

<b>Development Management Report</b>	
<b>Committee Date:</b> 17 <sup>th</sup> February 2026	
<b>Application ID:</b> LA04/2024/0015/F	
<b>Proposal:</b> Erection of 53 residential units (including 43 dwellings and 10 apartments) including creation of access, internal roads, landscaping and associated works.	<b>Location:</b> Lands at Cabin Hill, Upper Newtownards Road, Belfast BT4
<b>Referral Route:</b> Application for Major development	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Fermac Properties and Tealstone Developments Limited 33 Ferryquay Street Derry / Londonderry BT18 9JQ	<b>Agent Name and Address:</b> Gravis Planning 1 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ
<b>Date Valid:</b> 05/12/2025	
<b>Target Date:</b> 03/07/2026	
<b>Contact Officer:</b> Ed Baker, Planning Manager (Development Management)	
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for the erection of 53 residential units (including 43no dwellings and 10no apartments), including ancillary works for the creation of an access from Upper Newtownards Road, internal roads, landscaping and associated works.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of housing in this location</li> <li>• Housing density</li> <li>• Affordable housing</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design, placemaking and landscape impact</li> <li>• New open space</li> <li>• Impact on heritage assets</li> <li>• Climate change</li> <li>• Residential quality and impact on amenity</li> <li>• Open space</li> <li>• Access parking, and transport</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Flood risk and drainage</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Section 76 planning agreement</li> <li>• Pre-application Community Consultation</li> </ul>	

The site is located within the development limits of Belfast. In the Belfast Urban Area Plan 2001, the site is un-zoned “white land”. The site is within a Local Landscape Policy Area (LLPA) in both the draft Belfast Metropolitan Area Plan 2015 (v2004) and (v2014), with the exception of the south east corner which is “white land”. The site also encroaches into the edge of a Site of Local Nature Conservation Importance (SLNCI) in the draft BMAP 2015 (v2014). The north east corner of the site is identified as open space.

There is a listed building within the application site boundary (red line), but which is excluded from this proposal.

The proposal is within the development limits of the city and is a sustainable location for new housing. The proposal would result in a loss of a small area of open space, but additional open space is to be provided as part of the scheme. As such, the principle of housing at this location is acceptable.

The density of the proposal is less than the guidance band but taking account the low density of the surrounding area and the previous permission for conversion of the Listed Building to apartments this is on balance acceptable.

The overall design, height, scale, massing, layout, and road configuration is considered to be acceptable and compliant with planning policy.

There is a Tree Preservation Order (TPO) on the site, but adequate mitigation measures would be in place to ensure no trees are lost or damaged from during the construction phase if planning permission is granted.

No affordable housing is proposed on the grounds of viability. The applicant's viability assessment has been appraised by an independent Quantity Surveyor who concurs with the with the assessment.

There are no objections to the proposal from statutory or non-statutory consultees. A list and summary of consultees is contained within the main body of the report.

Two third-party representations have been received in opposition to the proposal. These are both from the same household and the issues are addressed in the main report.

### **Recommendation**

Having regard to the Development Plan and material considerations, on balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, provided the issues are not substantive.

## DRAWINGS AND IMAGERY

## Site Location Plan:



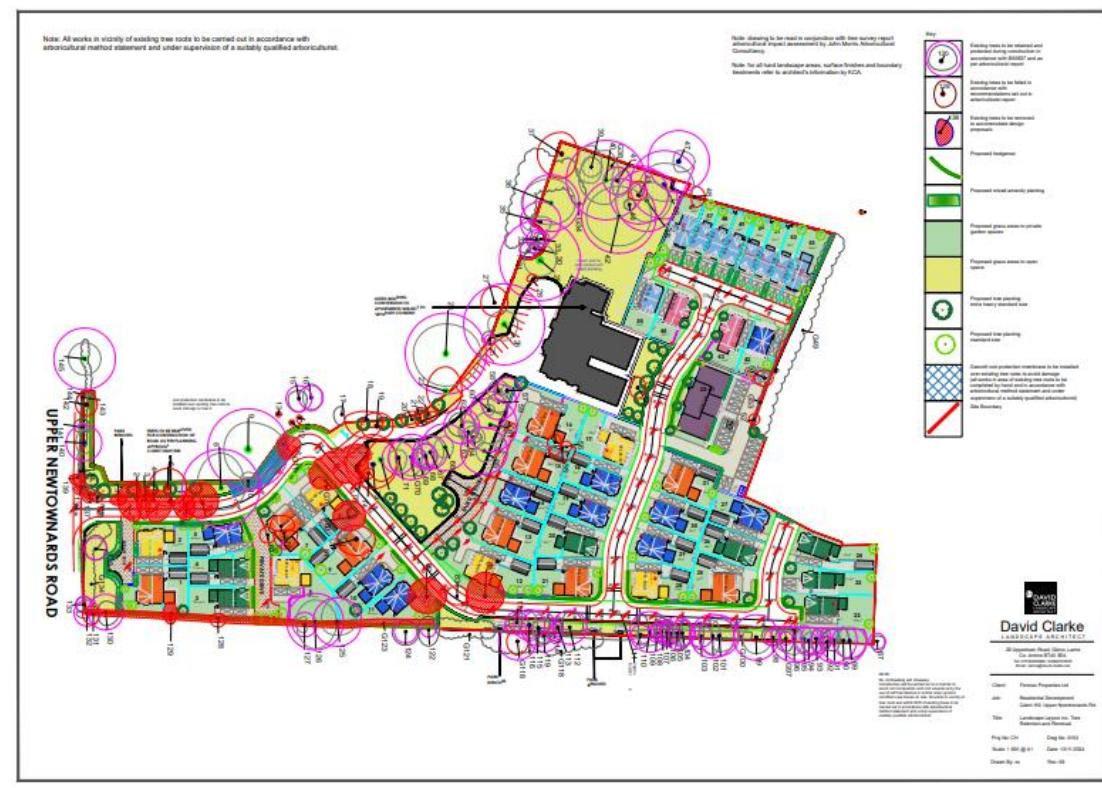
## Proposed site layout:



## Proposed Open Space



## Proposed Landscaping:



## Sample Proposed Elevations (House Type A):



PRINCIPAL ELEVATION

PLANNING  
 KEVIN CARMICHAEL ARCHITECTS LTD.  
 100 BEECHWOOD AVENUE, BELFAST, N.I. BT7 1QH  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 E-MAIL: [info@kevincarmichael.com](mailto:info@kevincarmichael.com)  
 FERMAC PROPERTIES LTD  
 CARRIAGE HILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 BT7 1QH  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 HOUSE TYPE A HANDED | DETACHED  
 PRINCIPAL ELEVATION  
 1609 PLA.04

HOUSE TYPE A 5 BED DETACHED



REAR ELEVATION



FLANK ELEVATION

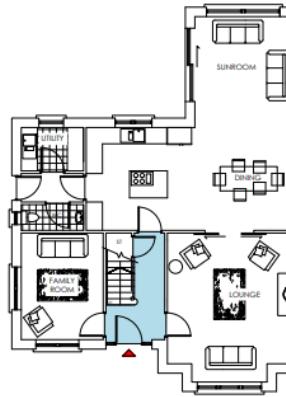


FLANK ELEVATION

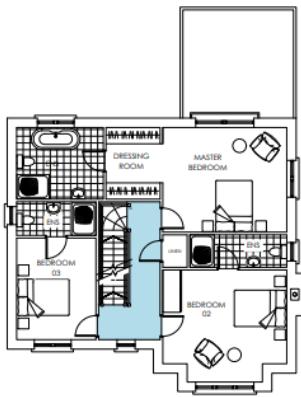
PLANNING  
 KEVIN CARMICHAEL ARCHITECTS LTD.  
 100 BEECHWOOD AVENUE, BELFAST, N.I. BT7 1QH  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 E-MAIL: [info@kevincarmichael.com](mailto:info@kevincarmichael.com)  
 FERMAC PROPERTIES LTD  
 CARRIAGE HILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 BT7 1QH  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 HOUSE TYPE A - DETACHED - SUBBROOME  
 REAR & FLANK ELEVATIONS  
 1609 PLA.05

HOUSE TYPE A 5 BED DETACHED

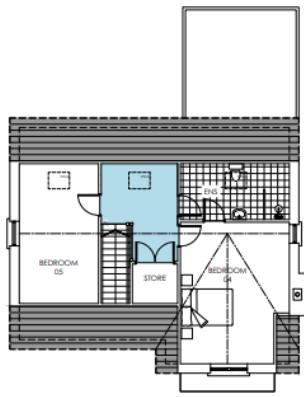
## Sample Proposed Floor Plans (House Type A):



GROUND FLOOR PLAN  
2610 SQ FT



FIRST FLOOR PLAN



SECOND FLOOR PLAN



## HOUSE TYPE A 5 BED DETACHED

## Sample Proposed Elevations (House Type B):



PRINCIPAL ELEVATION



## HOUSE TYPE B 5 BED DETACHED



FLANK ELEVATION

REAR ELEVATION



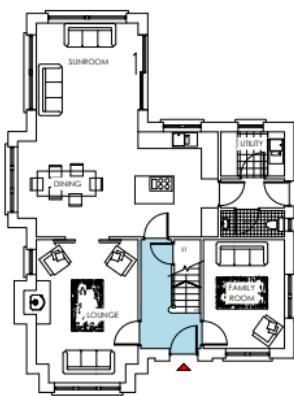
FLANK ELEVATION

## HOUSE TYPE B 5 BED DETACHED

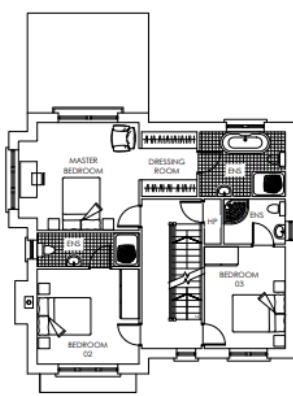
PLANNING  
 KEVIN CARTIN ARCHITECTS LTD.  
 1609 PLB.05

FIRMAC PROPERTIES LTD.  
 CASHMILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 HOUSE TYPE B - DETACHED  
 REAR & FLANK ELEVATIONS

