of Representations**

71. All representations received during the consultation period have been fully considered. The issues raised primarily relate to loss of daylight and overshadowing. These matters are recognised as material planning considerations and have been assessed in detail below.

### **Loss of Daylight & Overshadowing**

72. As outlined within the assessment section, although the proposal includes demolition of the existing garage, currently positioned close to the shared boundary with No. 1 Ardara Avenue, and its replacement with an outbuilding of increased depth and height, the resulting change in overshadowing is considered limited. While the proposed outbuilding may marginally increase overshadowing, the degree of change would not be so substantial as to justify refusal. It must be noted that the proposed outbuilding would align with the front elevation of the

existing garage, with the additional depth extending rearwards. As such, any impact on the three habitable-room windows serving No. 1's dining and kitchen area would be minor and primarily attributable to the modest 0.5m height increase. Overall, the proposal would not materially alter the established relationship between the two properties, and the overall impact on daylight and overshadowing would remain broadly comparable to existing conditions.

73. When assessed in relation to the other adjoining neighbouring properties, the proposal would not result in any material loss of daylight or unacceptable overshadowing, owing to topography, the orientation of the dwellings, and the spatial separation between plots.
74. Further, the proposed removal of the mature tree located to the rear of the existing garage would significantly reduce any existing overshadowing and daylight loss currently experienced by No. 1 Ardara Avenue. This intervention would therefore improve, rather than diminish, the amenity of the neighbouring property.
75. Thus, it is considered that the proposed development would not give rise to any material overshadowing or unacceptable loss of daylight for neighbouring occupiers.

## Conclusions

76. The proposed rear extension and office/store would not result in any unacceptable harm to the residential amenity of neighbouring properties due to loss of light, loss of privacy, or harm from overshadowing or overlooking and as a consequence all the criteria of policy HOU 7 are met.
77. The proposal will also be built to current building standards improving the thermal efficiency of the building. There is also scope in the future to integrate Solar PV. For these reasons the requirements of policy RE2 are also met.

## Recommendation

78. Recommendation to approve planning permission subject the following conditions.

## Conditions

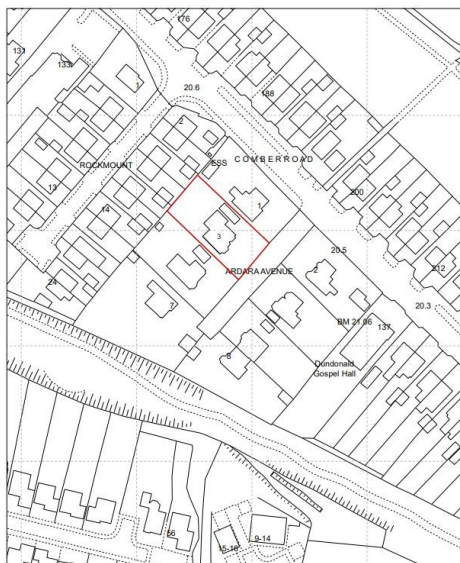
79. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

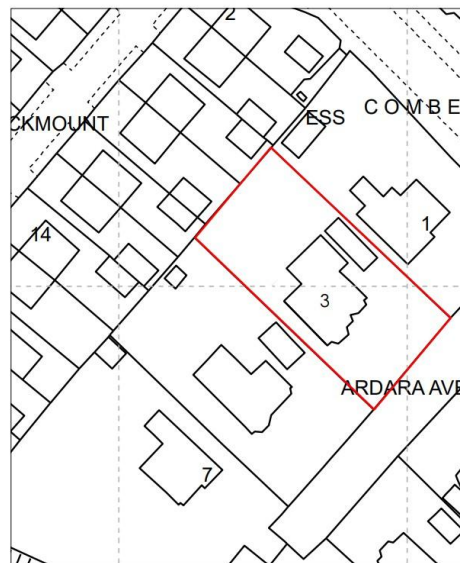
80. The building hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at 3 Ardara Avenue, and for no other purposes. In particular at no time shall the building be used for ; industrial, trade or business activity.

Reason : in the interest of protecting rural character and residential amenity.

Site Location Plan:




Proposed Site Location Map  
Scale 1:1,250



Proposed Block Plan  
Scale 1:500



Project Title Works to No. 3 Ardara Avenue, Dundonald, BT16 2BZ	Project Number 1220/P	Plot Number 002	Revision R0
Drawing Title Proposed Site Location and Block Plan	Date as noted	Issue Date 2025.10.27	Scale N/A
Client robert gilmour architects	 robert gilmour architects 14 Rockmount Street, Dundonald, BT16 2BZ Belfast, BT16 2BZ Tel: 028 393 4100 Fax: 028 393 4101 Email: info@robertgilmour.co.uk		

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## Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	13 <sup>th</sup> April 2026
Committee Interest	Local Application – Called In
Application Reference	LA05/2023/0439/O
Date of Application	26 May 2023
District Electoral Area	Downshire East
Proposal Description	Site for a dwelling and garage with associated site works
Location	50 metres southwest of 271 Ballynahinch Road, Hillsborough BT26 6BG
Representations	0
Case Officer	Joseph Billham
Recommendation	<b>Refusal</b>

### Summary of Recommendation

1. This application is categorised as a local planning application and is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application recommended for refusal in that the proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside in that the proposal is Contrary to (Criteria d) of policy COU16 and would mar the distinction between the settlement limit of Annahilt and the surrounding countryside and result in urban sprawl.
3. In addition, the proposal is contrary to Policy COU16 criteria (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal would mar the distinction between the settlement limit of Annahilt and the surrounding countryside and result in urban sprawl.
4. Furthermore, the proposal is contrary to Policy COU16 criteria (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal if permitted would result in an adverse impact on the rural character of the area.

5. The proposal is contrary to Policy COU16 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal if permitted would not adversely impact on residential amenity by way of odour and nuisance.
6. The proposal is contrary to Policy WM 2 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal will not give rise to unacceptable adverse impact in terms of odour.

## Description of Site and Surroundings

### Site

7. This 0.95-hectare site is an irregular plot that wraps around a dwelling at No. 269 Ballynahinch Road.
8. The site comprises of an area of land that is part of a larger agricultural field, and it is accessed through an existing farm laneway that is shared with Nos. 271 and 269 Ballynahinch Road.
9. Adjacent to the site and immediately north are a number of agricultural buildings and a farmhouse No 271 Ballynahinch Road. The agricultural buildings vary in size and are two-storey and single-storey and a mix of traditional rounded barn style roof and pitched roof.
10. The dwelling at No 271 Ballynahinch Road is a two-storey dwelling that is rectangle in shape. The dwelling has a two-storey rear return, a sunroom extension and a large bay window. The dwelling is finished in pebble dashed render, slate roof tiles, brown pvc windows and two sandstone brick chimneys on the ridge.
11. Vegetation on site includes a mature hedging includes mature native hedging along the west boundary. The north and east comprise of post and wire fencing. The south boundary is undefined.

### Surroundings

12. The site is located within an open countryside, and the land is predominantly in agricultural use. The site is bounded by open agricultural field to the south, west and east. The settlement limit of Annahilt is lies west and south of the site is beyond this.

### Proposed Development

13. The proposal is for a dwelling on a farm.

### Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2014/0473/F	35 metres Northeast of 269 Ballynahinch Road Hillsborough	Proposed dwelling and garage on farm (under pps 21)	Permission Granted
S/2012/0422/O	Lands adjoining Nos 265 267 269 and 277 Ballynahinch Road Annahilt Hillsborough BT26 6HN	Residential Development - 9 dwellings and garages, (Previously approved scheme)	Permission Granted
LA05/2021/0522/F	Lands adjoining 265 267 269 and 277 Ballynahinch Road Annahilt Hillsborough BT26 6HN	Residential development of 8 two storey dwellings and 1 single storey dwelling and associated works (Amended plans)	Under consideration
LA05/2016/1114/O	Lands adjoining 265 267 269 & 277 Ballynahinch Road Annahilt Hillsborough BT26 6HN	Residential development consisting of 9 no detached dwellings (previously approved scheme)	Permission Granted

## Consultations

15. The following consultations were carried out:

Consultee	Response
DFI Roads	No objections
LCCC Environmental Health	No objections
NI Water	No objections
NIEA	No objections
DEARA – Downpatrick	No objections

## Representations

16. There has been no letters of objection received during the processing of the planning application.

## Local Development Plan

17. 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

18. 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.*

19. In accordance with the transitional arrangements the existing Local Development Plan is the Lisburn Area Plan and the Plan Strategy. Draft BMAP remains a material consideration.

20. Part of the site location that runs along the south boundary of No. 269 is within the settlement limit of Annahilt. The rest of the site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

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

21. In draft BMAP (2004) this site is also identified was located in the open countryside and part within the settlement limit of Annahilt.
22. New residential development is proposed in the open countryside. 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.*

23. 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.*

24. 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.*

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

26. 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.*

27. This is an application for a farm dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU15 and COU16 of the Plan Strategy.

28. Policy COU10 – Dwellings on Farms states:

*Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:*

- a) the farm business must be currently active, and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years*
- b) no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application*

*c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

*Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.*

### Integration and Design of Buildings in the Countryside

29. 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

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

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

*A new development proposal will be unacceptable where:*

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*

- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

### Waste Management

31. It is proposed to connect the dwelling to the main sewer. Policy WM 2 - Treatment of Wastewater states:

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

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

32. The site is in close proximity to an existing piece of wastewater infrastructure. Policy WM 5 - Development in the Vicinity of Waste Management Facilities or Wastewater Treatment Works states:

*Development proposals in the vicinity of existing or approved waste management facilities and wastewater treatment works (WwTWs) will only be permitted where all the following criteria are met: a) it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility b) it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.*

### Access and Transport

33. 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.*

### RE2 Integrated Renewable Energy

34. New residential development proposals should integrate renewable energy technology into the design. Policy RE2 – Integrated Renewable Energy states:

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

#### **Justification and Amplificatio**

*The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies.*

*This is referred to as ‘micro-generation’ and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources.*

*New large-scale urban, public sector and rural development proposals can maximise the benefits that can be derived from integrated renewable technology.*

*Some forms of micro-generation development currently benefit from permitted development rights under the Planning (General Permitted Development) Order (Northern Ireland) 2015. This legislation should be referred to when considering the retrofitting of small-scale renewable energy development.*

## **Regional Policy and Guidance**

### **Regional Policy**

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

*The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are The SPPS Edition 2 was published in December 2025. It is the most recent regional planning policy, and it is stated at paragraph 1.5 that:*

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

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

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

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

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

38. 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.*

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

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

40. It is stated at paragraph 6.232:

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

*The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in*

*the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.*

41. 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.*

## Assessment

### Farm Dwelling

42. This is an outline planning application for a site for a dwelling on a farm. The agent has provided a P1C form and farm maps have also been submitted in support of the application. The farm maps are date printed 2023 and show the extent of the farm holding.
43. The application form details that the farm has a business ID number was allocated in 2007. The site is located on farm map 3/030/006/17. The P1C form states that single farm payment is submitted to DAERA over the previous 6 years. The P1C advises the land is currently used as farming land.
44. Consultation with DAERA has taken place and they advise that the farm business has been in existence for more than 6 years, is Category 1 with the business ID allocated on 02/11/2004. DAERA have confirmed that farm business claimed payments in each of the last 6 years. DAERA have confirmed the proposed site located on fields which payments are currently being claimed by the farm business.
45. Under Criteria a) of Policy COU 10 it is considered based on the information above and DAERAs consultation response the farm business is currently active and established for 6 years and that criterion a) is met.
46. Policy states that no dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of the application.
47. The application for the dwelling on a farm was submitted to the Council and made valid on 26 May 2023.
48. A site history search shows that within the farm holding there have been a number of approvals within the last 10 years. This includes S/2014/0473/F and LA05/2016/1114/O.

49. In terms of the planning history application S/2014/0473/F received approval for a single farm dwelling that was granted 24 November 2014 and application LA05/2016/1114/O received outline permission on 08 March 19 for 9 detached dwellings. Both permissions have expired and were not implemented.
50. There is currently a live application under LA05/2021/0522/F for 9 dwellings to the south of the site within the settlement limit of Annahilt that is currently under consideration by the Council.
51. Land has been sold within the settlement limit to the south of the site as confirmed by land registry check and policy criteria b) advises no dwelling or development opportunities out with settlement limits have been sold off from the farm holding. No development opportunities within the farm holding have been sold off within 10 years of the date of the application. Criterion b) is therefore met.
52. The site is considered to cluster with the established group of buildings on the farm to the north that includes the dwelling at No. 271 Ballynahinch Road and the associated farm buildings. The access to the proposed site is to be obtained from the existing laneway and is considered acceptable. Criterion c) is therefore met.

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

53. Turning then to Policy COU15, the site location plan is set back from the roadside and located down a shared laneway. The site is set back 64m from the Ballynahinch Road. The site is around the boundary of the curtilage of No. 269. The site has angulating levels across it. The proposal is not considered to be a prominent feature in the landscape. Criterion a) is met.
54. The application is for outline permission, and no design details have been provided at this stage. The site is considered to cluster with the established group of farm buildings to the north of the site at No. 271 and the dwelling at No 269. Criterion (b) is met.
55. The proposed dwelling shall blend with the landform and existing farm buildings. It is considered criterion c) is met. The existing native hedgerow boundary treatment to the west shall be conditioned to be retained and a landscaping condition shall be included at the design stage in event of approval. The site has a suitable degree of enclosure with the existing buildings at No 269 and No 271. The proposal shall not rely primarily on the use of new landscaping for integration. Criteria d) and e) are met.
56. In terms of criteria (f), no design details have been provided as the application is at outline stage and an appropriate condition will be applied to ensure the design of the building is appropriate for the site and its locality and designed in accordance with the Design Guide Building on Tradition. Further details relating to design are to be submitted at reserved matters.

57. In terms of criteria (g), any ancillary works such as the access and land around the development should integrate into the surroundings. The proposal includes utilising the existing access laneway and upgrading the access. The application is at outline stage therefore full design details have not been provided for consideration. Other ancillary works shall be dealt with at reserved matters stage.
58. For the reasons outlined in the preceding paragraphs it is considered that all of the criteria of policy COU15 are met.

#### COU16 - Rural Character

59. The new dwelling will not be unduly prominent in the landscape for the reasons outlined above.
60. Criteria (b) of policy COU16 requires the dwelling to cluster with and established group of buildings as discussed above.
61. A new dwelling in this location would respect the traditional pattern of settlement exhibited in the area given the rural nature of dispersed single dwellings. Criteria (c) is met.
62. In respect of criteria (d) this site is partially within the settlement limit of Annahilt. The part of the settlement limit has not been developed and to date there is no live permission on site for the section of the development limit to be developed. Therefore, when viewed from the Ballynahinch Road travelling east to west and with this part of the settlement limit not being developed a new dwelling would not read with the settlement and is considered to mar the distinction between the settlement limit of Annahilt and the countryside and result in urban sprawl. Criteria d) is not met. As a result, the proposal at this location would have an adverse impact on the rural character of the area. Criterion (e) is not met.
63. For the reasons above the application is considered to be contrary to both criteria d) and e) of Policy COU16.
64. In respect of criterion (f), the application is for outline permission, and no design details have been submitted at this stage. It is considered a dwelling can be designed with sufficient separation distance that shall not have an adverse impact on residential amenity of nearby residents by way of overlooking, overshadowing and loss of light.
65. However, NIW have been consulted and advised:

*The proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works.*

*As the site is located wholly or partially within the Wastewater Treatment Work's odour consultation zone boundary an Odour Encroachment*

*Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. Depending on circumstances this may also require the procurement of an Odour Dispersion Model to NI Water specification.*

66. The agent has been asked to provide an odour assessment on numerous occasions that include 02/08/2023, 12/01/2024, 01/07/2025, 24/07/25 and 06/01/2026 and to date no odour dispersion model has been received by the Council. As a result, it has not been possible to determine that the proposal would not have an adverse impact on residential amenity of any potential occupants by way of odour and nuisance.
67. Therefore, the proposal is contrary to Policy COU16 criterion (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal if permitted would not adversely impact on residential amenity.
68. In terms of criteria (g) and (h), it is considered that the impact of any ancillary works would not damage rural character. The surface water is being handled via soakaway and foul is through mains. No concern has been expressed from EHO, NIW and WMU in regard to water and drainage. The existing access is being utilised and upgraded. The proposal shall not have significant adverse impact on the environment or character of the locality by necessary services and ancillary works.
69. The existing access is being used upgraded the dwelling. DfI Roads have been consulted and offered no objections. Criterion (i) is met here.

#### Policy WM2 - Waste Management

70. Detail submitted with the application form indicates that surface water will be disposed of through soakaway and foul sewage through mains on site. As the proposal is for outline permission no details have been provided at this stage.
71. LCCC Environmental Health were consulted and offer no objection to the proposal.
72. Consideration of flood risk is included as a criteria for assessment in policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a separate consent outside of the planning process. No flood risk is identified. DFI Flood Maps do not indicated any constraints on site.
73. Based on a review of the information and advice received from consultees the requirements of Policy WM2 of the Plan Strategy are met in full.

#### Policy WM5 - WM5 Development in the Vicinity of Waste Management Facilities or Wastewater Treatment Works

74. The proposal is located within the vicinity of Wastewater Treatment Works that is northeast of the site at Annahilt WWTW. The boundary of the site has a separation distance of 80m to the boundary of the Wastewater Treatment Works. The proposal for outline permission for a farm dwelling is considered not to prejudice or unduly restrict activities permitted to be carried out within the waste management facility. It is considered that criteria a) is met.
75. As advised above NIW have been consulted and advised that the proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works. Therefore, an odour encroachment assessment is required as the proposed development may experience nuisance due to its proximity to the existing wastewater treatment works.
76. The agent has been asked to provide an odour assessment on numerous occasions that include 02/08/2023, 12/01/2024, 01/07/2025, 24/07/25 and 06/01/2026 and to date no odour dispersion model has been received by the Council. As a result, it has not been possible to determine that the proposal will not give rise to unacceptable adverse impacts of people by way of odour and nuisance.
77. Therefore, the proposal is contrary to Policy WM5 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal if permitted will not give rise to unacceptable adverse impacts in terms of people by way of odour.

#### Access and Transport

78. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of use of the existing access that is being upgraded with 6m width and 2.4m X 88m visibility splays in both directions from the Ballynahinch Road.
79. DfI Roads have considered the details and offer no objections to the proposed development subject to standard conditions.
80. Based on a review of the information and the advice from statutory consultees, it is accepted that an access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of Policy TRA2 of the Plan Strategy are met in full.

#### RE2 Integrated Renewable Energy

81. The application is for outline permission, and no design details have been provided at this stage. It is considered further detail shall be provided at reserved matters stage. The proposal shall be able to provide renewable energy technology that shall be submitted at building control stage relating to energy efficient materials and techniques.
82. Should other renewal energy proposals come forward once the dwelling is built, the applicant has an opportunity to use the permitted development to integrate

renewable energy and low carbon technologies. For these reasons it is considered that the proposal is capable of meeting the requirements of policy RE2.

83. The requirements of paragraph 6.232 of the SPPS Edition 2 have been considered against the requirements of policy RE2 of the Plan Strategy. No additional requirements apply.
84. It is considered the development proposal would integrate renewable energy technology within the design and materials that shall be confirmed at reserved matters stage. The proposal shall not have an adverse impact on any visual or amenity elements. Further details shall be provided at reserved matters stage. The proposal is considered to comply with Policy RE2.

