

## ARDS AND NORTH DOWN BOROUGH COUNCIL

28 January 2025

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 04 February 2025**, commencing at **7.00pm**.

Yours faithfully

Susie McCullough  
Chief Executive  
Ards and North Down Borough Council

### A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from the minutes of the Planning Committee dated 02 December 2024 and Special Planning Committee dated 20 January 2025 (Copies attached)
4. Planning Applications (Reports attached)

4.1	LA06/2024/0381/F	Retention of extension to building providing separate unit used as a gym, retention of associated car parking, and proposed subdivision and part change of use of existing storage unit to provide extension to gym.  110m SE of No 73 Green Road, Bangor  <b>ITEM WITHDRAWN</b>
4.2	LA06/2024/0174/O	2No. one and a half storey infill dwellings.  Vacant lands between Nos 7 & 11 Ringcreevy Road, Comber
4.3	LA06/2023/2505/F	Demolition of existing garage/utility room. Two storey side extension, front balcony, driveway extension and ground works.  17B Maxwell Road, Bangor

		<p><b>David Strachan - speaking in opposition</b></p> <p><b>Pauline Wylie (Applicant) and Philip Parker (Agent) - speaking in support</b></p>
4.4	LA06/2024/0595/F	<p>Enclosed private amenity space (13 sqm) to ground floor bedroom.</p> <p>The Old Inn, 15-25 Main Street, Crawfordsburn</p> <p><b>Mike Davidson – speaking in opposition</b></p> <p><b>David Mountstephen (Agent) - speaking in support</b></p>
4.5	LA06/2023/1658/F	<p>Single dwelling</p> <p>Land adjacent to &amp; approx. 17m South of 27 Auburn Park, Bangor</p>
4.6	LA06/2024/0729/F	<p>Front and rear single storey extension and rear two storey extension. Conversion of attic to provide habitable bedrooms with rear balcony.</p> <p>6 Lyndhurst Gardens, Bangor</p> <p><b>Mr J Greeves (Applicant) - speaking in support</b></p>
4.7	LA06/2024/0572/F	<p>Children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping.</p> <p>Lands at Queen's Parade and Marine Gardens, Bangor, 14m North of 45-46 Queens Parade and North of 47-50 Queens Parade, Bangor</p>
4.8	LA06/2022/0265/F	<p>Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking.</p> <p>31a Sheridan Drive, Bangor</p> <p><b>ITEM WITHDRAWN</b></p>
4.9	LA06/2024/0953/A	<p>Wall-mounted boards (to create anti-drugs mural).</p> <p>Redburn Community Centre, 1a Ardnagreena Gardens, Hollywood</p>

#### 5. Planning Appeals Update (report attached)

6. Correspondence with DfI Minister - LWWP and NI Water funding (report attached)
7. Kinnegar WwTW – Upgrade Deferral (report attached)
8. Notices of Motion referred to Committee by Council

#### 8.1 ITEM WITHDRAWN

#### 8.2 Received from Alderman Cummings and Councillor Douglas

"That this Council brings back a report identifying potential sites around Comber to accommodate industrial units suitable for use by SME's, and outline their compatibility with the Department of Economy Sub Regional Economic Plan, and Sectoral Action Plans together with Invest NI"

#### MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum
Alderman Graham	Alderman McDowell
Councillor Harbinson	Alderman McIlveen (Chair)
Councillor Hennessy	Councillor McKee
Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Councillor McBurney	Alderman Smith
Councillor McClean	Councillor Wray (Vice Chair)

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 3 December 2024 at 7.00 pm.

### PRESENT:

**In the Chair:** Alderman McIlveen

**Aldermen:** Graham  
McDowell  
Smith

<b>Councillors:</b>	Harbinson	McCollum
	Kendall (Zoom)	McClellan
	Kerr	Smart
	McKee (Zoom)	Wray

**Officers:** Interim Director of Prosperity (A McCullough), Acting Head of Planning (G Kerr), Principal Planners (C Blair, C Barker & L Maginn), Senior Planner (A Todd) and Democratic Services Officer (H Loebnau)

### **1. APOLOGIES**

Apologies for inability to attend were received from the Mayor (Councillor Cathcart) and apologies for lateness were received from Alderman Smith.

**NOTED.**

### **2. DECLARATIONS OF INTEREST**

Councillor McCollum – Item 4.1 – Application LA06/2022/0827/F.

### **3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 5 NOVEMBER 2024**

(Appendix I)

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

**RESOLVED** that the minutes be noted.

### **4. PLANNING APPLICATIONS**

(Having declared an interest in Item 4.1 Councillor McCollum left the meeting at 7.02 pm)

**4.1 LA06/2022/0827/F – STABLE BUILDING AND ASSOCIATED HAYSHED/TACK ROOM AND EQUIPMENT STORE. LANDS APPROXIMATELY 250M SW OF 240 SCRABO ROAD, NEWTOWNARDS**

(Appendices II-IV)

PREVIOUSLY CIRCULATED:- Case Officer's report.

**DEA:** Newtownards

**Committee Interest:** A local development application "called-in" to the Planning Committee by a member of that committee from the Delegated List on 30 July 2024.

**Proposal:** Stable building and associated hayshed/tack room and equipment store

**Site Location:** Lands approximately 250m SW of 240 Scrabo Road, Newtownards

**Recommendation:** Refusal

The Principal Planner explained that the application was for a stable building and associated hayshed/tack room and equipment store on lands approximately 250m SW of 240 Scrabo Road, Newtownards. The application had been refused planning permission and had been "called-in" to the Planning Committee for debate.

Members would note that there were no letters of representation either in support of or objecting to the application. Also, Members would note that DfI Roads had no objection to the proposal subject to conditions regarding the access. However, those would only apply if the Planning Committee approved the application.

A slide was shown of the position of the site which was approximately 180m south of Scrabo Road. It was accessed via an existing agricultural lane which initially inclined in a southerly direction up from the public road before declining gently to the application site. The Ards and Down Area Plan 2015 (ADAP) was the adopted plan for the area. The site was located in surrounding open landscape comprising high scenic value land, which fell within the designations of Scrabo Tower and Landform Local Landscape Policy Area and Strangford and Lecale Area of Outstanding Natural Beauty.

The site sat at a higher ground level than the adjacent agricultural laneway and Moate Road to the east. The two defined site boundaries were to the south and west (which was along the laneway), and they comprised hedgerows as could be seen on a slide. The north and east boundaries were undefined as they extended into the remainder of the field.

The proposed side layout was shown along with elevations and floor plans for the hay shed and stables building.

The proposal was for a 4.5m high stable building which faced northerly towards Scrabo Road and a hayshed with tackroom and equipment store measuring 6m in height, which would sit perpendicular to the stables facing westerly.

The Case Officer's Addendum Report fully detailed the background and context of the applicant's planning application for the site including his existing commercial stud farm business. Members would note from the supporting statements provided that the applicant currently used stables near Ballymena, as due to personal circumstances the applicant was required to sell previously owned stables and buildings associated with his stud farm business.

The relevant policy for the application was considered which included policy OS 3 of PPS 8 for outdoor recreation in the countryside.

Despite the submission of that supporting material Members should note that under policy OS 3 of PPS 8 an applicant was not required to demonstrate a need for a proposed equestrian development in a countryside location and therefore that was not a material consideration in the assessment of the proposal. By accepting the requirement for a location for a business need, that could create a dangerous precedent.

The policy's criteria went on to outline that a development must have no adverse impact on visual amenity or the character of the local landscape, which was underlined by the PAC, including a decision set out in the case officer's original planning application report.

While an application was considered in the round including all supporting information, a weighing up of policy considerations was required.

The crux of the Planning Department's recommendation for refusal related to visual integration of the proposal. Whilst the site was positioned in the lowest part of the applicant's land at the location, and whilst that may be the sole area of land that the applicant owned and therefore it was contended by the applicant's agent that the need was to develop at that specific location, that did not carry any determining weight under the policy and it could not outweigh the tests on visual amenity or integration, which must be considered.

The Planning Department's recommendation to Planning Committee entirely related to the siting and integration of the proposal in the surrounding open and exposed landscape, which fell inside the scenic and sensitive designations of the LLPA and AONB.

The LLPA designation was not applied to an area lightly. It related to areas of greatest amenity value, landscape quality or local significance. In this particular instance LLPA 5 was the policy designation in the Area Plan. The policy outlined that that part of the LLPA, where the application site was located, was an area of high value scenery which was iconic to the Borough with the prominent landmark of the listed Scrabo Tower and subsequent undeveloped patchwork agricultural land sweeping down from the Tower to the Lough.

Further to criterion (iii) of Policy OS 3 of PPS 8 regarding a visual amenity test, Policy CON 2 of the Ards and Down Area Plan 2015 set out the policy for LLPAs and stated that planning permission would not be granted for development proposals

which would be liable to adversely affect the environmental quality, integrity or character of the area.

Additionally, Policy NH6 of PPS 2 'Natural Heritage' outlined that for new development in an AONB planning permission would only be granted where the siting and scale of the proposal was sympathetic to the special character of the AONB in the particular locality.

In terms of the integration and design of buildings in the countryside and their impact on the surrounding rural character policies CTY 13 and CTY 14 of PPS 21 applied. For reference, policy CTY 13 was included in a slide.

The Planning Department's assessment was that the proposed development of two new buildings would be prominent features in the landscape, the site in which they would be located lacked long established natural boundaries with a reliance on hedgerows no more than 1.5m in height to the south and west boundaries only, with the western hedged boundary itself to be removed to provide the proposed access, therefore unable to provide a suitable degree of enclosure. Furthermore, the buildings were relying upon new landscaping for integration and that it failed to blend with the surrounding landform, and there were no trees, buildings or other natural features to provide a backdrop.

As set out in the Justification and Amplification under policy CTY 13 it was important to assess integration from critical views along the road network and other public access points. In this instance there were critical views into the site from the surrounding public road network, from Moate Road to the east of the site and from Killynether Road to the northwest. There were also long-distance views of the site from the Ballyhenry Road to the southwest.

The agent had provided a map which was shown indicating in their opinion the long-distance views towards the site from the local road network including Moate Road, Ballyhenry Road and the A21 dual carriageway to the south/southeast. The agent set out that there were no views of the site from the A21 and glimpses of the site from a section of Ballyhenry Road to the southwest and a glimpse of the top two metres of the proposed building 330m away on Moate Road to the east.

Members would note from that map that there were no critical view assessments of the site taken from the closer position of the nearby Killynether Road to the northwest.

As shown in that slide, the photos from the Killynether Road towards, through and beyond the site that contained visually significant long-distance views of the remaining undeveloped, open and exposed agricultural land which created the patchwork effect. The site formed part of that important vista, which was a character of the LLPA. From that viewpoint, there was no intervening built development or natural features in the foreground, or landform, existing trees, buildings, slopes or other natural features, which provided a backdrop to the site. When looking into the site from the critical viewpoints along Killynether Road, the proposed development would result in the carving out of a new site for built development in that section of

undeveloped countryside resulting in it being a prominent feature with no existing means of integration possible.

In an accompanying additional supporting statement provided by the agent, photos were submitted showing a reflective jacket attached to a pole on top of a tractor and loader to show the 6m height of the proposed hayshed from a potential critical viewpoint on Moate Road. That photo showed views into the site from Moate Road to the east. Whilst it was acknowledged that the entirety of the development would not be visible from Moate Road, the photo and the map provided by the agent, which was in an earlier slide showing long distance viewpoints did demonstrate that the top two metres of the proposed rear elevation of the 6m high hayshed with its sand cement finish would be visible. The proposed hayshed building would clearly read as skyline development occupying that top of slope position and being a prominent feature in the presently undeveloped landscape.

The proposed site layout plan included the planting of 26 new trees to aid integration with it being contended that there were existing groupings of trees in the surrounding area. Whilst there were existing wooded areas nearby, which were existing natural features, they were not positioned in this open expanse of undeveloped land. Policy CTY 13 was clear in that new planting alone was not sufficient to achieve integration with it inevitably taking a considerable amount of time to mature. That did not therefore mitigate the adverse visual impact of the proposed development on the surrounding landscape, with determining critical views demonstrating the development would be a prominent feature, adversely impacting the visual amenity of this high scenic undeveloped landscape at this location.

Members were advised that to permit this type of development based solely on need and setting aside the policy assessment in terms of impact on visual amenity and integration would set a precedent for similar proposals resulting in permanent damage and change to the surrounding character and appearance of the high value scenery at that location.

Accordingly, refusal was recommended.

The Chair referred to the policy which had been guiding the planners' decision and the Planning Officer explained that the area had such high scenic value that it was important to respect.

Councillor Harbinson sought clarity on the heights of the hayshed which was confirmed to be 6m tall and the top of that could be seen from Moate Road. The development also proposed a stable block which would be 4.5m in height.

Mr Donaldson was invited to speak in support of the application and he indicated that he represented Mr Metcalf who was with him. He explained that the Case Officer had requested further information from the applicant for the benefit of the Committee.

He indicated that extracts from the submitted information had been appended. Mr Metcalf had demonstrated that he was a recognised and successful breeder of thoroughbred racehorses. Those animals required a high degree of husbandry and security. The proposed stables were on his only land, which he had owned for nearly



40 years. A small stable building for up to four horses was needed, along with an associated hay and feed store. The buildings would be sited on a laneway to the south of Scrabo Road, where the land was some 10m lower than the highest point on his land. The buildings would be well screened by rolling topography and vegetation.

The application was submitted 28 months ago. It was to be brought before the Committee in September 2024 but was removed to allow Planners to consider the applicant's response. It was now being presented with a much more extensive Addendum Report. The Addendum Report was vigorous in its 18 pages of opposition to this modest development. Numerous new concerns, not articulated in the previous report, had been added. However, the core issue remained a simple one. The Committee should determine whether or not the proposal would cause such harm to landscape character that the applicant must be denied modest husbandry facilities for his thoroughbred horses. They remained convinced that this proposal would not adversely impact landscape character and believed the following points were relevant:

- i) The Report accepted that AONB and Local Landscape Policy Areas did not prohibit development. Small scale stables and barns were already a characteristic of the area. Numerous buildings located within the LLPA were not being argued as a 'precedent' for further development - their presence simply demonstrated that this was a living and working countryside.
- ii) 'Prominence' - The Committee Report repeatedly asserted that the proposal would be 'prominent'. He questioned how something could be prominent or lacking in integration when only glimpses of it were available from a few locations which were over hundreds of metres away. None of the policies imposed a test of invisibility.
- iii) 'Lack of Clustering' - That was a new assertion. But there was no policy requirement for stables to cluster with other buildings. The Applicant had no other buildings, and this site, in the corner of a low field, could not reasonably be regarded as being 'isolated within an exposed landscape'.
- iv) 'Pattern of Development' - Another new assertion was that the subdivision of a small field to deliver animal welfare facilities would erode 'the traditional pattern of fields' and adversely affect 'the whole landform of Scrabo Hill'. The Council's aerial illustration Figure 1 (page 4) of the Addendum demonstrated just how inconsequential the proposal was.
- v) Applicant's Visual Assessment - The Addendum attempted to dismiss that on the basis that the precise position of the tractor and loader was not provided and therefore no reliance could be placed upon the accuracy of the information. The tractor was positioned exactly at the location of the proposed 6m shed. The officers were specifically invited to witness a repeat of the exercise. It was disappointing that they had chosen not to do so. Only a small part of the shed would be visible from a short stretch of Moate Road. He stated that that could be repeated for Members should they wish.
- vi) Views from Killynether Road - The previous report stated that the critical views were over long distances from 'east and south' - an assertion which they believed they had demonstrated to be incorrect, and from which officers now appeared to have retreated. Killynether Road was not even mentioned previously but had now emerged as having 'the most critical and sustained view

- of the buildings in the landscape'. Whilst some limited views would be achievable, the site was at a lower level than Killynether Road and views would be within the context of the extensive vista of rolling farmland and building groups which stretched down to the Lough.
- vii) Hedge Removal - Another new 'concern' was that hedge removal for the site access may be contrary to Policy NH5 due to lack of an 'extended Phase 1 Habitats Survey.' That was irrelevant as removal of the grass bank in front of what had been confirmed by their ecologist was a mainly bramble encrusted fence (not a priority habitat) would be sufficient to deliver the splays. And in any case the access was not onto a public road, so provision of splays was not even an essential requirement.
  - viii) Proposed Planting – Another new aspect was that the applicant was now being criticised for proposing to plant 26 native species trees around the site boundary on the basis that that was out of character. He wholly rejected that since groups of trees (eg Killynether Wood and trees around building groups) were a demonstrable characteristic of the landscape. It was proposed mainly around the wintering paddock (not the buildings) and designed to enhance landscape quality, not to 'hide' the buildings as they would already integrate into the landscape by virtue of the surrounding topography.
  - ix) Alternatives - The officers asked the applicant to demonstrate what alternative sites were considered. He had explained why the lowest and most sheltered point on the applicant's holding had been chosen. The planner had since suggested that alternatives beyond the applicant's land should have been considered. He thought that there was no policy basis whatsoever for that and the whole rationale for the application was to provide stabling and other necessary facilities for the horses on the land which they were using.
  - x) Appeal 2020/A0064 - The Council had found an appeal decision near Carrickfergus where retrospective permission for stabling was refused on the basis that it had an adverse impact on local character. That shed had already been built without permission on open land adjacent to a main road, creating a ribbon of development. He thought that was neither comparable nor relevant and the fundamental consideration remained whether the proposal would give rise to such demonstrable harm that it must be refused.

Concluding he stated that the proposal was modest and would help to support an established equestrian business. He suggested similar equestrian facilities were common throughout the rural area and within the LLPA. The development would not be prominent but would be well integrated into the rolling landscape.

He invited the Planning Committee to approve this much needed development and furthermore suggested that the applicant would be delighted to repeat the visual assessment exercise for the benefit of Members should that be considered helpful. The Chair then invited Members to ask questions.

Alderman Graham referred to the height of the shed which was 6.5 metres and asked if it was necessary to be that height. Mr Donaldson advised that the stables were smaller at 4.5m but the additional height of 6m allowed for more efficient use of the shed which could be considered fairly modest by agricultural standards.

Councillor Smart thought that visual amenity was a key aspect within the report and asked if a description could be made of the colour of the shed and the materials that would be used. He also asked if there would be significant public access to the site and would signage be required. In response it was noted that there would be no signage to the site and there would be little public access on to it. This was a business which by its nature would remain discreet and be very much a private enterprise. The finishes to the barn would be unpainted render and the visible top two metres of the building would be the pitched roof. Overall, the building was described as being unobtrusive within the environment.

Councillor McClean asked what had been done regarding the visual amenity of the building and if it was attractive and added character in the landscape to create balance and work within the policy. He also queried the views over the landscape and the suggestion that trees would be planted. He asked how that would overcome objections.

Mr Donaldson explained that these were farm buildings and were not designed to be fancy. They would be simple rural buildings with green cladding and roof colour with a rendered finish on the external walls. It would be green to integrate well into the landscape.