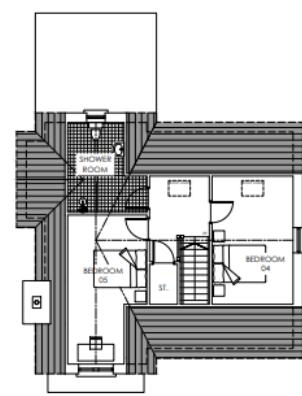
### Sample Proposed Floor Plans (House Type B):



GROUND FLOOR PLAN  
 2284 SQ FT



FIRST FLOOR PLAN



SECOND FLOOR PLAN

## HOUSE TYPE B 5 BED DETACHED

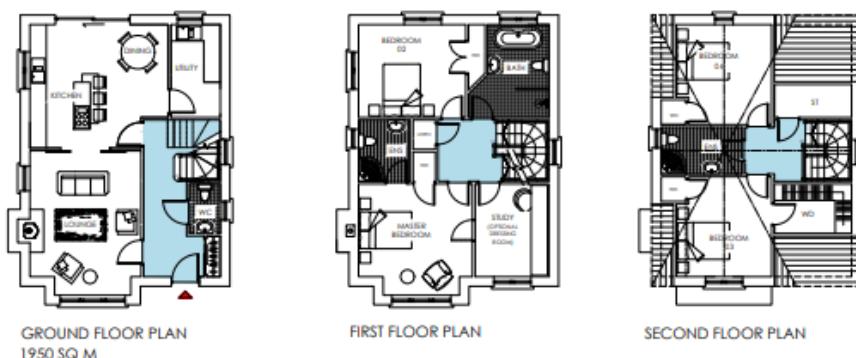
PLANNING  
 KEVIN CARTIN ARCHITECTS LTD.  
 1609 PLB.01

FIRMAC PROPERTIES LTD.  
 CASHMILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 HOUSE TYPE B - DETACHED - SUNROOM  
 FLOOR PLANS

## Sample Proposed Elevations (House Type C):



## Sample Floor Plans (House Type C):



**HOUSE TYPE C1 4 BED DETACHED**



## Sample Proposed elevations (House Type D):



PRINCIPAL ELEVATION

PLANNING  
 KEVIN CAIRN ARCHITECTS LTD.  
 100-102 BROWNLOW ROAD, BELFAST, N.I.R.  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 E-MAIL: [KEVINCAIRN@BT.COM](mailto:KEVINCAIRN@BT.COM)  
 FERMAC PROPERTIES LTD  
 CARN HILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 HOUSE TYPE D - DETACHED  
 PRINCIPAL ELEVATION  
 1609 PLD.04

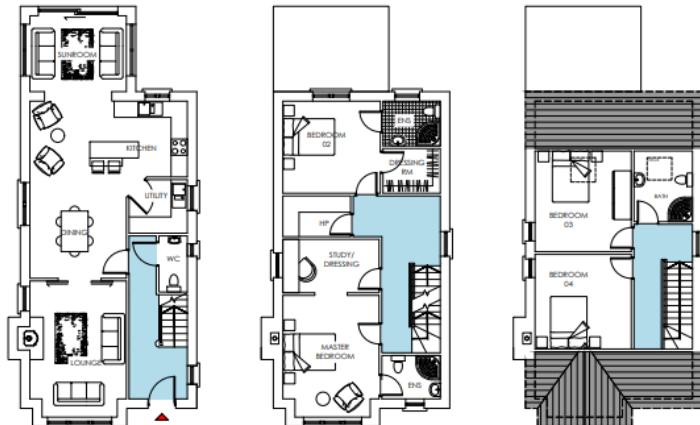
**HOUSE TYPE D** 4 BED DETACHED



PLANNING  
 KEVIN CAIRN ARCHITECTS LTD.  
 100-102 BROWNLOW ROAD, BELFAST, N.I.R.  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 E-MAIL: [KEVINCAIRN@BT.COM](mailto:KEVINCAIRN@BT.COM)  
 FERMAC PROPERTIES LTD  
 CARN HILL  
 UPPER NEWTOWNARDS ROAD, BELFAST  
 TEL: 028 9066 1111 FAX: 028 9066 1112  
 HOUSE TYPE D - DETACHED  
 ELEVATIONS  
 1609 PLD.03 A

**HOUSE TYPE D** 4 BED DETACHED

## Sample Proposed Floor Plans (House Type D):



GROUND FLOOR PLAN  
1990 SQ FT APPROX.

FIRST FLOOR PLAN

SECOND FLOOR PLAN



## HOUSE TYPE D 4 BED DETACHED

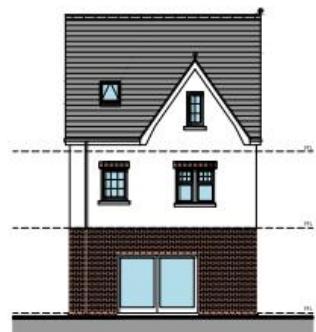
## Sample Proposed Elevations (House Type E):



PRINCIPAL ELEVATION



FLANK ELEVATION



REAR ELEVATION

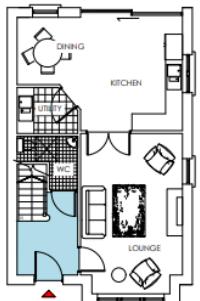


FLANK ELEVATION

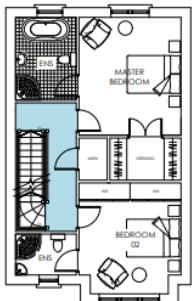


## HOUSE TYPE E 4 BED DETACHED

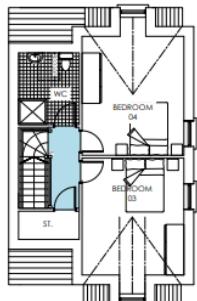
## Sample Proposed Floor Plans (House Type E):



GROUND FLOOR PLAN  
1710 SQ.FT



FIRST FLOOR PLAN



SECOND FLOOR PLAN

## HOUSE TYPE E 4 BED DETACHED



## Sample Proposed Elevations (House Type F-G):



PRINCIPAL ELEVATION

## HOUSE TYPE F-G 4 BED TOWNHOUSE - PLOTS 46-49





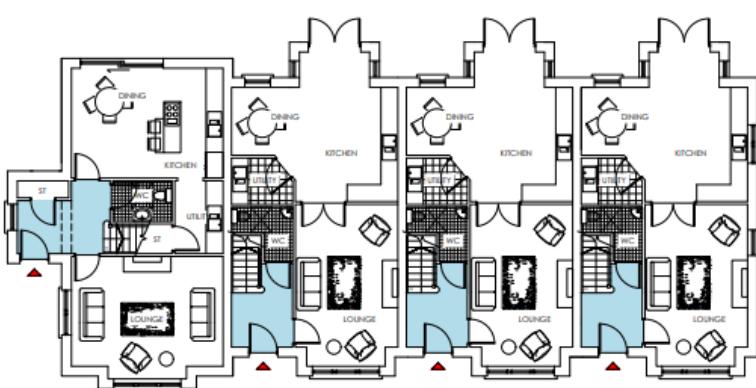
FLANK ELEVATION

FLANK ELEVATION

## HOUSE TYPE F-G 4 BED TOWNHOUSE - PLOTS 46-49

PLANNING	
KEVIN CARTIN ARCHITECTS LTD.	PLANNING CONSULTANT FOR THE PROPOSED TOWNHOUSE
FERMAC PROPERTIES LTD.	DEVELOPER OF THE PROPOSED TOWNHOUSE
CABIN HILL	UPPER NEWTOWNARDS ROAD, BELFAST
HOUSE TYPE F-G - 4 BED TOWNHOUSE	FLANK ELEVATIONS
1609 PLF-G.06	B

## Sample Proposed Floor Plans (House Type F - G):



GROUND FLOOR PLAN  
G - 1910 SQ.FT  
F - 1746 SQ.FT

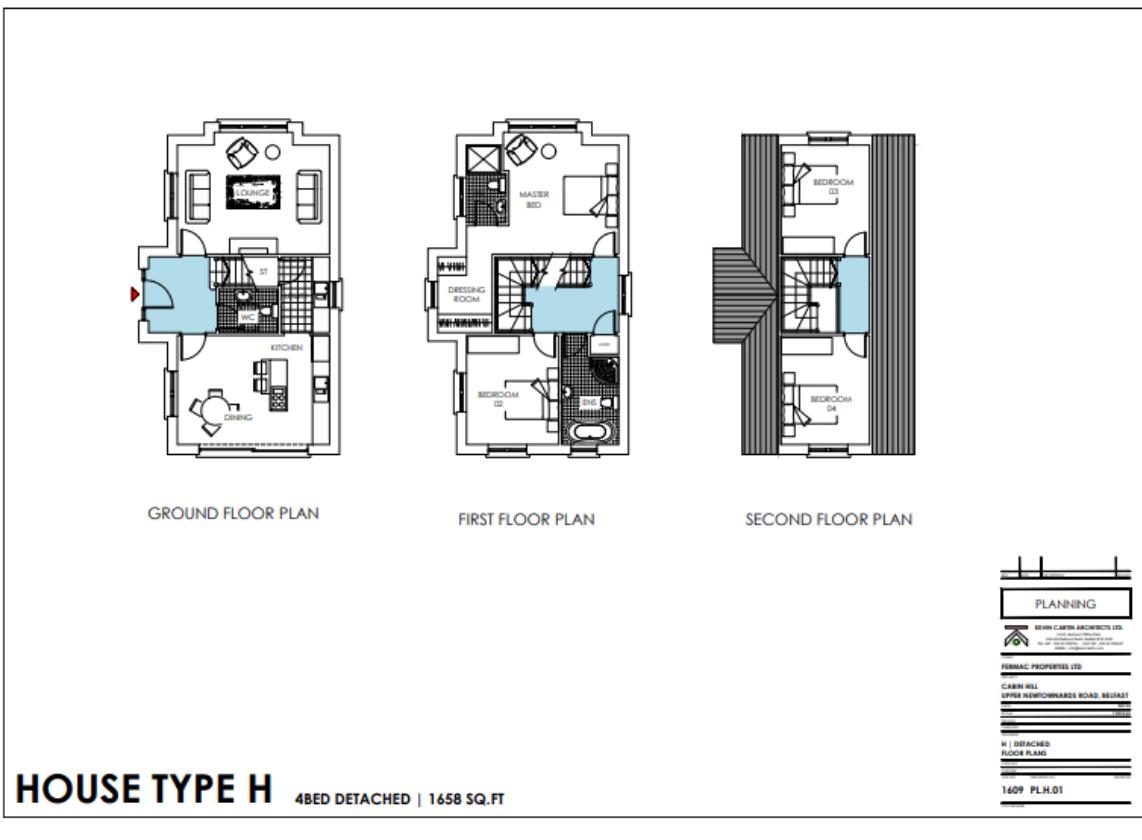
## HOUSE TYPE F-G 4 BED TOWNHOUSE

PLANNING	
KEVIN CARTIN ARCHITECTS LTD.	PLANNING CONSULTANT FOR THE PROPOSED TOWNHOUSE
FERMAC PROPERTIES LTD.	DEVELOPER OF THE PROPOSED TOWNHOUSE
CABIN HILL	UPPER NEWTOWNARDS ROAD, BELFAST
HOUSE TYPE F-G - 4 BED TOWNHOUSE	GROUND FLOOR PLAN
1609 PLF-G.01	A