### Conclusions

85. The proposal development is not in keeping with the rural character of the open countryside as mars the distinction between the open countryside and the settlement limit of Annahilt and because of its close proximity to a Waste Treatment Works the amenity of the proposed resident is potentially harmed which is contrary to policies COU16 and WM5.

### Recommendations

86. It is recommended that planning permission is refused.

### Refusal Reasons

87. The following refusal reasons are recommended:
  1. The application recommended for refusal in that the proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside in that the proposal is Contrary to (Criteria d) of policy COU16 and would mar the distinction between the settlement limit of Annahilt and the surrounding countryside and result in urban sprawl.
  2. The proposal is contrary to Policy COU16 criteria (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal would result in urban sprawl.
  3. The proposal is contrary to Policy COU16 criteria (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal if permitted would result in an adverse impact on the rural character of the area.

4. The proposal is contrary to Policy COU16 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal if permitted would not adversely impact on residential amenity.
5. The proposal is contrary to Policy WM5 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated the proposal will not give rise to unacceptable adverse impacts in terms of people by way of odour.

### Site Location Plan – LA05/2023/0439/O



## Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	13 April 2026
Committee Interest	Local Application – Called In
Application Reference	LA05/2024/0639/O
Date of Application	03 September 2024
District Electoral Area	Downshire East
Proposal Description	Replacement dwelling and retention of existing dwelling (with alterations) as farm building
Location	Approx 180 metres north of 19 Ballycrune Road Hillsborough
Representations	0
Case Officer	Joseph Billham
Recommendation	<b>Refusal</b>

### Summary of Recommendation

1. This application is categorised as a local planning application and is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. it is recommended for refusal in that the proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. In addition, the proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that there is no building within the site that exhibits the essential characteristics of a dwelling and would be eligible for replacement.

### Description of Site and Surroundings

### Site

4. This 0.25 hectare site located on the northern side of the Ballycrune Road and is a square shaped plot cut out of a larger agricultural field. Within the site is a small rectangle building that fronts the road
5. The building is single storey with a tradition pitched roof and has a number of openings on both front and rear elevations. The openings include a single doorway, large opening, partial blocked up doorway and windows. The finishes include stone walls, red brick, block walls and corrugated iron sheeting roof. Some of the windows opening have wooden surrounds.
6. The topography of the land is relatively flat land overall.
7. The site is bounded along the Ballycrune Road with partial stone random stone rubble wall, entrance pillars and native hedgerow. The building subject of the application is bounded by an existing farmyard and buildings to the south. The siting of the site is set back from the roadside and is bounded by mature hedgerow to the north, south and east. The northwest boundary remains undefined and is part of a larger agricultural field.

### Surroundings

8. The site is located within a rural area. North, west and south of the site comprise of open agricultural fields. East of the site lies a number of detached dwellings that include Nos. 20 and 22 Carricknadarriff Road which are both detached rural bungalows.

### **Proposed Development**

9. The proposal is for a 'replacement dwelling and retention of existing dwelling (with alterations) as farm building'.

**Relevant Planning History**

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

Reference Number	Description	Location	Decision
LA05/2017/1137/O	Proposed Replacement Dwelling	70m north of 19 Ballycrune Road Hillsborough	Permission Refused
LA05/2019/1301/O	Erection of replacement dwelling house and garage and conversion of existing dwelling house to stable to loose box.	70m north of 19 Ballycrune Road Hillsborough	Permission Refused

**Consultations**

11. The following consultations were carried out:

Consultee	Response
DFI Roads	No objections
LCCC Environmental Health	No objections
NI Water	No objections
NIEA	No objections
DFI Rivers	No objections

## Representations

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

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

15. In accordance with the transitional arrangements the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan 2001 (LAP). Draft BMAP remains a material consideration.
16. The site is located in the countryside in LAP and at page 49 it states:
- that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.*
17. In the last revision to draft BMAP in 2014 this site is also identified was located in the open countryside.

18. New residential development is proposed in the open countryside. 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.*

19. 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.*

20. 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.*

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

22. The proposal is for new residential development in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

23. 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

24. Policy COU3 – Replacement Dwellings states:

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

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

#### *Non-Listed Vernacular Buildings*

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

*In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.*

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

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

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

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

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

25. 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

26. 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

27. While the existing building is being retained it has bat roost potential. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

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

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

#### Waste Management

28. A septic tank is proposed to deal with the effluent from the proposed dwelling. Policy WM 2 - Treatment of Wastewater states:

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

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

#### Access and Transport

29. The proposal involves the construction of a new 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.*

30. The justification and amplification states:

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

#### Flooding

31. An undesignated watercourse is located along one boundary of the site. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states:

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

#### RE2 Integrated Renewable Energy

32. New residential development proposals should integrate renewable energy technology into the design. Policy RE2 – Integrated Renewable Energy states:

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

#### **Justification and Amplification**

*The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies.*

*This is referred to as ‘micro-generation’ and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources.*

*New large-scale urban, public sector and rural development proposals can maximise the benefits that can be derived from integrated renewable technology.*

*Some forms of micro-generation development currently benefit from permitted development rights under the Planning (General Permitted Development) Order (Northern Ireland) 2015. This legislation should be referred to when considering the retrofitting of small-scale renewable energy development.*

## Regional Policy and Guidance

### Regional Policy

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

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

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

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

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

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

36. Paragraph 3.8 of the SPPS states:

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

37. 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.*

38. It is stated at paragraph 6.232:

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

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

### **Retained Regional Guidance**

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

### **Building on Tradition**

41. Paragraph 5.1.3 of Building on Tradition states that:

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

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

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

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

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

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

43. It also notes with regards to visual integration that the following points be considered:
- Work with the contours (not against them)
  - Look for sheltered locations beside woodland
  - Make use of natural hollows
  - void full-frontal locations where bad weather can damage buildings
  - Avoid north facing sloping sites (difficult to achieve good passive solar gains)
  - Look for sites with at least two boundaries in situ and preferably three
  - Look for sites that face south (easy to achieve good passive solar gains).
44. It also includes design principles that have been considered as part of the assessment:
- Get the size and scale right relative to what is existing.
  - Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
  - Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
  - Retain existing hedgerows, boundaries and mature vegetation.
  - Acknowledge building lines and informal setbacks.
  - Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.
45. With regards to wastewater treatment, Building on Tradition [page 131] states that

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

*The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.*

## Assessment

### Replacement Dwellings

46. The first step of the policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
47. The agent has submitted supporting information that includes a Griffith valuation, site photographs and table of characteristics analysis. The supporting information submitted by the agent indicates the characteristics of a dwelling includes the domestic door and window openings, individual rooms and a chimney.
48. The Griffiths valuation ledger and map submitted in support of the application details the history of the occupation of the building.
49. The record details that the proposal site is within the Parish of Annahilt in the Townland of Ballyrcune and itemised as site 1 with John McCherry as occupier and the tenement described as a house office and land.
50. Whilst it is acknowledged that the policy does state that building formerly used as dwelling will be eligible for replacement and the evidence from the Griffiths Valuation is not disputed the policy still requires an assessment of whether the building exhibits the essential characteristics of a dwelling.
51. Having visited the site and carried out an external and internal visual inspection the building does not exhibit the essential characteristics of a dwelling for the following reasons. The building does not have residential features including chimney, internal evidence of a chimney or fireplace. There is no chimney on the ridge of the building. The building does comprise of two rooms with no internal access between both rooms as internal doorway has been blocked up.
52. The floor of the building comprises of hardstanding and appears to be used for housing of livestock. There are a number of openings presents on site and windows on the front and rear elevation has been altered and blocked up with cement blocks which are not characteristic of a dwelling. On the front elevation facing the north there is a large open void doorway that appears agricultural in nature allowing access for housing animals.
53. In planning appeal 2019/A0254 the Commissioner stated

*“The essential characteristics of a dwelling are not prescribed by the policy; however, it would not be unreasonable to expect to see a chimney, domestic scaled window and door openings, a chimney breast and some internal room divisions all of which would give a building the appearance of a dwelling.”*

54. The agent within their supporting statement and supporting information have provided reference to two applications PAC Ref: 2023/A0028 and LA05/2021/0738/O.
55. Having reviewed the reports associated with the submitted evidence there is no reason to accept that appeal decision 2023/A0028 and planning permission LA05/2021/0728 sit on all fours with this proposal. The evidence of whether this building exhibits the essential characteristics of a dwelling has been considered on its own merits. The other decisions had buildings with a different form, character and appearance and are of limited assistance in determining this application.
56. A recent PAC decision 2024/A0075 provides useful direction on the characteristics of a dwelling. Paragraph 15 – 16 states that:

*I acknowledge the Appellant's testimony at the hearing that the policy only requires that the fundamental tests, including the presence of substantially intact walls, and proof that the building had been a dwelling, have been met. However, contrary to his view, the Policy also requires that the building to be replaced exhibits the essential characteristics of a dwelling.*

*If there were internal walls or a chimney, they have now been removed, and the building's openings have been altered. What is evident from my site inspection is that the building has been adapted over the years for agricultural purposes. Having considered the evidence and from my on-site observations, even if I were to set aside the recent alterations to the openings along the front façade, taking the building as a whole, I judge that the appeal building does not exhibit the essential characteristics of a dwelling. Thus, I find that no replacement opportunity is present, and the proposal is contrary to Policy COU3. Thus, the Council's second reason for refusal is sustained.*

57. The Council would hold the opinion that while the Griffiths valuation indicates the building on site has the tenements valuation of that of a house. On review of the historical and ortho maps there appears to be two buildings on site that includes the building subject of this application and another building at right angle to it. There is only one building in situ on site. It is not clear within the Griffith report which building it refers to. The building on site is considered to be used for agricultural purposes with a number of openings altered including a large open void doorway and a number of windows and doorway blocked up. The building therefore does not represent a replacement opportunity.
58. Taking all the above in consideration the use of the subject building for residential purposes has long been abandoned is considered the building is that of an agricultural building and has been altered with windows and internal door blocked up and large opening now present over the course of the time.

The building at present appears to be used as an agricultural building and is not considered to exhibit the essential characteristics of a dwelling.

59. There is also consistent with the previous history on the site for refusal of permission for a replacement dwelling under applications LA05/2017/1137/O and LA05/2019/1301/O (see history table above).
60. Without prejudice to the advice already offered and for completeness the other policy tests are considered.
61. Within the context of the additional criteria, upon site inspection it is evident that no curtilage exists. The site location plan is positioned north in the adjacent field. The agent within the supporting statement has indicated the siting is required to be 70m away from the existing farm complex due to EHO requirements to avoid adverse impact on residential amenity. The location of the site is considered to meet criteria a) ii) by way of an alternative position nearby would result in amenity benefits. Criteria a) is met.
62. The application is seeking outline permission, and the size of the dwelling will be assessed at reserved matters stage. However, given the sites location set back from the roadside and the existing mature boundaries in place the proposal shall not result in a visual impact significantly greater than the existing building. Criteria b) is not met.

The proposal is for outline permission, and a condition will be placed on any decision notice for the dwelling to be designed in accordance with the Design Guide Building on Tradition – A sustainable Design Guide for the Northern Ireland Countryside. No design details have been provided.

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

63. Turning then to policy COU 15 in terms of criteria (a), it is considered that the proposal would not be a prominent feature in the landscape. The site is set back 80m from the Ballyrcune Road. A dwelling here shall have a backdrop of mature trees and would not be considered prominent in the landscape.
64. In terms of criteria (b) the siting of the dwelling is considered to cluster dwellings No 20 and 22 Carricknadarrieff that are sited north of the site. Criteria b) is considered to be met.
65. In regard to criteria c) the topography of the site is relatively flat land overall and does not consist of a top of slope location. The site is considered to blend with the landform and the existing boundary trees along the north boundary that provide a backdrop. Criteria c) is met here.
66. The northeast boundary comprises of mature trees and the west and southwest comprise of native hedgerow. The site does not lack long established natural boundaries as the north boundary comprises of mature trees. This will provide

a suitable degree of enclosure for the new building to integrate into the landscape.

67. In terms of criteria (e), the proposal would not rely primarily on the use of new landscaping for integration.
68. In terms of criteria (f), the appropriate condition will be applied to ensure the design of the building is appropriate for the site and its locality and designed in accordance with the Design Guide Building on Tradition. Further details relating to design are to be submitted at reserved matters.
69. In terms of criteria (g), any ancillary works such as the access and land around the development should integrate into the surroundings. The site location plan shows a new access that shall run unobtrusively alongside existing hedgerows along the north boundary. The application is at outline stage therefore full design details have not been provided for consideration. The proposal is seeking to use an existing access and DFI Roads have been consulted and offered no objections.

#### Rural Character and other Criteria

70. In terms of policy COU16, in terms of criteria (a), it is considered that the proposal would not be unduly prominent in the landscape.
71. Criteria (b) has been explained in paragraph 66 above the proposal shall cluster with an established group of buildings.
72. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area. In the event of approval, the curtilage size will be restricted to the red line boundary.
73. It is considered that a dwelling at this site is capable of being developed so as to respect the pattern of development. Within the surrounding area there are several long-detached dwelling plot sites that include No 21 Ballyrcune Road and No 20 and 22 Carricknadarriff Road. Criteria c) is capable of being met.
74. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside. The site is sufficiently removed from any surrounding settlement limit. Criteria d) is met.
75. The proposal shall not have an adverse impact on the rural character of the area. Criteria e) is met.
76. As the proposal is for outline permission no details have been provided. The closest dwelling is No 20 Carricknadarriff Road and has a separation from the site boundary to the rear elevation of 37.5m. Taking into consideration the mature boundary treatments along the northeast and west boundary that shall be conditioned to be retained shall mitigate any overlooking concerns in event

of approval. The proposal shall not have an adverse have an adverse impact on residential amenity. Criteria f) is met.

77. The application form states that the proposed method of sewerage disposal is by treatment plant.
78. Water Management Unit and EHO have both been consulted on the proposal and have raised no objections to the proposal. Further details of this shall be provided at reserved matters stage.
79. In terms of criteria (h), it is considered that the impact of any ancillary works would not damage rural character.
80. A new access laneway is being proposed here. DfI Roads have been consulted and offered no objections. Criteria (i) is met here.

#### Natural Heritage

81. Policy NH5 makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
82. The existing building is proposed to be retained as farm building. Further details are required at reserved matters stage showing the existing building being retained. The agent has provided a Biodiversity Checklist and Bat Roost Potential Survey and a Bat Activity Survey. NIEA have been consulted and replied stating:

*NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that the Bat Survey has indicated that no bats were recorded emerging or re-entering the building, therefore NED is content that the building is unlikely to currently support roosting bats. However, if roosting bats are found during works, all works must stop and advice sought from NIEA Wildlife Team.*

*NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.*

83. It is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage importance and as such, the policy requirements of policy NH 5 of Plan Strategy is met.

#### Access, Movement and Parking

84. The detail provided within the application form and drawings illustrates that the scheme proposes to use a new access and laneway to public road.
85. It is noted that the Ballycrune Road is not a Protected Route. As such Policy TRA 2 is engaged. DfI Roads have been consulted and offer no objections to this development, subject to standard conditions. It is therefore contented that Policy TRA 2 and section a) is complied with. No issues of concern shall arise with respect to road safety or the flow of traffic.

#### Policy WM2 - Waste Management

86. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of existing watercourse. DfI Rivers have been consulted and offered no objections. Foul sewage is being handled through package treatment plant.
87. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place. NIW raised no objections to the proposal.
88. Consideration of flood risk is included as a criteria for assessment in policy WM 2. The site is not located with an area of flood risk on the rivers agency mapping system. The river agency maps indicate flood area is not within the red line of the site. DfI Rivers have been consulted and offered no objections
89. Based on a review of the information and advice received from consultees, the requirements of Policy WM2 of the Plan Strategy are complied with.

#### Planning and Flood Risk

90. River's agency offered no objection to the proposal for a replacement dwelling.
91. It is highlighted for the undesignated watercourse running along the boundary with the access and lane that a working strip can be provided in accordance with the requirements of policy FLD2.
92. It should be noted that NI Water, EHO and NIEA Water Management Unit have no objection to the proposal.
93. It is considered that the proposal complies with policy for the reason outlined above.

#### RE2 Integrated Renewable Energy

94. The application is for outline permission, and no design details have been provided at this stage. It is considered further detail shall be provided at reserved matters stage. The proposal shall be able to provide renewable

energy technology that shall be submitted at building control stage relating to energy efficient materials and techniques.

95. Should other renewal energy proposals come forward once the dwelling is built, the applicant has an opportunity to use the permitted development to integrate renewable energy and low carbon technologies. For these reasons it is considered that the proposal is capable of meeting the requirements of policy RE2.
96. The requirements of paragraph 6.232 of the SPPS Edition 2 have been considered against the requirements of policy RE2 of the Plan Strategy. No additional requirements apply.
97. It is considered the development proposal would integrate renewable energy technology within the design and materials that shall be confirmed at reserved matters stage. The proposal shall not have an adverse impact on any visual or amenity elements. Further details shall be provided at reserved matters stage. The proposal is considered to comply with Policy RE2.

### Conclusions

98. As the building does not exhibit the essential characteristics of a dwelling it is not eligible for replacement, and this is consistent with a previous history of refusal for a replacement dwelling.

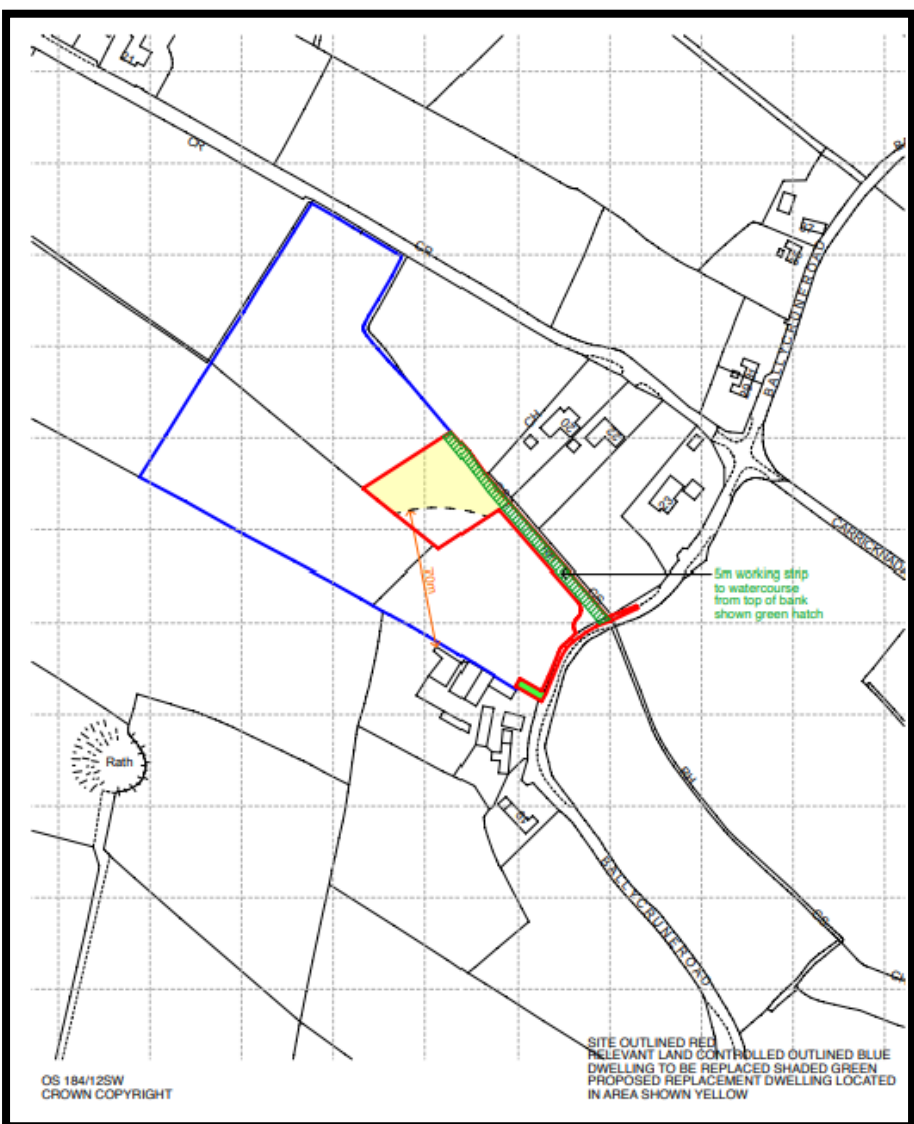
### Recommendations

99. It is recommended that planning permission is refused.

### Refusal Reasons

100. The following refusal reasons are recommended:
  1. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
  2. The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that there is no building within the site that exhibits the essential characteristics of a dwelling.