Referring to the LLPA Policy he thought there were two ways of looking at that policy test, visual integration and the site would be on the lower part of the land and tucked in to a corner. The surrounding hedges would help the building to be integrated.

Mr Donaldson referred to the opinion of the Planning Officers who held the view that the business aspect of this development was not a planning matter and he did not believe that to be correct. He suggested that for the welfare of the animals the sheds should be situated on the applicant's land and that was a material consideration that could not be ignored.

He went on to say that previously the Planning Officers had not raised views from Killynether Road when this was originally presented in September but they were now being flagged up as being the most sensitive viewpoints. He also referred to trees and that the applicant would be willing to plant more to be an aid to further integration. He suggested that those trees were not viewed to be essential and it would be wrong to interpret them as such. The trees to be planted were native Silverbirch and Ash.

There were no further questions and Mr Donaldson returned to the public gallery.

Councillor Wray stated that he had listened to Mr Donaldson carefully and was interested in the views of officers in response to the claim that the views from Killynether Road were not prominent in the landscape given the distance from that road. The Planning Officer stated that the views from that road were considered in the round and it would be wholly incorrect in the Planners' view that the trees were unnecessary for the development. He said that trees were completely uncharacteristic of the landscape and the applicant in planting them would be as a form of integration of a building into a landscape. It was added that these trees were

uncharacteristic of the landscape which was mainly open land with no clusters of trees or buildings.

Policy OS3 suggested that there should be no adverse amenity and that a building should be readily absorbed or integrated by taking advantage of existing vegetation on the site so therefore relying on new vegetation did not meet that requirement.

The Chair asked why views were limited to roads rather than higher points such as Scrabo Hill. It was explained that CTY13 indicated that in relation to critical views those should be taken from the public road network but other places such as landmarks or shared open spaces could also be considered. Planners agreed that this was a very subjective topic and that this was a very sensitive landscape under consideration.

Councillor Smart also referred to the viewpoints and the roof ridge which would be visible and asked for the planners' opinion on that so that it could be considered in a wider context. In response the Planning Officer referred to the visuals using a jacket on a tractor but did not believe that this was an accurate representation. Councillor Smart suggested that a decision be deferred until a site meeting could take place and felt that this would be useful considering the special environmental landscape under discussion.

It was proposed by Councillor Smart, seconded by Councillor Wray, that the application be considered further with a site visit.

The Acting Head of Planning gave clarification that the recommendation was for refusal and that Members should be mindful that a precedent could be set and also in respect of equestrian businesses there was no requirement for them to be accommodated on the same site and indeed it was perfectly common for horses to be separated from the lands they would graze or exercise on. The Planning Officers were of the opinion that the business aspect was not relevant in this case and the main consideration in this application was the integration of the proposal in the landscape.

Councillor McClean agreed that a site meeting would be useful and it would be important to look at the various vantage points with consideration to visual amenity. The Acting Head of Planning, in referring to the Protocol for the Operation of the Planning Committee in relation to site visits stressed that site visits could be useful to identify important aspects in proposals but she contended that the application had been fully described and that Members should consider them in exceptional circumstances and that they could cause delays to applications.

The Committee was unanimous in its decision that a decision should be deferred to enable a site meeting to be taken place.

**RESOLVED, on the proposal of Councillor Smart, seconded by Councillor Wray, that the decision be deferred until a site meeting had taken place.**

(Councillor McCollum was readmitted to the meeting at 7.44 pm)

**4.2 LA06/2024/0676/F – EXTENSION TO RESIDENTIAL CURTILAGE AND ERECTION OF SINGLE STOREY DETACHED ANCILLARY RESIDENTIAL ACCOMMODATION. 55 WOBURN ROAD, MILLISLE**  
(Appendices V-VII)

PREVIOUSLY CIRCULATED:- Case Officers Report.

**DEA:** Ards Peninsula

**Committee Interest:** A local development application "called-in" to the Planning Committee by a member of that committee from the Delegated List on 13 November 2024.

**Proposal:** Extension to residential curtilage and erection of single storey detached ancillary residential accommodation

**Site Location:** 55 Woburn Road, Millisle, BT22 2HZ

**Recommendation:** Refusal

The Senior Planner outlined that this was an application for an extension to residential curtilage and erection of single storey detached ancillary residential accommodation at 55 Woburn Road, Millisle and was being presented to the Planning Committee following a call-in request from Councillor Cathcart. The application had been recommended for refusal on the grounds that it would not constitute subordinate ancillary accommodation as required under policy EXT1 and PPS7 Addendum Residential Extensions and Alterations as it could practically and viably operate on its own as a separate dwelling. The application was also considered to be contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside in that no overriding reasons had been demonstrated as to why the development was essential in the countryside.

Councillor Cathcart considered the proposal was essential as the applicant wished to provide an element of independent living and support to his adult daughter who had health issues and may require additional support going forward.

He would like the Planning Committee to consider whether the annex could practically and viably operate on its own given it was proposed that it would be fully dependent on the host dwelling for all services, parking, amenity and access and also whether that could be dealt with through a planning condition or legal agreement.

Finally, Councillor Cathcart had asked that the Committee consider the proposal in the context of the recent approval of a similar detached annex at 225A Millisle Road, Donaghadee.

The site was located in the countryside between Carrowdore and Millisle and was occupied by a dwelling with attached stables and an adjacent metal fabrication business including a building and yard in the immediate rear of the dwelling. There was a field and paddock to the immediate north-east of the dwelling. Within the Policy EXT1 of PPS7 Addendum was provided the policy context for ancillary

residential accommodation. The policy required that the accommodation must be supplementary to the use of the existing residence and should be designed to demonstrate dependency on the existing residential property. Ancillary uses that could practically and viably operate on their own would not be acceptable.

Planning appeal decision 2015/E0053 for detached ancillary accommodation at 13 Newtown Road, Newry was always a material consideration for planners in assessing such proposals as in that decision, the PAC set out the various factors that should be taken into account when considering proposals for detached ancillary accommodation. In that case, the detached building shown was allowed by the PAC however, while the appeal building was self-contained, similar to the current proposal, it was located to the immediate rear of the dwelling and there was no physical boundary between it and the host dwelling. Furthermore, the garden area was shared between the two buildings as was the parking space and vehicular access. Accordingly, it was considered that there was no sub-division of the planning unit to create an independent dwelling.

The current proposal would fail to comply with those factors as it would essentially have its own curtilage, separate private amenity space, access and parking. Furthermore, it would be physically separated from the host dwelling by fencing and an access lane.

Two letters from doctors were submitted with the application regarding the applicant's daughter's health however that evidence was not considered to be sufficient to demonstrate any site specific and compelling reasons to justify a separate detached residential unit on the site currently proposed.

During the processing of the application, the Planning Department provided advice to the applicant on several occasions regarding a potential alternative site for the annex that would meet the policy and comply with the factors outlined by the PAC. Siting of an annex to the northeast of the dwelling as indicated on a shown slide was recommended by the Planning Department. In that location, the annex would sit adjacent to the dwelling and would share space without being separated. That was not deemed to be acceptable to the applicant given the proximity of the existing septic tank however there would appear to be ample room to site the annex towards the front of the building and away from the septic tank.

While each site had its own individual circumstances guidance generally recommended that houses should be approximately 7m from a septic tank and this could be located a minimum of 12m or more. The applicant suggested that the annex would remain dependant on the main dwelling as all services would be shared with it however it was not considered that the sharing alone was sufficient to ensure it would operate solely as ancillary accommodation.

Given the proposal had all the other physical features that would allow it to function independently the PAC had also taken the view in the past that shared services alone would not be sufficient evidence that an annex could not operate alone as an independent unit.

The Senior Planner referred to a Planning Appeal which considered a separate extension to a home at 85 Upper Darkley Road, Armagh, and in that case the sharing of services did not mean that it could not easily still function as a separate dwelling outside and at a distance from the main home.

At the site in question there was already existing separation in terms of driveway and access and it was also evident from Google Streetview images taken in 2022 and 2010 that the site had been used in the past as a small field or paddock for grazing sheep and horses.

The applicant had also referred to a recent approval for ancillary accommodation at 225a Millisle Road, Donaghadee. An addendum to the planning report was drafted to consider that case which was taken as read. Most Members should be familiar with the case which was considered by the Committee in May of this year. The applicant considered this case to be similar to the proposal under consideration however there were material differences between the two cases.

Firstly, the accommodation at Millisle Road was to replace existing established ancillary accommodation for which a Certificate of Lawfulness was granted in 2020. The accommodation was located within the existing curtilage of the dwelling in its rear garden area with no physical boundaries separating the unit from the host dwelling. The property only had a single vehicular access off Millisle Road with the only access to the annex via the narrow driveway running along the side of 225. All of those factors pointed to the accommodation being very much supplementary to the host dwelling and given its location in the rear garden and shared access it would be extremely unlikely that the accommodation could operate independently. The case was therefore also very similar to the appeal at Newtown Road which was referred to earlier.

The applicant considered that a S76 Planning Agreement could be put in place to ensure that the building remained ancillary and was not used as a separate dwelling. Planning Agreements should only be used as a last option when there were no alternative solutions available or where the use of a planning condition would not be possible or enforceable. While the Millisle Road application was approved subject to a S76 agreement, that was required to address the unique circumstances of the case and provided an additional safeguard given that the established accommodation had a historic separate postal address. However, as outlined, all other physical aspects of the proposal complied with the policy requirement for the accommodation to be supplementary to the main dwelling.

The Planning Department would be very concerned that approval would set a very dangerous precedent for future applications for independent residential accommodation which were currently against planning policy.

In this application there was failure to comply in that its function would not be subordinate or supplementary to the main dwelling but rather could operate practically and viably as an independent unit. The application was also against sustainable development within the countryside and the Planning Department also felt that there was an alternative site on the site where the annex could meet the policy requirements.

On that basis it was recommended that planning permission should be refused.

Councillor McCollum asked for clarification around the dependency of the proposal within the site and the sharing of services which was insufficient in the Planners' view. The officer advised that Planners believed that the physical features of the proposal would allow the annex to function independently with its own access, garden and parking. It was stated that the Planners believed that the application at Millisle did fulfil the policy in all the other aspects since it was also a replacement and there was also a certificate of lawfulness with a planning agreement.

Mr Hunt was invited to speak on behalf of the applicant. He said that the purpose of his representation was to ask the Committee to overturn the proposed recommendation to refuse the application on the grounds that the Department had failed to make a robust case within its 'Case Officers Report' for a refusal decision.

Firstly, the report referred on several occasions to the side garden (west of dwelling) as being a field, the applicant would refute that as it has always been a garden. On several occasions deer from the adjacent woodlands had escaped into the garden as had stray sheep. The applicant did not own any livestock, and his daughter kept horses on the land to the east of the driveway.

Secondly, the report stated that the driveway from Woburn Road *'splits in two close to the site entrance forming clear and separate accesses for the workshops and dwelling'*. There was a single point of access off the Woburn Road, historically that served the dwelling and stables, the work sheds to the rear of the stables were built much later and the driveway was extended to service those. At the same time a turning circle was formed at the front of the dwelling to allow vehicles to enter and leave the site without reversing. He said that in no way constituted separate accesses.

Thirdly, Section 3 of the report (Relevant Planning History) cited an Outline Planning Application LA06/2023/2483/O for a dwelling for the applicant's daughter which was withdrawn on the advice of the Planning Department, however it omitted to mention planning applications X/88/0544 – Outline Planning Approval for a new 1500 sqft dwelling (on which the above application was based). There was also a previous planning approval X/80/0137 for a replacement dwelling.

Section 4 of the report under 'Extension to Curtilage' stated "At present this field is seemingly only used for the grazing of animals such a sheep or horses" – it then went on to state that because there was a fence the 'field' was clearly disconnected to the host dwelling. That was a gross misrepresentation of the site as there was no evidence to suggest that the garden was used for grazing animals, since the applicant did not own any livestock. His daughter owned and cared for several horses and those were well catered for on the land and paddock to the east of the driveway. As stated previously the side garden was fenced to prevent animals getting in as opposed to out - a consequence of living in a rural area was that farm animals (especially sheep) often appeared in gardens. It was assumed that that comment was based on a Google Earth image which showed a stray sheep in the



corner of the garden but to anyone visiting the site it was obvious that this area was not grazed or cut up by animal hoofs.

The report conceded that there was no impact on privacy and amenity of neighbouring residents, no impact on trees/landscape features, no impact on amenity space and parking and no impact on designated sites and natural heritage.

There were no issues with PPS 21 – CTY 13 or 14 as per the report.

Section 4 of the report dismissed the medical evidence provided to `demonstrate the need for ancillary accommodation of this scale or detached nature`. The annex was to provide some modicum of independent living and privacy for the applicant's 31-year-old daughter who lived at home, she had various health issues both physical and mental and relied on support from her parents. A floor plan of the existing dwelling was submitted to demonstrate the lack of any viable location where an annex could be attached.

He went on to refer to reasons for refusal.

The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' in that there were no overriding reasons why the development was essential in this rural location. The clear overriding reason that the `development in this rural location` was essential, was that the applicant wished to provide an element of independent living and support to his adult daughter who had health issues and currently lived at home with the applicant and his wife. They believed that their daughter would require additional support going forward and that she would benefit greatly by living adjacent to her home with that family support on hand. The applicant's daughter lived with several health issues both physical and mental, she had a form of spinal arthritis which was progressive and degenerative and was currently treated with injections that were administered by her mother, and as her condition deteriorated more care would be required. The sole reason for the application was to allow the applicant's daughter a degree of independence but with the reassurance that support was close at hand. She also suffered with acute anxiety and OCD - catering for those needs made the application entirely `site specific`.

The proposal was contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' in that the proposal, if permitted, would result in development that was not considered to be subordinate ancillary accommodation demonstrating dependency on the main residential dwelling as it could practically and viably operate on its own as a separate dwelling. The proposed annex was clearly fully dependent on the host dwelling for all services including power, water, drainage, car parking, amenity and access from the public road. For those reasons alone it would be impossible for the annex to `practically and viably operate on its own as a separate dwelling`. Furthermore, no solicitor would convey on the sale of a property that was so fundamentally dependent on a host dwelling making it impossible for the annex be `independent`. NIE would not provide two separate supplies to a single residential address. The applicant had expressed his willingness to enter into a legal agreement with the Department stating

that the annex could never be sold off independently if that would facilitate an approval. He would further cite the recent approval of a detached 1,500 sq ft annex at 225A Millisle Road, Donaghadee ref LA06/2022/1262/F as a precedent for the current. Whilst the Department had argued that the approved annex did not set a precedent because it could not exist independently of the host dwelling the applicant would posit that if that was the case the Department would not have required the applicant to enter into a Section 76 Planning Agreement as a condition of approval.

The Chair invited Members to ask the agent any questions based on his presentation. Following up on that, Alderman Smith had listened to the planning officer and thought that there was an acceptance of many of the needs of the applicant but thought that the key point was the location of the annex and its size. He queried why the views of the Planners had not been considered in the location of the annex and in response Mr Hunt said that consideration had been given to the septic tank and also the floor layout of the main home where it did not seem logical to attach. Rather the side garden with existing mature boundaries would help the annex integrate more easily within the development. Mr Hunt replied that the application was one third smaller than the one on the Millisle Road. The proposal was designed to future proof the property for his daughter having two bedrooms in case there was the need for a guest to stay over in the future. He pointed out that the applicant's daughter faced a progressive condition and that this would be a one-time only annex.

Councillor McClean noticed that the location of the property would be to the side of the house and he sought clarity if that was a field or a garden and Mr Hunt stated that it had always been a garden. From a layman's point of view it looked like there were two driveways to the main home and Mr Hunt explained that the driveway had been established in this style many years previously. It provided a turning circle for horse boxes used by the family and for deliveries to the home but there remained only one access to the home and that was controlled by the main dwelling. He went on to say that the applicant was reticent to build in other areas of the site due to the septic tank, infrastructure from the previous studfarm and the presence of animals grazing close to the property. It was also considered that the layout of the existing house would not permit an attached annex.

Alderman Graham thought it was clear that the existing driveway was well established and asked about the system of sanitation that was proposed and also electricity supply and Mr Hunt reported that the annex would be served by the existing septic tank and the electricity supply would be provided by the main residence.

The Chair thought that the main question was whether the annex could function as a building on its own and went back to the question of why the annex could not have been sited elsewhere on the property. He felt that the proposed location would require increased demands and expense for the required infrastructure in relation to the septic tank.

Alderman McDowell thought that the more important issue was the health of the girl in question in respect of the facilities that were needed and asked if the applicant would be willing to agree to a Section 76 condition being put in place that the

property could not be sold off at a later point in time and that the development was not for financial gain. Mr Hunt agreed that the applicant would be willing to do that and the main interest in the development was to provide a home for a daughter.

The Chair thanked Mr Hunt and he returned to the public gallery.

Councillor McClean spoke of the disconnect between what was discussed between the Planners and the applicant in terms of the legislation and the desire to find a solution that would suit both parties. It was the view of the Planners that the site could provide a more integrated annex on a different location within the site such as with the use of a glazed link for example. While the PAC had accepted detached annexes in the past they must comply with other factors such as shared facilities and access for example. That had been discussed with the application and planners believed that an alternative proposal on the site would be acceptable.

Councillor McCollum took the question on that further asking if the planners could suggest an alternative but was advised that it was not for the Planning Department to find a location and that they could merely offer advice. Previous applications had been submitted for the site with the last permission granted in the 1980s. It was also important to note that the application had not been submitted with the intention to provide for the needs of the daughter so the assessment of the medical evidence was not being given consideration.

Alderman McDowell questioned planning officers on what specific medical qualification they held whereby they would discount two letters from health professionals regarding the applicant's daughter. The Acting Head of Planning explained that the application had not been made on the grounds of special circumstances, which fell under a completely different Policy and that was an important point to clarify. Medical letters were often received by planners and if the basis of the application had been changed to medical grounds the planners would require the current application to be withdrawn and resubmitted with a new fee so that an alternative policy could be considered.

Referring to the Section 76 agreement Alderman Graham asked if that could be used but the Officer explained that those could only be put in place where an application complied with planning policy. The Member wondered if there was a concern that the annex could become a separate resellable site since it did have those physical features at the moment. The planner explained that an annex needed to have a shared curtilage but permission for a separate dwelling had previously been applied for at this address and withdrawn and that is clear that this is what the applicant desired.

Alderman Smith asked if the crux of the question was that this would be a building that could be used independently since it had all the features of that and it did appear to be quite separate from the main home.

Proposed by Alderman McDowell, seconded by Alderman Graham, that the Council grants planning permission with the necessary safeguards in place.

Proposing that Alderman McDowell believed that the Planners had not focused enough attention on the health issues of the applicant's daughter and he felt that the applicant should be considered for special circumstances.

Alderman Graham was in agreement and was of the view that the site that the applicant had chosen for the annex was slightly more suitable and in a more attractive position. He was of the view that turning circles were common in rural settings and did not believe the building would inconvenience others.

Councillor Kendall had heard the debate and stated that she could not support the proposal due to it having enough contravention to planning policy to set a precedent. She was hugely sympathetic to the health of the applicant's daughter but the application had not been brought on those grounds.