## Sample Proposed Elevations (House Type H):



## Sample Proposed Floor Plans (House Type H):

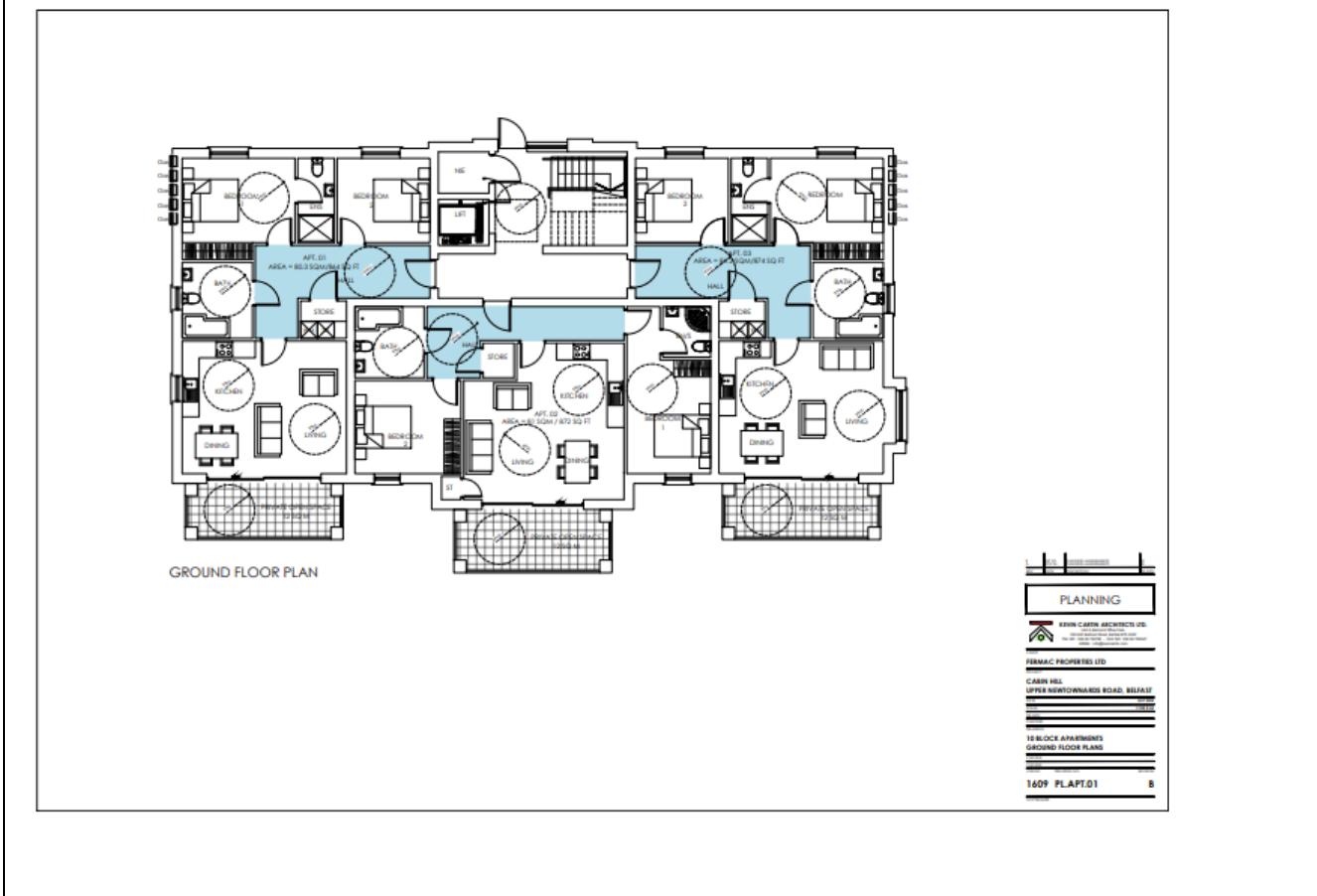


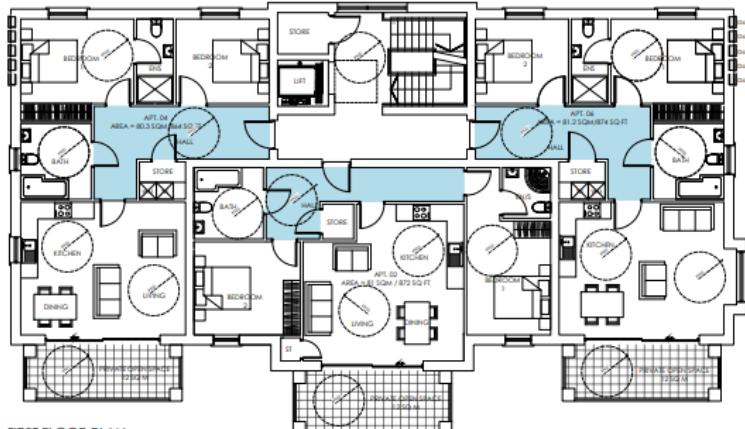
## Proposed elevations (apartment block)





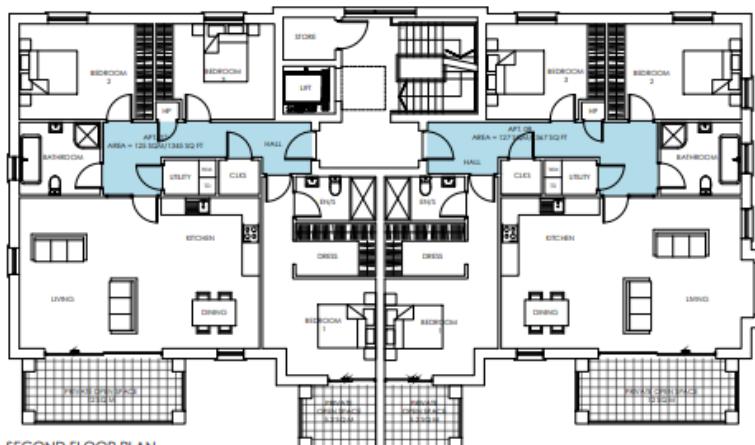
## Proposed Floor Plans (apartments):





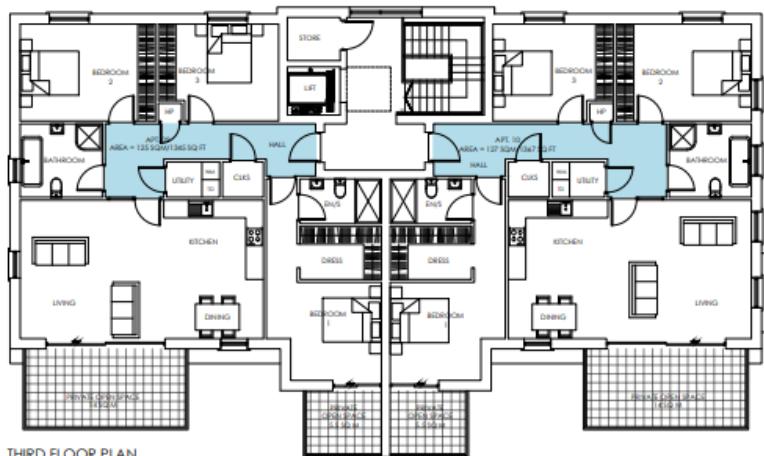
FIRST FLOOR PLAN

PLANNING  
 KEVIN CAHIN ARCHITECTS LTD.  
 10 BLOCK APARTMENTS  
 CARRIAGELANE, 100-102, CARRIAGELANE, BELFAST, NI, BT7 1QH  
 TEL: 028 9024 1000 FAX: 028 9024 1001  
 E-MAIL: [info@kevincahin.com](mailto:info@kevincahin.com)  
 FIRMAC PROPERTIES LTD  
 CARRIAGELANE, 100-102, CARRIAGELANE, BELFAST, NI, BT7 1QH  
 TEL: 028 9024 1000 FAX: 028 9024 1001  
 10 BLOCK APARTMENTS  
 FIRST FLOOR PLANS  
 1609 PL.APT.02 B



SECOND FLOOR PLAN

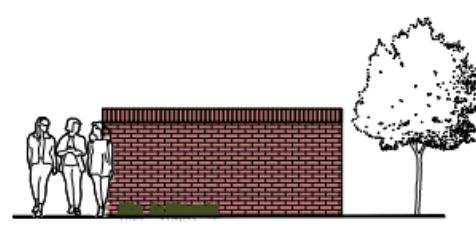
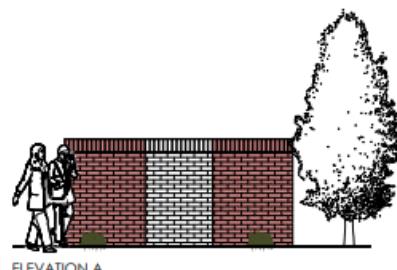
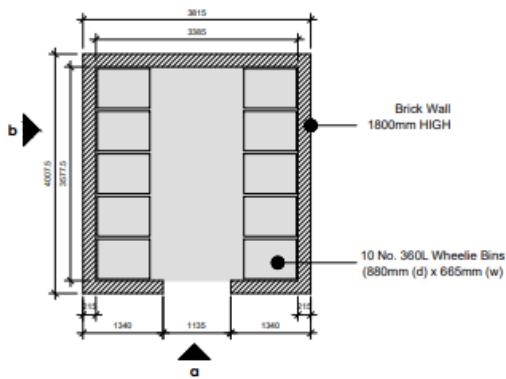
PLANNING  
 KEVIN CAHIN ARCHITECTS LTD.  
 10 BLOCK APARTMENTS  
 CARRIAGELANE, 100-102, CARRIAGELANE, BELFAST, NI, BT7 1QH  
 TEL: 028 9024 1000 FAX: 028 9024 1001  
 E-MAIL: [info@kevincahin.com](mailto:info@kevincahin.com)  
 FIRMAC PROPERTIES LTD  
 CARRIAGELANE, 100-102, CARRIAGELANE, BELFAST, NI, BT7 1QH  
 TEL: 028 9024 1000 FAX: 028 9024 1001  
 10 BLOCK APARTMENTS  
 SECOND FLOOR PLANS  
 1609 PL.APT.03 A