Site Location Plan – LA05/2024/0639/O



## Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	13 April 2026
Committee Interest	Local Application
Application Reference	LA05/2023/0550/F
Date of Application	04 July 2023
District Electoral Area	Lisburn & Castlereagh
Proposal Description	Proposed demolition of existing ruby's bar and restaurant (retention of off sales retail unit) and redevelopment of land to comprise 12 no 2 bed apartments with private and communal amenity space, PV panels, bin and bicycle store, landscaping, car parking and all associated site works
Location	Lands at 793 and 793a Upper Newtownards Road, Dundonald
Representations	103 objections and 2 letters of support
Case Officer	Sinead McCloskey
Recommendation	<b>APPROVAL</b>

### Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee 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 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 when the building is constructed, it will not adversely impact on the character of the area. The development will also not have a detrimental

- impact on the amenity of existing properties adjoining the site by reason of overlooking or dominance/ loss of light.
3. Furthermore, the density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the 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 proposal complies with policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known 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 policies FLD 1 and FLD3 of the Plan Strategy as it is demonstrated that adequate drainage can be provided within the site to service the proposal without causing or exacerbating flooding elsewhere.
  10. The proposal complies with policy RE2 as the new dwellings will have solar panels and be constructed in accordance with current building control standards and DfC design standards which encourages sustainable design and energy efficiency.

## Description of Site and Surroundings

### Site

11. The site is located at No 793 and 793a Upper Newtownards Road, Dundonald and is currently Ruby's Bar and Restaurant, a Winemark Off-License and associated car parking.
12. The Comber Road is located to the south of the site and the main access to the restaurant car park is from the Comber Road. There is a separate car park to the front of the off-licence which can be accessed from both roads.
13. The site is flat and is at a similar level to both roads. The northeastern boundary consists of a one-metre wall with pockets of vegetation dotted along. Further along the northern boundary there is a 0.8 metre wall with a close board fence above. This encloses an outdoor seating area associated with the restaurant/bar. There is no boundary treatment adjacent to the off-licence along this part of the road. There is a public footpath between the northern boundary and the site, approximately two metres in width. There also appears to be a former vehicular access located along this boundary but has since been blocked with railings to prevent cars entering/exiting onto the Upper Newtownards Road.
14. There is a small area of shrub planting in the most westerly corner of the site, adjacent to the off-licence car park. The pedestrian footway continues around this part of the site.
15. The footpath extends along the southern boundary of the site. The southwestern boundary is largely undefined with the building extending towards the footpath in parts and close board fencing in other parts. The southeastern boundary consists of a one-metre wall, with some vegetation behind, further to the east.
16. There is a public walkway adjacent to the eastern boundary, providing pedestrian access between the Comber Road and the Upper Newtownards Road. The common boundary between the site and the walkway consists of a 0.5 metre wall and 8-10-metre-high trees and vegetation. A 2.5-metre-high close board fence can also be seen adjacent to the wall.

### Surroundings

17. The site is located along one of the main routes into Belfast City, the Upper Newtownards Road which is protected route and a rapid transit route.
18. The surrounding area comprises a mix of uses including, residential, McDonalds restaurant, Ulster Hospital, shops, police station and parliament buildings. There is a golf course and a public area of open space within the vicinity of the site.

### Proposed Development

19. The application is for full planning permission for the demolition of the existing bar and restaurant and the redevelopment of the land to comprise 12 two-bedroom apartments with private and communal amenity space, PV panels, bin and bicycle store, landscaping, car parking and all associated site works.
20. The following documents are submitted in support of the application:
  - Design and Access Statement
  - Planning Statement Addendum
  - Biodiversity Checklist
  - Preliminary Bat Roost Assessment
  - Bat Roost Emergence Survey
  - Transport Assessment Form
  - Travel Plan
  - Vehicle Speed Survey
  - Service Management Plan
  - Flood Risk and Drainage Assessment
  - Noise Assessments
  - Schedule 6 Consent

### Relevant Planning History

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

Reference Number	Description	Location	Decision
Y/1987/0429/F	Extension to public house	The Elk Inn Comber Road/ Upper Newtownards Road Dundonald	Permission Granted 18 <sup>th</sup> April 1988
Y/1999/0121/F	Alterations to internal layout and existing facade including new fire escapes and balconies.	The Elk Inn Comber Road/ Upper Newtownards Road Dundonald	Permission Granted 22 <sup>nd</sup> June 1999
Y/2008/0442/F	Erection of a single storey extension to front of off sales premises.	793 Upper Newtownards Road, Church Quarter, Dundonald, BT16 2RE	Permission Granted 8 <sup>th</sup> December 2008
LA05/2021/0049/F	Demolition of existing public bar, lounge and restaurant (retention of off sales retail unit) and construction of new drive-thru coffee and bake shop restaurant with associated car parking and landscaping	793 Upper Newtownards Road Belfast BT16 2RE	Permission Granted 14 <sup>th</sup> November 2022
LA05/2022/0259/PAD	Proposed demolition of existing Ruby's bar and restaurant (retention of off sales retail unit) and redevelopment of land to comprise 18 no 2 bed apartments with private and communal amenity space, bin and bicycle store, landscaping, car parking and all associated site works	Lands at 793 and 793a Upper Newtownards Road Dundonald BT16 2RE	PAD Concluded 6 <sup>th</sup> October 2022

## Consultations

22. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DFI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
Historic Environment Division	No objection
Northern Ireland Housing Executive	No objection

## Representations

23. 103 objections have been submitted in opposition to the proposal and 2 letters of support. The main issues raised included the following:

- Inadequate infrastructure
- Too many apartment buildings in Dundonald
- Loss of the last pub/social space within Dundonald
- Community loss
- No evidence existing premises cannot be retained/redeveloped for the same use
- The building is listed/important
- Traffic
- Parking
- Economic impact
- Rubys is not brownfield site/closed
- Poor living conditions in the proposed apartments
- Poor alignment with LDP
- Reliance on other approved schemes
- Social housing

## Local Development Plan

24. 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

25. 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.*

26. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Belfast Urban Area Plan 2001 (BUAP). Within BUAP the site is white land.
27. Draft BMAP remains a material consideration. Within draft BMAP 2015, the site also lies within the settlement limits of Metropolitan Castlereagh and is also white land. The Upper Newtownards Road is a Protected Route as is the Comber Road.
28. The site consists of a public house, restaurant and off-licence and as such the site is categorised as brownfield land. It is stated within the glossary of Part 2 of the Plan Strategy that:

*brownfield land is sometimes referred to as previously developed land being land that is or was occupied by a permanent structure within a defined settlement limit.*

*The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated.*

*The following are excluded from the definition of previously developed land:*

- open space of public value as defined in Supplementary Planning Guidance, Part D: Definition of Open Space*
- the gardens of dwellings and apartments (broadly defined as those areas within the curtilage of a dwelling not containing buildings).*

29. The redevelopment of brownfield land in settlements is encouraged. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

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

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

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

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

*The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier*

*living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.*

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

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

33. The proposed housing is being developed as affordable housing. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

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

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

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

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

*The Plan will support development proposals that:*

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

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

### **Housing in Settlements**

36. 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).*

37. 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.*

38. 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 be where possible, including 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.*

39. 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.*

40. 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.*

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

42. 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.*

43. 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.*

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

*Affordable Housing – affordable housing is:*

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

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

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

### **Natural Heritage**

- 45. Given that the proposal involves the demolition of a building the potential impact on bats is considered.
- 46. Policy NH2 – Species Protected by Law states that:

#### *European Protected Species*

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

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

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

#### *National Protected Species*

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

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

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

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

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

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

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

### **Access and Transport**

48. The P1 Form indicates that access arrangements for this development involve the use of an existing unaltered access to a public road. 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 accompany development proposals.*

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

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

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

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

50. The justification and amplification states that:

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

51. The Upper Newtownards Road and the Comber Road are protected routes within a settlement. Policy TRA 3 – Access to Protected Routes states for other protected routes in settlements:

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

52. Car parking is required to service the proposed development. 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 standards<sup>33</sup> or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.*

53. A full parking standard is not proposed. 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.*

### **Flooding**

54. Given the size of the site and the amount of hardstanding proposed flooding and drainage are also considered. Policy FLD1 – Development in Fluvial (River) Flood Plains states that:

*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.*

#### *Development proposals of overriding regional or sub-regional economic importance*

*A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria*

- a) demonstration of exceptional benefit to the regional or sub-regional economy*
- b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.*

*Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.*

#### *Minor Development*

*Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.*

*Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.*

#### *Flood Protection/Management Measures*

*In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable:*

- a) new hard engineered or earthen bank flood defences*
- b) flood compensation storage works*
- c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain*

55. More than 10 residential units are proposed. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

*A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If*

*a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.*

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

### **Renewable Energy**

56. The use of renewable energy technology is encouraged in all new development. Policy RE2 Integrated Renewable Energy states:

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

### **Waste Management**

57. Policy WM 2 - Treatment of Wastewater states:

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

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

## **Regional Policy and Guidance**

### **Regional Policy**

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

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

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

60. 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*

61. Paragraph 3.6 of the SPPS Edition 2 states:

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

62. Paragraph 3.8 of the SPPS Edition 2 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.*

63. 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.

64. Paragraph 6.232 of the SPPS Edition 2 states:

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

65. 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**

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

#### Creating Places

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

68. 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.

69. 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.*

70. 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

71. Paragraph 4.10 states that:

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

### Assessment

#### **Housing in Settlements**

##### Policy HOU 1 – New Residential Development

72. The site is a brown field site within the settlement limit of Metropolitan Castlereagh. The application therefore complies with criteria (b) and (c) and as such, the test of policy HOU1 is considered to be met.

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

73. The site is located between the Upper Newtownards Road and the Comber Road, with a public footway abutting all boundaries. The surrounding area is characterised with a mix of uses including residential, restaurant, hospital and a police station. The existing residential development is quite high density in parts with apartments further along the Comber Road and flats opposite the site on the Upper Newtownards Road that appear to be associated with the adjoining hospital. More medium density is seen to the south of the site in Galway Park with a mix of mostly detached, semi-detached dwellings. Further along the Upper Newtownards Road, travelling in a westerly direction there is roadside apartment development.
74. To the northeast of the site there is the Ulster Hospital which covers a large area of ground occupied with buildings and car parks. Opposite this is a McDonalds restaurant and Dundonald Police Station, to the east of the application site.
75. The dwellings noted along this part of the Upper Newtownards Road are of varying age, design, scale and mass. There is no predominant form of housing found in the immediate area.
76. The form and general arrangement of the proposed building is characteristic of those built and approved within the vicinity of the site along the Upper Newtownards Road, with the Planning Statement Addendum citing similar development at Nos. 761-765 Upper Newtownards Road and at 757 – 759 Upper Newtownards Road, and those approved under planning approval

LA05/2022/0562/F at 933 Upper Newtownards Road.

77. In this context I am satisfied that the proposed development will not appear incongruous within its surroundings but is instead reflective of the development within the immediate context of the site
78. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by either the form or scale of development proposed.
79. The layout of the rooms in each of the units, the position of the windows and separation distance also ensure that there is no overlooking into the private amenity space of neighbouring properties, noting that there are no dwellings immediately abutting the site.
80. The proposed building is three storey and given the separation distances between the existing and proposed development, there would be no dominant or overbearing impact and no loss of light to any adjacent property.
81. Having regard to this detail and the relationship between existing and proposed buildings and having considered the guidance recommended in the Creating Places document, criteria (a) of policy HOU3 is met.
82. With regard to criteria (b), there are no archaeological or historic features to integrate into the overall design and layout of the development.
83. In relation to landscape characteristics, most of the site consists of buildings and hard standing. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development and as such all the requirements of policy HOU3 are met.

#### Policy HOU4 - Design in New Residential Development

84. Following concerns raised by planning in terms of the building design and capacity issues highlighted by NIW in the earlier stages of the processing of this application, the scheme has been reduced from 18 units to 12 units, and it is this scheme that is assessed in this report.
85. The last revision to the layout of the apartments on proposed drawing 02/3 published to the Planning Portal on the 17 February 2026 shows the apartments are contained within one building which is partly sited on the footprint of the existing building, but it will mostly be located on that part of the site which is currently occupied by hardstanding i.e. the car park. The plans show that part of the existing building which contained an off-licence, will remain. There is also a strip of land shown between the off-licence and the new apartment block. This area is annotated on the plans as being excluded from the application.

86. The building is largely of linear form and is located close to the northern boundary of the site, adjacent to the Upper Newtownards Road and also the eastern boundary. The southern portion of the site consists mostly of hardstanding providing the parking for the proposed development.
87. The building is three-storey. Fenestration is seen on all four elevations. The building is flat roofed with a ridge height of mostly 9.4 metres, rising slightly up to 10.4 metres towards the west of the site to allow for the lift shaft.
88. There are four apartments provided on each floor. The internal layout of each apartment is seen to be the same, with each unit having two bedrooms. The apartment block has two main entrances, both located to the west of the building, with one on the front elevation facing towards the Comber Road, and the other on the rear elevation facing towards the Upper Newtownards Road. These entrances lead to the respective corridors which provide internal access to each ground floor apartment. In this part of the building there is also a stairwell and a lift providing access to the first and second floors leading to corridors where the apartments on each floor can be accessed. It is also noted that each ground floor apartment has an external access leading to a private patio/garden area. Apartment Nos. 6 and 10 on the first and second floor respectively, also have an external door leading to a balcony area.
89. The vehicular access to the site is via the Comber Road. The access leads to an area of hardstanding to the southern part of the site for the parking of vehicles and a turning area. There are 12 parking spaces provided. There are two areas of communal amenity space located in this part of the site and a larger area to the north, adjacent to the Upper Newtownards Road. This area is accessed via a perimeter footpath that extends from the entrance area along the rear elevation. The bin store is enclosed and located to the south of the site, adjacent to the access. There is a covered bicycle stand located along the west facing gable elevation.
90. A new wall mounted metal railing measuring a total height of 1.2 metres is proposed along both the Comber Road and Upper Newtownards Road and a ground mounted railing is proposed for the western boundary. Hedgerows are also proposed along both roads. It is noted that the existing stone wall boundary along the eastern elevation is to be retained and repaired.
91. Within the context of the site, there does not appear to be any residential properties immediately adjacent to any of the site boundaries. The property at No. 799 Upper Newtownards Road currently trades as a betting office. The property at No. 8-10 Comber Road has a hot food take away on the ground floor. At the site inspection it could not be ascertained what use is on the first floor of this property. The properties to the south in Galway Park are located approximately 27 metres away from the southern boundary of the site and separated by two roads. There are no buildings abutting any other site boundary.

92. There is a 7.8 metre separation distance between east facing gable and the neighbouring building at No. 799. As stated, this is not a residential property as it currently operates as a betting shop, so although there are windows on this gable and the separation distance falls slightly short of the 10m as recommended in Creating Places, there are no concerns with regards to adverse overlooking effects towards this building.
93. There are no concerns with regard to overlooking from the any of the apartments as there are no residential properties immediately adjacent to that part of the site where the building is sited. If there is a residential property above the hot food establishment at Nos 8-10 Comber Road, there is an 18-metre separation distance between the closest window on the apartment building and a first-floor window on this building. There is also a 13m separation distance between the apartment building and the boundary at the rear of the adjacent building. The area to the rear of this building appears to be a car park.
94. Considering the above, I am content that there will be no overlooking concerns from the respective apartments towards the adjacent buildings.
95. The size and design of the building means that it is not dominant or overbearing. This in combination with the separation distances between the properties will ensure that no loss of light to any adjacent property will arise.
96. Whilst the buildings to the east and west of the site along the Upper Newtownards Roads are not dwellings, the relationship of the proposed building with these commercial premises is still considered in terms of the visual impact along the streetscape. The proposed apartment building replicates the form of the adjacent unit at No. 799 in that both have flat roofs.
97. A contextual elevation also reveals the relationship between the proposed apartment building and the remaining off-licence building to the west of the site. This existing building has a 9.2 metre pitched roof. The height of the bulk of the proposed building is 9.4 metre, rising to 10.4 metre at the lift shaft.
98. Although the proposed building is bigger in that it is three storeys compared to the two storey adjacent units, the contextual elevational details shown on the plans would indicate that the apartment building will not sit incongruous along this part of the Upper Newtownards Road as a mix of building types and heights are shown along the road.
99. 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 adjacent buildings in terms of overshadowing or overdominance. Criteria (i) is met.

The proposed finishes are deemed acceptable with a mix of buff and grey clay facing brick and metallic panelling for the walls. There is grey aluminium coping along the roof and charcoal grey uPVC window frames and sills.

100. The building will have a modern design which complements the surrounding built form, the variation of material finishes of brick and render adds to streetscape. The proposed design and finishes 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.
101. The detail associated with this layout show that primary vehicle and pedestrian access is taken from the existing access on the Comber Road. Twelve parking spaces are provided, with the ratio of one space per unit.
102. The building, albeit larger than the previous building on the site, is read within the context of the mix of development seen along this part of the Upper Newtownards Road. The building contains a mixed palette of materials. The mix of materials of metallic panelling and brick helps break up the massing of the development, taking its design and finishing hues from neighbouring buildings. The ridge height is comparable to the apartment buildings seen along various parts of the Upper Newtownards Road.
103. The agent has also confirmed that the scheme will be constructed in line with current NI Building Regulations and the DfC Design Standards which emphasises sustainable design and energy efficiency primarily through a fabric first approach. It can also be seen that the building proposes solar panels on the roof.
104. For the reasons outlined above, criteria (a), (e) and (f) are considered to be met.
105. With regard to criteria (b) detail submitted with the application demonstrates that communal amenity space and private individual patio areas are provided. The 4 ground floor apartments provided approximately 18sqm each of private amenity space via patios and 2 no. first and second floor apartments provide approximately 19.2square metres each of private amenity space via balconies. In addition to this, the external communal amenity area to the Upper Newtownards Roads side provides 232 square metres of open space for the use of all the residents. It is also noted that Moat Park is located 250 metres to the east of the site providing further open space. The Comber Greenway is also accessible to the site. As such I am satisfied that there is adequate amenity provision for the occupants of the 12 apartments associated with this proposal.
106. 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 as depicted in criteria (c),
107. With regard to criteria (d) the proposed density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality

of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.