Neither could Alderman Smith support and he also expressed sympathy over the needs for an independent dwelling but he believed that other options could be considered that would fulfil that need. He was viewing the application through the lens of the existing planning policy.

Councillor McCollum agreed and was regretful that she could not give her support to the application. She was comforted that the site was large enough that the applicant could reconsider further development on his property.

Councillor McClean agreed that it was difficult to bluntly ignore a medical condition but the correct application based on medical grounds would need to be made and he was not satisfied that other alternative positions for the annex had not been exhausted. He also worried that passing the application would lead to a dangerous precedent being set.

Members were not in agreement and when the alternative recommendation was put to a vote, 2 voted to APPROVE, 8 voted AGAINST and 2 ABSTAINED. The proposal FELL.

**FOR (2)**  
**Aldermen**  
Graham  
McDowell

**AGAINST (8)**  
**Alderman**  
Smith  
**Councillors**  
Harbinson  
Kendall  
Kerr  
McClean  
McCollum  
McKee  
Smart

**ABSTAINING (2)**  
**Alderman**  
McIlveen  
**Councillor**  
Wray

It was proposed by Alderman Smith, seconded by Councillor McCollum, that the officers' recommendation be adopted.

On the proposal being put to the meeting with 8 voting FOR, 2 voting Against and 2 Abstained it was declared CARRIED.

**FOR (8)****Alderman**

Smith

**Councillors**

Harbinson

Kendall

Kerr

McClellan

McCollum

McKee

Smart

**AGAINST (2)****Aldermen**

Graham

McDowell

**ABSTAINING (2)****Alderman**

McIlveen

**Councillor**

Wray

**RESOLVED**, on the proposal of Alderman Smith, seconded by Councillor McCollum, that the recommendation be adopted.

**RECESS 8.55 pm**

**RECOMMENCED 9.06 pm**

- 4.3 LA06/2019/0308/F – EXTENSION OF EXISTING COMBER GREENWAY FROM 20M NORTH OF 122 BELFAST ROAD, COMBER, TO EXISTING SHARED PATH TO THE SOUTHWEST ARM OF ROUNDABOUT ON A21 ACCESSING ENLER VILLAGE, COMBER. FURTHER PROPOSED SECTION OF GREENWAY FROM EXISTING AGRICULTURAL ACCESS APPROX. 10M WEST OF ENTRANCE GATES AT BALLYRICKARD WASTEWATER TREATMENT WORKS, 35M EAST OF 145 NEWTOWNARDS ROAD, COMBER, TO THE EXISTING FLOOD EMBANKMENT ON THE NORTHWEST EDGE OF STRANGFORD LOUGH, THROUGH LONDONDERRY PARK TO 30M SOUTH OF 14 MOYNE GARDENS, NEWTOWNARDS (PROPOSED GREENWAY ALONG THE A21 BETWEEN ENLER VILLAGE ROUNDABOUT AND EXISTING AGRICULTURAL ACCESS APPROX. 10M WEST OF ENTRANCE GATES TO BALLYRICKARD WASTEWATER TREATMENT WORKS, 145 NEWTOWNARDS ROAD, COMBER, TO BE SUBMITTED AT SEPARATE APPLICATION). WORKS INCLUDE 1X CAR PARK ADJACENT TO 122 BELFAST ROAD, COMBER, 3X PEDESTRIAN BRIDGES OVER ENLER RIVER, A CONTROLLED CROSSING AT BRIDGE STREET, COMBER, AND UPGRADING OF EXISTING STREET LIGHTING, FENCING AND ASSOCIATED SITE AND ACCESS WORKS. (AMENDED PROPOSAL DESCRIPTION AND AMENDED PLANS). EXTENSION OF EXISTING COMBER GREENWAY FROM BELFAST ROAD, COMBER TO GEORGES STREET/UPPER GREENWELL STREET, NEWTOWNARDS (BT23 5QP – BT23 7PA)**

(Appendices VIII&IX)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Comber and Newtownards

**Committee Interest:** Council Application

**Proposal:** Extension of existing Comber Greenway from 20m North of 122 Belfast Rd, Comber, to existing shared path to the southwest arm of roundabout on A21 accessing Enler Village, Comber. Further proposed section of Greenway from existing agricultural access approx. 10m west of entrance gates at Ballyrickard Wastewater Treatment Works, 35m east of 145 Newtownards Road, Comber, to the existing flood embankment on the northwest edge of Strangford Lough, through Londonderry Park to 30m south of 14 Moyne Gardens, Newtownards. (Proposed Greenway along the A21 between Enler Village Roundabout and existing agricultural access approx. 10m west of entrance gates to Ballyrickard Wastewater Treatment Works, 145 Newtownards Road, Comber, to be submitted as separate application). Works include 1x car park adjacent to 122 Belfast Road, Comber, 3x pedestrian

bridges over Enler River, a controlled crossing at Bridge Street, Comber, and upgrading of existing street lighting, fencing and associated site and access works. (Amended proposal description and amended plans)

**Site Location:** Extension of existing Comber Greenway from Belfast Road, Comber to Georges Street/Upper Greenwell Street Newtownards (BT23 5QP - BT23 7PA)

**Recommendation:** Grant Planning Permission

The Principal Planner (C Blair) stated that the application was before Members as it was a Council application and fell within the major category of development.

At this juncture it was important that Members note that a proposed middle section of the Greenway route between the Enler Village Roundabout in Comber and Ballyrickard Waste Water Treatment Works (along the A21 dual carriageway section) had been excluded from this planning application. That was to enable the remaining sections to proceed to determination. The application had been stalled for a significant period of time as DfI Roads considered the proposed works along this "middle section" to be unacceptable with it unlikely to achieve a successful solution within the current red line of the site.

Members would note that DfI Roads had now no objections to the proposal subject to a number of conditions that had been agreed between the applicant and DfI Roads and would be attached to any decision notice should planning permission be granted.

Members would note that there had been two letters of support and 82 letters of objection received. 19 letters of objection were received following the recent neighbour notification process after the proposed development description and site address amended to take account of the excluded middle section. However, that was as a result of an incorrect drawing submitted by the agent with the route shown as progressing through the Castlelodge housing development in Comber. The applicant advised the Planning Department of its error and immediately issued individual apology letters to those local residents, which included a map showing the correct route.

The thrust of objections related to parking including a proposed car park at Ballyrickard Waste Water Treatment Works, which had subsequently been removed from the proposed scheme; landownership objections, potential impact on privacy and loss of residential amenity, security around properties and anti-social behaviour; objection to the use of the flood defence bank for walking and impact on geese and wintering birds. In terms of the latter two points raised, DfI Rivers had no objection to the use of the flood defence bank and NED was content with proposed mitigation measures in relation to birds, which were set out in an outline Construction Environmental Management Plan.

As a major application, the Planning Department was satisfied that the requirements for the pre-application community consultation process had been carried out as per Section 27 of the Planning Act (Northern Ireland) 2011.

The proposed Greenway as initially submitted measured 12km in length. The middle section, which had now been excluded, measured 1.5km long. The Greenway paths were proposed to be 3-4m wide with the exception of a number of pinch points where it narrowed to two metres at the existing road bridge footways and riverside paths adjacent to the flood defences. Otherwise, existing paths would be widened to a minimum of three metres.

The remaining two parts of the Greenway route were divided into five sections. The first section extended from the existing Comber Greenway on Belfast Road to Kennel Bridge, via the Enler River.

At Belfast Road a new car park with 35 no. spaces was proposed along with a picnic area. On this site layout plan it could be noted that the existing Greenway was annotated in a greenish-yellow colour. DfI Roads had no objections to the car park or access from Belfast Road. The new Greenway path would be constructed perpendicular to the existing Greenway with an approximate 4m high embankment constructed from the car park ground level to the start of the new Greenway route. One walked up from the car park onto the Greenway path which would be located at the top of the embankment.

The path would then follow a countryside route along the Enler River until it reached Kennel Bridge. That pathway would be set back 2.5m from the riverbank with a 1.2m high timber fence positioned inland from the pathway. At this point a new 4m wide pedestrian bridge (Bridge A) would be constructed across the river and beneath the existing Mount Alexander Road Bridge.

The second section of the proposed Greenway route was from Kennel Bridge to Bridge Street in Comber. It travelled alongside the Enler River crossing again via a new bridge (Bridge B) in an east to west direction. It then continued to hug the river until reaching existing pedestrian Bridge C, which would be widened to 4m and as could be seen on an attached slide.

It would then follow the route until it reached Bridge D, a new pedestrian and cycle bridge which would again traverse the Enler River adjacent to Comber Primary School. The Greenway then approached Bridge Street, where it was proposed to construct a further new bridge (Bridge E) adjacent to the existing road bridge. A new puffin-control crossing was proposed across Bridge Street to enable users to continue along the river towards the bypass, which comprised the third section of the Greenway.

The proposed Greenway route worked its way south from Bridge Street to the rear and east of terrace housing within Park Crescent, Comber, and crossed a small subsidiary to the river via an upgraded pedestrian and cycle bridge known as Bridge F, which could be seen on a slide. Adjacent to the east corner of Comber Recreational Football Club, it was proposed that the Greenway then crossed the river again to lands known as Muckers Field via an upgraded Bridge, known as Bridge G.

The route proceeded south to the A21 bypass where it was proposed to reopen an existing underpass with these details shown. The route then travelled along the



bypass and joined the shared use path, which was to be widened to 3m and resurfaced and led to the Enler Village Roundabout. At this point the Greenway route stopped at speed control gates.

The fourth section of the Greenway Route recommenced at Ballyrickard Waste Water Treatment Works 1.5km further along the dual carriageway from the Enler Village Roundabout towards Newtownards.

At this point and as indicated on further slides, the Greenway travelled east towards the coast traversing an existing agricultural field adjacent to its boundary line which was defined by fencing and a belt of mature trees. The route would proceed along the existing pathway on top of the existing flood wall to the floodgates on Portaferry Road, Newtownards. A cross section of that path was also shown.

The final section of the Greenway ran from the Floodgates to Georges Street, Newtownards. The route proceeded along the left-hand side of the Portaferry Road until an uncontrolled crossing point opposite Londonderry Park.

The route then progressed along an existing path in Londonderry Park adjacent to the canal. The proposed Greenway route then ended at Bridge H, where it crossed the canal. That comprised a new replacement bridge where users could turn left and follow an existing pavement to join New Road / Georges Street or Upper Greenwell Street. A previously approved further section of the Greenway route then began further north at Belvedere Road.

It was considered that the proposed Greenway had been designed to a high standard and represented sustainable development, which did not damage any environmental features or quality of the local area. It therefore complied with the SPPS. NED had no objections in that regard.

There was no adverse impact on residential amenity due to adequate separation distances. Furthermore, the proposed Greenway route used existing pathway routes within the urban area, for example to the rear of Park Crescent in Comber, which were to be upgraded, widened and resurfaced. A condition would be attached to any planning permission to restrict construction hours to weekdays and Saturday mornings with no development works ongoing in evenings, Sundays or public holidays.

It was considered that the principle of development was acceptable and where the development works were located in the countryside, PPS 21 redirected one to PPS 8 for outdoor recreational uses. The proposed development complied with those policy requirements.

Additionally, the proposed development complied with policies AMP 1, AMP 2 and AMP 3 of PPS 3 "Access, Movement & Parking". The Greenway was accessible to all users, the access from the proposed car park onto Belfast Road had been justified under the protected route policy and the proposal would not prejudice road safety or inconvenience the flow of traffic.

The section of the proposal which ran along the flood defences was adjacent to and hydrologically connected with Strangford Lough, a local, national and internationally protected site. As such the applicant carried out a Habitats Regulations Assessment Stage One Screening followed by a HRA Stage Two Appropriate Assessment. SES had reviewed that and had no reason to disagree with its conclusions that the proposed Greenway would have no adverse impact on the integrity of any European site. DAERA's NED was satisfied that surface water drainage would use existing drainage pathways and consider the proposed mitigation measures to be put in place set out under the outline Construction Environmental Management Plan to prevent pollution or contamination of surface waters during construction to be acceptable. A condition would be attached to any decision notice requiring the submission of a final CEMP as requested by NED. However, it was otherwise content with the proposal. DfI Rivers also offered no objections with regard to the submitted drainage assessments.

In relation to bats, birds, otters and badgers, NED had no objections following submission of accepted information subject to conditions particularly in relation to the construction phase.

In terms of PPS 15 "Flood Risk" the proposed development lay within the 1 in 100 year fluvial flood plain, and 1 in 200 year coastal flood plain. The proposed Greenway was an exception under criterion (d) of Policy FLD 1 of PPS 15 as it comprised the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. DfI Rivers was content with the detail including proposed mitigation measures within the submitted Flood Risk Assessments and offered no objection.

Taking account of the above the Planning Department considered the proposed Greenway development to comply with the Ards and Down Area Plan 2015 and prevailing planning policy, and accordingly, approval was recommended with a request for delegated powers to amend conditions.

The Chair asked the officer if he could confirm that in relation to the permissions granted that this did not supersede but connected the parts of the Greenway together and that was confirmed. He referred to the 1.5 km that was missing and there was an intention for a future application for the remaining sections.

The Chair had been surprised that this had been brought forward since he was aware that conversations with landowners were still ongoing. The Interim Director of Prosperity had consulted with the Director of Community and Wellbeing and referred to the Council having made a decision to continue discussions with the landowner, but that this planning permission was needed in order to appoint a contractor to work for the moment. What was brought allowed for the contractor to be appointed. DFI's Active Travel section fully supported the application and this was needed to move forward and to avail of grant funding.

Councillor McKee thought that the Chair had raised some good points and it would possibly have been a good idea to have had someone from Community and Wellbeing to present to the meeting to answer the necessary questions. He also referred to the uncontrolled crossing which led to the Portaferry Road car park as

being unclear. He asked the Principal Planner how the greenway would run from that car park to the Portaferry Road since it was not clear how pedestrians would safely navigate the path into the park to get to the puffin crossing. In response the Officer advised he did not have further drawings but appreciated the question and could not answer it at this point in time. The Member felt that there were some issues still outstanding in relation to the application.

Councillor Kendall was also uncomfortable to approve something that was considered incomplete. She asked officers about the consequences of deferring a decision for a month when further information could be brought forward especially since this was a Council application. The Interim Director thought that that was not an issue but advised that deferral would be to the February Committee and the relevant officers could be present to clarify the points accordingly, being from the Strategic Capital Projects Unit.

At this point Alderman McDowell proposed that the Planning Committee accept the officers' recommendation. That was seconded by Councillor Smart.

Alderman McDowell stated that this had been a long time coming and it was important, there were questions but delaying until February could lead to problems and he thought that the plans could proceed for now and if necessary amendments could be made to them at a later time but it was important to keep the momentum going.

Councillor Smart supported the proposal and while he agreed with the comments of some of the other Members about the piecemeal development he was mindful of deadlines and would prefer to have some development rather than none.

Councillor Kendall was not happy to support the recommendation and would have preferred more information and Councillor McKee also shared those concerns. They appreciated that the agent could not attend the meeting but believed that there was an onus on Council officers to give reassurance. This was not a great look for the Council and raised questions that it was not scrutinising its own development as closely as external applications.

Alderman Smith saw the dilemma and shared the concerns relating to the clarity of the proposals and elements of the piecemeal nature of the report. It would have benefitted from more detail in places and that could have been teased out. He also had concern over halting development and would be content to push back for a further month and hold a special meeting in January to discuss the application.

The Chair saw the argument and suggested if a further date could be set by the Interim Director of Prosperity to ensure the appropriate officers were available to answer the more technical questions. Alderman Smith agreed and while he was concerned about the delay, Members had raised concerns and it would be difficult to progress on a nod in the hope that everything in the future would be fine. Members were aware that this was time sensitive.

Alderman Graham asked for clarification on the difficulties and the Chair explained that the issue raised was about the end of the Greenway and how it connected to the

crossing and the safety issues around that and that was the key point that had to be raised there.

At this stage the Chair noted dissent and requested a recorded vote.

On the officers' recommendation being put to the meeting with 5 voting FOR, 3 voting AGAINST and 4 ABSTAINED it was declared CARRIED.

<b>FOR (5)</b>	<b>AGAINST (3)</b>	<b>ABSTAINING (4)</b>
<b>Alderman</b>	<b>Councillors</b>	<b>Aldermen</b>
McDowell	McCollum	Graham
<b>Councillors</b>	McKee	McIlveen
Harbinson	Kendall	Smith
McClellan		<b>Councillor</b>
Smart		Kerr
Wray		

**RESOLVED**, on the proposal of Alderman McDowell, seconded by Councillor Smart, that the recommendation be adopted.

#### **4.4 LA06/2023/2188/F – PUBLIC REALM IMPROVEMENTS – THE MOAT, MOAT STREET, DONAGHADEE** (Appendices X-XII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Bangor East and Donaghadee

**Committee Interest:** Council Application

**Proposal:** Public Realm Improvements

**Site Location:** The Moat, Moat Street, Donaghadee

**Recommendation:** Approve

The Principal Planner advised that this was an application for Items 4.4 and 4.5 which related to the application for full planning permission (LA06/2023/2188/F) and application for Listed Building Consent (LA06/2023/2189/LBC) for Public Realm Improvements at The Moat, Moat Street, Donaghadee.

Items 4.4 and 4.5 were before Members as these were Council applications. Item 4.4 was the application for full planning permission for the public realm improvement at the Moat in Donaghadee, whilst Item 4.5 was the related Listed Building Consent application.

The application site was located inside Donaghadee Settlement Limits at The Moat, a Grade B2 listed building and was within Donaghadee Conservation Area and an Area of Archaeological Potential as set out in the Ards and Down Area Plan 2015.

The public realm improvements included the provision of railings and gates, resurfacing works of paths and steps to improve drainage, stability and long term durability; improvements also included the proposed repointing of stone walls with a lime based mortar between the Old Gunpowder Store and Moat Street; to plant new

hedging to enhance appearance and security where boundaries were currently weak with adjacent neighbouring properties; to erect proposed security fence to the underside of the bridge to deter anti-social behaviour; and to provide informational and directional signage within the site.

Slides were shown of the proposed works to the steps and provision of new railings at certain points within the site for safety to reduce risks of falling, a cross-section of the proposed railing, the proposed security fence to the underside of the bridge and details of the kissing gate.

The Planning Department's Conservation Area Officer was consulted regarding the proposal and offered no objection with the public realm improvements having no detrimental visual impact on the surrounding conservation area.

HED was consulted and offered no objections subject to conditions on a programme of archaeological works and that appropriate materials were used.

The proposed development had no impact on existing parking provision, neighbouring residential amenity, designated sites or protected habitats and species.

Therefore, full planning permission and listed building consent were accordingly recommended.

Councillor McCollum made a proposal that both recommendations were agreed but the Chair advised that they needed to be taken separately.