THIRD FLOOR PLAN



## Bin Store (apartments)



<b>1.0</b>	<b>Characteristics of the Site and Area</b> <p>1.1 The application site is the grounds of a former prep school. It is partly occupied by several derelict school buildings, including a listed building. Whilst the latter is included within the application site (red line), it does not form part of the proposals.</p> <p>1.2 The site contains mature trees that are subject of a Tree Preservation Order. The site includes areas of open space that has become overgrown.</p> <p>1.3 Levels decline towards the east boundary. The rear gardens of domestic properties at Castlehill Road back onto the site along its east boundary. The site is bounded by open space and trees on its southwest, west and north sides. The site is accessed from Upper Newtownards Road to the south of the site.</p> <p>1.4 The surrounding area is characterised by open space, commercial, community and residential uses in buildings of eclectic styles and sizes.</p> <p><b>Description of Proposed Development</b></p> <p>1.5 The application seeks full planning permission for residential development comprising the erection for 43 dwellings and 10 apartments (53 residential units in total), including improvement to the existing access, internal roads, landscaping and associated works.</p> <p>1.6 The application follows a Pre-Application Discussion (PAD) which was not concluded and with issues remaining outstanding at the point of submission of the planning application.</p>
<b>2.0</b>	<b>PLANNING HISTORY</b> <p>2.1 Relevant planning history is summarised below.</p> <p>LA04/2023/3808/PAN – Lands at Cabin Hill, Campbell College, Upper Newtownards Road, Belfast. Amendments to extant approval Z/2007/2609/RM to include reduced density and revisions to layout and house types.</p> <p>2.2 LA04/2023/2777/PAD – Lands at Cabin Hill, Campbell College, Upper Newtownards Road, Proposed amendment to Reserved Matters approval Z/2007/2069/RM to include reduced unit number (42 units), reconfiguration of internal road and associated ancillary works. The current planning application was submitted before the PAD process was completed.</p> <p>2.3 LA04/2022/0664/LDP – Lands at Cabin Hill, Campbell College, Upper Newtownards Road, Belfast. Confirmation that proposed completion of Unit 9 of planning permission ref. Z/2007/2069/RM would be lawful. Approved 19/01/2023.</p> <p>2.4 LA04/2018/2863/F and LA04/2018/2862/LBC – Cabin Hill House, Upper Newtownards Road, Belfast. Conversion and restoration of former preparatory school to 12No. private apartments including removal of inappropriate extensions. Approved on 19/06/2019</p> <p>2.5 LA04/2024/1085/CLOPUD – Lawful commencement of Planning Permission LA04/2018/2863/F and associated Listed Building Consent LA04/2018/2862/LBC by insertion of ground floor window in the southeast elevation. Approved 08/11/2024.</p>

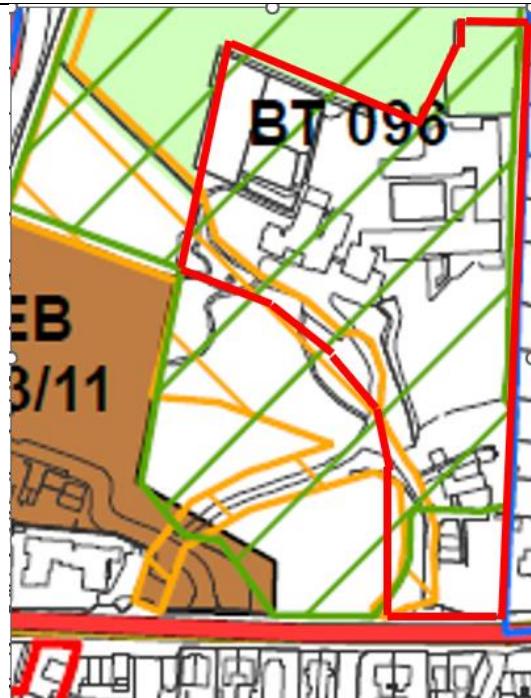
2.6	Z/2007/2069/RM – Lands at Cabin Hill, Campbell College, Upper Newtownards Road, Belfast, BT4. Residential development of 66 units. Approved. Historical.
2.7	Z/2003/2938/O – Lands at Cabin Hill, Campbell College, Upper Newtownards Road, Belfast, BT4. Residential Development (Outline Permission). Approved. Historical
<b>3.0</b>	<p><b>PLANNING POLICY</b></p> <p><b>Development Plan – Plan Strategy</b></p> <p>3.1 <u><a href="#">Belfast Local Development Plan: Plan Strategy 2035</a></u></p> <p><i>Strategic Policies:</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery  Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity  Policy SD2 – Settlement Areas</p> <p><i>Operational Policies:</i></p> <p>Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of urban design  Policy DES2 – Masterplanning approach for major development  Policy RD1 – New residential developments  Policy CI1 – Community Infrastructure  Policy BH1 – Listed Buildings  Policy BH5 – Archaeology  Policy HC1 – Promoting healthy communities  Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable drainage systems (SuDS)  Policy GB1 – Green and blue infrastructure network  Policy OS3 – Ancillary open space  Policy TRE1 – Trees  Policy NH1 – Natural Heritage  Policy LC1 – Landscape impact  Policy LC1C – Local Landscape Policy Areas (LLPAs)</p>

	<u>Supplementary Planning Guidance</u>
3.2	Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation
3.3	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
3.4	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (Edition 2, 2025) (SPPS)
3.5	<b>Other Material Considerations</b> Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan)
<b>4.0</b>	<b>CONSULTATIONS AND REPRESENTATIONS</b>
4.1	<u>Statutory Consultees</u> DFI Roads – No objection, subject to conditions. DFI Rivers – No objection in principle. NI Water – No objection. NIHE – Supports the proposal for social housing.
4.2	<u>Non-Statutory Consultees</u> Environmental Health – No objection. BCC LDP Housing – No objection. BCC LDP Environment – No objection. BCC Trees and Landscape – No objection.
4.3	Representations The application has been advertised in the press and neighbours notified. 2No. third party representations have been received. One of these failed to provide any comments. The other forwarded a letter that they sent directly to the agent.
4.4	The following concerns were raised within the third-party letter than was submitted: <ol style="list-style-type: none"> <li>Claims that the information outlined in the Pre-Application Community Consultation Report (PACCR) is factually incorrect. The information brochure, that was distributed to households was not delivered to Castlehill Road residents until after the public event.</li> <li>Also claims that the information brochure was incomplete as it excluded drawings and elevations of the 'property type'.</li> <li>No consultation was made with local residents when trees, protected by a TPO, were removed from the site prior to the submission of the application.</li> <li>The proposal will impact on protected trees.</li> </ol>

	<ul style="list-style-type: none"> <li>5. The proposal 'does not mirror' the architecture of existing properties in close proximity to the application site.</li> <li>6. Strongly object to the proposed road adjacent to the rear of properties at Castlehill Road due to potential for noise and light pollution from car headlights.</li> <li>7. Heights of proposed apartment block is diametrically opposed to the existing housing on Castlehill Road and will result in loss of light and overlooking.</li> <li>8. The proposed changes between the 2007 application and the proposal 'are radically different' and will be closer to the common boundary (Castlehill Road) than the previous permission.</li> <li>9. The developer is attempting to disguise fundamental design changes as an amendment or revision to the previous planning permission (ref. LA04/2007/2069/RM) granted in 2009. The proposal is a completely different design proposal, with an increase in the scale and heights of buildings.</li> <li>10. Despite the unit numbers decreasing, the density has increased in parts of the site in comparison to the 2009 planning permission.</li> <li>11. No information has been submitted on how the developer plans to meet statutory obligations to protect bats.</li> </ul>
4.5	Regarding points 1 and 2, in accordance with legislation, the applicant has submitted a Pre-Application Community Consultation report (PACCR) outlining how they carried out their statutory public consultation. They state in this report that they distributed leaflets to all properties within 200m of the site one week prior to holding the public event. A copy of the leaflet did not include the plans or drawings, nor is there a legal requirement to do so. However, the brochure did include a link to a website where these were viewable for a limited period.
4.6	Not all of the trees on the site are protected by the TPO. However, consent was given for tree surgery in 2019 (see ref. LA04/2019/2603/CONTPO). There is no duty to publicise or notify neighbours on applications for works to trees.
4.7	In respect of points 4-7 and 10, these are material planning considerations and are addressed in the assessment within the main body of this report.
4.8	The concerns raised in points 8 and 9 have been noted and the Planning Service advised the applicant to revise the description of the proposal to remove reference to the proposal being a modification to the planning permission granted in 2009 under ref. LA04/2007/2069/RM. The amended description was readvertised in the press on 22 <sup>nd</sup> November 2024. Neighbours were also re-notified.
4.9	The original submission included an ecology report outlining how habitats of protected species, including bats, will be managed during and after the construction phase. DAERA NIEA has been consulted and after several rounds of further information, is content with the revised information submitted by the applicant.
5.0	<p><b>PLANNING ASSESSMENT</b></p> <p><b>Development Plan Context</b></p>
5.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
5.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
	<p><u>Operational Policies</u></p>
5.4	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above at para 3.1.</p>
	<p><u>Proposals Maps</u></p>
5.5	<p>Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
5.6	<p><b>Belfast Urban Area Plan 2001</b> – the site is un-zoned “whiteland” within the development limit.</p>
5.7	<p><b>Belfast Metropolitan Area Plan 2015 (v2004)</b> – the site is within the development limit. It is within a Local Landscape Policy Area (LLPA) within the draft Belfast Metropolitan Area Plan, with the exception of the southeast corner which is “whiteland”.</p>
5.8	<p><b>Belfast Metropolitan Area Plan 2015 (v2014)</b> – the site is within the development limit. It is within a Local Landscape Policy Area (LLPA) within the draft Belfast Metropolitan Area Plan, with the exception of the southeast corner which is whiteland. The site also encroaches into the edge of a Site of Local Nature Conservation Importance (SLNCI).</p>
	<p><u>Environmental Impact Assessment</u></p>
5.9	<p>The proposed development falls within Category 10(b) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 and therefore the Council is required under Regulation 12(1) to make a determination as to whether the proposal is EIA development. The Planning Service has determined that the proposal is unlikely to have any significant environmental effects in the context of the regulations and is not EIA development. Therefore, the application does not require to be accompanied by an Environmental Statement.</p>