108. The internal road layout provides for safe and convenient access around the site, and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
109. The design integrates informal surveillance of the parking areas with strategic locations for reception rooms located along three elevations and circulation spaces to the front and rear of the apartment block to ensure pedestrian movement. Criteria (l) is considered to be met.
110. Permeable surfaces and sustainable drainage are proposed as part of the development in line with criteria (j) of policy HOU4.
111. A bin collection compound is provided within the site, so safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles, criteria (k) is met.
112. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy.
113. 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 HOU10 – Affordable housing in settlement

114. Policy HOU10 requires a 20% affordable housing provision. This scheme offers 100% social housing. This policy also states in the justification and amplification that affordable housing should be delivered through mixed tenure developments.
115. I note that this proposal does not offer mixed tenure in accordance with the broad thrust of policy HOU4 but is supported by the NIHE. A supporting statement provided by the agent details that due to the management and maintenance regimes for social housing providers, it is not feasible or cost efficient to introduce other tenures into smaller apartment schemes like this.
116. In light of this, the Council is content with this as an exception to policy HOU10 and accept the proposal can be for 100% social rented accommodation.
117. Notwithstanding this, a Section 76 Agreement is still required to ensure as this is a design and build scheme by private developer and not a Housing

Association. It is recommended that no apartment is occupied until all the units are constructed and available for occupation and handed over to a Housing Association who is able to let them as social rented accommodation.

118. 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.

### **Access and Transport**

#### TRA1 – Creating an Accessible Environment

119. Detail associated with the P1 Form indicates that the development involves the use of an existing unaltered access to a public road for both vehicular and pedestrian use. The existing access point on the Comber Road will provide vehicular access. It is noted that the Comber Road is a Protected Route. No new vehicle access points are being created.
120. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed 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 dropped kerbs.

#### TRA2 – Access to Public Roads

121. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the access for 12 apartments will not prejudice road safety or significantly inconvenience the flow of traffic.
122. A Transport Assessment Form (TAF) is submitted in support of the application. It provides detail of Travel Characteristics, Transport Impacts and Measures to mitigate impacts/influence travel to the site.
123. The detail contained within the TAF illustrates that the proposed site access can accommodate the proposed traffic movements associated with the development proposals. It is stated that the proposed development is predicated to generate substantially less traffic than the existing public house.
124. Accordingly, the vehicle movements associated with the proposed development are not anticipated to cause any noticeable impact on the surrounding area. Pedestrian and cyclist access to the site can be taken from both the exiting footway provision along the Upper Newtownards Road and Comber Road,
125. 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.

126. Advice received from DfI Roads confirms that they have no objection, endorsing the site layout drawings.

#### TRA3 – Access onto Protected Route

127. As explained above, the proposal involves the use of an existing unaltered access to a public road, the Comber Road which is a protected route. The site is inside a settlement and in this case, there is no opportunity for access to be taken from an adjacent road and the detail submitted in terms of access arrangements will assist with the creation of a quality environment without compromising road safety or resulting in an unacceptable proliferation of access points.
128. Advice received from DfI Roads confirms that they have no objection on the grounds of road safety or traffic impact and as such, it is accepted that the tests for access onto a protected route associated with Policy TRA3 have been met.

#### TRA7 – Carparking and servicing arrangements in new developments

129. The proposal is required to provide 18 parking spaces to fully comply with parking standards. The proposed site layout will include 12 parking spaces, and this has been deemed acceptable for the reasons outlined below.
130. Policy TRA7 does permit a reduction in parking provision where certain circumstances arise. It states that reduced parking may be acceptable in locations which are highly accessible and well served by public transport. It also includes situations where it forms part of a package of measures to promote alternative transport modes. The agent provided evidence that both these scenarios are applicable in this instance.
131. As set out in the Travel Plan, the site is well serviced with proximity to bus and glider service routes, with bus stops existing a short distance from the site. These stops are serviced by Glider and Metro via a range of services. There is a footpath provided on both sides of the Carriageway and controlled pedestrian crossings on the Upper Newtownards Road and the Comber Road are located in close proximity to the site.
132. A submitted travel plan notes the development will benefit from a number of green travel measures to promote the use of sustainable modes of transport including a free Residential Travel Card to the primary resident of each dwelling unit to encourage the use of public transport and reduce the reliance on private vehicles and a car club and bike scheme membership.
133. The reduced parking standard is acceptable for the reasons outline above and this ratio is consistent with other applications for apartment development along the Upper Newtownards Road.

134. The site layout shows bicycle storage sufficient to supply the apartments or those visiting with 8 secure cycle parking spaces provided.
135. The internal design has allowed adequate turning space for those using the site so as ensure safe use of the site and access to it.
136. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests of TRA7 of the Plan Strategy.

### **Natural Heritage**

137. A biodiversity checklist with an accompanying Ecological Statement has been submitted in support of the application.
138. A high-level survey was carried out to assess the ecological potential of the site. It was found that there are no designated sites within 100 metres and there was no priority habitats present within the site.
139. It is stated that there is very little vegetation on the site.
140. It states that no priority habitats are present on the site, semi-natural woodland is within the nearby Stormont Estate. No impact on priority habitats is also predicted, and no priority species are present other than widespread birds and potentially, bats. It continues that no impact on priority species is predicted other than, potentially, bats if the mitigation as suggested is followed, stating a Preliminary Bat Roost Assessment report is required as there is a building on the site.
141. A Preliminary Bat Roost Assessment was provided and found the existing building on the site to have moderate bat roost potential. As such, a Bat Roost Emergence survey was deemed necessary.
142. This survey was submitted and stated that no bats were recorded roosting in the building. Therefore, no site-specific mitigation was required.
143. NIEA Natural Environment Division were consulted at various stages during the processing of this application. In a final response on the 6 December 2024, they stated that they are content that no bats were recorded emerging from the building proposed for demolition, recommending that care is taken during demolition works given that the building was assessed as holding moderate Bat Roost Potential.
144. For the reasons outlined above, it is considered that the proposal complies with Policy NH 2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.

## Flooding and Drainage

145. It is stated in the Flood Risk and Drainage Assessment that the proposed site is within Dfl Rivers predicted Q100 pluvial flood plain, with pooling visible along the adjacent road and the north-eastern portion of the site. It is also stated that as the proposal will alter the percentage of hardstanding areas within the site, the development site also has the potential to worsen flooding in this area as a result of increased surface water run-off during Q100 storm event.
146. One of the main flood hazards relating to the proposed development site is considered to originate from the Enler River identified to the north-east of the application site. Specifically, during a Q100 fluvial event, should flood waters rise high enough it is possible that flood waters could flow across the Upper Newtownards Road to the north of the application site resulting in the possibility of the proposed development site being flooded.
147. The specific modelling undertaken has predicted that the assessment site is not located within the floodplain of the watercourse and there shall be no development within the Q100 floodplain.
148. It is stated that the hazard posed to the development site as a result of out of bank flooding during a Q100 flood event is considered to be low, as predicted during a modelled Q100 event. During this event, flood waters are not predicted to reach the proposed development site. Consequently, the requirements of policy FLD1 do not apply to the site of the proposed development.
149. Relating to Policy FLD3, the Drainage Assessment states that in order to ensure that the proposed development does not result in intensification of flooding downstream of the site, it is recommended that storm water generated onsite does not exceed the greenfield run-off rate at the point of discharge (10l/s/ha). Run-off from the proposed hardstanding areas within the site will be attenuated to ensure that the proposed development does not result in worsening of pluvial flooding.
150. Dfl Rivers online Hazard Maps has indicated that a portion of the site is affected by surface water flooding during a Q100 rainfall event. The proposed development plan indicates that impermeable surfacing within the site will decrease from 95.2% to 82%. Prior to commencement of discharge to the proposed infrastructure, consent will be obtained from Dfl Rivers for the site for a maximum discharge of 2.1l/s. Schedule 6 Consent to Discharge was sought and agreed by DFI Rivers.
151. Several consultations to DFI Rivers were issued during the processing of this application. In a final response received on the 24<sup>th</sup> of February 2026, stated that:

*'Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the*

*responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors'.*

152. Based on a review of the information and advice received from DfI Rivers, it is accepted that the proposal complies with policy FLD3 of the Plan Strategy.

### **Renewable Energy**

153. The agent has confirmed that the proposed building will be constructed in line with current NI Building Regulations energy efficient standards and DfC Design Standards, noting solar panels are shown on the roof of the building.
154. It is therefore considered that the proposal meets the requirements of paragraph 6.232 of the SPPS Edition 2 and Policy RE2 of the Plan Strategy as renewable energy technology will be integrated into the design of the proposed dwellings.

### **Waste Management**

155. NIEA Water Management Unit (WMU) were also consulted and responding stating that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content.
156. They elaborate further by stating that they acknowledge the NI Water consultation response, dated 1<sup>st</sup> December 2025, which has approved this application for the disposal of foul sewage from the development to Kinnegar Wastewater Treatment Works (WWTW).
157. Given that NI Water advise that they are content that both the receiving WWTW and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.
158. DAERA standing advice has also been provided to be included in any decision notice.
159. NI Water initially returned a consultation response stating that they were recommending the application is refused. An assessment had indicated network capacity issues which established significant risks of detrimental effect to the environment and detrimental impact on existing properties. The applicant was advised to consult directly with NI Water, and it was stated that they were required to submit an application to NI Water for a Wastewater Impact Assessment.
160. Following the submission of amended plans, with the proposal reduced to 12 apartment units from 18, NI Water were issued with a new consultation. They responded on the 1 December 2025 that they were now recommending

approval and that there was available capacity at the Waste Water Treatment Works for 12 residential units on this site.

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

### Noise

162. A Noise Impact Assessment and a subsequent Inward Sound Level Impact Assessment was submitted in support of the application. It was concluded that mitigating measures (of sound reducing windows and acoustically attenuated ventilation systems) should be used in order to protect indoor amenity areas, and that these can be provided by conditions. In addition, there is a requirement for the flat roof arrangement to be designed to provide a sound reduction of 36/37dB R<sub>Tra</sub> (or R<sub>w</sub> + C<sub>tr</sub>) / 38dB R<sub>w</sub> or greater.
163. It was also stated that the sound level climate within the Private Outdoor Amenity Areas of the proposed development will exceed the associated upper guidelines, but it is proposed that the relatively quiet, protected, publicly accessible, external space at Moat Park to the East, could be considered to provide an acceptable alternative.
164. Environmental Health were consulted with these documents and responded stating that Guidance on sound insulation and noise reduction for building and the World Health Organisation's document entitled 'Community Guidelines for Noise' state the upper guideline value for noise is 55dB within outdoor amenity areas. BS8233 provides a narrative to describe circumstances where an increase in this limit may be acceptable and states:  
  
*"... these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited."*
165. They continue by stating that from the information provided it appears that the outdoor amenity areas exceed the upper guideline value of 55dB and the applicant proposes that there is a "relatively quiet, protected, publicly accessible, external space" located at Moat Park that could be considered an acceptable alternative as provided for within ProPG: Planning & Noise.
166. In light of this they state that the Planning Authority should decide if the development is desirable and therefore accept the higher noise levels within the amenity spaces, providing conditions to be attached should the above be found acceptable.

167. In consideration of this urban context, where residential development is commonplace with dwellings and apartment units seen on both sides of the road, determining weight is given to the fact that the proposal complies with all the relevant policies in all other regards. Conditions have been provided by Environmental Health to reduce any adverse noise impacts and to ensure appropriate ventilation levels are achieved. I am thus satisfied that the proposal is acceptable in this instance.

### Consideration of Representations

168. 102 objections and 2 letters of support were received in respect of this application. The issues raised were as follows:

**Dundonald's infrastructure is already under pressure, further housing is not needed. Primary Schools and doctors surgeries are oversubscribed. Dundonald is already overpopulated. Too many apartment buildings in Dundonald. No amenities. Dundonald residents have to travel to Carryduff for services.**

Within both the BUAP and draft BMAP the site is white land within the development limit, so there is a presumption of favour of development on this land. It has not been zoned for any particular use and as such an application for apartments was submitted and found to be acceptable under the relevant policies and for the reasons set out above the redevelopment of this land for housing is appropriate.

**Removing a place that people socialise in. There is no establishment of its kind in Dundonald. It is the last remaining pub/social space in Dundonald. It is important to have the option of somewhere like this to meet and connect with friends. It is one of the last community hubs in Dundonald. There is nowhere else local to eat and drink. The loss of an operational community facility. There is no assessment of community impact, loss of local services and social or cultural value. Staff and patients use Rubys as a respite from hospital. Demographics of the area are changing too quickly.**

Within both the BUAP and draft BMAP the site is white land within the development limit, so there is a presumption of favour of development on this land. It has not been zoned for any particular use and as such an application for apartments was submitted and found to be acceptable under the relevant policies and for the reasons set out above the redevelopment of this land for housing is appropriate.

**The fact that the premises has lacked recent investment, or that the current tenant has failed to operate it to its potential, does not mean the use itself is redundant. If the current owner does not wish to see the premises refurbished or improved, the site could reasonably be sold to an operator willing to invest and operate the business, especially given the clear demand and potential for such a facility in Dundonald. No evidence**

**has been provided to demonstrate why retention, refurbishment, or redevelopment for continued hospitality or mixed-use purposes has not been explored. No viability assessment or marketing evidence has been provided to justify losing the existing business use.**

The applicant is not required to provide evidence or a viability assessment as to why the current use cannot be retained, nor are there any stipulations who they should sell the business/land to. The application is assessed as provided. The land is not zoned for any particular use in the BUAP or draft BMAP.

**The building is listed and therefore had to be retained. It is an iconic building and should be protected. Rubys has been there for 100 years and should be listed. It is part of the important history of the area. This would be an important stop on a walking tour. It is a landmark building.**

The current building on the site is not listed. Historic Environment Division were consulted and responded that they welcome the retention of the mid nineteenth century building within the proposal and that on the basis of the information provided, they are content. No information was received regarding the potential listing of the building, nor stating the preferred retention of the building that is proposed to be demolished.

**Traffic is already bad in Dundonald without adding more cars on the road. Lack of parking in the area. Access onto the Comber Road is already dangerous.**

DFI Roads were consulted and offered no objection to the proposal and the parking provision as justified below the standard for the reasons set out earlier in this report.

**Loss of a local business will have an economic impact with people out of work. People are now avoiding Dundonald altogether which is hurt the already struggling local businesses. Allowing a purely residential block would prevent any future commercial or community benefit, which is contrary to the LDP's economic and regeneration aspirations.**

Within both the BUAP and draft BMAP the site is white land within the development limit, so there is a presumption of favour of development on this land. It has not been zoned for any particular use and as such an application for apartments was submitted and found to be acceptable under the relevant policies and for the reasons set out above the redevelopment of this land for housing is appropriate.

**Invest in making Dundonald a good place to live with business and places for social times, not just a place to live. There is plenty of land in the area, no need to knock it down.**

The site is white land in both area plans and not zoned for any particular use. The Council has no control over what applications are received and are obliged

to process all valid applications. This application was assessed and found acceptable.

**The site is referred to in the application form as brownfield and that Rubys is closed – this is not the case.**

It is stated within the glossary of Part 2 of the Plan Strategy that brownfield land is sometimes referred to as previously developed land being land that is or was occupied by a permanent structure within a defined settlement limit. The site does not have to be classified as brownfield land to be acceptable under the relevant policies. It is not a material planning consideration if the building is still operating under its current approved use.

**The proposed apartments offer poor living conditions (noise, ventilation & amenity).**

A Noise Assessment was submitted in support of the application and sent to Environmental Health for comment. They stated that that the outdoor amenity areas exceed the upper guideline value of 55dB and the applicant proposes that there is a “relatively quiet, protected, publicly accessible, external space” located at Moat Park that could be considered an acceptable alternative. They also stated that the Planning Authority should decide if the development is desirable and therefore accept the higher noise levels within the amenity spaces. As considered in the report above, this was deemed acceptable as the Upper Newtownards Road consists of multiple residential dwellings, all located adjacent to the road. Conditions have been provided by Environmental Health to reduce any adverse noise impacts and to ensure appropriate ventilation levels are achieved. No amenity concerns have been identified for the apartments as per the above report.

**Poor alignment with LDP placemaking and design policies.**

Within both the BUAP and draft BMAP the site is white land within the development limit, so there is a presumption of favour of development on this land. It has not been zoned for any particular use and as such an application for apartments was submitted and found to be acceptable under the relevant policies and for the reasons set out above the redevelopment of this land for housing is appropriate.

**The addendum places significant reliance on nearby apartment approvals to justify density and design.**

The application has been assessed on its own merits and meets the relevant policy tests.

**Applications for social housing are being put forward as it is thought they will meet less resistance.**

The site is white land in both area plans and not zoned for any particular use. The Council has no control over what applications are received and are obliged

to process all valid applications. This application was assessed and found acceptable.

#### Supporting Comment

#### **More houses needed**

#### **Nothing stands in the way of progress**

### Recommendations

169. The application is presented with a recommendation to approve subject to conditions and 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

170. 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.

- No dwelling in or from any development hereby permitted shall be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the drawing No. 03/3, which was published on the Planning Portal on the 1<sup>st</sup> April 2026, to provide adequate facilities for parking, servicing, and turning 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 turning within the site.

- The vehicular access shall be provided in accordance with the drawing No. 03/3, which was published on the Planning Portal on the 1<sup>st</sup> April 2026. The area within the visibility splays and the forward sight line shall be clear 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.

- A 2.0m footway width shall be maintained along the frontage of the Comber Road.

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

- 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.

- Covered and secure cycle parking shall be provided in accordance with Drawing no. 03/3 which was published on the Planning Portal on the 1 April 2026.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

- The redundant accesses from the site to the public road shall be permanently closed off and the public footway reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points onto the public road and in the interests of road safety and the convenience of road users.

- The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal 25th January 2024.

Reason: To ensure that adequate provision has been made for servicing and in the interests of road safety and the convenience of road users.

- The Residential Travel Plan published on the Planning Portal 25th January 2024, shall be implemented on completion of the development.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

- Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with Policy FLD 3 and Section 16 of the Plan Strategy 2032, to be agreed with the Planning Authority 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.

- Prior to occupation of the first apartment hereby approved, a window system (glazing and frame) shall be installed capable of providing a sound reduction index, when the windows are closed, of the Required Sounds Reductions (dB RTRA (or  $R_w + C_{tr}$ ) /  $R_w$  or greater) identified in Table 3 and Figure F of the Revised Inward Sound Level Impact Assessment dated 23 October 2025.

Reason: To protect the amenity of the proposed residents and achieve a quality residential environment

- Prior to occupation of the first apartment hereby approved, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving the Required Sounds Reductions (dB RTRA (or  $R_w + C_{tr}$ ) /  $R_w$  or greater) identified in Table 3 and Figure F of the Revised Inward Sound Level Impact Assessment dated 23 October 2025, 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 protect the amenity of the proposed residents and achieve a quality residential environment

- Prior to occupation of the first apartment hereby approved, a roof design providing a sound reduction in excess of 37 dB(A) RTra (or  $R_w + C_{tr}$ ) / 38dB  $R_w$ , shall be installed.