**RESOLVED, on the proposal of Councillor McCollum, seconded by Councillor Smart, that the recommendation be adopted.**

#### **4.5 LA06/2023/2189/LBC – PUBLIC REALM IMPROVEMENTS – THE MOAT, MOAT STREET, DONAGHADEE** (Appendices XIII&XIV)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Bangor East and Donaghadee

**Committee Interest:** Council Application

**Proposal:** Public Realm Improvements

**Site Location:** The Moat, Moat Street, Donaghadee

**Recommendation:** Approval

Members would note the details above at Item 4.4 and repeated an application for Listed Building Consent. The HED had been consulted and there were no objections. Consent was recommended.

Proposed by Councillor McCollum, seconded by Councillor Harbinson, that the recommendation be adopted.

Proposing the recommendation Councillor McCollum stressed the value of the site and, along with the Chair, endorsed the work of Councillor MacArthur in progressing

the work here and that should be commended. The steps would improve safety and encourage greater public use and she urged Members to accept.

**RESOLVED, on the proposal of Councillor McCollum, seconded by Councillor Harbinson, that the recommendation be adopted.**

## **5. UPDATE ON PLANNING APPEALS**

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing:

### **Appeal Decisions**

There had been no appeal decisions received since the last report to the Planning Committee.

### **New Appeals Lodged**

There had been no new appeals lodged since the last report to the Planning Committee.

Details of appeal decisions, new appeals and scheduled hearings could be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

RECOMMENDED that the Council notes the report.

**RESOLVED, on the proposal of Councillor Smart, seconded by Councillor McCollum, that the recommendation be adopted.**

## **6. Q2 SERVICE UNIT PERFORMANCE UPDATE**

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that Members would be aware that the Council was required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil that requirement the Council had in place a Performance Management Policy and Handbook. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan 2024-2028)
- Performance Improvement Plan (PIP) – published annually in September
- Service Plan – developed annually (approved annually in March)

The Council's 18 Service Plans outlined how each respective Service would contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

## Reporting Approach

The Service Plans would be reported to relevant Committees on a half-yearly basis as undernoted:

Reference	Period	Reporting Month
Quarter 2 (Q2)	April – September	December
Quarter 4 (Q4)	October – March	June

The report for April – September 2024 was attached.

### Key achievements:

- Further to achieving the 15-week processing time for Quarter 1, in respect of applications in the local category of development, YTD was recorded as 16.4 weeks (relating to 377 decisions issued).
- To date two applications in the major category of development were determined – with an average processing time of 81.2 weeks.
- There were 175 decisions issued in the householder category of applications, with 52% issuing within 8 weeks (the internal performance indicator), with 141 issuing within the 15-week target (81%).
- 5no. appeals against the Council's Refusal of Planning Permission were dismissed between 1 April and 30 September 2024. 3no. appeals against service of Enforcement Notices were considered by the Planning Appeals Commission and the Notices upheld.

### Emerging issues:

As part of the commitment to continuous improvement the annual Service Plan was reviewed on a monthly basis. The Service Risk register had also been reviewed to identify emerging issues and agree any actions required detailed below:

- Delay in publication of draft Plan Strategy – whether by outcomes of parallel Sustainability Appraisal, DFI consideration and referral for Independent Examination (IE) and lack of resources within the Planning Appeals Commission for IE.
- Managing statutory performance targets in context of stretched resources and fiscal challenges.

### Action to be taken:

- Implementation of the NI Planning Improvement Programme (PIP) – stemming from recommendations made by Public Accounts Committee in March 2022 with regard to development plan, development management and enforcement functions – working on various workstreams to address processes and legislative change.

Identified KPI at Risk	Reasons as to why KPI has not been met	Action to be taken	Designated Officer	Date for Review
EC 01 PL 04 (major applications)	Lack of resource within DM Team	Active recruitment for Service area – backfilling of posts	DM Principal Officer	6 months
EC 01 PL 05 (local applications)	Delay in consultee responses			
	Lack of quality submissions both in consultee responses and information submitted by applicants	Collaborative working with statutory consultees to identify blockages in processing and how can be addressed		
		Implementation of validation checklist in legislation to ensure frontloading of applications		

RECOMMENDED that the report is noted.

**RESOLVED, on the proposal of Councillor Wray, seconded by Councillor McCollum, that the recommendation be adopted.**

## **7. UPDATE ON TREE PRESERVATION ORDER AND WORKS**

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that this report represented the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. The update provided information from 16 August 2024 (date of previous report) to 14 November 2024.

The table overleaf set out the figures from the date of the last report to Committee.

RECOMMENDED that the Council notes the content of this report.

**RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Smart, that the recommendation be adopted.**

## **EXCLUSION OF PUBLIC AND PRESS**

Proposed by Councillor Smart, seconded by Alderman Graham, that the following items be taken in exclusion of public and press.



8. **QUARTERLY UPDATE ON ENFORCEMENT MATTERS**  
(Appendix XV)

\*\*\*IN CONFIDENCE\*\*\*

9. **LOCAL DEVELOPMENT PLAN – TOURISM**  
(Appendix XVI)

\*\*\*IN CONFIDENCE\*\*\*

**READMITTANCE OF PUBLIC AND PRESS**

**RESOLVED**, on the proposal of Councillor Wray, seconded by Alderman Graham, that the recommendation be adopted.

**TERMINATION OF MEETING**

The meeting terminated at 10.09 pm.

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid Special meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Monday 20 January 2025 at 7.00 pm.

### PRESENT:

**In the Chair:** Alderman McIlveen

**Aldermen:** Graham  
McDowell  
Smith

**Councillors:** Hennessy                      McKee (Zoom)  
Kerr    Morgan  
McBurney (Zoom)              Smart  
McClellan (Zoom)              Wray  
McCollum (Zoom)

**Officers:** Interim Director of Prosperity (A McCullough), Acting Head of Planning (G Kerr), Senior Professional and Technical Officer (C Rodgers), Principal Planner (L Maginn) and Democratic Services Officer (P Foster)

### **1. APOLOGIES**

The Chairman (Alderman McIlveen) sought apologies at this stage.

Apologies for inability to attend were received from Councillors Cathcart and Harbinson.

Apologies for lateness were received from Councillor Kendall.

**NOTED.**

### **2. DECLARATIONS OF INTEREST**

The Chairman sought Declarations of Interest at this stage.

No Declarations of Interest were made, but members were reminded that they could declare at any time throughout the meeting.

**NOTED.**

### 3. PLANNING APPLICATIONS

- 3.1. LA06/2019/1046/0 - Residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types. The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road. A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works - Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards  
(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's report.

**DEA:** Ards Peninsula

**Committee Interest:** Major Application

**Proposal:** Site for residential development (of a maximum of 675 dwellings) to include a mix of detached, semi-detached, terrace and apartment dwelling types. The replacement of Ballyreagh Road with the Bowtown Road to Movilla Road distributor road and associated roundabout junctions on Bowtown Road and Movilla Road. A mixed-use centre to include ground floor units in retail and retail services uses in Class A and health, childcare and related community uses in Class D with apartments above and active elderly apartments in Class C1 (maximum 3 storey) open space including park, play area, MUGA and greenway pedestrian and cycle route pedestrian and vehicular access landscaping incorporating hard and soft works, drainage and any other necessary works.

**Site Location:** Lands on Ballyreagh Road to the North of Bowtown Road, South of the Movilla Road and Movilla Mews and East of Burnreagh Drive, Greenlea Crescent, Fairfield Way, Fairfield Place, Ballyreagh Way, Abbot Close and Abbot Court in eastern Newtownards

**Recommendation:** Grant Planning Permission

The Senior Professional and Technical Officer advised that this application was before Committee as it fell within the major category of development. It was an Outline application to establish the principle of development on a site zoned for Housing and Open Space. The site was situated at the eastern edge of the settlement of Newtownards and comprises land between the Movilla Road and the Bowtown Road, including the existing Ballyreagh Road. The recommendation was to Grant Planning Permission.

#### **Environmental Statement**

The officer indicated that she wished to flag up from the outset that this application was accompanied by an Environmental Statement which assessed the likely significant impacts of the proposed development on the environment. The relevant components of the

Environmental Statement were assessed by the statutory and non-statutory consultees, who had each considered the mitigation measures identified within the Environmental Statement and recommended conditions to be attached to any approval accordingly.

The assessment of this proposal, in the context of prevailing planning policy and guidance, had been comprehensively detailed within the Case Officer Report.

**Slide 2** - Moving onto the Development Plan context, she advised that members would be aware that the 2011 Planning Act provided for a plan led system. It may be helpful to consider the basis of the preparation of the ADAD which involved extensive consultation with the statutory consultees (including the Education Authority and the Health Trust). The proposals included within the draft Plan were based on that input. A public inquiry into objections was subsequently held by the PAC who then made recommendations to the Department who either accepted or rejected those recommendations in its adoption of the plan.

As shown on the Plan Map for Newtownards, a considerable amount of land to the east of Newtownards was zoned for housing under Zonings NS19, 20 and 21, with this application comprising Zoning NS19 between Bowtown Road and Movilla Road.

- Zoning NS20 was situated to the immediate North of NS19 between Movilla Road and Donaghadee Road (Phases 1, 2 and 3a & 3b had been approved by the Council and the development was known as Rivenwood);
- Zoning NS21, was to the north of NS20, between Donaghadee Road and Bangor Road (and was known as Beverley Garden Village).

The Plan contained a strategic policy to link the delivery of major road schemes with the delivery of housing. The major housing zonings in eastern Newtownards would together provide a link road between Bowtown Road and Bangor Road. Therefore, the proposal before Committee would enable a further key component of Newtownards Eastern Distributor Road to be delivered.

A very slight incursion into the countryside beyond the Settlement Development Limit was required to facilitate the road access to the site from the Bowtown Road. The reasoning for this was detailed within the COR and, on balance, it was considered appropriate in order to deliver a well-designed access into the site in the context of the surrounding landscape and topography.

**Slide 3** - the Plan stated that development of the NS19 zoning would only be permitted in accordance with an agreed comprehensive scheme that would incorporate the neighbouring zoned NS43 open space and provide the necessary public infrastructure required to serve those lands.

In summary, Key Design Considerations for the NS19 zoning included:

- A minimum of 20 and a maximum of 25 dwellings per hectare;
- Phasing of housing in relation to infrastructure works.

- Phasing to begin at the southern end of the site;
- Ballyreagh Road to be upgraded to Distributor Road standards or realigned to provide a link between the Bowtown Road and a roundabout on the Movilla Road;
- Pedestrian and cycleway links to the Movilla Road and Bowtown Road;
- An 8-10m wide landscaped buffer along the edges of the settlement limit; and
- The identification of trees for retention

**Slide 4** - Moving on to the Concept Master plan for the proposed development, it was noted the scheme included:

- A Maximum of 675 residential units
- The NS19 portion of the Eastern Distributor Road
- Roundabout junctions on the Movilla Road and Bowtown Road
- A central mixed-use area providing locally accessible convenience goods and services
- Active elderly living apartments
- Ample public open space - including four play parks and a MUGA providing safe opportunities for children's play.
- A Greenway pedestrian and cycle route which would extend partly along the line of the existing Ballyreagh Road which was to be replaced.

**Slide 5** - provided a more detailed view of the northern section of the Concept Masterplan including the Movilla Road Roundabout, the line of the proposed greenway (indicated in pink) and a playpark to the North-East.

**Slide 6** – showed the central portion of the concept masterplan including the location of the mixed-use centre at the core of the development as well as a further two playparks .

**Slide 7** - showed the southern portion of the concept masterplan including the Bowtown Road junction, the greenway connection, and further shared amenity areas.

**Slide 8** –Concept Landscape Masterplan: Trees had been identified for retention and extensive landscaping was proposed throughout the site, and along both sides of the distributor road to assist integration and create an attractive street scene. Landscaping within areas of open space would create pleasant and attractive shared amenity areas for local residents.

**Slides 9 & 10** - concept images for the Greenway, Open space and Playparks. The detailed design would be reserved for approval at RM stage. Planning conditions would ensure that all amenity areas are managed and maintained by a Management Company acting on behalf of the residents.

**Objections were received from nine separate addresses.** Matters raised related primarily to the principle of development, impact on local character, residential amenity, natural heritage interests, access, traffic and infrastructure capacity. All material considerations raised had been considered in detail in the Case Officer Report.

**Slides 11 to 13** - showed photomontages of the proposed development from a number of critical viewpoints. Including:

- from the Movilla Road,
- the Bowtown Road junction; and,
- on approach travelling west along the Bowtown Road

**In terms of residential amenity**, separation distances on the concept layout were in accordance with Creating Places standards. This matter would be assessed in further detail at RM stage when detailed building designs were submitted for approval.

**In terms of Biodiversity and Impact on Designated sites**, the Senior Professional and Technical Officer confirmed that the site had been subject to extensive ecological surveys. NIEA Natural Environment Division had provided no objection to the proposal subject to mitigation to safeguard protected species and other natural heritage interests. SES had advised that provided suitable mitigation was conditioned in any planning approval, the proposal would not have an adverse effect on the integrity of any European site. A condition was recommended to prevent the use of granular plastics for the MUGA.

**In terms of Access and Traffic** -The Transport Assessment (TA) had demonstrated that all junctions within the local area had the capacity to accommodate the increased flow of traffic with the exception of the Movilla and Donaghadee Road junction. By way of mitigation it was proposed to signalise this junction to facilitate the flow of traffic. DFI Roads had reviewed the TA and had provided no objection to the application.

**In terms of sewage infrastructure**, members would be aware that development on this side of Newtownards was hindered by infrastructure capacity issues. A new developer-funded sewer was proposed through the site and would also serve zoned housing lands to the north of NS19. This would allow 275 of the homes in NS19 to connect to existing NI Water infrastructure. For the remaining development, NI Water would create additional network capacity through infrastructure improvements. Those works would be funded by the developers of the zoned housing lands.

Members were advised that Mr Roy Mooney from Northern Ireland Water (NIW) was in attendance to assist in Members' understanding of the situation.

**On the issue of Flood Risk and Drainage** a portion of the site was affected by a floodplain associated with a manhole to an existing culverted watercourse. The Applicant proposed to remedy this issue through an upgrade of the existing culvert. DFI Rivers had accepted the findings of the Flood Risk Assessment and had recommended a condition requiring the submission of a Final Drainage Assessment at RM stage.

#### **Slide 14 - Section 76 Planning Agreement**

In conjunction with the Council's legal representatives, a planning agreement had been drafted for execution between the relevant parties. It would require all landowners to covenant with the Council to:

- agree with the layout on the Concept Masterplan to the extent it delineated a concept of development including, but not limited to, the location and route of the distributor road, and the location of open space.

- develop the zoned lands in accordance with the agreed Concept Masterplan;
- and sequentially in the phasing order agreed, with the occupation of dwellings being used to trigger delivery of infrastructure (including the Distributor Road, roundabout junctions, road improvements, sewer infrastructure, open space, greenway, play parks and MUGA);
- it would also require landowners to obtain an Abandonment and Stopping Up Order pursuant to Articles 68 and 69 of the 1993 Roads Order for the Ballyreagh Road to facilitate the construction of the new Distributor Road.

**Slide 15 - Furthermore, the Planning Agreement would:**

- Secure delivery of infrastructure required to address NI Water network capacity issues (by delivery of a main sewer below the distributor road);
- Restrict the number of units to be occupied until the Council received requisite agreements with NI Water permitting discharge of foul sewage into the adopted sewer network;
- Secure delivery of the proposed Elderly Living Apartments; and
- Signalisation of the Donaghadee Road/Movilla Road junction

The need for the planning agreement had been laid out in detail in the COR. In short, it would:

- prevent a future ransom situation occurring.
- ensure that the development of the NS19 zoning was both Policy and Development Plan compliant.
- avoid piecemeal development; and
- deliver the key features of the Ards and Down Development Plan.

**In terms of the timeframe for processing this application**, it was important to highlight that this was a complex major application accompanied by an Environmental Statement. It required numerous consultations, amendments to the Concept Masterplan and the drafting of a legal agreement. Formal consultation with statutory consultees and other environmental bodies could only commence following receipt of the ES in July 2021. The processing of the application had been further impacted by NI Water capacity issues and the negotiations to secure a strategic solution for eastern Newtownards. An Addendum to the ES was received in July 2024.

**Conclusion**

To summarise, the Senior Professional and Technical Officer advised that this was a large-scale strategic application for eastern Newtownards. All parties had worked together to agree a concept layout which would deliver the key requirements of the development plan and assist the creation of a quality residential environment. The application had been subject to extensive consultation with statutory consultees and other environmental bodies and there were no objections from any of the consultees.

A number of conditions were recommended to secure the required mitigation detailed within the report, and to require submission of the various details to be assessed at reserved matters stage. In addition, the Planning Agreement would ensure the zoning was comprehensively developed in a phased and orderly manner.

Having taken into account all material considerations it was recommended that this application was approved, subject to the execution of the Planning Agreement. The terms of the Planning Agreement would be finalised in conjunction with the Council's legal representatives prior to its execution by the parties.

Furthermore, delegated Authority was sought to finalise the wording of the planning conditions, in conjunction with the Council's legal representatives, to enable the phasing of subsequent reserved matters applications and to permit drop in planning permissions.

The Senior Professional and Technical Officer stated that concluded her presentation.

The Chairman invited Mr Mooney from Northern Ireland Water (NIW) to make his presentation.

Mr Mooney thanked the Committee for the invitation to attend the meeting stating that this was a significant development for NIW which had been working with the developer over the last few years. The developer he stated would be delivering significant onsite and offsite infrastructure. Continuing he referred to the ongoing capacity issues on the eastern side of Newtownards and advised that this development would see a large sewer laid again both on and off site which would support the development at NS19 as well as those developments at NS20 and NS21. Mr Mooney stressed that it was early days in respect of design with the developer working on a phased approach which would see around 275 houses connected to the existing infrastructure. It was noted that as further phases were developed additional infrastructure would be put in place to facilitate that. Continuing Mr Mooney confirmed that NIW considered this as a long term plan which would provide for future development on the eastern boundary of Newtownards. He reported that the developer had been very proactive and was working with NIW on a very proactive scheme which would include the laying of a new water mains which would strengthen the existing mains and enable the transfer of water through both NS20 and NS21. He reiterated that it was significant and something which NIW was keen to support. It was noted that the developer would be providing significant infrastructure at a cost to himself and indeed contributions from the other developers who would benefit from it. He added that it would undoubtedly resolve a lot of the capacity issues on that side of Newtownards. Mr Mooney indicated that he was happy to take any questions which members may have.

The Chairman sought questions from members at this stage.

Alderman Smith thanked Mr Mooney for his comments and continuing he sought clarity around the DfI Rivers request for an updated Drainage Assessment at Reserved Matters (RM) stage and asked if that was a normal part of the process.

In response the Senior Professional and Technical Officer advised that an Outline Drainage Assessment had already been provided for this Outline Planning stage adding that it was normal practice for a final Drainage Assessment to be provided at RM Stage.



Noting the reference to amenity land within the proposed development, Alderman Smith sought some reassurance around the management of those sites and if that was something which would be considered at RM Stage.

The Senior Professional and Technical Officer advised that any Open Spaces/Amenity land within the proposed development would be managed by external contractors on behalf of the residents. She added that the detailed design of the Play Parks and MUGAs would be approved at RM Stage.