	<b>Main Issues</b>
5.10	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of housing in this location</li> <li>• Housing density</li> <li>• Affordable housing</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design, placemaking and landscape impact</li> <li>• New open space</li> <li>• Impact on heritage assets</li> <li>• Climate change</li> <li>• Residential quality and impact on amenity</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Flood risk and drainage</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Section 76 planning agreement</li> <li>• Pre-application Community Consultation</li> </ul>
	<p><b><u>Principle of housing in this location</u></b></p> <p><i>Protection of open space:</i></p>
5.11	<p>Policy OS1 'Protection of Open Space' states a general presumption in favour of retaining open space, whether specifically identified in the LDP or not. This presumption against the loss of existing open space will apply irrespective of ownership, public access, physical condition or appearance.</p>
5.12	<p>Policy OS1 states that development resulting in the loss of open space will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. In all circumstances, the council must be satisfied that the loss of any open space would not result in detriment to the overall green infrastructure provision.</p>
5.13	<p>The application site is shown in red in the extract from draft BMAP 2015 (v2014) at <b>Figure 1</b>, overleaf. This shows that the site is mostly "white-land" with the exception of the northeast corner which was previously used as ancillary tennis courts for Cabin Hill school but forms part of a wider parcel of land beyond the site boundary that is specifically identified as existing open space in the development plan.</p>
5.14	<p>The tennis court is approximately 1,875 sqm in size. The proposed housing scheme would include areas of open space amounting to 3,242 sqm, resulting in a net increase of around 1,350 sqm. Having regard to the reprovision of open space elsewhere within the development, the proposal is considered acceptable having regard to Policy OS1.</p>



**Figure 1: Extract from dBMAP 2015 (v2014)**

*Windfall housing:*

5.15 The application site is located within a partly previously developed site (windfall) within 'rest of Belfast city'. Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan period. This includes a total of 18,100 homes within the 'rest of Belfast city' and 2,000 windfall homes.

5.16 Policy HOU2 requires windfall housing to be delivered on previously developed land, such as the application site. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.

- **The site is suitable for housing** –the site is a sustainable location and for the reasons set out previously in relation to loss of open space, is considered suitable in principle for housing.
- **The location is accessible and convenient to public transport and walking cycle infrastructure** – the site is on the Glider route and close to cycling / walking routes and is highly accessible to shops, services, amenities and public transport.
- **Provision is made for any additional infrastructure required as a result of the development** – suitable infrastructure is in place to support the proposal.

5.17 The proposal will provide quality general needs housing that will add to the variety of housing stock offered in this location.

5.18 The site benefits from extant planning permission for housing as confirmed by an application for a Lawful Development Certificate (LA04/2022/0664/LDP). The previous permission is a material planning consideration.

5.19	The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.
	<b><u>Housing density</u></b>
5.20	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.21	The proposal is for 53 residential units in a location where Policy HOU4 states a target density of 25 - 125 dwellings per hectare (ha). The site area is 2.8ha, therefore, the proposed development equates to a density of only 19 dwellings per ha (dpa), which is outside the density band. However, there is already an extant approval for the conversion of the listed school building into 12 residential units. This is within the application site redline boundary and shares the same access. As such it could reasonably be included in the overall density of dwellings on this site, which raises the dpa to 23. This is closer to the target density of 25-125 for this area.
5.22	Policy HOU4 states that these bands are for guidance only and development proposals outside these bands will be considered on their merits. The immediate area contains lower density residential development in the form of houses with gardens which is similar to that as proposed. On balance, the density is considered acceptable, having regard to Policy HOU4.
	<b><u>Affordable housing</u></b>
5.23	Policy HOU5 of the Plan Strategy states that planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.
5.24	The proposal is for 53 residential units, therefore, Policy HOU5 requires a minimum of 11 of the residential units (rounded up) to be provided as affordable housing.
5.25	However, the applicant states that the provision of affordable housing would make the scheme unviable. The applicant originally submitted a viability assessment to the Council in June 2024. This was independently appraised on behalf of the Council by Brian Jennings Quantity Surveyor (BJQS). This concluded that the scheme was unviable as a fully market housing scheme without affordable housing.
5.26	Given the passage of time since the original viability assessment, the applicant submitted an updated assessment in November 2025. This has again been independently appraised by BJQS on behalf of the Council. The independent appraisal again concludes that the scheme is unviable as a fully market housing scheme without affordable housing. Developer profit would have to drop to around 5% for the scheme to be marginally viable, which would be well below the assumption of 15% developer profit advised by the Council's <i>Affordable Housing and Housing Mix Supplementary Planning Guidance</i> (SPG).
5.27	Policy HOU5 states that ' <i>Where it can be demonstrated that it is not sustainable or viable for a proposed development to meet the requirements of this policy in full, the council will consider suitable alternatives on a case-by-case basis.</i> ' The amplification text of Policy HOU5 set out in para 7.1.36 of the LDP provides further clarity on this matter and states that: ' <i>It is recognised that there may be occasions where a particular housing site in Belfast might not be able to meet the affordable housing demands in full, so flexibility has been built into the policy to ensure that viability can be taken into account on a case-by-case basis. Where a developer is able to demonstrate, through</i>

	<p><i>evidence provided in accordance with agreed assessment approaches to viability testing, that the development is unviable if affordable housing obligations are met in full, alternative approaches will be considered. This could include varying the mix of affordable housing units, the provision of affordable housing on a suitable alternative site within the local area or, in exceptional circumstances, a reduction in the proportion of affordable housing in lieu of a financial contribution to an affordable housing development elsewhere in the district.'</i></p>																																			
5.28	<p>Further guidance is contained in the Affordable Housing and Housing Mix SPG on the alternative approaches referred to above which are set out and considered below.</p> <ol style="list-style-type: none"> <li>1. A deferral in the timing of affordable housing requirements pertaining to the site (i.e. a phasing option);</li> <li>2. A variation in the required mix of tenure, size or type of affordable units on the site, in accordance with the hierarchy of products outlined above;</li> <li>3. A reduction in affordable units on the site;</li> <li>4. Provision of the affordable housing units on an alternative site within the same local housing area; or</li> <li>5. Commuted sum, equivalent to cost of constructing affordable unit(s) on site.</li> <li>6. The maximum viable financial contribution in lieu of affordable provision.</li> </ol>																																			
5.29	<p>However, given the significant level of unviability of the scheme, it is not considered that the above options are realistic or reasonable. BJQS has advised that all the options listed above would, to varying degrees, reflect additional cost and render the scheme even more unviable than as currently appraised.</p>																																			
5.30	<p>The applicant has agreed to a viability review mechanism which would require a fresh viability assessment to be undertaken within 12 months of the last independent appraisal to ascertain whether the economic conditions have sufficiently changed to allow the development to include an element of affordable housing or provide a Financial Developer Contribution in lieu of on-site provision. This would be secured through a Section 76 planning agreement.</p>																																			
5.31	<p>In conclusion, the proposal does not provide affordable housing and is contrary to Policy HOU5. However, having regard the viability of the scheme and its benefits in terms of delivering new housing, and subject to the requirement for the viability review mechanism, this is considered acceptable.</p>																																			
	<p><b><u>Housing mix</u></b></p>																																			
5.32	<p>The proposal comprises the following housing mix:</p> <table border="1"> <thead> <tr> <th>House Type</th> <th>Beds</th> <th>Floorspace sq/m</th> <th>Number</th> <th>Proportion</th> </tr> </thead> <tbody> <tr> <td>Detached</td> <td>5</td> <td>212 – 243</td> <td>15</td> <td>28.3%</td> </tr> <tr> <td>Detached</td> <td>4</td> <td>165 - 196</td> <td>20</td> <td>37.7%</td> </tr> <tr> <td>Townhouse</td> <td>4</td> <td>158 - 167</td> <td>8</td> <td>15.1%</td> </tr> <tr> <td>Apartment</td> <td>3</td> <td>125-126</td> <td>4</td> <td>7.5%</td> </tr> <tr> <td>Apartment</td> <td>2</td> <td>80-81</td> <td>6</td> <td>11.3%</td> </tr> <tr> <td></td> <td></td> <td></td> <td><b>Total</b></td> <td><b>53</b></td> </tr> </tbody> </table>	House Type	Beds	Floorspace sq/m	Number	Proportion	Detached	5	212 – 243	15	28.3%	Detached	4	165 - 196	20	37.7%	Townhouse	4	158 - 167	8	15.1%	Apartment	3	125-126	4	7.5%	Apartment	2	80-81	6	11.3%				<b>Total</b>	<b>53</b>
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5.33	<p>Policy HOU6 and the Affordable housing and Housing Mix Supplementary Planning Guidance (SPG) note that the Plan Strategy sets out an overall housing mix requirement for Belfast over the plan period, which can be summarised as a 30:70 split</p>																																			