Reason: To protect the amenity of the proposed residents and achieve a quality residential environment

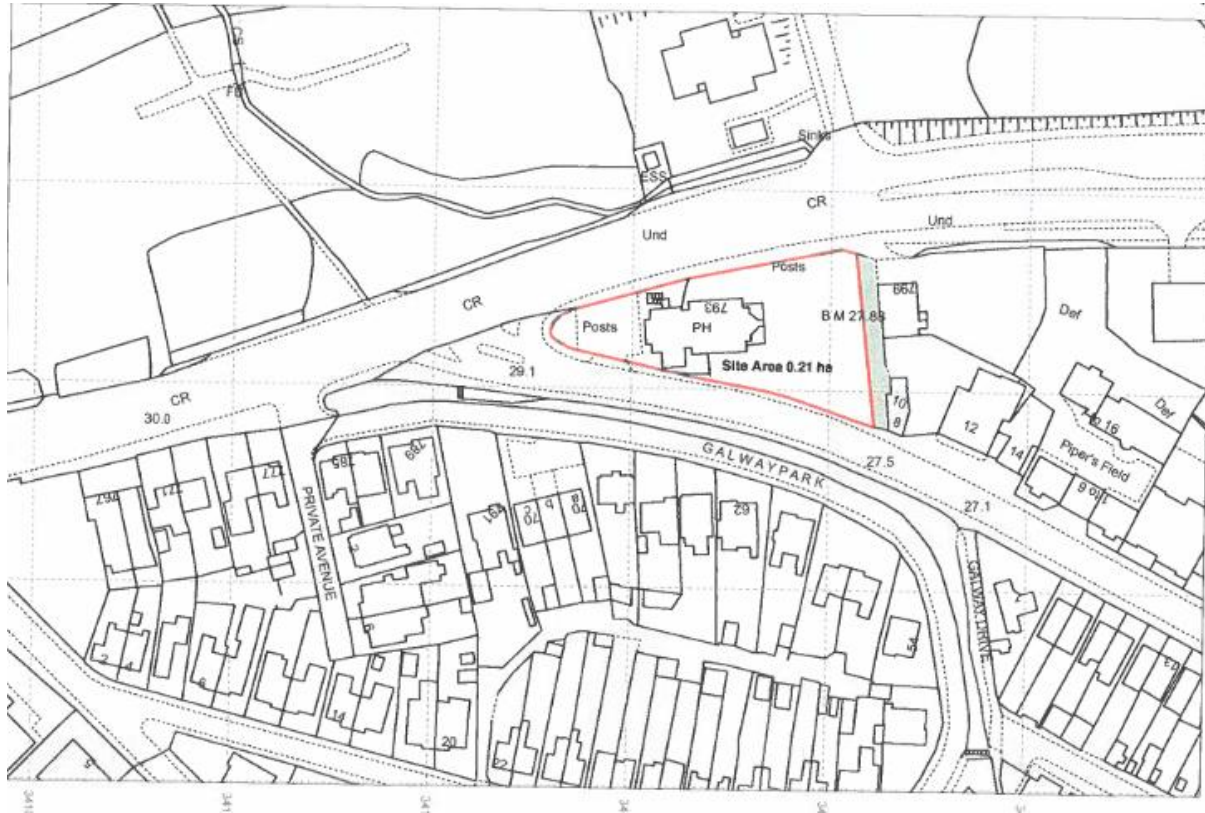
- All hard and soft landscape works shall be carried out in accordance with the approved details as shown in Drawing No. 03/3 which was published on the Planning Portal on the 1 April 2026 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out no later than the first available planting season after the occupation of the first apartment.

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

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

### Site location Plan – LA05/2023/0550/F



<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 2 – Statutory Performance Indicators – February 2026

## 1.0 **Background**

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

### **Key Issues**

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the position for each indicator for the month of February 2026.
2. This data is unvalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for February 2026 was 25.2 weeks. This is another month that the processing times for local applications was below 30 weeks and evidence that the focus on reducing the number of older planning applications is continuing to be reflected in the average number of weeks taken to process applications. Our performance in year to date is 30.7 weeks.
4. Members will note that there was no opportunity to perform against the statutory target for Major applications for February 2026 albeit several major applications subject to Section 76 planning agreements are due to issue before the end of the financial year. It is also anticipated that more major applications will be processed this year than received. Our performance in year to date remains 62.4 weeks.
5. 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 February 86.7% of cases were decided in 39 weeks.

2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that the Committee notes the information in relation to the February 2026 Statutory Performance Indicators.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

<p><b>Appendices:</b></p>	<p>Appendix 2 – Statutory Performance Indicators – February 2026</p>
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**Statutory targets monthly update - February 2026 (unvalidated management information)**  
**Lisburn and Castlereagh**

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	1	1	27.4	100.0%	50	81	47.6	17.3%	29	13	96.2	38.5%
May	3	2	119.2	50.0%	40	59	56.6	20.3%	20	17	86.0	52.9%
June	1	2	76.6	50.0%	59	85	42.2	24.7%	25	21	20.2	81.0%
July	0	0	-	-	50	69	25.6	23.2%	13	21	27.4	76.2%
August	0	1	62.4	0.0%	61	52	27.5	23.1%	15	13	45.4	69.2%
September	0	0	-	-	43	69	25.6	34.8%	18	27	73.0	55.6%
October	1	0	-	-	49	70	19.4	31.4%	18	30	51.4	60.0%
November	0	0	-	-	59	69	33.8	23.2%	20	15	41.6	66.7%
December	1	0	-	-	55	26	16.0	46.2%	17	24	54.5	58.3%
January	0	1	84.2	0.0%	54	63	22.0	42.9%	33	28	35.3	78.6%
February	0	0	-	-	57	67	25.2	35.8%	29	15	31.6	86.7%
March												
<b>Year to date</b>	<b>7</b>	<b>7</b>	<b>62.4</b>	<b>42.9%</b>	<b>577</b>	<b>710</b>	<b>30.7</b>	<b>28.2%</b>	<b>237</b>	<b>224</b>	<b>48.5</b>	<b>66.1%</b>

Source: NI Planning Portal

**Notes:**

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 3 – Appeal against Enforcement Notice (LA05/2025/0068/CA)

## 1.0 **Background**

1. An enforcement notice for an unauthorised change of use from shop to café on land at 15 Main Street, Glenavy was served on 28 July 2025.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 27 August 2025
3. The procedure followed in this instance was by informal hearing which took place on 27 November 2025.
4. The appeal was brought on Grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. The appellant's evidence indicated that only grounds (a) and (g) were being pursued and this was confirmed at the hearing.
5. In a decision received on 19 February 2025 the Commission confirmed that the appeal on ground (a) failed, and planning permission is refused. The appeal on ground (g) also fails and the enforcement notice is upheld.

### **Key Issues**

1. The key issues were whether development meets a local retail need for the village and the use can continue without an acceptable means of treating wastewater as this has the potential to create an adverse impact on the natural heritage features or cause a significant effect on designated heritage sites.
2. In respect of the Ground (a) part of appeal and whether planning permission should be granted retrospectively for the change of use from a retail unit to a café. The appellant introduced new evidence in respect to local need at the hearing. This evidence was accepted by the commissioner who following their own observations considered the development to satisfy the requirements of criterion (a) of policy TC5 of the Plan Strategy.
3. With regard to refusal reason relating to policy WM2, the commissioner agreed with the Council that the appeal development was contrary to Policy WM2 in that it had not been demonstrated that there is an alternative and viable non-mains solution for treating wastewater generated from the unauthorised use and that there was insufficient capacity to discharge treated effluent to a watercourse without creating or adding to a pollution problem or adding to flood risk.

4. The commissioner also found that the change of use from retail to a café would increase demand on the Glenavy sewer network, that is currently operating at full capacity with no planned upgrade. This overload on existing system has the potential to increase the risk of creating harmful impacts on nearby European and Ramsar sites.
5. The commissioner agreed with the Council that it has not been demonstrated by the appellant that site integrity, protected species, or sensitive habitats would be safeguarded therefore the appeal development conflicts with the conservation objectives for these designated sites and fails to meet policies NH1, NH2, NH3 and NH5 of the plan strategy.
6. In the context of the findings for Grounds (g) the Commissioner also agreed with the Council that given the ongoing risk of pollution from the continuing use that the compliance period of 30 days to cease the use is reasonable.
7. This appeal highlights that development will only be permitted where it is demonstrated to the Council and its Statutory Consultees that there is sufficient network capacity to accommodate development and that development will not create or add to a pollution problem or create or add to flood risk.
8. Additionally, the safeguarding of European, Ramsar sites and features of natural heritage should be demonstrated via supporting evidence and that the suggested economic and social benefits of development do not outweigh policy concerns associated with environmental issues raised to accommodate development in this instance.

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

3.0 **Finance and Resource Implications**  
 No cost claim was lodged by any party in this instance.

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

4.1	Has an equality and good relations screening been carried out?	No
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4.2	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out  This is a report updating the committee on a decision by the PAC and EQIA is not required.	
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4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.	
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This is a report updating the committee on a decision by the PAC and RNIA is not required.

**Appendices:** Appendix 3 – Enforcement Notice Decision – LA05/2025/0068/CA



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Lisburn & Castlereagh City Council, Local  
Planning Office  
Via email

Our reference: 2025/E0042  
Authority  
reference: EN/LA05/2025/0068/CA  
19 February 2026

Dear Sir/Madam

**Appellant name: Mr. Ronan Higham**

**Description: Unauthorised change of use from shop to café**

**Location: Land at 15 Main Street, Glenavy, Antrim, BT29 4LN**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Kathryn McConnell  
PACWAC Admin Team



# Enforcement Appeal Decision

Planning Appeals Commission  
4<sup>th</sup> Floor  
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<b>Appeal Reference:</b>	2025/E0042
<b>Appeal by:</b>	Ronan Higham
<b>Appeal against:</b>	An enforcement notice dated 28 <sup>th</sup> July 2025
<b>Alleged Breach of Planning Control:</b>	Unauthorised change of use from shop to café
<b>Location:</b>	Land at 15 Main Street, Glenavy, Antrim, BT29 4LN
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Authority's Reference:</b>	EN/LA05/2025/0068/CA
<b>Procedure:</b>	Informal Hearing on 27 <sup>th</sup> November 2025
<b>Decision by:</b>	Commissioner Trudy Harbinson, dated 19 <sup>th</sup> February 2026

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## Grounds of Appeal

1. The appeal was brought on Grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). The Appellant's evidence indicated that only grounds (a) and (g) were being pursued and this was confirmed at the hearing. There is a deemed planning application by virtue of Section 145(5).

### **Ground (a) and the Deemed Planning Application – that planning permission ought to be granted for the matters stated in the Notice**

2. The deemed application is for a change of use from a shop to a café. The Council included six draft reasons for refusal within their evidence objecting to the appeal development under Policies TC5 *Villages and Small Settlements*, WM2 *Treatment of Wastewater*, NH1 *European and Ramsar Sites - International*, NH2 *Species Protected by Law*, NH3 *Sites of Nature Conservation – National* and NH5 *Habitats, Species or Features of Natural Heritage Importance* of the Plan Strategy (PS). Section 45(1) of 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'. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
3. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11 December 2025, the Department for Infrastructure published the SPPS Edition 2 (SPPS2), which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2 makes clear that all other policy provisions within the former SPPS are unchanged. It contains strategic policy in

- respect of town centres and retailing, advocating a 'town centres first' approach for retailing and other main town centre uses. Paragraph 1.9 of the SPPS2 states that where a council adopts its Plan Strategy (PS), existing policy retained under the transitional arrangements shall cease to have effect in the district of that council.
4. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy has been adopted. The PS sets out the strategic policy framework for the Council area. Informed by the SPPS, it contains policies that aim to promote town centres, retailing and other uses within city and town centres. In line with the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the PS read together.
  5. The Lisburn Area Plan (LAP) operates as the DDP for the area wherein the appeal development is located. In it, the appeal development is located within the village of Glenavy which the Plan recognises as an important service centre for the extensive surrounding rural hinterland. The LAP contains no specific policies for the appeal development. It refers to regional retail planning policy, (Planning Policy Statement 5 Retailing and Town Centres), which has been since cancelled by the introduction of the SPPS (now SPPS2), and to supplementary guidance in Development Control Advice Notes.
  6. Given it was never formally adopted, Draft BMAP 2004 (dBMAP) is not a DDP, however, in certain circumstances, the designations within it may be a material consideration. In it, the appeal development is in the settlement of Glenavy. It is also within Glenavy Area of Village Character (AVC). Again, Glenavy Village is recognised as functioning as a local service centre. Neither the LAP nor dBMAP contain any other policies material to the appeal development. As such, there is no conflict between the DDP and the PS insofar as they relate to this appeal development. Furthermore, as the Council has adopted its PS, previously retained policies set out in the suite of regional Planning Policy Statements have now ceased to have effect within this Council area. The appeal development falls to be considered against the provisions of the most up to date operational policy which is contained in the PS. Guidance is provided in Supplementary Planning Guidance (SPG) of the PS 'C:A Vibrant Place – Growing our City, Town Centres, Retailing and Other Uses.'
  7. At the hearing the Council indicated that a live planning application for the change of use from existing shop area to single storey café at 15 Main Street Glenavy (LA05/2024/0313/F) was undetermined but was to be placed on a weekly decision list the following day with a recommendation to refuse.
  8. The main issues in respect of the deemed planning application and Ground (a) appeal are whether the appeal development would: -
    - meet a local need in Glenavy village;
    - have an acceptable means of treating wastewater; and
    - have an adverse impact on natural heritage or a significant effect on designated sites.

*Local Need*

9. The enforcement notice (EN) boundary map extends around the entire premises at 15 Main Street, the café being located within the northern most part of those premises. At my site visit I noted the southern portion of the premises to be a vacant outdoor space contained within the outer walls, the internal walls, as shown on an existing plan, and the roof removed.
10. It is located on Main Street in the village, with residential properties opposite and to its north. The listed Glenavy Methodist Church is adjacent to its south with a Church Hall opposite. Further south on Main Street there are a small number of commercial premises including a hairdresser, pub, chip shop, take away, Glenavy Kitchens, Glenavy garden centre and a pharmacy. There is also a family practice surgery. These are interspersed with residential properties, vacant units and derelict properties. Further south again, close to the junction with Moira Road A26, is a petrol filling station with Eurospar and Wineflair.
11. There was no dispute the café made use of a vacant unit within the AVC and the Council made no objections under Policy HE10 'New Development in a Conservation Area or Area of Townscape Character/Area of Village Character'. Nor were there any objections under the strategic policies for sustainable development, good design or economic development in the PS as presented by the Appellant in support of the appeal development. In the past, the premises had been occupied by 'Castle Home Trends' who sold beds and prior to that by a 'Vivo' convenience store. Section C 6. of the PS sets out operational policies for Town Centres, Retailing and Other Uses.
12. The Appellant considered the café, 'Crema and Crust', was an appropriate town centre use in line with the SPPS and Policy TC1 'Town Centres, Retailing and Other Uses'. There was no dispute between the parties that Policy TC5 'Villages and Small Settlements' was the relevant policy engaged.
13. Policy TC5 states proposals for retailing, business or community uses in villages and small settlements will be granted where: a) it is demonstrated a proposal meets a local need b) it is of a scale, form and design that does not affect the existing character and appearance of the area. The Council considered that only criterion a) of the policy was offended.
14. The justification and amplification text (J&A) to the policy, states that growth of appropriate scale, nature and type should also be encouraged in villages and small settlements to retain their vitality and meet an identified local need. It states this will ensure the sustainability of the local community and also the wider rural population. It further states that the policy recognises the important role villages and small settlements can play in rural communities.
15. The Planning (Use Classes) Order (Northern Ireland) 2015 specifies no class for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises. As such the café is a sui generis use. No definition of 'retailing, business or community uses' is provided for the purposes of Policy TC5. I note the SPG recognises that retailing, in its broadest sense, is the sale of goods to consumers and this includes the sale of food for consumption on the premises or hot food for consumption off the premises. It goes on to state that retailing is generally directed to existing settlements and where an application for a

- café is not in a city, town, district or local centre it will be determined on its particular merits. There was no dispute as to the appropriateness of its scale, nature or type, only that it had not been demonstrated there was a local need for it.
16. Neither Policy TC5 nor its J&A provide any guidance on what would constitute an 'identified local need'. The Council referenced existing provision of hot and cold food offer within the immediate vicinity including Lilys Kitchen and Bar, the Chip Factory and Eurospar. At the hearing the Council indicated it would expect a review of existing premises and facilities in Glenavy and the local area to be provided. It said no supporting information to demonstrate the proposal meets a local need had been provided for the live application (LA05/2024/0313/F). Whilst that might be the case, the Appellant gave oral evidence as to the local need in respect of the deemed application.
  17. The Appellant highlighted that they had found no other examples since 2023 of an application for a café in a village having been asked for such evidence. Notwithstanding that to be the case, they argued the appeal development was a small daytime café within the centre of the village, fulfilling a role that was not commensurate with the examples put forward by the Council. I was told the café serves tea, coffee and food including pastries, scones, cold and hot sandwiches, paninis, toasties and cold salad. It has no fryers. 60% to 70% of customers purchase takeaway teas and coffees.
  18. The Appellant advised the café attracts local regulars, in particular parents having dropped children to school and residents who work from home, frequenting the café given its Wi-Fi availability. They argued the café, having successfully operated since August 2024, is evidence on the ground that best demonstrates a local need is being met, as without daily custom from local regulars that would not be the case.
  19. The Appellant argued Lilys Kitchen and Bar is a public house with a different food offer served later into the day and that the Chip Factory is a hot food takeaway with no internal seating, also operating later in the day. Whilst Lilys Kitchen and Bar has internal seating I agree it is a different type of establishment than the appeal development. I noted at my site visit that the Chip Factory does appear to open earlier in the day, however, it has no internal seating and I concur that it has a very different offering to the cafe. I also noted another takeaway on Main Street not mentioned in evidence, but similar to the Chip Factory its food offer and hours of opening differentiate it from the café.
  20. The Council acknowledged some differences with the other establishments it had highlighted, but remained of the opinion that Eurospar, some 432m from the appeal development, offered similar services, products and seating at the same time as the appeal development, meeting a local need.
  21. The Appellant argued the Eurospar was ancillary to the petrol filling station, located at the edge of the village, and that its self service barista and hot food /deli counters did not operate as a café, requiring a customer to carry out multiple purchases before they could avail of limited seating or take the goods off the premises. Whilst at the southern end of the village, the Eurospar is within its settlement limit. Having visited it, I found the seating was not as generous as that indicated on the approved floor plan appended to the Council's evidence,

comprising only a few high stools along a breakfast bar. Whilst it may offer similar products that could be consumed on or off the premises, it requires self-service and is a different environment to the café. The primary use is the petrol filling station and shop. At the time of my visit the shop was busy with customers and the seating was not being used. That element in terms of its nature and scale is ancillary to the primary shop use. Whilst it may suit individuals who want to eat their purchase there and then, it would not be conducive to small groups meeting up for tea or coffee.

22. The cafe provides its customers with hot drinks and light bites to eat in the morning and afternoon, both on and off the premises. It provides seating, I counted some 26 in number. At the time of my visit a number of the tables were occupied. Having considered the review of existing premises and facilities provided by the Appellant there is nothing comparable to the café within the village. It is small in scale and has a particular and distinct offer that sets it apart from the other businesses referred to.
23. The LDP recognises the function of Glenavy village as a local service centre and the important role of such centres within their rural hinterland. I consider the café commensurate to its role and function. In the evidential context before me the café is an appropriate use within what was a vacant unit in the AVC, contributing to the vitality of the village.
24. Taking the oral evidence presented by the Appellant together with my own observations I am satisfied the café would meet a local need in compliance with the requirements of Policy TC5 (a) and the policy as a whole. The Council's first draft reason for refusal is not sustained.