Continuing Alderman Smith acknowledged that the relief road was a key element of this being mostly funded by developer contribution however there was the final portion which ran from the Portaferry Road to be funded by DfI. As such he sought clarity around where that sat as part of the overall process.

The Senior Professional and Technical Officer confirmed that she had recently requested an update from DfI which had suggested that proposals were unlikely to be brought forward in advance of the developer funded roads. They had added that the pace of delivery would also be dependent upon future budget allocations.

Lastly Alderman Smith noted in respect of the water and sewage element of the development that the developer would be funding a significant amount into the sewage system. Within the Section 76 Agreement there was to be phased approach to this were once a certain point had been reached, further investment would be required before further development would be permitted and he sought clarity around that.

Mr Mooney confirmed there was capacity in the waste water treatment works adding that it was the network between the waste water treatment works and the site which ran through Teal Rocks, Newtownards. He added however that the proposal before them would see the laying of new networks to avoid Teal Rocks. Continuing he reported that some works were required at the Portaferry Road Pumping Station. Under the phasing being proposed, the first 275 homes could be connected and once the development reach 1,000 houses additional work would be required to be undertaken at that stage to the Portaferry Road Pumping Station. Following that work there would be capacity within the system for an additional 2,500 houses over the three development areas, NS19, NS20 and NS21.

Councillor Smart noted the land being considered had been zoned as part of the 2015 Ards and North Down Area Plan but was aware that it had also previously been zoned and he asked the officer if she was aware when that was. The Senior Professional and Technical Officer confirmed that had taken place in 2002. Continuing Councillor Smart acknowledged that most people would be keen to see the access road in place prior to the houses being built in a bid to ease the congestion around the town. However he noted that was not how this development had been zoned and instead the infrastructure would be put into place as the properties were developed. As such he sought clarification from officers on how that phased approach would protect those neighbouring residents and particularly those who lived on the Ballyreagh Road if the development was to be delayed or stopped.

In terms of the draft proposal the Senior Professional and Technical Officer advised that the initial phase would be Phase 0 which would see the construction of the Bowtown Road roundabout and the first arm into the site. Members were also advised that the Movilla Road roundabout was also required to be in place before any work commenced. The phasing of the houses would then take place and the phasing of the delivery of the infrastructure would be controlled by the number of houses which were occupied.

Councillor Smart asked if the developer had given any indication at this stage how it proposed to manage any traffic which may divert along the historic Ballyreagh Road.

The Senior Professional and Technical Officer advised that she had received a Transport Assessment for the application which had been reviewed by DfI Roads which had subsequently received no objections. She added that importantly DfI had clarified that it was satisfied the phased approach to be adopted as detailed in the Planning Agreement could be safely handled by the road network.

Alderman McDowell expressed the view that he believed the distributor road should have been built before the houses were built in order to alleviate traffic congestion in and around the town centre. He noted the developer was installing the infrastructure for the sewage and he imagined the other developers of the other sites would be required to come to some sort of agreement in order to ensure that did not become a ransom strip.

In response the Senior Professional and Technical Officer advised that it was her understanding that all of the developers were working in collaboration with NIW. She reminded the member of the restriction within the application around the occupation of houses beyond 275 units, adding that was essentially a safeguard to avoid against any such issues.

At this stage Mr Mooney confirmed that NIW had been in discussions with the three developers, with the developer at NS19 taking the lead being very proactive. From NIW's point of view it still exercised a considerable amount of control over who could connect and where. Continuing he referred to the large scheme to be undertaken from the Bowtown Road to the Portaferry Road Pumping Station stating that conversations would remain ongoing with each of the three developers as the bulk of those costs would fall to them. All developers he added were aware that this was not an opportunity to avail of a free connection and similarly would not be considered as a ransom strip. Mr Mooney reiterated that NIW would retain full control over any connections and the adoption of all of the infrastructure on the sites as well.

At this stage the Chairman invited Mr David Worthington (Agent - Pragma Planning) to speak in support of the application.

Mr Worthington and Mr Andrew Coulter (Architect) entered the Council Chamber at this stage.

Mr Worthington stated that he was accompanied by representatives of the applicant, Fraser Homes and the professional team and who were in support of the application to answer any queries which may arise. He thanked the Committee for agreeing to

the Special meeting and to the Planning Officers for their diligent work in bringing the application forward. He acknowledged that the process had taken some time to come together but was everyone was confident that it had been worthwhile.

The Planning Officer's report was welcomed and Mr Worthington agreed with its contents and findings, adding that the merits of the planning application were clear. It complied with the Ards and Down Area Plan, met the key site requirements and the environmental statement showed how the lands could be developed without compromising the area's environmental assets. So rather than repeat what could only really be a summary of the planning officer's comprehensive report Mr Worthington advised that he was going to address investment, delivery, phasing and the benefits of the development.

Mr Worthington stated that Fraser Homes was deeply committed to the development and its delivery noting that the company had expended over £1 million already in professional fees and was enthusiastic about the next stages of constructing the overall development. The scheme was heavily front-loaded in terms of investment in infrastructure with the link road and new sewer proceeding in advance of the housing at a current cost in the region of £15 million. The sewage solution which had been pioneered in Newtownards was one of only two pilot projects NI Water was running in the whole of Northern Ireland. Its beneficial effects were very wide reaching and significant to the whole of Newtownards well beyond NS19 as Fraser Homes' investment would create capacity in the sewage network in the town, enabling the development of NS20 (Rivenwood) and NS21 (Beverly Garden Village) zonings as well as NS19 and with them the delivery of the eastern distributor road that was set out in the Ards and Down Area Plan. To accomplish this, they had agreed and adopted a phasing in conjunction with the planning officers, managed through the Section 76 Agreement under which the benefits of the development would be felt early in the construction process as the first stages involved the completion of the sewer and the two roundabouts together with significant lengths of the link road. Other infrastructure to be delivered at an early stage included the upgrading of the Bowtown Stream culvert which would reduce potential flooding in the Abbot's Drive area.

Once the development had started, Mr Worthington advised it was envisaged that it would take place from both Bowtown and Movilla Road sides of the zoning and would involve an investment of over £11 million per annum in construction of the dwellings. This was in addition to the wider infrastructure investment, and would employ approximately 100 people. Fraser Homes was a member of the Considerate Constructors scheme and accordingly would be seeking to recruit from the area. Once commenced construction of the development would take around ten years to complete. The development was a long-term, employment generating investment in Newtownards the net effect of which would be to improve connectivity and productivity in the town.

Continuing Mr Worthington advised that the development had been designed to the highest architectural and environmental standards, incorporating class leading open space provision while providing car-free travel on a dedicated Greenway designed to national standards. Great care had also been taken to ensure it did not create harm to the wider environment through pollution both during construction and in use and

efforts had been made to safeguard as much as possible the amenity and interests of its neighbours. The developer had engaged publicly with stakeholders and the communities around the site including the Castle Gardens Primary School and the Bowtown estate.

As the application met the policy tests and carried with it significant benefits to the town in terms of transportation, sewage, flooding and investment, Mr Worthington commended it to the Committee for approval. He indicated that the team were happy to take any questions at this stage.

The Chairman thanked Mr Worthington and Mr Coulter for their presentation and sought questions from members at this stage.

Alderman Smith thanked Mr Worthington for his presentation and referring to the management of any amenity land going forward he asked if the developer had any examples of similar processes undertaken with residents undertaking the management of this.

In response Mr Worthington indicated that Fraser Homes was well used to undertaking this type of management scheme and referred to a 400 house development currently under construction in Carryduff where the management had initially been setup and now they were looking after it.

Alderman Smith queried how that was funded and if it was done so by resident contribution going forward.

Mr Worthington confirmed that at the moment the land was owned and funded by Fraser Homes and once occupation passed a certain level that would be transferred into the ownership of the occupiers.

Councillor Hennessy noted consultation carried out with Castle Gardens Primary School, Newtownards and asked what their views had been on the proposals.

In response Mr Worthington confirmed that they had been very supportive particularly as they did have a number of access issues themselves. He added that they could also see the potential in respect of pupil numbers.

Alderman Graham noted the front loaded infrastructure costs and sought clarification on that total.

Mr Worthington confirmed that overall the infrastructure costs were around £15 million. He added that it was front loaded in that the sewer and roundabouts would be required to be completed first followed by the lengths of road which had to be completed before any houses could be occupied. Mr Worthington advised that the completion of the infrastructure was always in front of the completion of the houses. In response to a further query from Alderman Graham it was noted that Fraser Homes were leading the way with infrastructure requirements for NS19 and was likely to build it all with agreement from other landowners. It was noted the developers in Rivenwood and Beverley Gardens each had their own infrastructure to deliver.

At this stage the Chairman took the opportunity to ask a question around the Section 76 Planning Agreement noting there were many different interests to take into consideration including the various landowners and developers and asked how close they were to getting that over the line so to speak at this stage.

In response Mr Worthington indicated that it was obviously helpful to get the application through the Planning Committee adding that there were still some negotiations to be concluded. He confirmed that they had the support of all of the landowners within the zone and as such they were confident that it would be achieved.

There were no further questions and Mr Worthington and Mr Coulter returned to the public gallery at this stage – 7.47pm.

The Chairman asked if there were any questions of clarification for the officers at this stage.

Alderman Graham referred to a request for delegated powers to amend the wording on the conditions and asked for a recap on that.

The Senior Professional and Technical Officer advised that delegated authority was being sought to finalise the wording of the planning conditions and legal agreement in conjunction with Council's legal representatives to enable the phasing of subsequent Reserved Matters applications and to permit drop in planning permissions, as outlined in the circulated Addendum.

Alderman Smith proposed, seconded by Alderman Graham, that it was agreed to grant Planning Permission and provide delegated authority to officers to finalise the wording of the planning conditions and legal agreement in conjunction with Council's legal representatives to enable the phasing of subsequent Reserved Matters applications and to permit drop in planning permissions.

Commenting as the proposer Alderman Smith acknowledged the comprehensive report which had been circulated and paid tribute to the officers for the work which had been carried out to date. He added that the infrastructure which was going along with the development was to be welcomed noting that it was very much welcomed from a NIW perspective. Alderman Smith added that it would be nice to secure the final part of the road but he appreciated that was outside of this process and what was being proposed here was comprehensive. He particularly welcomed the commentary around the management of those amenity areas.

Alderman McDowell sought further detail around the delegated authority which was being sought and if the Committee would be kept up to date with any changes which were being made.

The Senior Professional and Technical Officer advised that it would not be to change the mitigation that was being proposed and instead would be looking solely at the phasing of subsequent applications. Applications such as RM or change of house

type applications and would be a change of wording to facilitate that with the mitigation remaining the same as what had been proposed.

Alderman McDowell expressed some concern that previously any major changes had not been brought back to the Planning Committee for consideration.

The Chairman reassured the member that major changes were always brought before the Planning Committee.

Continuing Alderman McDowell referred to a previous development in the town where traffic lights were to form part of the overall scheme but they had subsequently been removed.

The Senior Professional and Technical Officer advised that as part of the development plan being considered, provision of a roundabout was included at the Movilla Road, Newtownards to connect NS19 and NS20. It was noted that currently at that location there was a signalised junction which would eventually be replaced by the roundabout.

The Interim Director of Prosperity commented that the development in question referred to by Alderman McDowell had been at Manse Road, Newtownards. She recalled that Roads Service had been consulted on this and their view had been that it was not required. The matter was then brought before the Planning Committee at which a decision had been taken.

At this stage the Chairman expressed his thanks to officers for the report presented, commenting that it was very thorough. He also thanked Mr Mooney from NIW for attending the meeting adding that it had been useful to have him there. The Chairman also thanked the applicant for his attendance also.

**RESOLVED, on the proposal of Alderman Smith, seconded by Alderman Graham, that it was agreed to grant Planning Permission and provide delegated authority to officers to finalise the wording of the planning conditions and legal agreement in conjunction with Council's legal representatives to enable the phasing of subsequent Reserved Matters applications and to permit drop in planning permissions.**

#### **4. ITEM WITHDRAWN**

The Interim Director of Prosperity advised members that this item had been withdrawn.

**NOTED.**

#### **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED on the proposal of Alderman Graham, seconded by Councillor Kerr, that the public and press be excluded from the undernoted item of confidential business.**

**5. LOCAL DEVELOPMENT PLAN – DRAFT PLAN STRATEGY**  
(Appendix II)

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION**

**SCHEDULE 6:3 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

A report from the Director of Prosperity setting out 'policy in development' pertaining to options for Members' consideration and agreement in respect of the draft relating to the Local Development Plan (LDP) draft Plan Strategy (dPS) for progression to publication version.

**RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Graham, seconded by Councillor Kerr, that the public/press be re-admitted to the meeting.**

**TERMINATION OF MEETING**


The meeting terminated at 8.22 pm

## ITEM 4.2

## Ards and North Down Borough Council

Application Ref	LA06/2024/0174/O
Proposal	2 No. one and a half storey infill dwellings
Location	Vacant lands between Nos 7 & 11 Ringcreevy Road, Comber, Newtownards.  DEA: Comber
Committee Interest	A local development application "called-in" to the Planning Committee by a member of that committee  <i>Called in from the Delegated List w/c18 November 2024 by Mayor Cathcart "I wish to call in the above application for the committee to consider the whether the application constitutes a gap site, considering precedent set by approvals LA06/2020/0600/F, LA06/2024/0373/O, LA06/2020/0600/F"</i>
Validated	08/03/2024
Summary	<ul style="list-style-type: none"> <li>• The site located in the countryside and Strangford and Lecale AONB complies with the ADAP 2015.</li> <li>• Under policy CTY 8 'Ribbon Development' of PPS 21 the site is within a line of 3 or more buildings with frontage to the road however it is not a small gap site with space to accommodate more than two dwellings. This policy test is not met.</li> <li>• There are critical views of the site particularly approaching from northwest with no backdrop, no existing rear boundary and significant new planting proposed to enable integration thus failing with the requirements of policy CTY 13 of PPS 21.</li> <li>• As the proposed development would result in the creation of a ribbon of development along this part of the Ringcreevy Road conflicting with policy CTY 8 and would result in a detrimental change to the rural character of the area, failing to satisfy policy CTY 14 of PPS 21.</li> <li>• No representations have been received and no objections from consultees.</li> <li>• No relevant site history.</li> </ul>
Recommendation	<b>Refuse Planning Permission</b>
Attachment	Item 4.2a – Case Officer Report



<b>Development Management Case Officer Report</b>			 <b>Ards and North Down</b> Borough Council		
<b>Reference:</b>	LA06/2024/0174/O	<b>DEA:</b> Comber			
<b>Proposal:</b>	2 No. one and a half storey infill dwellings	<b>Location:</b>	Vacant lands between Nos 7 & 11 Ringcreevy Road, Comber, Newtownards		
<b>Applicant:</b>	James Chambers				
<b>Date valid:</b>	08.03.2024	<b>EIA Screening Required:</b>			
<b>Date last advertised:</b>	28.03.2024	<b>Date last neighbour notified:</b>		12.03.2024	
<b>Consultations – synopsis of responses:</b>					
DFI Roads		No objection subj to condition			
NI Water		No objection			
NIEA		No objection			
DFI Rivers		No objection			
Shared Environmental Services		No objection			
<b>Letters of Support</b>	0	<b>Letters of Objection</b>	0	<b>Petitions</b>	0
<b>Summary of main issues considered:</b>					
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design and Appearance</li> <li>• Impact on privacy or amenity of neighbouring properties</li> <li>• Impact on the character and appearance of the rural area</li> <li>• Biodiversity</li> </ul>					
<b>Recommendation: Refuse Planning Permission</b>					
<b>Report Agreed by Authorised Officer</b>					
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningssystemni.gov.uk">Northern Ireland Public Register (planningssystemni.gov.uk)</a> using Public Access</p>					

## 1. Site and Surrounding Area

This rural application site is located at lands between nos.7 & 11 Ringcreevy Road, Comber. The site consists of an area of flat grass land bounded to the north, east and west by hedgerow. The south is undefined. The site is flat and located just off a long straight section of the Ringcreevy Road. The surrounding area consists of agricultural fields and isolated single or pairs of dwellings. The plot sizes vary.

There is a dwelling to the northwest of the site known as no.7 Ringcreevy Road and to the southeast is a small paddock then the dwelling known as no.11 Ringcreevy Road.

## 2. Site Location Plan



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### 3. Relevant Planning History

**No relevant History.**

### 4. Planning Assessment

**The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:**

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

Building on Tradition: A Sustainable Design Guide for the NI Countryside (BoT)

### Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the LDP, so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site is located within the countryside and within the Strangford and Lecale Area of Outstanding Natural Beauty as shown within the Ards and Down Area Plan 2015. A Design and Access statement was submitted along with the application and will be considered in this assessment.

ADAP currently acts as the LDP for this area. Under ADAP, the site lies within the greenbelt; however, this designation was superseded upon the publication of PPS 21 in June 2010. As there are no material provisions in the Plan that are pertinent to the proposal, the determination will be based on other material considerations.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. There is no conflict between the provisions of the SPPS and the retained policies in relation to the proposal, though there is more detail provided in PPS 21. In accordance with the transitional arrangements set out in the SPPS, the principle of the development should be determined in accordance with the retained policies of PPS 21.

Policy CTY1 of PPS 21 identifies a range of types of development which in principle are considered to be acceptable in the countryside and which will contribute to the aims of sustainable development.

Policy CTY8 relates to the issue of ribbon development in the countryside. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. The headnote of the policy states *"an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear"*.

The first step in the assessment is to confirm that there is a substantial and built up frontage including a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site is located along Ringcreevy Road. Travelling south-east along the road the first building viewed is No.7 Ringcreevy Road, then there is a field where the site is located, then a small paddock, then No.11 Ringcreevy Road and then an outbuilding adjacent to No.11. I am satisfied the plots within which these buildings stand abut the road and therefore have frontage to it.



The buildings within the substantially built-up frontage are –

1. 7 Ringcreevy Road - dwelling
2. 11 Ringcreevy Road - dwelling
3. Building adjacent to 11 Ringcreevy Road

Aerial photo of site proposed

I can confirm that there are a line of three or more buildings along this section of the Ringcreevy Road which all share common frontage with the road.

The second part of the assessment is to confirm that as per CTY8, that an infill opportunity exists for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses. The amplification text goes on to state that, for the purposes of the policy, the 'gap' is between buildings. The buildings either side of the site proposed are No.7 Ringcreevy Road and No.11 Ringcreevy Road. The gap is measured between the south-east elevation of No.7 and the north-west elevation of No.11.