	<p>of flats/apartments to houses and a split of 40:60 of properties with 2 bedrooms or less to those with at least 3 bedrooms.</p> <p>5.34 The current mix proposed of 47no. 3+ bed units and 6no. 2 bed units provides a 11:89 split between 2 bedroom and larger properties. The mix of flats to houses is approximately 20:80 split. However, there is a Listed Building (Cabin Hill House) within the application site (red line) that has an extant planning approval for conversion to 12no residential apartments with 8no 2 bed units and 4no 3 bed units. This development shares the same access as the proposal and could form part of the same development when implemented. When taking into account these units, the ratio of 2 bedroom to larger properties changes to approximately 20:80; and apartments to houses to approximately 30:70. However, it is acknowledged that the conversion of the Listed Building to apartments is not certain and may not be delivered.</p> <p>5.35 The applicant has also provided information from a local estate agent who argues that in their opinion the housing mix reflects the local housing needs and responds positively to the existing housing characteristics in the immediate vicinity. They also state that smaller homes in this area would be contextually inappropriate, in respect of market demand, and better suited to Ballyhackamore, Belmont, Barnets Road, Knock and the adjacent suburbs. However, this information of itself is not considered to justify the proposed housing mix.</p> <p>5.36 Nevertheless, having regard to the other considerations set out above, whilst it would be preferable to have more smaller units within the development, on balance, the proposed housing mix is considered acceptable, having regard to Policy HOU6.</p> <p><b><u>Adaptable and accessible accommodation</u></b></p> <p>5.37 Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The Policy also requires that at least 10% of units in residential developments, of 10 units or more, to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.</p> <p>5.38 The proposed plans demonstrate how the development would be capable of meeting all of the criteria of Policy HOU7. All dwellings have generous space provision, downstairs WCs and accessible bathrooms on the same floor as main bedroom. It has been demonstrated that 6no (11%) of the 10no proposed apartments are wheelchair accessible, therefore meeting the minimum requirement. Each of those units is supported by a parking space for disabled users that are located directly to the front of the main entrance door to the apartment block, which also has a canopy to shelter from the weather. All surfaces to the entrance from the car parking spaces are level or gently sloping with a firm surface. The proposed private amenity areas for these units are balconies / terraces with hard surfaces with dimensions that would be able to accommodate wheelchairs. It is therefore considered that all relevant criteria of Policy HOU7 has been satisfied.</p>
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	<b><u>Design, placemaking and landscape impact</u></b>
5.40	<p>The proposal has been assessed against the SPPS, <i>Creating Places and Policies</i> SP5, DES1, DES2, RD1, and RD3 of the LDP: Plan Strategy (PS). Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale, height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development.</p>
5.41	<p>Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list 11 criteria, (a) to (k).</p> <p><i>Layout:</i></p>
5.42	<p>The proposal comprises a residential cul-de-sac with ingress and egress via the same access, which is from the Upper Newtownards Road. The road layout is to be traditional and consist of two main roads through the site onto which most houses will face towards. Open space will be subdivided into 5 separate 'areas' throughout the development. Dwellings will be positioned mostly in linear form along the road and on their own plots. This form is not unlike the layout of the adjacent housing development at Lacefield. As such, it is considered to be in conformity with the general character of the surrounding residential area. Given the separation distances, a buffer zone of trees and the proposed orientation of the dwellings, it is considered that any conflict with existing neighbouring dwellings is unlikely.</p>
5.43	<p>In respect of visual impact, external views of the development from the existing public realm will be limited due to the depth and width of the site, and screening from existing housing at Castlehill Road to the east and Lacefield to the west. Trees on lands abutting the front of the site, many of which are protected, will also assist integration of the proposal and provided screening. Internally, parking for the apartment block is to the rear and mostly screened from public view from the main road through the development. Therefore, the proposal is considered to comply with Policy RD1 a. and b, and Policy DES1 a. and c.</p> <p><i>House types:</i></p>
5.44	<p>The proposal consists of a block of apartments containing 10no units over 4 storeys and 43 dwellinghouses. The houses come in a ranges of different house types of a standard two-storey design. Whilst most are detached, a number of townhouses are also provided. Each house will be gabled with chimneys. This will be in keeping with the eclectic character of the surrounding streets. This complies with Policy RD1 (a) and Policy DES1 a and b.</p> <p><i>Finished Materials:</i></p>
5.45	<p>Each house will be finished in either red brick, render or a mix of both, in keeping with the area. Roof tiles will be black / blue smooth tiles. Samples of these will be requested by condition if permission is granted.</p>

	<p><i>Boundary treatments:</i></p> <p>5.46 The front curtilages of all dwellings will be defined by low beech (<i>Fagus sylvatica</i>) hedge rows with the exception of plots 46 to 53. The rear gardens will be defined by 1.8 metre timber fencing. Elsewhere, rendered brick walls and metal railings will be used where sides of gardens abut common areas or carriageways. This is compliant with Policies DES1 and RD1.</p>
	<p><i>Existing trees and shrubs:</i></p> <p>5.47 Many of the existing trees on the site are protected by a confirmed Tree Preservation Order (TPO). These are to be retained where feasible and compensatory tree planting will be implemented where existing trees are to be felled either due to poor condition or to facilitate the development. A tree survey and report has been submitted in support of the proposal which includes tree protection measures in accordance with recognised industry standards outlined in BS 5837:2012 '<i>Trees in relation to design, demolition and construction – Recommendations</i>'.</p>
5.48	<p>The Council's Tree Officer has been consulted and is content with the proposal. This is considered to be in adherence with Policy TRE1.</p>
	<p><i>Proposed Planting:</i></p> <p>5.49 The proposed planting consists of a mix of different species of trees including rowan, beech, apple, cherry, ornamental pear, lime 'greenspire' and acers planted between heights of 2.5m - 5m within the site at various locations including open spaces, site boundaries and garden trees in each individual plot. These will be supplemented with shrub planting within the site to help promote visual amenity offering.</p>
5.50	<p>The submitted landscape management and maintenance plan set out how the existing trees along with proposed landscaping features will be maintained to ensure they form landscaping features within the site for future years which will promote visual amenity and have future surgery to help mitigate future risks from arising. This is compliant with Policies TRE1, DES1 and RD1.</p>
	<p><i>Levels:</i></p> <p>5.51 The topography of the site is undulated with gentle slopes rising from the south (front) to a central plateau in the middle of the site. Levels decline in the middle towards the east boundary and the rear of adjoining properties at Castlehill Road and towards the north (rear). The proposal responds to these levels with minimal requirement for cut-and-fill. Where cut-and-fill will occur, retaining walls of between 600mm and 1200mm max will be required to ensure levels are usable. The existing driveway that runs adjacent to the east boundary will be close to where part of the new road will meander through the site. This will require an increase in levels by between 1 and 1.5 metres approx. at this point. However, this will be screened from the rear of existing properties along Castlehill Road by buffer zone several metres wide of retained trees augmented with new planting. This is compliant with Policy RD1 a. and the associated Residential Design SPG (paragraph 3.1.6).</p>

	<p><i>Landscape character:</i></p> <p>5.52 The site is part of a wider Local Landscape Policy Area (LLPA). Policy LC1 is applicable to all new development within any designated landscape. This states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape.</p> <p>5.53 In this case, the proposal includes the retention of existing mature trees and hedgerows which would limit the impact of the proposal on the wider landscape. It will also incorporate the wall of an historic walled garden and is sympathetic to a listed building on the site (see section on <b>Impact on Heritage Assets</b>).</p> <p>5.54 Policy LC1C specially applies to proposals within LLPAs. Given the existing character of the site, which is overgrown and containing several derelict school buildings, its natural screening and location on the edge of the wider LLPA, the proposal would not have a significant impact on the amenity, character, environmental quality or natural or built and cultural heritage features within the LLPA.</p> <p>5.55 The proposal is considered compliant with Policies LC1 and LC1C.</p>
	<p><i>Amenity Space:</i></p> <p>5.56 Policy RD1 criterion (d) requires new residential development to make provision for appropriate open space. Each house is on a private plot with ample garden space whilst each apartment will have its own private terrace or balcony.</p> <p>5.57 The Departmental design guide <i>Creating Places</i> advises that private open amenity space within new residential development schemes in suburban areas should have an average 70sq/m per unit, while no unit should have private open space under 40sqm. Each dwelling has private amenity space behind the building line. The minimum rear garden size is 50sq/m for any individual house and the largest is 220sq/m. This exceeds the minimum size of 40sq/m and the overall average for the development exceeds 70sqm per unit. This is compliant with Policy RD1 criterion a.</p> <p>5.58 The justification and amplification of Policy RD1 outlines private open space for apartments may take the form of recessed balconies and roof terraces. <i>Creating Places</i> advocates external private amenity space of between 10 and 30 sqm per residential apartment unit. This is accepted in the form of private communal open space in the form of landscaped areas, courtyards or roof gardens. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally, developments in inner urban locations and other high-density areas will tend towards the lower figure. Therefore, in this case, the figure should be towards the higher figure. Each apartment will have its own private balcony ranging from 12sq/m to 19.5sq/m. The average size of individual balconies will be 14.69sq/m. This is greater than the minimum standard of 10sq/m as per the guidance but is lower for a suburban area. However, the residents will be able to avail of the communal open space within the wider development as well as access to existing open space in the wider locality, which is deemed acceptable under the policy. The communal open space is assessed, below.</p> <p>5.59 The proposal is therefore considered to comply with the paragraphs 4.23 to 4.36 of the SPPS, Policies DES1 and RD1 of the LDP PS, and <i>Creating Places</i>.</p>

	<b><u>New open space</u></b>
5.60	Policy OS3 'Ancillary open space' states that all new residential developments of 25 units or more will only be granted where open public space is provided. A normal expectation is at least 10% of the total site area.
5.61	<p>The application site has a total site area of 2.9ha. 10% of this is required for shared open space provision (<math>29,046\text{sqm} / 10 = 2,904.6\text{sqm}</math>). The applicant indicates total open space as 3,242sqm (11.16%). This is broken this down into four separate areas:</p> <ul style="list-style-type: none"> <li>• <b>Area A</b> (1,451sqm) contains a significant number of protected trees (refer to Tree Retention Plan);</li> <li>• <b>Area B</b> (263sqm) marginally encroaches into the redline boundary of the planning permission for the change of use of the apartments, but this is not significant and does not impact on the approval;</li> <li>• <b>Area C</b> (663sqm) is unusable open space as it lined with protected trees (refer to Tree Retention Plan) and acts as a buffer between the site and rear gardens at Castlehill Gardens;</li> <li>• <b>Area D</b> (422sqm) appears to be useable, but it is adjacent to the access road and is only a narrow strip.</li> </ul>
5.62	The Justification and amplification of Policy OS3 (paragraph 10.1.18) states that open space must be of recreational or amenity value i.e. 'useable'. However, proposed Areas A (1,451sqm) and C (663sqm) contain significant tree cover and therefore are not fully "useable". Discounting these areas, it would reduce the useable open space to 1,128sqm, which is less than 5% of the overall site.
5.63	However, Policy OS3 states that provision at a rate of less than 10% may be acceptable where it would benefit from ease of access to areas of existing public open space. The applicant has demonstrated that the site is within walking distance from several existing public open spaces that have various amenity functions. These include Stormont Estate (500 metres from application site) which includes various public amenities such as an outdoor gym, woodland trails, BBQ area, and children's playpark. In addition, Thornhill Parade public green (400m); and Comber Greenway (550m) are close by.
5.64	Having regard to the proximity of the site to existing open space, the proposal is considered acceptable having regard to Policy OS3.
	<b><u>Impact on heritage assets</u></b>
5.65	Cabin Hill Preparatory School building is within the curtilage of the site and is a Listed Building. DfC HED (Historic Buildings) has assessed the proposal against policies within the Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 (setting) and Policy BH1 (Listed Buildings) of the Plan Strategy, and advised that it is content that the proposal would not have any negative impact on this building, subject to a condition regarding samples of brick materials for use in the adjacent walled garden being made available for inspection. This condition is recommended.
5.66	It is considered that the proposal would not adversely affect the setting of the listed building or other heritage assets, compliant with the relevant provisions of the SPPS and Policy BH1.