#### *Wastewater Treatment*

25. The appeal development uses an existing connection to the public mains. A combined sewer serves the site. The Council considered the appeal development to be contrary to Policy WM2 in that it had not been demonstrated that there is an alternative and viable non mains solution, that there is sufficient capacity to discharge treated effluent to a watercourse nor that it would not create or add to a pollution problem or add to flood risk.
26. Policy WM2 'Treatment of Waste Water' states development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1 (Waste Management Facilities). 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. The J&A text accompanying Policy WM2 elaborates on 'Non-Mains Sewage Provision', stating that where connection to mains sewage is not possible, either because of the location of development or the capacity of existing WwTWs, sufficient information on the means of sewage treatment must be submitted for consideration.
27. Policy WM2 refers to two development scenarios. The first a proposal for a WwTW. The second a development relying on non-mains sewage treatment. The

Appellant emphasised that their development neither includes nor proposes non-mains sewage treatment. The appeal development is connected to the existing mains wastewater infrastructure. Policy WM2 is silent on proposals relying solely on mains sewerage. The Council indicated the policy and J&A should be read as a whole, the J&A referring to where a connection to mains sewage is not possible, as is the case here. However, the J&A is setting out the circumstances in which a development relying on non-mains sewage may come forward for permission and the requirement for sufficient information on sewage treatment in that instance. Whilst it may be the case the Council considers connection to the mains is not possible it remains that the appeal development is connected and the Appellant's position is that it is adequate. As such the appeal development is not relying on non-mains sewage treatment and Policy WM2 is not applicable in these circumstances. Nonetheless, the issues raised in respect of wastewater treatment are before me and I must consider them.

28. The Council had consulted with Northern Ireland Water (NIW) in relation to application LA05/2024/0313/F and there had been engagement between the Council, NIW and the Appellant in relation to wastewater. NIW's position was that the appeal development involved the change of use from a vacant property to a café and any foul water connected to NIW waste water infrastructure from it is considered an intensification of foul sewage discharge. The sewer network in Glenavy, to which the appeal development connects, is at capacity. Constraints include a lack of capacity at the WwTW to treat the sewage generated and capacity issues within the sewer network that conveys the sewage. Consultation responses indicated lengths of downstream sewer were operating above capacity and constraining the catchment, with unsatisfactory intermittent discharges (UIDs) causing a negative impact on the environment. It was further stated this information had been confirmed by the Belfast Drainage Area Plan model which had been validated, verified and signed off by Northern Ireland Environmental Agency (NIEA).
29. The NIW witness indicated the WwTW has a design population of 2500 and is serving an actual population of 2735, treating 235 over and above its designed purpose. I was advised it was a failing works, with two Biochemical Oxygen Demand (BOD) failures recorded within the past 10 calendar months. BOD is a gauge of effectiveness of Waste Water Treatment (WwT) plants, the BOD of waste water effluent used to indicate short term impact on oxygen levels of receiving water.
30. NIW are a regulated company. The Water Order Consent which is the standard that individual treatment works must meet are agreed with their environmental regulator NIEA. Glenavy WwTW is currently deemed to be in breach of its Water Order Consent. NIW referred to a Statement of Regulatory Principles and Intent (SoRPI) arrangement put in place in 2007 to enable NIW to address years of underinvestment. I was told this provides guidance to the utility regulator on how to approach its role so that lack of infrastructure be taken into account by NIEA in the event enforcement action is being considered. NIW indicated a recommendation to approve development where a works is failing would not be covered by that agreement, would be seen as a failure of management and could leave them open to prosecution as a result.

31. The discharge from Glenavy WwTW is to the Glenavy River. The Glenavy River in turn terminates in Lough Neagh. Reference was made to significant blue/green algae issues at the Lough caused by algae blooms which can produce toxins with serious issues for human and animal health. NIW indicated the Agri-Food and Biosciences Institute (AFBI) had confirmed nutrient levels for phosphorus in the Lough exceeded thresholds, driving blue/green algae growth. It was stated that 31% of phosphorus is attributed to discharges from WwT plants such as Glenavy. As such, NIW considered the addition of sewage from the appeal development to an already overloaded WwTW will lead to additional environmental disamenity with an impact on both the Glenavy River and Lough Neagh.
32. NIW has no plans within its current investment cycle (April 2021 to March 2027) to upgrade the wastewater system in this drainage area. I was advised it was one of a number of works that required an upgrade and whilst it will be prioritised any upgrade is dependant on funding. NIW indicated a submission is being prepared but at this time there is no confirmation the works will be upgraded nor any potential date for such works, if agreed.
33. NIW advised Glenavy WwTW was closed and it will only approve new connections where there is extant planning, like for like development, or where the new proposal is on a brown field site that results in reduced flows compared to previous use which must have been operating within the past 5 years. Where it is claimed a development will result in like for like or reduced flow this must be evidenced by flow calculations. There should be no detriment from development.
34. The Appellant argued the appeal development to be a small, low impact use with no fried food and no heavy water usage, operating at a scale comparable to and less intensive than previous. They indicated only some 30% of customers used the WC facilities with most availing of take away teas and coffee. Their position was that the appeal development would not result in any material increase in foul discharge from the site or new loading on the existing system.
35. I was told the building was acquired by the Appellant in 2023, opening in August 2024 after a period of refurbishment. The evidence indicated a Vivo convenience store had operated from the premises up until 2014 and after a period of vacancy it was used by a furniture shop / hardware store between 2020 and 2023. A Google Streetview image included in the Council's evidence is dated April 2023 and shows a for sale sign on the building with the shutters down on the door and two shopfront windows. The café, being sui generis, is a change of use from the previous retail use.
36. It was confirmed at the hearing that there is a sink in the servery area, which is an environmental health requirement for the café. Flow from the sink also goes to the combined sewer. At my site visit, in addition to that sink, I noted two sinks in an area to the rear of the café. They were in a room with the appearance of a back of house / storeroom. I found the layout on the ground differed slightly to the plans proposed under application LA05/2024/0313/F, however that is for a proposed use, whilst the deemed application relates to the development stated in the notice. The Appellant understood the Vivo shop had had a deli counter with a sink however, given they had no actual evidence of this, they did not seek to rely on it. The Appellant made reference in their written evidence to the café serving an average of 20 customers per day. They also refer to a higher daily footfall and

water usage for the convenience store, however the evidence indicates it has been closed for some eleven years.

37. The Appellant stated no additional sanitary facilities or foul connections are sought, the café discharging through the same single point of connection as the previous retail unit. An existing plan that accompanied application LA05/2024/0313/F was included in evidence. That shows a WC in an area of the premises now demolished. The number of toilets or sinks is not depicted however the size of the space is generally not dissimilar to that shown for a WC within the café on the proposed plan accompanying the same application. The Appellant's architect indicated that he had surveyed the premises and a toilet, 2 urinals and a wash hand basin had been removed. As such a net reduction in sanitary provision was argued, the café's WC comprising a single toilet and handwash basin.
38. NIW did not dispute there was an existing connection, their concern being intensification of foul discharge between the appeal development and its previous use. I agree that it does not necessarily follow that a reduction in urinals results in less people using the toilet facilities and a consequential reduction in flows. In addition to customers using the toilets, NIW referred to intensification as a result of teas and coffees being served, food preparation and the washing down of surfaces and dishes.
39. In support of their argument the café represents a lower intensity use with reduced flows, calculations had been carried out by an engineer in support of planning application LA05/2024/0313/F and were included in evidence. These indicate no difference in the number of employees (3 no.) or customers (45 no.) between the previous use and the appeal development. The Appellant stated it was their understanding that the toilets in the furniture shop could be used by customers and because of the nature of the goods sold it had attracted custom from further afield in addition to local.
40. For the previous shop, staff flow per day is calculated at 100l/person/day and for customers 10l/person/day equating to an overall volume of 750l/day. For the café staff flow per day is calculated at 50l/person/day and for customers 12l/person/day equating to an overall volume of 690l/day.
41. The Appellant's engineer's evidence stated that in calculating the '*volume of sewerage*' (sic) associated with the existing and proposed uses '*recommendations for land uses from NIEA's published document Code of Practice Flows and Loads*' had been used. A copy of the referenced document was not provided. NIW indicated that having themselves looked up the referenced Code of Practice Flows and Loads document, a figure of 100l/person/day is attributed to a factory with a canteen and a figure of 50l/person/day to a factory without a canteen, furthermore they could find no figure attributable to customers in a shop at 10l/person/day. NIW did not accept the calculations presented.
42. At the hearing the Appellant's engineer indicated the figures used were justifiable and based on British standards. However, as to why a member of staff working in a shop would have a flow calculation twice that of a member of staff working in a café I was provided with no justification other than that the guidance provided different flows for different uses. To my mind it is logical to assume that the flow/person/day for a staff member in both would be the same. If I were to accept

the customer flows presented and applied the same flow/staff/day to each use, the overall volume would be greater for the café.

43. Given the absence of a copy of the guidance relied on coupled with the lack of any logical explanation in response to concerns raised by NIW with respect to the flow calculations I attach them limited weight. Even if I were to accept the flows per person for customers used in the calculations, I am not convinced that a toilet in a furniture shop would be used as often as one in a café serving food and drinks. As per the Appellant's testimony as to local need, the cafe has regular customers, but a furniture shop is different in nature, with fewer regular customers given the nature and higher value of goods offered, which would be bought less frequently. Even if both uses were to average the same number of customers per day I agree with NIW that more customers are likely to use the toilet in the café. Furthermore, the furniture shop did not have a requirement for food/drink preparation and washing of dishes/surfaces.
44. The Appellant further argued that there has never been any cap, restriction or quantitative limit placed on the use of the existing foul connection serving the premises. That existing foul connection was to a retail shop, whilst a café is a sui generis use, it is development requiring planning permission. Where there is a new development proposed NIW compare flows with the previous use within 5 years. Whilst in theory it could be the case that the shop may have employed significantly more staff without any limitation, the Appellant's engineer's evidence presented flow calculations based on figures of 3 no. staff and an average of 45 customers per day. In considering whether there is a reduction in flows between the appeal development and the previous use those presented figures are the relevant ones to be taken into consideration. I have no other calculations in the evidence before me.
45. It was also argued that the café serves the local population of Glenavy who already contribute to the existing foul network, no new customer base is introduced nor visitors attracted from outside the settlement and it therefore does not add to the cumulative wastewater load on the local treatment system. The NIW witness advised that in considering development proposals people living in the local area are factored in and flows reduced accordingly. Notwithstanding my findings above that the café meets a local need, that does not preclude it serving customers from outside the local area that may be passing through or visiting, albeit in lesser numbers than the locals. I noted building workers on Main Street when I visited the site and a customer in the café in a high visibility vest and hard hat. Workers may not necessarily be resident in the local area. Whilst it may be the case that a large number of customers already contribute to the WwTW in question I am not persuaded that would always be the case. Even if I were presented with actual evidence that were the case it remains that the café use involves food preparation and washing of dishes / surfaces that again, would not necessarily have been required for its previous use as a furniture shop.
46. NIW stated even if the discharge could be regarded as minimal it was concerned that if all similar applications were to be approved, the cumulative impact of discharge would be very significant. The Appellant argued cumulative impact would only apply to similar buildings with no limits on the use of the foul sewer serving the premises. They considered an application for housing on Main Street, which NIW stated it had also objected to, was not comparable as the baseline

differed. I do not have full details of that application before me, nor was I presented with details of comparable applications within the drainage area. However, within the evidential context, to allow the change of use without reliable calculations would result in an unwelcome precedent.

47. In the evidential context, I have not been persuaded that the volume of waste water sewage generated by the appeal development is the same or less as the previous use of the building. I agree that the appeal development results in intensification of foul sewage discharge to the WwTW.
48. A consultation response from Department of Agriculture, Environment and Rural Affairs (DAERA) NIEA Water Management Unit (WMU) stated concern that the sewage loading associated with the development had the potential to cause an environmental impact if transferred to Glenavy WwTW. It advised the Council that if NIW were content that the WwTW and associated sewer network for the development can take the additional load, with no adverse effect on the WwTW and sewer network's ability to comply with their Water Order Consents, then it had no objection, but that if NIW advised it was not possible to connect the proposed development, as is the case here, then alternative arrangements would be required and NIEA discharge consent, issued under the terms of the Water (Northern Ireland) Order 1999, would be required for the discharge of sewage effluent from the development.
49. Alternative arrangements had been explored during the processing of application LA05/2024/0313/F, the use of a cesspit having been ruled out as an option. The Appellant, given their position that the appeal development results in no intensification of outflow and the existing connection to the mains is acceptable, had not then pursued any other alternatives. The open yard next to the café could potentially provide space for an alternative arrangement however as it stands there is no such proposal. In the absence of any detail to demonstrate what an alternative arrangement might look like I cannot be sure a viable non-mains solution, if it were to be proposed, could be achieved.
50. The Council's concerns in respect of the lack of capacity of the existing wastewater infrastructure to serve the appeal development are well founded.

#### *Natural Heritage Matters*

51. Policy NH1 'European and Ramsar Sites – International' states planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or a listed or proposed Ramsar Site. It goes on to state that where a development proposal is likely to have a significant effect or reasonable scientific doubt remains, the Council, through consultation with DAERA, is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning.
52. Policy NH2 'Species Protected by Law' states planning permission will only be granted for a development proposal that is not likely to harm a European protected species. It further states 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. The J&A indicates European protected species are listed under Annex IV of the Habitats Directive (transposed under Schedule 2 of the Habitats Regulations) and Other national protected species are listed under the Wildlife Order under Schedules (1), (5) & (8).

53. Policy NH3 'Sites of Nature Conservation Importance – National' states planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest (ASSI), a National Nature Reserve, a Nature Reserve or a Marine Conservation Zone. It goes on to state a development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.
54. 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 priority habitats, priority species, active peatland, ancient and long-established woodland, features of earth science conservation importance, features of the landscape which are of major importance for wild flora and fauna, rare or threatened native species, wetlands (includes river corridors) or other natural heritage features worthy of protection including trees and woodland. It goes on to state a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features as listed may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. The J&A indicates that priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011),
55. As above, NIW raised concern that the addition of sewage from the appeal development to an overloaded system would lead to additional environmental disamenity with an impact on Glenavy River and Lough Neagh. In a consultation response from DAERA, WMU advised that having considered the impacts of the proposal on the water environment the proposal has the potential to adversely affect the surface water environment. A Habitats Regulations Assessment (HRA) was carried out by Shared Environmental Service (SES) and adopted by the Council. This was circulated post exchange of evidence. The Appellant was afforded an opportunity to respond post hearing.
56. Regulation 43 of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as amended) (the regulations) requires that the competent authority, in this case the Commission, consider the implications of a proposal on European designated sites, in view of that site's conservation objectives, and make an appropriate assessment where there are likely significant effects. The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

57. The following European Sites are identified:
- Lough Neagh and Lough Beg Special Protection Area (SPA);
  - Lough Neagh and Lough Beg Ramsar; and
  - Reas Wood and Farris Bay Special Area of Conservation (SAC)
58. The pathway for wastewater from the operation at the appeal development to the protected sites is Glenavy River. Lough Neagh and Lough Beg, also ASSIs, are some 5km from the appeal development via Glenavy River. Reas Wood and Farris Bay is some 22km from the appeal development via Glenavy River. SES, given the capacity constraints at the WwTW and foul sewer network identified by NIW, found that if polluting discharges are released to the aquatic environment, this deterioration in water/habitat quality could generate adverse effects to European/Ramsar site integrity. It considered the project as proposed, and in the absence of any incorporated or additional measures to avoid, cancel or reduce the effects on a European site, could have a likely significant effect on one or more site selection features. A stage two appropriate assessment (AA) was undertaken.
59. The conservations objectives (COs) for Lough Neagh and Lough Beg SPA highlight the alteration of habitat quality through diminution of water quality or invasive species as a pressure/threat. The COs also clarify that water quality is a concern with progressive eutrophication and that longer term improvement in water quality will reduce productivity and may affect waterfowl populations. The Ramsar Information Sheet highlights the pressure/threats for Lough Neagh and Lough Beg Ramsar as eutrophication, it is stated that the Lough drains some 40% of NI and has been subject to severe eutrophication as a result of increased nutrient inputs from agricultural runoff and general domestic sewage from catchment housing and other developments. The AA states that the JNCC report supporting documentation for the conservation status assessment for Alluvial forests identifies water pollution as a pressure/threat to this qualifying feature of Reas Wood and Farris Bay SAC.
60. The overall objective for Lough Neagh and Lough Beg SPA is to maintain each feature in favourable condition. Qualifying features identified as having unfavourable condition include the Bewicks Swan (Winter), Goldeneye (Winter), Pochard (Winter), Tufted Duck (Winter) and Waterbird Assemblage (Winter). Qualifying features with a favourable condition include Common Tern (Breeding), Great Crested Grebe (Winter, Breeding and Passage), Scaup (Winter), Whooper Swan (Winter) and Golden Plover (Winter). Qualifying features for which there is no condition assessment include the Coot, Gadwall, Great Cormorant (Winter), Greylag Goose, Little Grebe, Mallard, Shelduck, Shoveler, Teal, Wigeon and Lapwing. The feature objective for all the cited features is to: -
- maintain or enhance the population of the qualifying species;
  - maintain or enhance the range of habitats used by the qualifying species;
  - ensure the integrity of the site is maintained; and
  - ensure no significant disturbance of the species.
61. In the long term the population, distribution and extent of species and habitats are to be maintained. Given the position of NIW and in the absence of a viable solution to manage foul water disposal from the development, and due to the identified ongoing harm associated with the loading of the sewage system, SES considered there to be insufficient evidence to rule out an adverse effect on site integrity.

62. There is no published overall objective for Lough Neagh and Lough Beg Ramsar. SES assume it is to maintain or enhance the population of qualifying species, to maintain or enhance the distribution, extent, structure, function and supporting processes of the qualifying habitats. The AA lists seven criteria as qualifying features including the following: -
- A particularly good representative example of natural or near-natural wetlands, common to more than one biogeographic region. The largest freshwater lake in the United Kingdom, Lough Neagh supporting beds of submerged aquatic vegetation fringed by associated species-rich damp grassland, reedbeds, islands, fens, marginal swampy woodland and pasture;
  - Support of an appreciable assemblage of rare, vulnerable or endangered species or sub-species of plant or animal or an appreciable number of individuals of any one of these species;
  - Special value for maintaining the genetic and ecological diversity of a region and of NI because of the quality and peculiarities of its flora and fauna;
  - Special value as the habitat of plants or animals at a critical stage of their biological cycles. The site supports an important assemblage of breeding birds;
  - Waterfowl;
  - Tundra swan, Whooper swan, Common pochard, Tufted duck, Greater scaup and Common goldeneye; and
  - Supports a population of pollan *Coregonus autumnalis*, one of the few locations in Ireland and one of the two known locations in the UK to do so.
63. SES assessed potential impact of the appeal development on the Ramsar site as per the SPA above and considered there to be insufficient evidence to rule out an adverse effect on site integrity.
64. The overall objective for Rea's Wood and Farr's Bay SAC is to maintain (or restore where appropriate) the Alluvial forests to favourable condition. The qualifying feature identified is Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. The objective for this qualifying feature includes: -
- To maintain and expand the extent of existing swamp woodland.
  - Maintain and enhance swamp woodland species diversity and structural diversity.
  - Maintain the diversity and quality of habitats associated with the swamp woodland.
  - Seek nature conservation management over adjacent forested areas outside the ASSI where there may be potential for woodland rehabilitation.
  - Seek nature conservation management over suitable areas immediately outside the ASSI where there may be potential for woodland expansion.
65. It is indicated that this qualifying feature experiences inundation during the winter months and any additional operational pollutants released to Lough Neagh are likely to adversely affect this qualifying feature. As per Lough Neagh and Lough Beg SPA and Ramsar sites an adverse effect on site integrity is identified.
66. In considering the uncertainty around the availability of mains sewage treatment and network capacity in the future, SES found it was not possible to ascertain no adverse effect on site integrity of the three aforementioned sites. The habitat extent and quality of the designated sites is affected by water quality. SES, on the basis of information provided to it, found it cannot be confirmed that operational sewage discharges from the appeal development would not contribute (or are not

currently contributing) to a diminution of water quality in the designated sites. The AA concluded an adverse effect on site integrity cannot be ruled out as a result of operational discharges from the appeal development.