7 Ringcreevy Road - dwelling



11 Ringcreevy Road – dwelling



Building adjacent to 11 Ringcreevy Road



Site

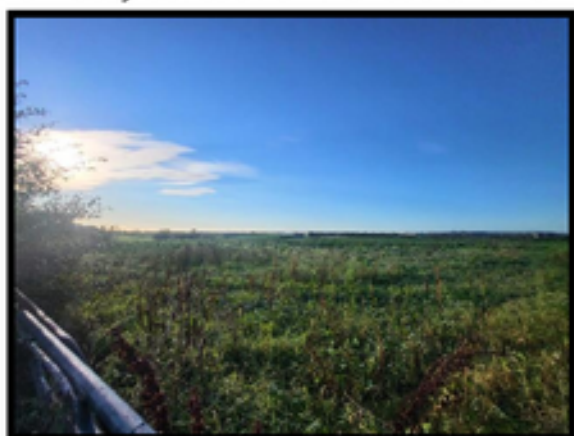


Proposed Site layout

The distance between the dwelling at No. 7 Ringcreevy Road and the dwelling at No.11 Ringcreevy Road measures at approximately 150m. The three plots which share frontage either side of the site, have an average frontage width of 25m. The assessment of whether a site is suitable for infill development is not merely a mathematical exercise but rather it is a matter of considering and balancing all the evidence, including site inspection, against policy requirements. Having viewed the gap on the ground, it would be my planning judgment that more than two dwellings would be able to fit within the distance between No.7 and No.11. The gap between No.7 & 11 would in my planning judgment represent an important visual gap between two visually separate buildings.

Guidance on the interpretation of CTY8 provided in a judicial judgement (Gordon Duff V Newry, Mourne and Down District Council (2022) NIQB 37) states that where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to the purpose of the exception within the policy (which is to permit development where little, or nothing is lost in terms of rural character because of the existing and continuously built-up frontage). Consistently with the guidance in Building on Tradition, this should include consideration of the whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings. Justice Scofield KC held that whether a site offers a visual break of such importance or significance is '*a matter of planning judgement; but it is a matter of common sense, and consistent with the guidance contained in Building on Tradition, that the larger the site, the more likely it is to offer an important visual break. As the reference to framing viewpoint (Building on Tradition P.73) illustrates, however, the size of the gap alone will not be determinative.*'

Ringcreevy Road is a narrow rural road which is fairly straight where the proposed site is located, with agricultural fields on either side. The agricultural fields have been broken up by isolated single dwellings or isolate pairs with long visual breaks between sparsely located countryside development. Plots are of varying sizes and shapes but are mostly visually narrow and shallow in depth. There are countryside dwellings but are mostly set back off the road and well-integrated into the natural environment.



View of the site from the north-west corner

CTY8 requires that a proposal for infill development should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

The site as stated, provides a significant visual gap between No.7 and No.11. The roadside boundary includes a mature hedgerow which helps screen views when passing the site. As the proposed block plan shows this will be mostly lost to provide the sight splays. Without this visual break this stretch of the road would be at odds with the character of the local area along Ringcreevy Road and will appear as a sub-urban style of development. With permitting this development the visual break between nos.7 & 11 will be lost linking No.7 & No.11 and creating a ribbon of development. Even though Nos. 7 and 11 can, at points along the road, be viewed together within the same wider visual envelope, they do not present as a linked ribbon of development given the important visual gap which the appeal site presently functions as, breaking up two distinct sections of built development to either side of the appeal site. As the development would create a ribbon of development and is not an exception under the policy, it is contrary to Policy CTY8 of PPS21 and the related provisions of the SPPS.

As I have also discussed the proposed site would be large enough to fit more than two dwellings and so if granted permission and one dwelling was built out, the remaining gap would allow for further development above that permitted as an exception to CTY8.

Policy CTY 1 also states that other types of housing development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. It is my conclusion that the proposal fails to meet CTY8 of PPS21 and no evidence has been submitted to demonstrate why the development is otherwise essential and could not be located in a settlement; therefore, the proposal fails to comply with Policy CTY 1.

#### **Integration and Impact on Rural Character**

Policy CTY 13 relates to integration and design in the countryside. Within this it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

The proposed dwellings would be a prominent feature and would in my opinion rely on additional landscaping to integrate into the surrounding landscape. This would be most evident when viewed approaching from the northwest towards the site. Views from the opposite direction would be much the same as the site is open and vast. The development would be heavily reliant on new planting for integration and any new dwellings on the site, irrespective of siting, design or the proposed landscaping shown on the Concept Drawing, would lack the necessary enclosure to integrate into the landscape. There is no backdrop to the site as the surrounding land is flat and open, and so the dwellings would sit alone and depend on extensive planting to provide any integration to the countryside. The site is flat, and the dwellings will be open to views when the vegetation along the roadside boundary is removed in order to develop. The site has only the roadside boundary as established, and this is required to be removed and replanted. With all this considered it is my planning judgment that the proposal is contrary to CTY 13 criteria a, b, c and f.

Policy CTY 14 relates to rural character. Within this it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

There is vegetation along the roadside of the site which currently partially screens views of the site, this is to be removed and replanted behind site splays. Losing this visual break, this stretch of the road would be out of character with the local area along Ringcreevy Road and will appear as a sub-urban style of development. With permitting this development the roadside boundary and visual break between nos.7 & 11 will be lost. The site would be opened up in order to facilitate the proposed development. The proposal would also share a common frontage with those existing dwellings at nos.7 & 11, accordingly, the proposal would create ribbon development. The existing gap provides relief and a visual break between the development along the road which helps maintain its rural character. The infilling of this gap and the creation of a ribbon of development would result in a suburban style build-up of development detrimental to the rural character of the area and contrary to Policy CTY14.

It is therefore considered that the proposal does not comply with policies CTY 13 and CTY 14 of PPS 21 as it will not visually integrate into the surrounding landscape and will cause a detrimental change to and further erode the rural character of the area.

#### **Residential Amenity**

The application proposed is for outline planning permission and no details of the dwellings proposed have been submitted. It will therefore be left to consider any impact the dwellings may have on adjacent properties in any application following permission granted for this.

#### **Access and Roads Safety**

The proposal will create a new access onto Ringcreevy Road as per the block plan drawings. DFI Roads were consulted and offer no objections, with a condition to be included in any permission granted. There will be adequate parking space retained within the site.

It is, therefore considered that the proposal complies with policies AMP 2, AMP 3 and AMP 7 of PPS 3 and will not prejudice road safety or significantly inconvenience the flow of traffic.

#### **Designated Sites and Natural Heritage**

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

A Biodiversity checklist was submitted which demonstrates that the proposal is not likely to impact any protected species or priority species or habitats. It is therefore considered that the proposal complies with policies NH1, NH2 and NH5 of PPS 2 Natural Heritage.

SES were consulted and stated that there no likely significant effect because the proposed infill development, although hydrologically connected to downstream European sites, is designed in such a way where the 2 no. dwellings are situated sufficiently distant from the surface watercourse approx. 70m away from the eastern-



most dwelling and garage. The works will be minor in nature/scale, thus there will be no significant risk to European sites from the proposed development.

Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 28/03/2024. This found that the project would not be likely to have a significant effect on any European site.

The site is located within an AONB and the siting and scale of the proposal is not, in my planning judgment, sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. As stated, the Ringcreevy Road is a narrow rural road with isolated dwellings and pairs of buildings. The proposed dwellings will link two visually separated buildings along the road creating a ribbon of development and losing a visual break along this road. The dwellings would also lack integration and be highly visible with no backdrop due to the flat, open character of the landscape. I therefore also consider the proposal to be contrary to policy NH6 of PPS2.

### **Sewerage Disposal**

Septic tanks are proposed to deal with the sewerage needs. Consent to Discharge will need to be obtained from NIEA WMU as a separate matter. The proposal therefore complies with Policy CTY 16.

### **Flooding**

FLD1 - Development in Fluvial and coastal Flood Plains - Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.

FLD3 - Development and Surface Water – A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

1. Residential development comprising of 10 or more dwelling units.
2. A development site in excess of 1 hectare.
3. New buildings and/or hard surfacing exceeding 1000m<sup>2</sup>.

If the Planning Authority deem these proposals comprise of new buildings and/or hard surfacing exceeding 1000m<sup>2</sup>, then Rivers Directorate would require a Drainage Assessment to be submitted as part of a new consultation for our consideration. The proposal includes new buildings and hard surface area which is approximately 1300sqm. A Drainage assessment is therefore required. Given the extra expense this would require the applicant to undertake and in my planning judgment the proposal does not meet the policy, the applicant was not asked for this.

In carrying out the drainage assessment the applicant should acquire from the relevant authority evidence that the proposed storm water run-off from the site can be safely discharged.

If the proposal is to discharge into a watercourse, then an application should be made to the local Rivers Directorate area office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

If it is proposed to discharge storm water into an NI Water system, then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.

Correspondence with both authorities should be included in the drainage assessment regardless of outcome.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

## 5. Representations

None received.

## 6. Recommendation

### Refuse Planning Permission

## 7. Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the loss of an important visual break in development and creation of ribbon development along Ringreevy Road.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would,

if permitted be a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the site relies primarily on the use of new landscaping for integration and the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
5. The proposal would, if permitted, be contrary to Policy NH6 of Planning Policy Statement 2 in that its siting and scale fail to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general, and of the particular locality, and would not respect or conserve features of importance to the character and appearance of the landscape.
6. The proposal would if permitted, be contrary to Policy FLD3 - Development and Surface Water of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through the submission of a Drainage Assessment that adequate measures will be put in place to effectively mitigate flood risk.

## ITEM 4.3

## Ards and North Down Borough Council

Application Ref	LA06/2023/2505/F
Proposal	Demolition of existing garage/utility room. Two storey side extension, front balcony, driveway extension and ground works.
Location	17B Maxwell Road, Bangor. DEA: Bangor West
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	19.12.2023
Summary	<ul style="list-style-type: none"> <li>• 12 letters of objection from 8 separate addresses regarding overlooking, loss of light, dominance and out of keeping with surrounding area.</li> <li>• Site within proposed Bangor West ATC as per dBMAP. Proposal involves demolition of existing garage/utility room however of no historic or architectural merit and will not detract from character of whole area. The proposed extensions respect the surrounding area in terms of design and finishes.</li> <li>• Amended proposal complies with policy EXT 1 of addendum to PPS 7.</li> <li>• Proposed balconies and extensions do not overlook any neighbouring private amenity space with over 40m to dwellings on opposite side of Maxwell Road; and proposed balcony, now inset following amendment, does not overlook neighbouring dwelling at No.17A Maxwell Road.</li> <li>• The proposed extensions do not cause overshadowing or a loss of light to neighbouring dwelling particularly No.17A (closest adjacent neighbour - north) and No.45 Ranfurly Avenue to NE is 30m away from Extension with no adverse impact to most private amenity area (decking) – fully detailed in case officer report.</li> <li>• The proposal does not result in dominance on any neighbouring dwellings' main habitable rooms or elevations.</li> <li>• No impact on trees/landscape features and parking provision acceptable for proposed 5-bedroom home.</li> </ul>
Recommendation	<b>Grant Planning Permission</b>
Attachment	Item 4.3a – Case Officer Report

## Development Management Case Officer Report



<b>Reference:</b>	LA06/2023/2505/F	<b>DEA:</b> Bangor West	
<b>Proposal:</b>	Demolition of existing garage/utility room. Two storey side extension, front balcony, driveway extension and ground works.		
<b>Location:</b>	17B Maxwell Road, Bangor, BT20 3SQ.		
<b>Applicant:</b>	Pauline and Sharon Wylie		
<b>Date valid:</b>	19.12.2023	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	09.01.2025	<b>Date last neighbour notified:</b>	12.12.2024
<b>Letters of Support: 0</b>	<b>Letters of Objection: 12</b> from 8 separate addresses	<b>Petitions: 0</b>	
<b>Consultations – synopsis of responses:</b>			
Consultation was not required.			
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development.</li> <li>• Impact on the appearance and character of the existing dwelling, surrounding area and proposed Area of Townscape Character.</li> <li>• Impact on residential amenity.</li> <li>• Private amenity space.</li> <li>• Access, parking and road safety.</li> <li>• Impact on environmental quality and biodiversity.</li> </ul>			
<b>Recommendation: Grant Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningssystemni.gov.uk">Northern Ireland Public Register (planningsystemni.gov.uk)</a></p>			

## 1. Site and Surrounding Area

The application site is located at 17B Maxwell Road, Bangor, and contains a detached 1.5 – 2 storey dwelling with an integrated single storey flat roofed garage. The dwelling is finished in white rendered walls, white rainwater goods, white window frames, brown roof tiles and has two dormer windows on the front roof (Figures 1 and 2).

**Figure 1: Front of Application Dwelling**



**Figure 2: Rear of Application Dwelling**



The dwelling fronts onto Maxwell Road and is one in a row of detached dwellings within a large residential area with neighbouring dwellings located on the opposite side of Maxwell Road and to the rear of application site. Surrounding dwellings are detached, 1.5 - 2 storey and present in various high-quality styles.

In-curtilage car parking is available to the front of the dwelling on the driveway/in the existing garage with private gardens located to the front and rear of the dwelling. External access to the rear garden exists to the side of the garage, parallel to the northern boundary.

The boundaries of the application site are defined wooden by fencing and vegetation (hedges and shrubs). Land to the rear of the application site gentle inclines.

**2. Site Location Plan**

**Figure 3: Site Location Plan**



**Figure 4: Aerial Image of Application Site**



### 3. Relevant Planning History

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

### 4. Planning Assessment

#### 4.1 Planning Policy Framework

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Movement, Access and Parking (PPS 3)
- Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (PPS 7)
- Creating Places

#### 4.2 Principle of Development

According to both the NDAAP and dBMAP, the application site is located within Bangor Settlement Limit. The application site is also located within the proposed Bangor West Area of Townscape Character (ATC) according to dBMAP. There are no further environmental, architectural, or archaeological designations pertaining to the application site.

While the character of the proposed ATC has yet to be agreed, the impact of the proposal on the overall appearance of the proposed ATC remains a material consideration. Consideration of the impact of the proposal on the appearance of the proposed ATC is provided in section 4.3 of this report with it determined that the proposal would maintain the appearance of the proposed ATC and is acceptable in this regard. In light of the above, it is not considered that the proposal conflicts with the applicable designations in the LDP.

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

As the application site contains an authorised residential use, the principle of development is accepted. Assessment will therefore focus on other material planning considerations provided under the subsequent headings of this report.

#### 4.3 Impact on the Existing Dwelling and Character of the Area

Full planning permission is sought for demolishing the existing garage/utility room and replacing it with a two-storey side extension with a front balcony as well as for a driveway extension and ground works.



The driveway extension will occupy a small portion of the front garden (Figure 5), providing for additional parking space with a Bitmac surface, which will match the existing driveway. The proposed ground works are to the rear of the dwelling and include creating a level paved path with steps up to a lawn/landscaped garden. Having reviewed the proposed ground levels, I consider the proposed ground works sympathetic to the existing topography and respectful to the application site. Both the proposed driveway extension and proposed ground works are considered in keeping with the appearance and character of the area/proposed ATC and acceptable in this regard.

Figure 5: Existing Site Plan



Figure 6: Proposed Site Layout Plan

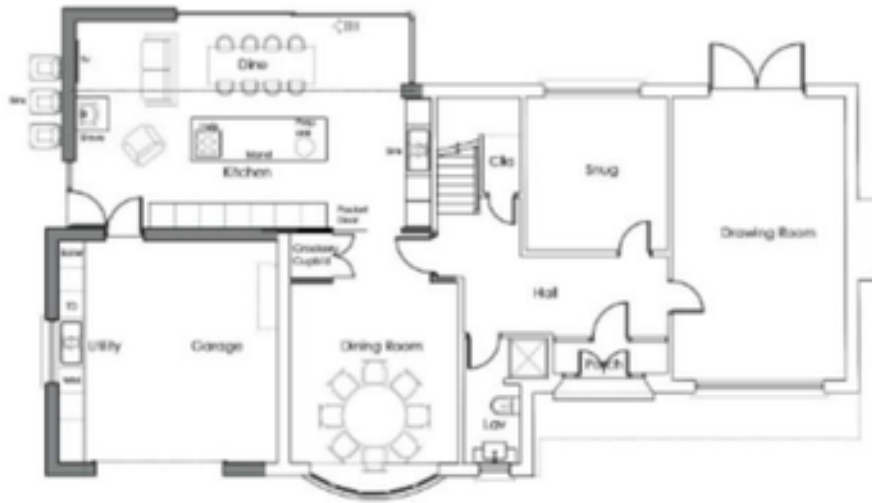


The proposed two-storey extension will be sited on the northern elevation, on the footprint of the existing garage/utility room and will see the development of a new garage and allow for an enlarged kitchen at ground floor level and a bedroom, dressing room and ensuite at first floor level. The two-storey extension drops to a single storey extension to the rear of the dwelling. A balcony has also been proposed on the front elevation and will serve the proposed bedroom as well as an existing bedroom (Figure 6). Only that portion outlined in blue in Figure 6 will project beyond the existing side building line which equates to 0.4m increase in width.

Sufficient external space will be retained to access the rear of the application site where the bins will be stored.

With regard to scale and massing, the Proposed Elevations Plan (Figure 7) illustrates that the two-storey side extension will come level with the front building line and existing ridge height. Having reviewed the proposed plans, it is my professional planning judgement that the proposed dimensions are respectful to, and will not dominate the character of, the existing dwelling, and will ensure the two-storey extension integrates with the shape of the existing dwelling. There will be no public views of the single storey rear extension which could be developed under permitted development rights. I am therefore content that scale and massing of the proposed two-storey extension has proportion and balance which will allow it to integrate with the shape of the existing property.

Figure 7: Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan

Figure 8: Proposed Elevations



I am further satisfied that the two-storey extension has been designed to form an integral part of the property both functionally and visually with complementary external finishes proposed. As the proposed two storey extension has been designed to be sensitive to the original dwelling, it is considered compatible with the character of the existing property, surrounding area and would not adversely affect the overall appearance of the proposed ATC. The single storey extension is also compatible with the host dwelling and, as it will be located to the rear of the dwelling completely out of public view, will have a negligible impact on the appearance of the dwelling or proposed ATC.

A large balcony stretching across both bedroom windows on the front elevation was originally proposed. This has since been amended to a small balcony and Juliet balcony off the bedrooms, reducing the overall impact on the front elevation. It is also noted however, that there are examples of other balconies on the front of dwellings within the immediate area.

Taken as a whole, I do not consider that the proposal will detract from the appearance or character of the application dwelling, surrounding area or proposed ATC. The scale, massing, design and external materials of the proposal are considered sympathetic with the built form and will not detract from the appearance and character of the surrounding area including maintaining the appearance of the proposed ATC as a whole. I am therefore satisfied that the proposal complies with the planning policy in this regard.

### 4.4 Impact on Privacy and Amenity of Neighbouring Residents

#### Potential for Overlooking

The proposed balcony on the front elevation of the two-storey extension will have no greater impact on the privacy of those properties on the opposite side of Maxwell Road as views already achieved from the public road and footpath. Additionally, there will be 40m separation distance between the proposed balcony and closest neighbouring property on the opposite side of Maxwell Road. These dwellings front the road with no adverse impact on rear private amenity space.

The balcony will be inset into the front elevation of the dwelling and therefore there would not be the potential for any views towards the closest window of No.17A (kitchen window highlighted blue in figure 9).