	<b><u>Climate change</u></b>
5.67	Policy ENV2 states that planning permission will be granted for development that incorporates, where feasible, measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.
5.68	This policy also places an expectation for development proposals to seek to avoid demolition were feasible. The applicant has stated that it is not possible to avoid demolition in this case as existing buildings are in an extremely poor state of repair with collapsed roofs and walls and the buildings on site are both physically and functionally obsolete and many of them are structurally unsound. A site visit by officers confirms that the buildings are in a poor state due to years of dereliction.
5.69	Policy ENV2 states that where demolition is proposed, measures should be included to minimise waste through reuse of building materials. The following measures are proposed: <ul style="list-style-type: none"> <li>• Recovery of suitable brick, timber and steel from existing buildings for re-use on site;</li> <li>• All hardcore materials will be crushed on site and re-used throughout the site for construction purposes.</li> <li>• It is estimated that c.90% of materials from demolished buildings will be recycled and reused with all hardcore (c.75%+ of building makeup) being reused on site, with only a small proportion incapable of reuse (i.e. fixtures and fittings).</li> </ul>
5.70	The above measures can be secured by condition should permission be granted.
5.71	Policy ENV2 also promotes the incorporation of sustainable design features where feasible. The applicant has provided details on the various sustainable design features which will be incorporated into the development. These measures include: <ul style="list-style-type: none"> <li>• where possible, dwellings have been orientated to maximise solar gain;</li> <li>• all houses will be constructed to “A” rated EPC standards and the lifetime operational costs of the houses will be minimised to ‘Near Zero’ carbon buildings standards’ traditional block construction will mean that houses will last significantly longer than the typical 60-year design lifetime of a house, thereby making their real-world embodied carbon similar or lower to timber frame construction; and the houses will also be more easily recycled than timber frame at the end of their life cycle, as there are less hard-to-recycle plastics required in the wall make up of traditional construction, thereby improving their end-of-life sustainability.</li> </ul>
5.72	Overall, the proposal incorporates appropriate and feasible measures to mitigate environmental change and incorporates sustainable design features. Again, these can be secured by condition if permission is granted.
5.73	Policy ENV3 states that permission will be granted for proposals that incorporate measures to adapt to environmental change. The policy includes 9 criteria (a to i) of measures that may be included in development proposals. This proposal includes the following measures: <ul style="list-style-type: none"> <li>• The use of traditional block construction to ensure resilience and safety of each house during extreme weather events, by providing a higher tolerance to prolonged damp and wet conditions (criteria c and g);</li> </ul>

	<ul style="list-style-type: none"> <li>• In addition to having high levels of thermal insulation, the use of traditional block construction techniques will provide important thermal mass within the buildings to store solar gain in sunny weather and to passively regulate the internal temperature of the houses during excessively warm periods, thereby reducing heating requirement of the houses in winter and avoiding the need for air conditioning within the houses during summer periods (criterion d);</li> <li>• The main storm drainage system throughout the site is designed to SuDS standards and the discharge of storm water from the site is below the green-field runoff rate for the site to avoid excessive discharge from the site into local watercourses. This will avoid any potential for localised flooding (criterion f and i);</li> <li>• The proposal also incorporates permeable paving around the patio and driveway areas of dwellings, which will further minimise the runoff of storm water from the site (criterion f and i);</li> <li>• The site is not located near an existing floodplain area. The site is quite elevated relative to the Upper Newtownards Road, and the houses are set on average 200mm above the surrounding ground level, meaning that they are resilient in a flash-flood event (criterion i);</li> <li>• The proposal retains the vast majority of the trees on the site, and the proposal will introduce bat boxes to the trees and houses to enhance biodiversity of the site (criterion b and e); and</li> <li>• Additional bio-diversity enhancement measures throughout the site include the planting of additional native trees, shrubs and flowers and the introduction of new green amenity space within the scheme, to help promote biodiversity and facilitate increased permeability of rainfall in storm events (criterion b).</li> </ul>
5.74	<p>Overall, the proposal incorporates appropriate measures to adapt to environmental change and incorporates sustainable design features, which includes resilience to current and future climate conditions. These measures are considered to satisfy Policies ENV2 and ENV3.</p> <p><i>Sustainable Urban Drainage Systems:</i></p>
5.75	<p>Policy ENV5 states that all built development shall include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. As pointed out above, the site includes extensive communal green open space areas, trees and shrubs and grass lawns in gardens in addition to the proposed use permeable bitmac and paving in driveways and patios areas. The main storm drainage system throughout the site is designed to SuDS standards and the discharge of storm water from the site is below the green-field runoff rate for the site to avoid excessive discharge from the site into local watercourses. These measures are considered to help minimise flood risk and therefore the proposal is acceptable having regard to Policy ENV5.</p>
5.76	<p><b><u>Residential quality and impact on amenity</u></b></p> <p>Policies DES1, and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.</p>

	<p><i>Impact on neighbouring amenity:</i></p> <p>5.77 The nearest existing residential properties to the application site are on its east boundary at Castlehill Road. However, potential for impact on existing residential amenity such as overlooking, dominance and overshadowing will be minimised by a buffer zone of existing trees and proposed planting along this boundary from the rear boundaries of numbers 12 to 22 Castlehill Road. The new access road through the site will run parallel to this buffer, further reducing impacts from the siting of new dwellings. Impacts on numbers 614 Upper Newtownards Road, numbers 6-10 and 24 Castlehill Road will be minimal due to orientation of dwellings and levels and new boundary screen planting.</p> <p>5.78 The side gable of Plot 22 faces towards the rear of number 24 Castlehill Road. There are two upper floor windows in this gable wall; however, these are to be treated with obscure glass. The same occurs at site 3, which faces onto the rear of number 6 Castlehill Road. These windows will also be treated with obscure glass. This can be secured via a condition.</p> <p>5.79 The orientation of the dwellings, at a 90-degree angle from rear of existing dwellings, will also minimise potential for overlooking whilst separation distances from any new dwelling to the rear of any existing dwelling is in excess of the 20 metres.</p> <p>5.80 Internally, the separation distances between all dwellings adhere to the minimum standards as advocated by <i>Creating Places</i> where these are back-to-back. This is considered to adhere to the relevant provisions of the SPPS Policy RD1 and Policy DES1.</p>																								
	<p><b><u>Waste Management</u></b></p> <p>5.81 Criterion I of Policy RD1 states that planning permission will only be granted if provision is made for the disposal and storage of waste. Each house will have ample storage space for bins. The apartments will have a dedicated communal bin storage area with an area of 21sq/m approx. at a distance of 14.5m from the main entrance of the apartment block. This is sufficient to store the number of bins required for 12 units. The waste provision for the apartment blocks is broken down as follows:</p>																								
	<table border="1"> <thead> <tr> <th>Waste Type</th> <th>Number</th> <th>Area Required</th> <th>Total Area Required</th> </tr> </thead> <tbody> <tr> <td>1100L Bins</td> <td>2</td> <td>3.1m x 3.2m</td> <td>9.92</td> </tr> <tr> <td>660L Bins</td> <td>2</td> <td>2.2m x 3.0m</td> <td>6.60</td> </tr> <tr> <td>140L Bins</td> <td>3</td> <td>2.0m x 1.8m</td> <td>3.60</td> </tr> <tr> <td><b>Total Area required</b></td> <td></td> <td></td> <td><b>20.12</b></td> </tr> <tr> <td><b>Total Area provided</b></td> <td></td> <td></td> <td><b>21.00</b></td> </tr> </tbody> </table>	Waste Type	Number	Area Required	Total Area Required	1100L Bins	2	3.1m x 3.2m	9.92	660L Bins	2	2.2m x 3.0m	6.60	140L Bins	3	2.0m x 1.8m	3.60	<b>Total Area required</b>			<b>20.12</b>	<b>Total Area provided</b>			<b>21.00</b>
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5.82	This is compliant with standards outlined in the Planning and Waste Infrastructure SPG.																								
5.83	Policy DES1 states that any external bin storage areas should not have a negative impact at street level which would result in the creation of dead frontage or unnecessary clutter. There are no external bin storage areas which will have a negative impact at street level. Therefore, no negative impact is provided at street level that would result in the creation of dead frontage or unnecessary clutter. General waste will be collected kerbside on a fortnightly basis by the Council and will be collected by a medium size refuse vehicle.																								