67. The SES HRA noted there was currently no viable solution to address NIW capacity constraints and no mitigation possible for the retrospective development. The Appellant's position is that there is no material increase in foul loading from the appeal development, a position the SES response, informed by NIW's consultation response, is predicated on. Without prejudice to that position, at the hearing the Appellant suggested, that in the event I accept intensification results and taking the precautionary principle, a planning condition could be attached to any permission restricting the use of the toilet to staff only. They indicated very few customers used the toilet and that, having checked with both Environmental Health and Building Control, they only require the provision of a toilet for staff use. Whilst their position is that they do not need to rely on this suggested condition they argued it was a proportionate response to the issue at hand and would result in a position of no detriment. The Council stated a condition to that effect would fail to address their concerns as it would not meet the legal tests for a planning condition given it would not be enforceable.
68. The café has been operating for some time and attracting regular customers, as such there is already an expectation that the toilets are available for their use. To my mind it would prove challenging, though not impossible, for the staff expected to deny access to those facilities. Any alleged breach of the condition would require some degree of supervision for the Council to monitor compliance and prove difficult to enforce. Whilst restriction on customer use of toilets may reduce the wastewater load NIW indicated it would not alter other water usage, the bulk of which it considered would be utilised for food preparation. I am mindful food preparation would not have been undertaken in the previous furniture shop. I have no calculations before me as to what outflow is associated with that specific activity and how it compares with the previous outflow. Even if I were to find the suggested condition enforceable, given the absence of calculations, it has not been demonstrated that restricting access to the toilet would bring the situation to a point where I can be certain adverse effects are avoided.
69. As referred to earlier, the Appellant did explore an alternative solution with NIW under application LA05/2024/0313/F albeit it did not prove viable. Whilst it may be the case that other alternative arrangements could potentially overcome this issue, again, there is no alternative before me and, I cannot therefore be certain of the potential viability, nor any subsequent timescale for agreement and implementation of any such alternative. Given this uncertainty it would not be appropriate to impose a condition requiring NIW agreement prior to continued operation, nor a timebound condition requiring implementation of an alternative means of sewage disposal.
70. Whilst no specific pollution incidents directly evidenced to the appeal development connection were identified, the WwTW into which the appeal development connects has failed two BODs and is in breach of its Water Order consent. For the reasons already given above, I am not persuaded the appeal development does not result in intensification of wastewater and there is insufficient evidence to demonstrate that it can continue to operate without harm to interests of acknowledged importance.

71. Having given consideration to the NIW and NIEA consultation responses together with the conditions as suggested by the Appellant, I concur with SES that on the basis of the information provided an adverse effect on the site integrity of the identified European and Ramsar sites arising from operational discharges from the appeal development cannot be ruled out. This is contrary to the COs and Ramsar Site Management Objectives for Lough Neagh and Lough Beg SPA, Lough Neagh and Lough Beg Ramsar site and Reas Wood and Farris Bay SAC. No exceptional circumstances were presented. Accordingly the appeal development fails to comply with Policy NH1. Similarly, it has not been demonstrated there will be no adverse effect on the integrity of the ASSI contrary to Policy NH3. Furthermore, it has not been demonstrated there would be no harm to the species protected by law therein nor unacceptable impact on habitats, species or features of natural heritage therein, contrary to Policies NH2 and NH5.
72. The Appellant argued that given this is a small-scale, appropriate development making beneficial use of existing built infrastructure within the settlement limit, the balance of policy weight should fall firmly in its favour and not against it because of NIW's failure to plan for or facilitate ongoing use of existing serviced premises. They argued it was not in the public interest for the building to remain vacant and to withhold permission in such circumstances would be contrary to the SPPS presumption in favour of sustainable development and the LDP's strategic objectives for settlement vitality. They considered NIW's position was effectively creating a moratorium on all development contrary to those sustainable objectives.
73. The PS recognises capacity issues at existing WwTWs, Glenavy WwTW having now been identified as one such WwTW. As set out earlier, NIW have outlined circumstances where new development connecting into its mains is acceptable within this drainage area. Within the evidential context I have not been persuaded the calculations presented for the appeal development demonstrate similar or reduced flows. The benefits of a vacant unit being brought into use and its contribution to the vitality of the village are matters to be weighed in favour of the development. However, within the evidential context I cannot be certain beyond all reasonable scientific doubt that the appeal development would have no significant effect on protected sites. Nor am I persuaded the benefits of the appeal development outweigh the value of the habitat, species or features of natural heritage as outlined above. As such they do not outweigh the specific policy concerns in this case.
74. Accordingly, the Council's concerns the appeal development would fail to comply with Policies NH1, NH2, NH3 and NH5 of the PS are sustained. As the Council's concerns with respect to wastewater capacity are well founded and four of the draft reasons for refusal advanced are sustained and determining, the appeal on ground (a) fails and the deemed planning application is refused.

**Ground (g) - that any period for compliance specified in the notice falls short of what should reasonably be allowed.**

75. The EN requires that the unauthorised use of the premises as a café cease within 30 days of the date the notice takes effect. The Appellant contends the 30-day compliance period is unreasonably short and requests it be extended to a minimum of three months from the date of any decision to provide sufficient time

for orderly closure, lease negotiations and staff transition. The Council considered 30 days to be reasonable given the significant environmental impact of the appeal development as set out by NIW and SES.

76. The Appellant stated that the premises are currently occupied and operated under a commercial lease agreement and they are contractually bound to provide the tenant with an appropriate notice period and to manage the lawful termination or variation of the lease. It was indicated that process could not realistically be achieved within 30 days. However, I was not provided with any information as to what notice period is cited nor why 30 days would not be an appropriate period to terminate or vary that lease.
77. The Appellant also stated the business employs local staff under formal employment contracts and time is required to allow those employment arrangements to be lawfully concluded, including statutory consultation and redundancy procedures where applicable. It was indicated that immediate cessation of operations would impose avoidable hardship on both the operator and employees. I was told a full-time member of staff would require one month's notice. I do not find the requirements of the EN wholly at odds with that. Furthermore, it does not follow that any necessary human resource procedures could not still take place even after the compliance period.
78. It was further stated that the café has been in continuous operation since August 2024 and represents a substantial investment by both the Appellant and the tenant. It was argued a 30-day compliance deadline would cause disproportionate financial loss and disruption relative to the limited planning harm alleged. However, I have found there is not sufficient evidence to rule out significant harm to interests of acknowledged importance and the matters raised would not outweigh this consideration.
79. The appeal development does not benefit from planning permission and is contrary to planning policy which there is a clear public interest to enforce. Given the ongoing risk of pollution from the continuing use I consider a period of 30 days to cease the use is reasonable.

## Decision

The decision is as follows:-

- The appeal on Ground (a) fails and planning permission is refused; and
- The appeal on Ground (g) fails.

The enforcement notice is upheld.

**COMMISSIONER TRUDY HARBINSON**

**List of Appearances**

Planning Authority:- Michael Vladeanu, Lisburn and Castlereagh City Council  
Laura McCausland, Lisburn and Castlereagh City Council  
Cealan Beck, Lisburn and Castlereagh City Council  
Alan Moore, NI Water  
Ronan Higgins, NI Water  
Malachy Kearney, SES  
Andrew Craig, SES

Appellant:- Gemma Jobling, JPE Planning Ltd  
Tim Cousins, Lisbane Consultants  
Jonathan Adair, JWA Architectural Design

**List of Documents**

Planning Authority:- Statement of Case, Lisburn and Castlereagh City Council  
SES Consultation Response (Submitted post hearing at  
request of Commissioner)

Appellant:- Statement of Case, JPE Planning Ltd.  
Post Hearing Response to SES Consultation Response

<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 4 – Appeal against Enforcement Notice (LA05/2024/0041/CA)

## 1.0 **Background**

1. An enforcement notice for an alleged unauthorised change of use from retail to café at premises at Unit 1 Emerson House, 14B Ballynahinch Road, Carryduff was served on 2 July 2025.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 4 August 2025.
3. The procedure followed in this instance was by informal hearing which took place on 11 November 2025.
4. The appeal was brought on Grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011.
5. In a decision received on 18 February 2025 the Commission confirmed that the appeal on ground (a) (f) and (g) failed and the enforcement notice is upheld.

## **Key Issues**

1. The key issues were whether development would be prejudicial to road safety and have adequate parking provision, and detrimental to the environment and existing properties by causing pollution and flooding.
2. The Council were supported by NI Water at the hearing and the ‘Solution Engineers Report’ carried during the processing of a related planning application (LA05/2023/0950/F) identified network capacity issues and that a developer led solution to free up capacity in the combined network could not be achieved until upgrade works to Mill Road West Combined Sewer Overflow was completed by January 2027.
3. The appellant argued that a solution could be delivered and due to the scale of development, the associated loading on the network would not have a material influence on the water quality.
4. The Commissioner found the Council’s evidence to be persuasive and considered the change of use from retail to café to create a pollution problem and flood risk due to the significant intensification and type of discharge onto the network.
5. The Commissioner accepted the Council’s position on Ground (a) and deemed the development to be contrary to Policy WM2 of the Plan Strategy.

- 6. In the context of the findings for grounds (f) and (g) the Commissioner agreed with the Council’s remedy of breach and compliance period seeking the removal of internal works and extraction system necessary to protect residential amenity and given pollution concerns the unauthorised use to cease within 30 days.
- 7. This appeal highlights that development will only be permitted where it is demonstrated to the Council and its Statutory Consultees that there is sufficient network capacity to accommodate development and that development will not create or add to a pollution problem or create or add to flood risk.

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

3.0 **Finance and Resource Implications**  
 No cost claim was lodged by any party in this instance.

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

4.1	Has an equality and good relations screening been carried out?	No
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4.2	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out  This is a report updating the committee on a decision by the PAC and EQIA is not required.	
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4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> 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.	
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<b>Appendices:</b>	Appendix 4 – Enforcement Notice Decision – LA05/2024/0041/CA
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Lisburn & Castlereagh City Council

Our reference: 2025/E0037  
Authority  
reference: EN/LA05/2024/0041/CA  
18 February 2026

Dear Sir/Madam

**Re:**

**Appellant name: Mr. Stephen Chapman**

**Description: Alleged unauthorised change of use from retail to café**

**Location: Premises at Unit 1 Emerson House, 14B Ballynahinch Road,  
Carryduff, BT8 8DN**

Please find enclosed Commission decision on the above case. This is for your information only, no further comments will be accepted. Any comments received will be removed from the appeal.

Yours Sincerely,

Padraig Dawson  
PACWAC Admin Team



# Enforcement Appeal Decision

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<b>Appeal Reference:</b>	2025/E0037
<b>Appeal by:</b>	Mr Stephen Chapman
<b>Appeal against:</b>	An Enforcement Notice dated 2 <sup>nd</sup> July 2025
<b>Alleged breach:</b>	Alleged unauthorised change of use from retail to cafe
<b>Location:</b>	Premises at Unit 1 Emerson House, 14B Ballynahinch Road, Carryduff
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Authority's Reference:</b>	EN/LAO5/2024/0041/CA
<b>Procedure:</b>	Informal Hearing on 11 <sup>th</sup> November 2025
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 18 <sup>th</sup> February 2026

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## Grounds of Appeal

1. The appeal was brought under Grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (NI) 2011 (the Act). There is a deemed planning application by virtue of Section 145(5) of the Act which relates to the appeal development on the site.

## Ground (a) and the Deemed Planning Application

2. The main issues are whether the development would be:
  - detrimental to the environment and existing properties by causing pollution and flooding
  - prejudicial to road safety and have adequate parking provision
3. Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, 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 local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 3 of the Schedule of the Planning (Local Development Plan) Regulations (NI) 2015 (as amended) states that where a plan strategy (PS) is adopted by a council a reference to the local development plan in the 2011 Act is a reference to the departmental development plan (DDP) and the plan strategy read together. Any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.
4. On 26<sup>th</sup> September 2023 the Council adopted their PS. This sets out the Council's objectives in relation to the development and use of land in its district and its strategic policies for implementing those objectives. The Carryduff Local Plan (CLP) operates as the DDP for the area with the draft Belfast Metropolitan Area

Plan 2004 (dBMAP) remaining a material consideration in certain circumstances. In the CLP the site is within the development limit of Carryduff. No other policies in the CLP are relevant to this development. In the dBMAP the site is located within the development limit and town centre boundary with no other policies pertinent to the appeal development. As the Council has adopted the PS, previously retained policies under the transitional arrangements outlined within the SPPS and contained within the Planning Policy Statements (PPSs) have ceased to have effect within the district and are now no longer material.

5. The Council provided one reason for refusal for the appeal development in that it is contrary to Policy WM2 Treatment of Wastewater within the PS as they considered that the appellant has failed to demonstrate that there is an alternative and viable non mains solution for the treatment and disposal of wastewater from the operation of this use. Objection was not raised by the Council to any other policies within the PS.
6. Policy WM 2 within the PS states that development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk. The justification and amplification text of the policy states that in areas where a pollution risk is identified development relying on non mains sewage disposal will only be permitted in exceptional circumstances. The method of non-mains sewage disposal must be to the satisfaction of the Council's Environmental Health Department and the Northern Ireland Environment Agency (NIEA). A consent to discharge under the Water (Northern Ireland) Order 1999 will also be required from the Department for Agriculture, Environment and Rural Affairs (DAERA) and the onus is on the developer/householder to ensure such consent is, or can be, agreed for the development proposed. Strategic Policy 23 Waste Management within the PS states that in assessing all proposals the Council will be guided by the SPPS's precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.
7. The Council provided evidence that whilst there is a public foul sewer within 20m of the development boundary, an assessment carried out by NI Water during the processing of planning application LA05/2023/0950/F for the change of use from a Class A1 shop to a café for the sale of food or drink for consumption on the premises, indicated network capacity issues. On 5<sup>th</sup> February 2025 the NI Water Solution Engineer Report (SER) was issued which stated that it is currently not possible to recommend a developer delivered solution that would permit a connection for the proposed development in advance of NI Water completing upgrades to Knockbracken River Combined Sewer Overflow (CSO) and Mill Road West CSO. NI Water have now completed the upgrade to Knockbracken River CSO however the upgrade works to the Mill Road West CSO are planned to be delivered in PC21 with an estimated completion date in late 2026/early January 2027.
8. NI Water stated these downstream CSOs were designed to overflow to a watercourse in storm conditions and are consented by NIEA who is the Northern Ireland Utility Regulator. The Drainage Area Plan Model, which has been validated and signed-off by NIEA, has confirmed that both these CSOs are operating in

breach of their Water Order Consents and the watercourse into which both discharge in storm conditions provides Inadequate Watercourse Dilution causing a negative impact on the environment. As a result, NI Water has designed this sub-catchment as closed and will only permit new connections to developments with (i) extant planning permission and (ii) like for like or reduced foul discharge (evidenced by calculations) compared to previous use where the previous business has been in operation within the past 5 years. The Council stated that this development does not meet any of these criteria.

9. The appellant stated that there is a storm water offsetting solution, that the Knockbracken CSO upgrade is complete thus improving water quality, the Mill Road West CSO upgrade is ongoing and will have a beneficial use date in January 2027 and the scale of the impact is less than 0.5% in terms of spill volume which, even then, would only occur if the café was open during high rain events and would be temporary. The appellant considered that a small flow volume and associated loading was not expected to have a material influence on the water quality classification of the receiving watercourse. The appellant argued that CSO discharge will only occur during high rainfall events when natural flows (overland, interflow and groundwater baseflow) from the surrounding catchment in the receiving watercourse will be high. It was stated that the stormwater in the combined sewer will dilute the wastewater discharge from the café resulting in significant dilution of biological contaminants. It was also argued that this is an extensive urban catchment within which extant approvals will continue to be built out. However, although there is the reference for 'potential to adversely affect the surface water environment' in the Water Management Unit consultation response dated 12<sup>th</sup> February 2025, the Council presented persuasive evidence from NI Water that the drainage area plan shows predicted spill of 82 spills per year for the Mill Road West CSO with the total spill volume being approximately 13,445m<sup>3</sup>. Evidence was presented that the CSO discharge into the watercourse does not give proper dilution to deal with the flow and endangers aquatic life. I accept that the change in the premises from a hardware shop to the café results in a significant intensification of the discharge as a result; it is not a like for like scenario and this development does not have extant planning permission. If there had been sufficient improvements to the water quality, then the catchment would not have remained closed in conjunction with NIEA. I also agree that there could be a cumulative impact on the spill volumes and dilution levels if other similar planning applications were treated favourably.
10. NI Water has consistently informed the appellant that they will not approve a foul connection until the storm water off-setting scheme identified in the Solution Engineer Report is delivered in conjunction with the Mill Road West Combined Sewer Overflow capital upgrade scheme. For instance, in their response to the appellant's Wastewater Impact Assessment dated 15<sup>th</sup> May 2024 NI Water stated that the Mill Road West CSO, as well as at that time the Knockbracken River CSO, were high polluting and because of this storm water offsetting alone will not permit a connection. The appellant's offsetting of 30-40m of storm sewer has also not started which the Council stated could take up to 12 months to achieve. Even so, whilst the off-setting could create hydraulic headroom within the existing wastewater network, it does not address the inadequate watercourse dilution. By off-setting storm flow with foul flow, evidence was presented that the discharge from the offending Combined Sewer Overflows in storm conditions would have an increased biological loading thereby exacerbating the Inadequate Watercourse

Dilution issue. Existing customer properties are said to have suffered internal and/or external flooding and remain at risk of further flooding. The addition of flow from this development would lead to further disamenity of these existing customers. If the appellant had wanted to pursue an alternative private treatment solution for the appeal property, they could have approached the Council with such a proposition.

11. A Certificate of Lawful (Proposed) Use or Development (CLOPUD) was granted (LA05/2025/0441/CLOPUD) on 28th August 2025, confirming that the use of the appeal site as a laundrette would be lawful and would not require planning permission. The appellant argued that a laundrette would have a greater peak flow than the café use comparing it, with the use of a metered water supply bill, to a laundrette located in Belfast. Another potential Class A1 use was said to be food retailing such as a Spar or Centra supermarket which could include food to go / deli counter, barista bar and a customer bathroom. The CLOPUD was however granted because the proposal is within the same Use Class and would be subject to a Trade Effluent Discharge application with the appellant acknowledging that this may require further details to be submitted. NI Water stated that a waste water impact assessment would be required and that the change of use from a shop to a laundrette would show an intensification of foul discharge which again would need to be offset. This appears to be a hypothetical proposition by the appellant and, as acknowledged by NI Water, it is difficult to compare the appeal development with another development in a significantly separate geographical location with the use of a water meter reading being limited when there is a customer demand element. Reference was made to the fact that a café had been previously located within these premises, however this seems to be a substantial time ago, approximately 17 years, and operated as a substantially smaller sandwich bar.
12. The appellant also highlighted how the PS sets out Council support, facilitation, encouragement and promotion of such developments which contribute to economic growth, provide employment, enhance society, improve health and well-being and provide a social space for the community which is age friendly and accessible through the re-use of an existing building. For instance, the café is said by the appellant to deliver a range of economic benefits, representing an investment of £180,000 in Carryduff Town Centre. The café is said to support 14 local employees (6 full time and 8 part time) and provides salaries of approximately £235,000 per annum. The café pays rates of £4,300 which support the provision of public services and a range of local suppliers. Although these benefits of the café are acknowledged, I am not persuaded that they amount to imperative reasons of overriding public interest. They do not outweigh that it has not been demonstrated that there is sufficient capacity to discharge treated effluent to a watercourse. This would add to a pollution problem as well as adding to a flood risk. The Council's reason for refusal and the objectors concerns in relation to this matter have been sustained.
13. The objectors raised various concerns that the development had inadequate car parking provision and endangered road safety. They disputed the parking survey methodology adopted by the appellant including the use of single drone images. Since the café opened some of the objectors referred to having to appoint a car parking attendant to control an adjacent restaurant's car park. The appellant's evidence was however supported by DfI Roads' own survey work which demonstrated that there was not a car parking issue arising as a result of the

development. For instance, during Dfl Roads' survey at lunchtime on Friday 18<sup>th</sup> October 2024 there were 10 car parking spaces in the upper car park and 5 spaces within the rear car park. Friday lunchtime is considered to be the café's busiest period. During the Saturday survey there were 12 car parking spaces to the rear and 7 spaces within the front car park. Dfl Roads considered all of the objections raised to the appeal development. During my two site visits I also did not witness any car parking shortages with spaces being available within the front and rear car parks.