Figure 9: Position of balcony adjacent to 17A Maxwell Road





Proposed First Floor Plan

The two-storey extension has no first-floor windows on the side elevation facing No. 17A Maxwell Road so overlooking will not be possible from the side elevation.

The two first-floor windows proposed on the rear elevation of the two-storey extension will serve a dressing room and ensuite and would be subject to a condition requiring the use of obscure glass, thus preventing any overlooking.

No further dwellings could be overlooked by the two-storey extension with it not considered that overlooking to an unacceptable degree can occur from the ground floor windows or windows on the single storey rear extension given the existing boundary treatments.

#### Potential for overshadowing, loss of light and dominance

The two-storey side extension will be sited on the northern elevation adjacent to No. 17A Maxwell Road. The side elevation of No. 17A Maxwell Road which faces the site, contains a ground floor kitchen window (4.3m away from the extension), a ground floor window serving a utility room, a dormer window at first floor serving a bathroom (4.5m away from the extension), and double-glazed doors at ground floor serving a dining room (5.1m away from the extension). As per the guidance set out in paragraph A34 of the Addendum to PPS7, the effect of development on the daylight to utility rooms and bathrooms is not considered under the policy as these are not considered to be habitable rooms. Therefore, the only windows to be considered in this case are the kitchen and dining room windows referred to above.

Having attended the property at No. 17A Maxwell Road, I can confirm that the ground floor side window of No. 17A Maxwell Road provides a secondary source of light to the kitchen with the primary source of light provided by the larger window on the front elevation (see figure 10 below). Paragraph A37 of the Addendum to PPS7 advises that when considering impact on daylight, a relevant factor is whether or not the affected window is the primary source of light to the room and also whether there is an alternative natural source of light to that room. Given that the primary source of natural light to the kitchen will remain unaffected by the proposal, I am satisfied that an unreasonable loss of light will not occur to this window.

Figure 10 – Main front facing kitchen window to 17A



The double-glazed doors serving the dining room of No. 17A Maxwell Road will not sit immediately opposite the two-storey extension as can be seen in Figures 11, 12 and 13 below with the grey coloured area opposite as shown on the site plan, representing the single storey section of the extension. While the single storey element of the extension would be positioned partially opposite the doors, it will be located 5.1m away from the doors, will have a modest height of 3.3m and the room will still gain an adequate amount of daylight from the south/southeast.

Figure 11: Position of ground floor dining room doors at 17A in relation to proposed extension



**Figure 12 – Single storey rear extension opposite glazed doors to 17A**



**Figure 13: Orientation of Application Dwelling Towards the Double Glazed Doors of No. 17A Maxwell Road**





**Figure 14: View of Application Dwelling from Double Glazed Doors of No. 17A Maxwell Road**



The view from the dining room doors of 17A as shown in figure 14 above, demonstrates the position of the doors towards the rear of 17B. The proposed single storey element of the extension will be similar in height to the existing flat roof garage which can be seen in the photo just above the party boundary hedge. It is not considered that a modest single storey extension of this height to the rear of the dwelling will result in any unacceptable loss of daylight to these dining room doors. It is clear that the current skylight to the rear of 17B that can be seen in the photo will remain unobstructed.

Furthermore, when considering proposals for extensions, Policy EXT1 advises that a material consideration in the assessment must be what extent of development could occur under permitted development rights. In this case, the applicant could build a single storey side extension of 4m in height right up to the party boundary which could potentially have a much greater impact on the dining room than the current proposal. The applicant could also build a 2-storey extension under permitted development to the rear of the existing garage that would also have a much greater impact on the dining room windows than the current proposal.

Therefore, in summary, I do not consider that any unacceptable loss of light will occur to 17A for the following reasons:

- The kitchen window on the side elevation facing the proposed extension is not the only source of light to the room with the main window located on the front elevation and remaining unaffected.
- The two-storey element of the extension will not directly face the glazed dining room doors and will be built against the backdrop of the existing dwelling which already impinges daylight, therefore the two-storey element will not obstruct any direct daylight to the room to an unreasonable degree.
- The single storey extension will only sit partially directly opposite the dining room doors and will be modest in height and scale, meaning that the doors will still benefit from direct daylight.
- The glazed doors are south facing and benefit from direct sunlight for the first part of the day and, throughout the whole day the neighbouring dining room would generally have a brighter aspect being south facing.

With regard to the impact on the garden area of No. 17A, planning policy explains that overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission.

Loss of light to the rear garden of No. 45 Ranfurly Avenue will not occur given the separation distance of 30m between its most private amenity space (decked area) and the proposed extension.

#### Potential for Dominance

Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Paragraph A31 of PPS7 Addendum advises that neighbouring properties should not be adversely affected by a sense of being 'hemmed in' by an extension and that this can often result from the construction of a large blank wall.

The only neighbouring dwelling that could be affected by potentially being dominated by the proposal is No. 17A Maxwell Road which is located immediately north of the application site/proposed extension. All other neighbouring dwellings are located a satisfactory distance away from the proposed extension so to not be dominated by it.

As highlighted earlier, those windows on the side/southern elevation of No. 17A Maxwell Road include a ground floor kitchen window, a ground floor utility room window and double-glazed doors serving a dining room. At first floor level, a dormer window serves the bathroom. As the primary outlook from the front window will remain open and unaffected by the proposed extension, I do not consider No. 17A Maxwell Road will be dominated by the proposal from viewing the two-storey extension through its side kitchen window. As both the bathroom and utility room are considered non-habitable rooms, the potential for dominance to these rooms is not a material planning consideration. The outlook from the double-glazed doors serving the dining room will not be dominated by the proposed extension as they will not sit immediately opposite it with views past the rear elevation remaining achievable towards the sky as already demonstrated in the above images.

It is acknowledged that the closer proximity of the proposed extension will have an impact on the small area of private amenity space to the south of 17A. However, this is a small, narrow area of amenity space with the main, larger area located to the east of the dwelling (see figure 15 below), therefore any potentially dominant impact on the outlook from this small area of amenity space is not considered to be determining. The proposed development will not result in any unacceptable dominant impact on the outlook from any of the dwellings' main elevations or main habitable rooms.

Figure 15 – 17A Private Amenity Space



In terms of the separation distance of the two-storey extension from 17A, it is considered that this is comparable to the spacing between other two storey dwellings in the area. The extension would be positioned between 4m and 5.1m from 17A and between 1.7m and 2.4m from the party boundary. The spacing between the two-storey extension and 17A would not be less than that already prevalent in the area. As can be seen in figures 16 and 17 below, from a visual perspective and considering the issue of potential dominance, the pattern of development on this side of the road includes examples of detached dwellings positioned in close proximity to each other, particularly Nos. 17c, 17d and 17e.

Figure 16 – Adjacent dwellings on Maxwell Road with close spacing



**Figure 17 – 17c, 17d and 17e Maxwell Road**



I have considered the proposal in its entirety and assessed the potential for any unacceptable degree of overlooking, dominance or loss of light to neighbouring dwellings. In my professional planning judgement, for the reasons outlined in the above detailed consideration, I am content that the proposal satisfies the policy requirement to not unduly affect the privacy or amenity of neighbouring residents.

#### **4.5 Impact on Trees/Landscape Features**

No trees/landscape features would be affected by the proposal, and it will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

#### **4.6 Impact on Private Amenity Space and Access, Parking and Road Safety**

An acceptable amount of private amenity space will be retained for recreational and domestic purposes in accordance with the guidance document *Creating Places* which recommends a minimum of 70sqm.

The proposed parking provision is considered acceptable and complies with parking spaces required for a 5-bedroom dwelling. The existing access will remain unchanged by the proposed development will therefore bear no impact on road safety.

In light of the above, I am satisfied that sufficient provision has been achieved within the curtilage of the property for recreational and domestic purposes including the parking and maneuvering of vehicles. The proposal also does not prejudice the safe movement of traffic.

#### **4.7 Impact on Designated Sites/Natural Heritage Interests**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential

impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

## 5 Representations

The Planning Department received twelve letters of objection from eight separate addresses. The following material planning considerations were raised:

***The extension is not sympathetic or in keeping with neighbouring properties, the surrounding area or ATC in terms of height, scale, massing, shape, design, layout, appearance and landscaping.***

This concern has been assessed in detail in Section 4.3 of this report with it determined that the proposed development will not detract from the appearance or character of the application dwelling, surrounding area or proposed ATC and is compliant with planning policy.

***The extension will dominate the outlook from No. 17A Maxwell Road.***

This concern has been assessed in detail in Section 4.4 with it determined that the proposed development will not result in any unacceptable adverse impact by way of dominance.

***Loss of light to the neighbouring dining room and kitchen windows of No. 17A Maxwell Road.***

This concern has been assessed in detail in Section 4.4 with it determined that the proposed development will not result in any unacceptable adverse impact by way of loss of light to any habitable rooms of 17A.

***Loss of light to the rear garden of No. 45 Ranfurly Road and front and rear gardens of No. 17A Maxwell Road.***

This concern has been assessed in detail in Section 4.4 with it determined that the proposed development will not result in any unacceptable adverse impact by way of loss of light to any garden areas of adjacent properties.

***Loss of privacy to No. 17A Maxwell Road resultant from the proposed balcony overlooking its front garden.***

This concern has been assessed in detail in Section 4.4 with it determined that the proposed development will not result in any unacceptable adverse impact by way of loss of overlooking from the proposed balcony.

***Overlooking from the proposed first floor rear windows of the extension into the No. 17A Maxwell Road and 45 Ranfurly Avenue.***

This concern has been assessed in detail in Section 4.4 with it determined that the proposed development will not result in any unacceptable adverse impact by way of overlooking from the proposed first floor rear windows.

The following concerns were also raised but are not material planning considerations that can be given determining weight in the assessment of the application:

- The proposal will obstruct views to Carnela Golf Course and the sea.
- The loss of a view will impact on the re-sale value of a property.
- No explanation has been provided in relation to the period of time the construction works will be carried out.
- The proposal will cause noise, dust and disruption.

The right to a view is not a material planning consideration that can be awarded determining weight, nor is impact of the loss of a view on the value of property.

With regard to the period of development on the site in terms of dust, noise and disruption created during the construction phase, planning permission is granted for a period of five years, during which construction may start at any time prior to the expiry of the five year period at the discretion of the developer. Any dust or noise emitted during the construction period is considered temporary in nature and commonplace during development.

## 6 Recommendation

**Grant Planning Permission**

## 7 Conditions

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

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

2. The windows shaded blue on Drawing No. 06, shall be glazed with obscure glass prior to occupation of the development hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy and protecting amenity.

## Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.

### Appendix One: Submitted Plans

#### Site Location Plan (Drg 01)

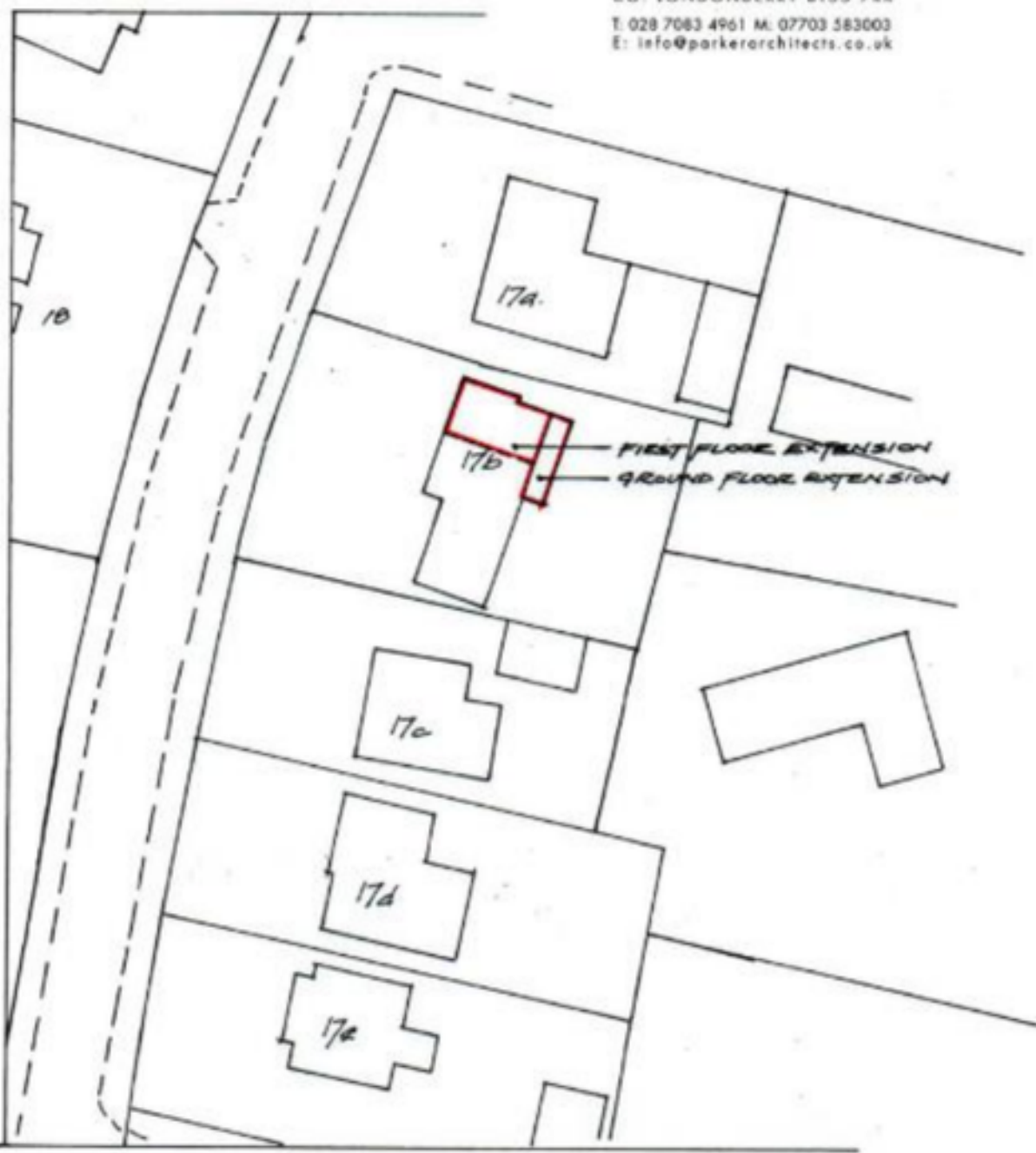


Proposed Block Plan (Drg 02)

**PHILIP PARKER ARCHITECTS LTD**



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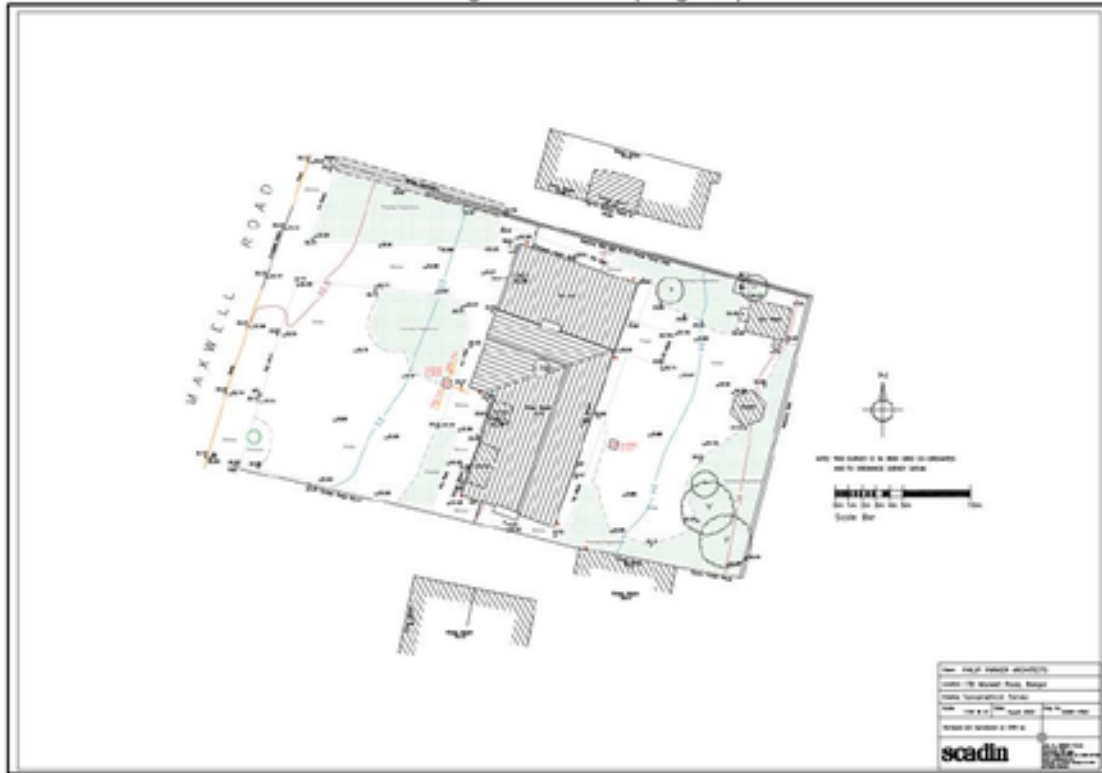


17B MAXWELL ROAD, BANGOR - BLOCK PLAN  
SCALE 1:500  
08 DECEMBER '23

DIRECTOR T H PHILIP PARKER & Co. (INCNS) DAAS #BA  
COMPANY REGISTRATION NO. NI 48890. REGISTERED ADDRESS 24B UPPER NEWTOWNARDS ROAD, BELFAST BT4 3EJ.