5.84	<p>The proposed development is therefore considered to be in compliance with Policies RD1 and DES1.</p> <p><u>Access, transport and parking</u></p> <p><i>Accessibility:</i></p> <p>5.85 The site is a highly accessible location within the city having direct access to the road network and public transport including the Glider. It is within short walking and cycling distance of local shops, services, leisure and employment opportunities. Provision is made for sheltered and secure cycle parking within the proposed apartment block. The proposal accords with Policy TRAN1.</p> <p><i>Travel Plan:</i></p> <p>5.86 The applicant has provided a Travel Plan that demonstrates that the proposed development is currently easily accessible to residents and visitors by alternative and sustainable modes of transport. The site is a highly accessible location within the city having direct access to the road network and public transport. The Upper Newtownards Road is serviced by the Glider. The Travel Plan also identifies several cycle routes linking the site to the wider cycle path network whilst 10No. cycle stands are to be provided within the grounds of the proposed apartment block.</p> <p>5.87 The Travel Plan commits to a travel fund of £99,343.20 to fund green travel measures for promoting alternative to car use, including the option of travel cards, car club membership, bicycle vouchers and Belfast Bikes membership. The Travel Plan and travel fund would be secured by means of a Section 76 planning agreement.</p> <p><i>Parking provision:</i></p> <p>5.88 <i>Creating Places</i> design guide outlines parking requirements for residential developments.</p> <p>5.89 The number of spaces required by the guidance is determined by the house type and the number of bedrooms per unit. The total number of spaces required for this development based on this guidance will be 144 spaces.</p> <p>5.90 In respect of spaces for dwellinghouses, the guidance allows for parking provision that is divided between off-street and on-street parking.</p> <p>5.91 In this case, each dwellinghouse would have 2no spaces in-curtilage, which equates to 86no spaces. An additional 42no spaces would be provided on-street within the proposed development, which gives a cumulative total of 128no spaces.</p> <p>5.92 There is a requirement of 1.75 spaces per apartment unit for 3 bed apartments and 1.5 spaces for 2 bed apartments (there are 6no 2-bed; and 4no 2-bed units proposed), which equates to a requirement of 16.5 no spaces for the 10no apartments. A total of 20no spaces are proposed for the apartments.</p> <p>5.93 The table below shows the breakdown of car park spaces required per house type juxtaposed to the number of spaces proposed.</p>
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House Type	Beds	Number	Spaces Required	Spaces Proposed (incurtilage)	Spaces Proposed (communal)
Detached	5	15	48	30	18
Detached	4	20	60	40	20
Townhouse	4	8	20	16	4
Apartment	3	4	7	8	0
Apartment	2	6	9	12	0
	Total	53	144	106	42
				Total	148

5.94 The level of car parking spaces within the development is complaint with the Departmental *Creating Places and Parking Standards*.

5.95 DfI Roads have no objection to the parking and travel arrangements for the proposed development, subject to conditions. The proposal is considered acceptable having regard to the relevant provisions of the SPPS and Policies TRAN1, TRAN2, TRAN4, TRAN6 and TRAN8.

Health impacts

5.96 Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.

5.97 The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through good linkages with the city and public amenity. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. The site is within short walking distance of leisure amenities, playing pitches and public parks. The proposal would provide a suitable quality residential environment for people to live in including a natural environment with ample tree coverage. The proposal is considered to satisfy the requirements of Policy HC1.

Environmental protection

5.98 Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.

5.99 Environmental Health has been consulted and advised that it is generally satisfied in respect of contaminated land, air quality, noise and odour, subject to conditions. These conditions are recommended as appropriate. The proposal is considered compliant with the relevant provisions of the SPPS and Policy ENV1.

	<b><u>Flood risk and drainage</u></b>
5.100	Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year climate change fluvial or 1 in 200 year climate change coastal flood plain. As such a Flood Risk Assessment is not required.
5.101	The proposal meets the thresholds for the submission of a Drainage Assessment (DA) in that it proposes residential development comprising of 10 or more dwelling units and the site area is in excess of 1 hectare. The applicant submitted a DA as required and DfI Rivers has reviewed this and advised that it has no reason to disagree with its conclusions. The proposal is considered compliant with the relevant provisions of the SPPS Policy ENV4.
	<b><u>Waste-water infrastructure</u></b>
5.102	NI Water has been consulted and is content, advising that there is sufficient capacity at the nearest waste-water treatment works. This satisfies Policy SP1a which requires that necessary infrastructure is in place to support new development.
	<b><u>Natural heritage</u></b>
5.103	The application site contains bat species protected by The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The applicant submitted a Bat Survey which outlined measures to ensure bats would not be disturbed during the construction phase, which included the installation of bat boxes at various locations throughout the site. NIEA Natural Environment Division (NED) has considered this information and is content with these measures.
5.104	There are no other aspects of natural heritage that would be adversely affected by the proposal.
5.105	It is considered that the proposal is in compliance with the relevant provisions of the SPPS Policy NH1.
	<b><u>Section 76 planning agreement</u></b>
5.106	If the application is approved, it should be subject to the finalisation of a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable: <ul style="list-style-type: none"> <li>• <b>Viability Review Mechanism</b> – to be required if development does not commence within 12 months of the latest independent viability appraisal. The viability review will assess whether economic market changes would allow an affordable housing contribution to be made.</li> <li>• <b>Green travel measures</b> – Travel Plan and Travel Fund of £99,343.20 to fund the option of travel cards; car club membership, bicycle vouchers and/or Belfast Bikes membership.</li> <li>• <b>Management of Open Space</b>.</li> </ul>
5.107	The draft Section 76 planning agreement has been agreed in principle between the applicant and Planning Service.

	<b><u>Pre-application Community Consultation</u></b>
5.108	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation.
5.109	The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant.
5.110	<p>The applicant states that they actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement:</p> <ul style="list-style-type: none"> <li>Published a notice in the press 11 days prior to the public event to highlight information about the proposals and provide notification of the public information event;</li> <li>A leaflet containing details of the public consultation event (Appendix 6) was designed and distributed to all properties within a 200m radius of the site, over one week in advance of the public event;</li> <li>Hosted a public exhibition event with members of the project team to assist in any questions and to allow for further feedback;</li> <li>Online consultation was undertaken to provide an opportunity for the local community to view plans of the proposed development digitally and provide feedback. This consultation ran between Monday 18th September 2023 and Friday 8<sup>th</sup> December 2023, on a webpage within the Gravis Planning (planning agent) website.</li> </ul>
5.111	Feedback from stakeholders was generally positive with no objections to the principle of the proposal.
5.112	The feedback was reviewed, and the matters were considered within the PACC report, detailing how the feedback was gathered, analysed, assessed and considered.
5.113	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
<b>6.0</b>	<b>Recommendation</b>
6.1	Having regard to the Development Plan and material considerations, on balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, provided the issues are not substantive.

6.0	<p><b>DRAFT CONDITIONS</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. The construction of the development hereby permitted shall not be sequenced unless in accordance with the Phase Plan, submitted on 3 February 2026 and uploaded to the Planning Portal. Reason: To allow the phased discharge of conditions.</li> <li>3. No external facing or roofing materials shall be applied unless in accordance with the approved plans. Reason: In the interests of the character and appearance of the area.</li> <li>4. No works to the retained walled garden wall shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council. The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works. Reason: In the interests of protecting the special architectural or historic qualities of the listed building and its setting.</li> <li>5. No phase of the development shall be occupied unless all communal and private open space and amenity areas for that phase, including public open space, gardens, roof terraces, balconies, have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times. Reason: To ensure that a quality residential environment is provided for occupants of the approved development.</li> <li>6. The residential units hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details. Reason: In the interests of amenity.</li> <li>7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that order), the upper floor windows in the east side gables of Plots 3 and 22, as shown on the approved plans, shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves. Reason: To safeguard the privacy of adjacent properties.</li> <li>8. No dwelling or apartment shall be occupied until its respective waste storage area/s have been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To ensure that appropriate provision is made for storage and disposal of waste.</li> </ol>
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9. No phase of the development shall be occupied unless the measures to mitigate climate change for that phase have been implemented in accordance with the Gravis Planning letter dated 24 September 2025 and written verification of such has been submitted to the Council. The climate change measures shall be retained in accordance with the approved details at all times.

Reason: To mitigate and/or adapt to climate change.

10. The materials from the existing buildings on the site to be demolished shall be recycled and re-used in accordance with the Gravis Planning letter dated 24 September 2025.

Reason: To mitigate climate change.

11. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of each phase of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

12. All existing trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

13. No development shall be carried out unless in accordance with the approved Tree Impacts and Protection Plan, published to the Planning Portal on 29 August 2024. The measures set out in the Tree Impacts and Protection Plan shall be in place prior to the commencement of development and shall remain in place until the completion of the construction.

Reason: To safeguard existing trees in the interests of visual amenity.

14. Within twenty-four hours prior to demolition, all buildings shall be checked for bat presence by a competent ecologist, under license where necessary, and all demolition works shall be monitored by a competent ecologist. A report with any observations from the ecologist during demolition works shall be submitted to the Council within 2 weeks of completion of the demolition.

Reason: To ensure protection to bats and their roosts.

15. During the construction and occupation phase of the development, there shall be no lighting of greater than 1 lux impacting upon retained Building E, as shown in the Aspen Bat Survey.

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

16. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

17. The apartment building hereby approved shall not be occupied unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

18. No development shall commence on site (other than that required to fulfil this condition) unless the access, including visibility splays and any forward sight lines, have been provided in accordance with the approved plans. The access and visibility splays shall be retained in accordance with the approved plans at all times.

Reason: To ensure safe and convenient access to the development.

19. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is occupied 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.

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

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

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:1021 Rev E and 1022 Rev D bearing the Department for Infrastructure determination date stamp 20/5/25.

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

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

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

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

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

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

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

25. No construction of the drainage network shall commence on site unless an updated Drainage Assessment has been submitted to and approved in writing by the Council. The Drainage Assessment shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network in a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In order to safeguard against surface water flood risk.

26. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

## DRAFT INFORMATIVES

1. This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which secures an affordable housing viability review, travel plan, green travel fund and management of the public open space.
2. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

4. The grant of planning permission does not dispense with the need to obtain licenses, authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer. consents or permissions under other legislation or protocols.

5. The applicant or developer's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence to:

- a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;
- b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately disturb such an animal in such a way as to be likely to:
  - (i) affect the local distribution or abundance of the species to which it belongs;
  - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
  - (iii) Impair its ability to hibernate or migrate;
- d) Deliberately obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.

6. The applicant is advised that no works shall be carried out on the building known to contain roosting pipistrelle bats (Building L in the Aspen Bat Survey) until a NIEA Wildlife Licence has been obtained.

7. The applicant is advised that the bat box positioned on tree 4 as shown in the Aspen Bat Survey must not be relocated until a NIEA Wildlife Licence has been obtained.