14. Signage is present advising patrons that the rear car parking is available for their use. Whilst the car park is at a lower level and accessed via a short straight ramp, it is easy and safe for pedestrians and drivers to negotiate. Substantive evidence was not presented to support the claim that the access to the rear car park is frequently blocked by lorries delivering to the Spar supermarket. There is a cross-hatched area to prevent loading vehicles from blocking the access. Unlike the appellant's evidence, I therefore consider that it is appropriate to include this rear car park within the assessment. It was stated that the Spar supermarket, the Post Office and Karen Gordon's salon have also experienced a significant drop in business since the appeal café opened due to the claimed parking issues, with the salon now ceasing to trade and two other businesses and some of the residents of Frankhill Park objecting to the development. However, with numerous businesses within the Emerson Building, it is hard to be definitive about what additional car parking is occurring as a result of the café. Despite the Spar supermarket carrying out work to improve its store, there may also have been other factors at play such as changes in customer demands with the objectors alluding to the opening of Lidl and Eurospar supermarkets within the town. Evidence was presented that the Spar supermarket had already inadequate assigned car parking provision. Since June 2024 the car park is now controlled with smart parking to prevent long-term usage. Staff within the café and Spar supermarket are also said to be directed to park off-site close-by at No.14 Ballynahinch Road which is said to be in the same ownership as the appeal building. The occurrence of on-street car parking at Frankhill Park, opposite the appeal site, appears to be an historic occurrence. It is also acknowledged that this is a highly accessible location within the settlement of Carryduff where alternative modes of transport may be utilised and should be encouraged.
15. The objectors alluded to there being incidents whereby a person and Post Office van were hit by reversing cars and of a rearend shunt by a potential customer trying to enter a full car park however substantive details were not provided. Even if there was a more extensive footpath network within the car park, it would not prevent the need for some of the patrons to cross the car park to access the appeal building.
16. The objectors' concerns in relation to road safety, and the adequacy of car parking are therefore not supported.
17. However, as the reason for refusal and the objectors concerns in relation to this matter are sustained, this is determining and the deemed planning application is refused. The ground (a) appeal therefore fails.

**Ground (f)-that the steps required by the notice exceed what is necessary to remedy any breach of planning control or remedy any injury to amenity**

18. The EN requires that within 30 days of the Notice taking effect that the unauthorised café is to cease and that the internal works associated within the café are removed. The appellant argued that the internal works do not constitute development, do not require planning permission and are not a breach of planning control. However, the internal works, which include an extraction system, are part and parcel of the unauthorised development and facilitate its use as a café. They have the potential to negatively impact on the residential amenity of neighbouring properties. The steps are therefore necessary to remedy the breach of planning control.
19. The ground (f) appeal therefore fails.

**Ground (g) - that the period for compliance specified in the Notice falls short of what should reasonably be allowed**

20. The Enforcement Notice requires that the two steps required to remedy the alleged breaches are carried out within 30 days of the Notice taking effect. The appellant argued that the period for compliance does not allow sufficient time to find alternative premises and give staff an appropriate notice period should alternative premises not be found. A timeframe of 90 days was suggested.
21. Persuasive evidence was not however presented to justify the suggested timeframe of 90 days. The appeal development has an insufficient capacity to discharge treated effluent to a watercourse, which would add to a pollution problem as well as adding to a flood risk. Given this, I therefore consider that the time period of 30 days to be reasonable.
22. As I consider the stipulated time period to be reasonable, the appeal on Ground (g) therefore fails.

**Decision**

The decision is as follows:-

- The appeal on Ground (a) fails
- The appeal on Ground (f) fails
- The appeal on Ground (g) fails

The Notice is upheld.

**COMMISSIONER DIANE O'NEILL**

**List of Documents**

Planning Authority (Lisburn and Castlereagh City Council):-	Statement of Case PA 1
Appellant (Fleming Mountstephen Planning-agent):-	Statement of Case A1
Third party objectors (Bell Rolston -agent):-	Statement of Case OB 1

**List of appearances**

Planning Authority (Lisburn and Castlereagh City Council):-	Ms Laura McCausland* Mr Michael Vladeanu* Mr Alan Moore (NI Water)* Mr Ronan Higgins (NI Water)* Mr Stephen Cash Dfl Roads*
Appellant:	Mr Jordan McClurkin BL Mr Neil Allsopp (solicitor) Mr David Mountstephen (Fleming Mountstephen Planning-agent) Mr Simon Calvert (WSC Consulting) Mr Richard Agus (MRA Partnership) Mr Stephen Chapman (appellant) Mr Mark Gilchrist (appellant)
Third party objectors:-	Mr Gavin Rolston, Bell Rolston Ltd (for Eight South Ltd) Mr Simon Warke, SW Consultancy (for Eight South Ltd) Mr Alan Ewing, Spar Carryduff Ms Allison Ewing, Spar Carryduff Mr Trevor Saggars, Eight South Ltd

\*attended remotely

### List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights April Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Cornerstone	WHP Telecoms Ltd	BT Telephone exchange, Railway Street, Lisburn	The replacement of three antennas with six antennas and the replacement of 12 RRUs with associated ancillary apparatus on the existing telecommunications installation, with the mast height remaining at 18.6m AGL. The works utilise the existing structure and infrastructure, with minimal change to the overall appearance of the installation.	11/03/2026
2.	Cornerstone	KTL	Land at Drumadoon Drive, Dundonald	The proposed upgrade of an existing telecommunications base station comprising the removal and replacement of a 20m high monopole, supporting 6 no antennas, 1 no dish, internal upgrade of existing cabinet and ancillary development thereto.	11/03/2026

<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

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

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>1. The Council is notified by Cornerstone of their intention to utilise permitted development rights to install communications apparatus at two separate locations within the Council area.</li> <li>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.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed.</li> <li>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.</li> <li>3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified.</li> </ol>
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>

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

<b>Appendices:</b>	Appendix 5 – Notification from an Operator in respect of intention to utilise permitted development rights
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<b>Committee:</b>	Planning Committee
<b>Date:</b>	13 April 2026
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 6 – Letter to Heads of planning NIEA planning improvement programme.

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>In a letter dated 23 February 2026 to the Heads of Planning, the Northern Ireland Environment Agency outline that a planning improvement plan and initial steps to provide an update on Consultation response is made.</li> <li>The updated plan is to address the continued delays that NIEA as a statutory consultee is experiencing in providing advice to Planning Authorities.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>A copy of the NIEA Planning Improvement Plan is attached to the report for information and future reference. These wider improvements in the planning system are important in that they are necessary to assist the Council in respect of its own improvement processes</li> <li>Officers will continue to engage with NIEA at an operational level to ensure that the planned improvements are implemented and that any issues are fed back on a timely basis.</li> </ol>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the contents of the Improvement Plan and the operational impacts in terms of planned programme of continuous improvement.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>N/A</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	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>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 <u>or</u> rationale why the screening was not carried out.</p> <p>RNIA not required.</p>	

<b>Appendices:</b>	<p>Appendix 6 (a) – Letter from NIEA Director</p> <p>Appendix 6 (b) – NIEA Planning Improvement Plan</p>
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Northern Ireland Environment Agency  
Gníomhaireacht Comhshaoil Thuaisceart Éireann  
Northern Ireland Environment Agency

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Your Reference  
Our reference AE2-26-31821

Heads of Planning  
Local Planning Authorities

Planning Response Team  
NIEA Lisburn  
17 Antrim Road  
Tonagh  
Lisburn  
BT28 3AL

Telephone: 028 9056 9604

Email:

[planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk)

23 February 2026

Dear Head of Planning,

## **NIEA Planning Improvement Plan and Initial Steps to Provide an Update on Consultation Timeframes**

I acknowledge the continued delays that NIEA is experiencing in the provision of advice to Planning Authorities. We are taking steps to address this and to improve our overall customer service through the development and implementation of the Northern Ireland Environment Agency (NIEA) Planning Improvement Plan. I also wish to advise you on initial steps we are taking to provide an indication of timeframes for responding to planning consultations.

### **NIEA Planning Improvement Plan**

The NIEA Planning Improvement Plan is a strategic improvement plan that provides a single, coordinated framework for improving the NIEA's performance in responding to statutory planning consultations. It is a key initiative for the NIEA designed to strengthen the effectiveness, consistency, transparency, engagement and the quality of service provided.

The overarching objective of the Plan is to increase NIEA's performance rate for statutory consultations by:

- reducing delays and streamlining the workflow processes;
- improving quality and consistency of planning decisions;
- enhancing communication with stakeholders and applicants;
- increasing staff capability and resource efficiency;
- improving customer satisfaction and trust; and



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An Agency within the Department of  
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**INVESTORS IN PEOPLE**  
We invest in people Standard

- ensuring continued regulatory compliance and best practice.

The actions within the Plan are structured around five work strands – Technical Advice and Guidance; Caseload Management; Monitoring and Reporting on Performance; and Communication and Stakeholder Engagement.

Further detail on the work strands is set out in the plan which is attached at Annex A for your information.

We will engage with you further as we progress the actions set out in the plan.

### **Update on Consultation Timeframes**

As a first step of the review of communication and stakeholder engagement, we are taking forward a special exercise to provide an update to planners on all consultations awaiting a response. This update will be provided through the NI Consultee Hub, confirming receipt of the planning consultation, advising the case has been allocated to the requested team and provide an update on the processing timeframe for the development type.

Information on indicative response times for each development type will also be published on the DAERA website.

This special exercise will be completed by 1 March 2026.

I would like to thank Planning Authorities for their continued commitment to improving planning outcomes for all and hope that we can rely on your continued collaboration, which is essential to the success of this initiative.

Should you have any questions or wish to discuss further, please do not hesitate to contact my office.

Yours sincerely,



**Liz Loughran**  
**Director**  
**Natural Environment Division**





Northern Ireland Environment Agency  
 Gnómhareacht Comhshaoil Thuaisceart Éireann  
 Northern Ireland Environment Agency



# NIEA Planning Improvement Plan



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## Purpose

DAERA is a Statutory Consultee in the planning process under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) (GDPO).

Performance is measured against a legislative duty to respond to a statutory consultation within 21 calendar days or otherwise agreed timeframe, or 30 days for EIA development.

Section 229 (3) of the Planning NI Act 2011 provides the statutory basis on which a consultee must respond to a planning consultation.

DAERA also receive and respond to non-statutory planning consultations. These are consultations with organisations and bodies that are not legally required but are considered relevant to a planning application due to policy or other interests, examples include pre-application discussion and non-material amendment applications.

When consulted on a planning application the Department provides a single collated response covering all relevant departmental divisions. There are 8 discrete teams within DAERA that can be asked for technical advice on the following: -

- Habitats and Species
- Air Quality
- Drinking Water
- Radiation, Pollution Prevention and Control
- Water Regulation and Surface Water Quality
- Land and Ground Water
- Marine
- Fisheries

The NIEA Planning Improvement Plan has been developed to strengthen the Department's performance in responding to planning consultations by improving efficiency, transparency, engagement and quality of advice.

## Objectives

The objective of this improvement plan is to increase DAERA's performance rate for responding to statutory consultations by:

- Reducing delays and streamlining the workflow process
- Improve quality and consistency of planning decisions
- Enhance communication with stakeholders and applicants
- Increase staff capability and resource efficiency
- Improve customer satisfaction and trust
- Ensure compliance with regulations and best practices

## Governance & Responsibilities

The actions within the Planning Improvement plan will be managed under 5 work strands.

The work strands and responsible officers are: -

1. Technical Advice & Guidance – Head of Natural Environment Operations, NIEA
2. Caseload Management – Head of each DAERA Planning Team
3. Monitoring and Reporting on Performance – Head of Central Services Unit, NIEA
4. Process and IT Systems – Head of Central Services Unit, NIEA
5. Communication and Stakeholder Engagement – Head of Central Services Unit, NIEA.

A NIEA Planning Management Meeting chaired by Director of the Natural Environment Division, will manage the delivery of this planning improvement programme, monitor the overall performance and address or escalate any related risks and issues.

A Planning Technical Advisory Group, chaired by the Head of Natural Environment Operations, will provide a forum for addressing technical operational issues related to specialist advice and guidance across all DAERA planning teams.

Responsible Officers for each work strand will report on progress to the NIEA Planning Management Meeting.

## NIEA Planning Improvement Plan

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A progress report will issue from the chair of NIEA Planning Management Meeting to the NIEA Management Board.

The Department for Infrastructure is currently implementing a Planning Improvement Programme, working closely with local government and partners, to improve current processes and the performance and delivery of the planning system at regional level. NIEAs improvement plan will complement this work.

NIEA will continue to be represented on the DfI Planning Statutory Consultee Forum, chaired by DfI Grade 3 and attended by Local Council and Statutory Consultee representatives. The Director of Natural Environment Division will represent DAERA / NIEA at this forum with deputies attending when necessary.

A subgroup of the DfI Planning Statutory Consultee Forum for NIEA to meet with planning staff in councils to address any technical or operational issues is chaired by Head of Natural Environment Operations.

### Key Improvement Areas and Actions

The improvements are categorised into 5 work strands with a set of actions to deliver.

#### Work Strand 1 Technical Advice and Guidance

The objective of the Technical Advice and Guidance work strand is to ensure accuracy and consistency across all teams on the technical advice being provided. It is also ensuring the advice is open, transparent and accessible for planning authorities and applicants to reduce the number of consultations being submitted to DAERA.

Work Strand 1 Technical Advice and Guidance		
Actions	Responsible Officer	Timeline
<b>1.1 Review all DAERA current standing advice to ensure it is up to date and provides planners</b>	Head of Natural Environment Operations Unit	By April 2026

**NIEA Planning Improvement Plan**

<b>and applicants/agents with the information they need.</b>		
<b>1.2 Develop a suite of new risk based standing advice for planners.</b>	Head of Natural Environment Operations Unit	By April 2026
<b>1.3 Establish a Planning Technical Advisory Group to provide a forum to address issues related to specialist advice and guidance across all DAERA planning teams.</b>	Head of Natural Environment Operations Unit	Jun 2025

**Work Strand 2 Caseload Management**

The objective of the Caseload Management work strand is for planning teams to effectively manage productivity using the management information from the NIEAPC Reporting tools. This will support the planning teams in identifying problems and opportunities and assist with the allocation of resources effectively.

<b>Work Strand 2 Caseload Management</b>		
<b>Actions</b>	<b>Responsible Officer</b>	<b>Timeline</b>
<b>2.1 To review resource requirements and ensure all needs are progressed in line with DAERA Workforce Planning Guidance.</b>	Heads of each DAERA Consultee Group	By March 2026
<b>2.2 All consultee groups to be trained in using the reporting tools on NIEAPC to support monitoring of caseload and performance.</b>	Heads of each DAERA Consultee Group	By end of Feb 2026
<b>2.3 Performance to be reported on at each NIEA Planning Management Meeting.</b>	Heads of each DAERA Consultee Group	By Jan 2026

## NIEA Planning Improvement Plan

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### Work Strand 3 Monitoring and Reporting on Performance

The objective of the Monitoring and Reporting on Performance work strand is to have a clear set of management information that will allow monitoring of performance at the appropriate levels.

Work Strand 3 Monitoring and Reporting on Performance		
Actions	Responsible Officer	Timeline
<b>3.1 Produce suite of management information to monitor planning performance</b>	Head of Planning Response Team	Apr – Jun 2025
<b>3.2 Streamline and simplify the Management Information data sets</b>	Head of Planning Response Team	Nov 2025 – Mar 2026
<b>3.3 Clarify and communicate the calculation of the Planning Performance Rate</b>	Head of Planning Response Team	By Feb 2026

### Work Strand 4 Process and IT System

The objective of the Process and IT System work strand is to develop a streamlined, consistent process supported by a fully digital system and using AI technology with the necessary data and information security controls in place.

Work Strand 4 Process and IT System		
Actions	Responsible Officer	Timeline
<b>4.1 Review and design a new process for processing planning applications that is fully compliant with the legislation and policy guidance and consistent across all Planning Consultee Groups</b>	Head of Planning Response Team	By June 2026
<b>4.2 Develop KPIs for each stage in process and include in design of new IT system</b>	Head of Planning Response Team	By June 2026

## NIEA Planning Improvement Plan

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<b>4.3 Design and agree development plan for a new fully digital case management system</b>	Product Owner / DSD	Dec 2025 – Sept 2026
<b>4.4 Develop interface with DFI Planning System ensuring fully digitised process for receipting planning applications from all Councils</b>	Product Owner / DSD	Mar – Sept 2026
<b>4.5 Review and implement Data and Information Security Controls</b>	Product Owner / DSD	Dec 2025 – Sept 2026
<b>4.6 Explore the use of using AI in the planning process</b>	Head of Planning Response Team	Jan – Mar 2026

### Work Strand 5 Communication and Stakeholder Engagement

The objective of the Communication and Stakeholder Engagement work strand is to enhance collaboration with Dfl and local planning authorities to achieve timely responses and to provide a high level of customer service to the customer.

<b>Work Strand 5 Communication and Stakeholder Engagement</b>		
<b>Actions</b>	<b>Responsible Officer</b>	<b>Timeline</b>
<b>5.1 NIEA to be an active member of the Dfl Planning Statutory Consultee Forum to enhance working relationships.</b>	NED Director	By Jan 2026
<b>5.2 Identify actions / implications for DAERA falling out of the Dfl Planning Improvement Plan and include in the NIEA planning improvement work strands.</b>	Head of Natural Environment Operations Unit	By Jan 2026
<b>5.3 Quarterly meeting between NIEA and Head of Planners group</b>	NED Director	By Jan 2026
<b>5.4 Reinstate the Client Liaison meetings between DAERA and Planning Authorities</b>	Head of Planning Response Team	By April 2026

## NIEA Planning Improvement Plan

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<b>5.5 To define DAERA's role in respect of planning applications and communicate to Planning Authorities and stakeholders</b>	Head of Central Services Unit	By April 2026
<b>5.6 Improve customer service by reverting to issuing appropriate responses to all planning related correspondence.</b>	Head of each Planning Consultee Group	By April 2026
<b>5.7 Understand the users of the planning information on DAERA website and redesign the web pages ensuring it meets the needs of users.</b>	Head of Planning Response Team	By April 2026

## Measure of Success

The success of this improvement plan will be measured by the following indicators: -

1. A consistent performance rate of 80% or above
2. A reduction in number of ministerial correspondence cases by 30%
3. Monitoring and meeting KPIs as defined.



For further information:

Planning Response Team  
Northern Ireland Environment Agency  
17 Antrim Road  
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