Existing Site Plan (Drg 03)



Proposed Site Plan (Drg 04)





## Appendix Two: Site Inspection Photographs

### Neighbouring Dwellings



**Photographs taken at Application Site**

Front of Application Dwelling



Front Garden and Driveway





Rear of application dwelling





Rear garden





**Photographs taken from No. 17A Maxwell Road**

Front of No. 17A Maxwell Road



View towards proposed extension from rear yard



View from bathroom window







View from glazed doors serving dining Room



View from front elevation towards application dwelling



View from side kitchen window



**Photographs taken from No. 45 Ranfurly Avenue**


View from decked area towards proposed extension



## ITEM 4.4

## Ards and North Down Borough Council

Application Ref	LA06/2024/0595/F
Proposal	Enclosed private amenity space (13 sqm) to ground floor bedroom
Location	The Old Inn, 15-25 Main Street, Crawfordsburn DEA: Holywood & Clandeboye
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	02/07/2024
Summary	<ul style="list-style-type: none"> <li>• 14 objections received from 12 separate addresses, which are addressed in the Case Officer's Report</li> <li>• Proposed 13sq.m courtyard off an existing ground floor bedroom.</li> <li>• Does not conflict with LDP including proposed Area of Village Character.</li> <li>• Proposal complies with policies TSM 1 &amp; 7 in that it is within the settlement limit and respects the site context in terms of scale, size and design.</li> <li>• Located to rear of existing pedestrian archway on Main Street with limited public views and no adverse impact on character of surrounding area.</li> <li>• The proposal does not impact any existing car parking spaces or the existing vehicular entrance to the hotel car park.</li> <li>• Proposal does not generate a requirement for any additional parking spaces.</li> <li>• The pedestrian access is not impacted by the proposal.</li> <li>• DfI Roads has no objections.</li> <li>• Environmental Health has no objection with the small, enclosed area sited on the hotel's side elevation with no impact on neighbouring residential amenity or existing trees to rear of site.</li> </ul>
Recommendation	<b>Grant Planning Permission</b>
Attachment	Item 4.4a – Case Officer Report

<b>Development Management Case Officer Report</b>		 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2024/0595/F	<b>DEA:</b> Holywood & Clandeboye	
<b>Proposal:</b>	Enclosed private amenity space (13 sqm) to ground floor bedroom		
<b>Location:</b>	The Old Inn, 15-25 Main Street, Crawfordsburn		
<b>Applicant:</b>	Colin Johnston		
<b>Date valid:</b>	02/07/2024	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	15/08/2024	<b>Date last neighbour notified:</b>	21/10/2024
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 14 (from 12 separate addresses)	<b>Petitions:</b> 0	
<b>Consultations – synopsis of responses:</b>			
DFI Roads		Dfi Roads would offer no objections to this proposal.	
Environmental Health		No objections	
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, Visual Impact and Impact on Character of the Area (including impact on Crawfordsburn proposed Area of Village Character)</li> <li>• Impact on Residential Amenity</li> <li>• Access, Road Safety and Car Parking</li> <li>• Designated Sites/Other Natural Heritage Interests</li> <li>• Other Planning Matters</li> </ul>			
<b>Recommendation: Grant Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningregister.planningsystemni.gov.uk/simple-search">https://planningregister.planningsystemni.gov.uk/simple-search</a>			

## 1. Site and Surrounding Area

The site is located on the northern side of Main Street in the village of Crawfordsburn, and to the rear of the existing Old Inn, a hotel and spa complex with adjacent car parking.

Currently to the east of the hotel is a building designed to reflect the look of two cottages with two separate doors accessing onto the footpath on Main Street, but which are currently in use at first floor level as offices, with parking underneath.

The site of the proposal is located to the side of the existing hotel building.

There are vehicular accesses to the north-west and south-east of the office building. Both accesses have electric barriers installed with one being utilised as an entrance and the other as an exit. The remaining land within the blue line is occupied by car parking spaces. The rear boundary of the car park is formed by mature planting. There are various stone walls within the site. The area consists of 1.5 and 2 storey dwellings and commercial properties. The buildings are typically finished in render, painted white with dark coloured window and door frames.

The site is within the settlement of Crawfordsburn as designated in the North Down and Ards Area Plan 1984 – 1995 and also draft Belfast Metropolitan Area Plan (BMAP) 2015. Within draft BMAP the site is also located within the proposed Crawfordsburn Area of Village Character (Designation CFN 02). The area contains a mix of residential and commercial uses.

## 2. Site Location Plan



### 3. Relevant Planning History

W/2011/0012/F - New entrance portico, 4no. dormer windows to front elevation, clock tower, car park archway, single storey facade building with storage accommodation above, escape exit alterations and new walls/railings to car park – Permission granted 01/05/2012

W/2012/0457/F – New three storey building comprising storage, offices, roof terrace and trees at the Old Inn – Permission granted 26/07/2013.

W/2013/0124/F - Proposed new car park facing facade including new gable to Main Street elevation, new clock tower, new function suite entrance and a port cochere, new archway and new cottage style facade on Main Street – Permission granted 12/06/2014.

W/2014/0451/F – Change of use of existing cottage style building from first floor store to first floor office – Permission granted 03/03/2015.

LA06/2018/0237/F – New 2-storey building comprising storage, offices, roof terrace with footbridge and trees at the rear of the Old Inn Crawfordsburn (renewal of W/2012/0457/F) – Permission granted 23/09/2019.

LA06/2023/1505/F – Development of 3no. self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers – Permission granted 10/04/2024

LA06/2024/0605/CLOPUD - Internal works to the ground floor of the hotel including replacement of kitchen and function room with changing rooms and relocation of bedroom and alterations to library / dining room - granted – 23/08/2024

LA06/2024/0197/F – 1<sup>st</sup> floor extension to rear to provide three treatment rooms - Permission Granted – 08/10/2024

### 4. Planning Assessment

**The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:**

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6 Addendum: Areas of Townscape Character
- Planning Policy Statement 16: Tourism

### **Principle of Development**

The site is located within the curtilage of a long-established hotel business, known as The Old Inn, Crawfordsburn. The site is within the settlement limit of Crawfordsburn and whilst also being within the proposed Crawfordsburn Area of Village Character, it is not designated for a particular use and therefore is considered to be in conformity with the plan provided it complies with all other material planning considerations.

The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The proposed private courtyard is sited on the east elevation of the Old Inn adjacent to a ground floor bedroom. The courtyard is 13 sqm in area and will be finished in white render to match the Old Inn with timber access gate. The cover letter from the agent, states, *'the proposal represents the enhancement of a bedroom at the hotel'*. These works are considered minor in nature.

Policy TSM 1: Tourism Development in Settlements of PPS 16 states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

Policy TSM 7: Criteria for Tourism Development provides design and general criteria for all proposed tourism development. The criteria will be considered below, under each detailed heading.

### **Development Plan**

NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. As there are no material provisions in the extant Plan or dBMAP that are pertinent to the proposal, the determination will be based on other material considerations.

Whilst the hotel site is located within a proposed AVC in draft BMAP the impact of the proposal on the overall appearance of the proposed AVC remains a material consideration.

### **Impact on Existing Hotel and Character of Area**

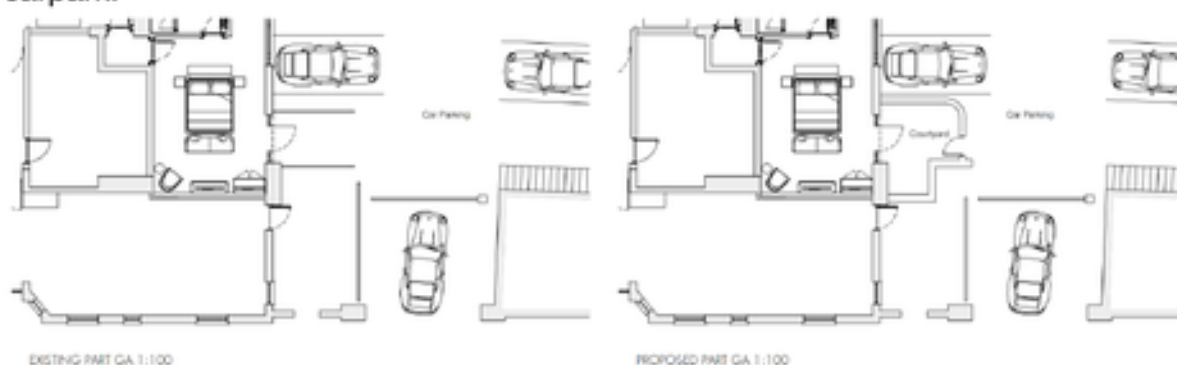


The proposal is sited on the east elevation of the Old Inn adjacent to a ground floor bedroom.



**Fig 1: Existing and proposed front elevations.**

Figure 1 above shows how the proposal will have no unacceptable impact on visual amenity or character of the area. It is situated to the rear of the pedestrian arched way (entrance). Sufficient space remains to ensure pedestrian access to the carpark.



**Figure 2: Existing and proposed ground floor plans.**

The proposed courtyard can be accessed through the existing bedroom or from the car park (via a timber gate). Finishes are annotated as render to match the existing.

The proposal does not involve any elevation changes to the front elevation of the hotel and will be viewed mainly from the existing carpark. The design of the extension is considered respectful to the existing buildings within the Old Inn Hotel site in terms of style, materials and the proposed design, scale and massing is considered to be appropriate to the character and appearance of the site and wider locality whilst promoting sustainable economic tourism development.

It remains a material consideration that the site is also located within the proposed Crawfordsburn Area of Village Character (AVC) (Designation CFN 02). The policies within the Addendum to Planning Policy Statement 6 (APPS 6) and the related provisions of the SPPS refer to Areas of Townscape Characters. The Preamble states that all references to Areas of Townscape Character (ATC) within the APPS 6 should be read as including Areas of Village Character (AVC). The Commissioner in appeal decision 2021/A0227 considered that there is no reference made to proposed AVCs, which do not have the same status or legal standing as a designated AVC. However, the commissioner further noted in this case that the potential impact of the appeal development on the character of the proposed ATC as a whole remained a material consideration.

The key features of the AVC are the vernacular building form along each side of Main Street, with single and two storey buildings, mostly dating from the late eighteenth century, the community hall and tea room in Main Street, the Georgian buildings and nineteenth century man-made landscape, the important examples of industrial archaeology including the eighteenth century water mill on Main Street and the stump of a windmill built in 1830 and lastly, the traditional forms of construction.

The plan does refer to the adherence in replacement and repair works to traditional forms of construction. Vertically proportioned windows, types of doors, chimneys and slate roofs and the use of a white and black colour scheme for exterior render and woodwork has afforded cohesion to the townscape and an inherent sense of place. Given the small scale of the proposal to the side of an existing hotel it will not have an adverse impact on the key features or character of the proposed AVC.

### **Impact on Privacy and Amenity of Neighbouring Residents**

The proposed courtyard extension will have no impact on the residential amenity of the surrounding area. Environmental Health has been consulted and has no objection.

### **Impact on Trees/Landscape Features**

The proposal does not have any impact on trees or other landscaping features.

### **Access and Road Safety and Parking**

Access to the car park of the hotel is unaffected by this application.

Car parking has been raised as a concern via representations. DFI Roads has no objection to the application. The proposal does not have any impact on car parking on this site, there will be no intensification of use, nor loss of parking spaces.

The application form confirms the use of an existing unaltered access to the public road.

The proposal will have no impact on traffic entering or leaving the site.

### **Designated Sites and Natural Heritage**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely

to have a significant effect on the features, conservation objectives or status of any of these sites.

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

### Conclusion

On balance, the proposal to provide a 13sq.m enclosed courtyard from an existing bedroom to the side of the existing hotel. It is considered to be appropriate to the settlement and it respects the site context in terms of scale, size and design.

## 5. Representations

Currently 14 representations have been received to this planning application. These are all objections.

Those material planning matters raised in submitted representations are summarised below. Matters raised in the objection letters primarily relate to the loss of parking space and issues with traffic and car parking issues within Crawfordsburn village. Objectors consider the application as removing part of the parking area and this in turn will directly exacerbate the existing car parking and traffic problems in the village.

- Light/noise pollution

Ards and north Down Environmental Health Department have been consulted and have no objections in terms of noise. The plans submitted do not show any exterior lighting, there are currently outdoor lights attached to the Old Inn hotel.

- Impact on wildlife in nearby country park

The small scale of the proposal and location within an existing car park means there will be no impact on wildlife or the country park.

- Design like treatments rooms which were only passed as they were to the rear and could not be seen from the front of the hotel.
- Out of keeping with AVC

Every planning application is considered on its own merits. The proposal, although visible from the public road, is located within the existing car park and behind the building line of the front of the hotel.

- Unnecessary

An application of this scale is not assessed on need.

- Drawing appears to be incorrect, sufficient space to create a car parking space instead of the fenced off area.
- Car parking falls below the DFI Requirement
- Existing wheelchair access ramp is not shown and would seem to be removed

Wheelchair access to the Old Inn is not a material planning consideration and it is the responsibility of the hotel to ensure they comply with building regulations regarding access for the disabled.

- Misalignment with the local development plan, including future areas policies (e.g. the upcoming Village Plan 2025)

The majority of the issues raised have been considered in the main body of this planning report.

Current car parking issues within Crawfordsburn Village are acknowledged, however people parking in dangerous locations on the street or footpaths is a matter to be investigated by the PSNI and is out with the planning application process.

Regarding the issue of prematurity, The Village Plan is a non-statutory document which outlines the long-term goals, objectives, and vision for the village. North Down and Ards Area Plan 1984-1995 (NDAAP) is the statutorily adopted development plan in relation to the application site with Draft Belfast Metropolitan Area Plan 2015 (dBMAP) remaining a material consideration where applicable.

DFI Roads has been consulted and they have no objections to the application. This application has no impact on parking provision (there will be no loss of spaces and the accesses are not affected) despite assertions in objection letters to the contrary.

## 6. Recommendation

**Grant Planning Permission**

## 7. Conditions

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

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

**Informative**

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

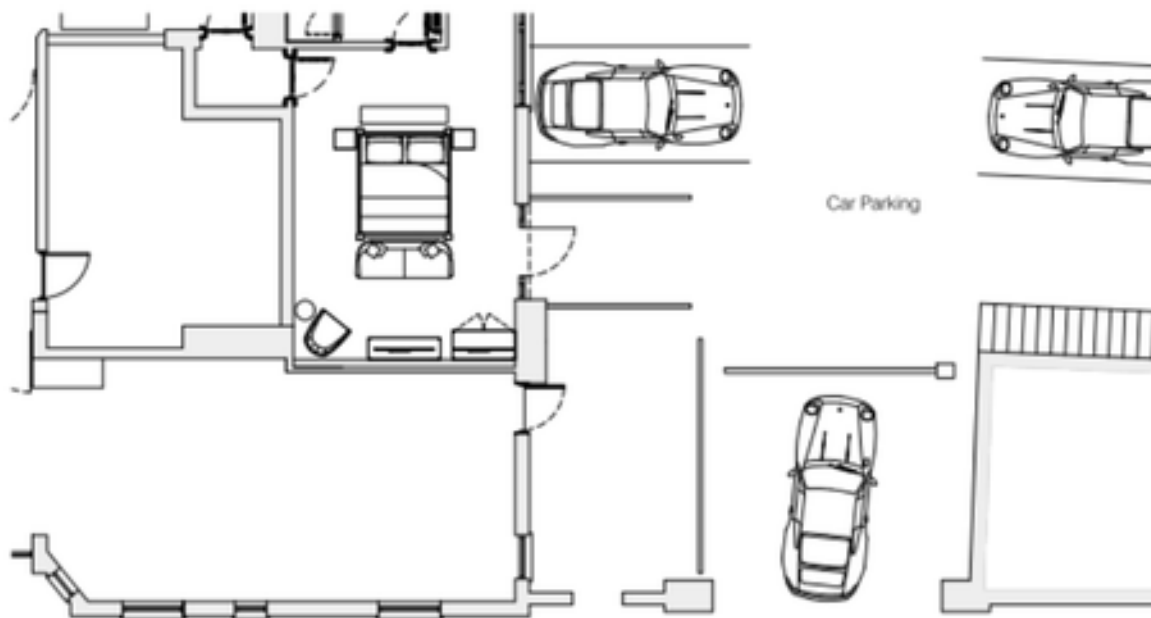
**Plans considered LA06/2024/0595/F**



**Site location Plan**

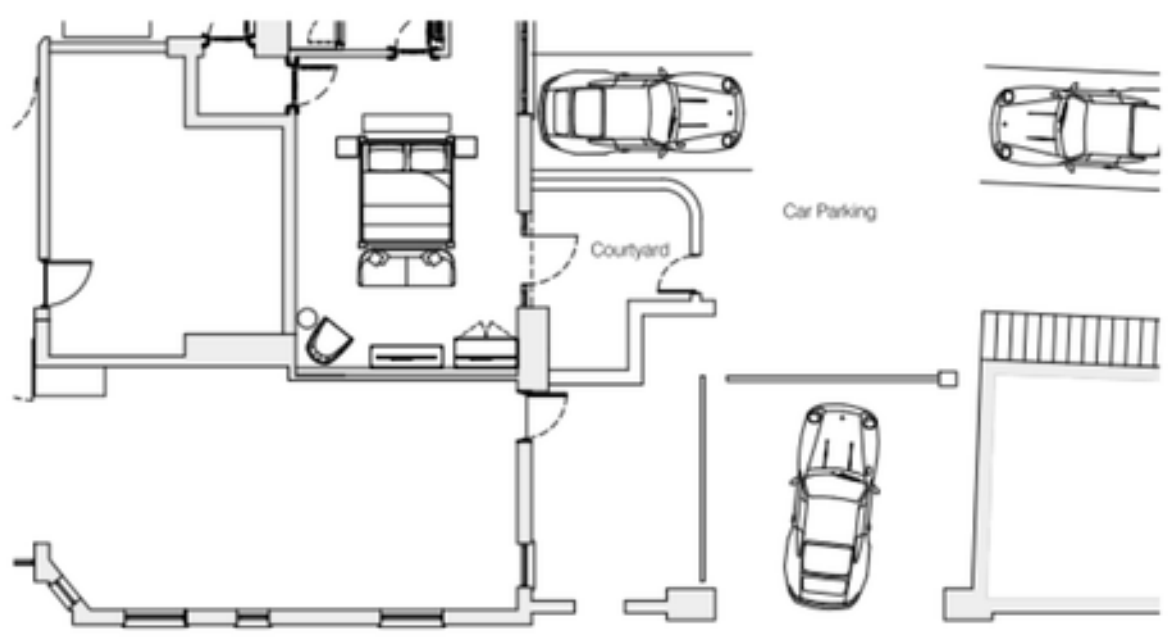


Site block plan



EXISTING PART GA 1:100

Existing part Ground Floor plan



PROPOSED PART GA 1:100

**Proposed part ground floor plan**

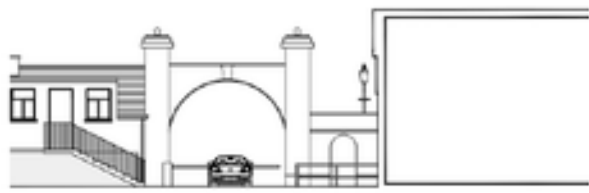


EXISTING PART FRONT ELEVATION 1:100

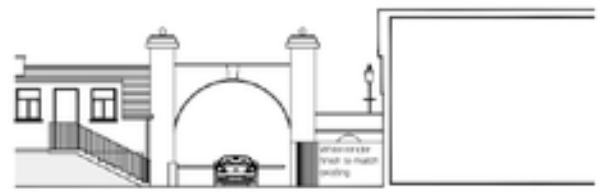


PROPOSED PART FRONT ELEVATION 1:100

**Existing and proposed front elevation**



EXISTING PART REAR ELEVATION 1:100



PROPOSED PART REAR ELEVATION 1:100

**Existing and proposed part rear elevation**



EXISTING PART SIDE ELEVATION 1:100



PROPOSED PART SIDE ELEVATION 1:100

**Existing and proposed part side elevation**






## ITEM 4.5

## Ards and North Down Borough Council

Application Ref	LA06/2023/1658/F
Proposal	Single dwelling
Location	Land adjacent to & approx. 17m South of 27 Auburn Park, Bangor DEA: Bangor West
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	31/03/2023
Summary	<ul style="list-style-type: none"> <li>• The proposal does not conflict with the development plan with the site in existing urban, residential area.</li> <li>• The proposed single storey dwelling complies with PPS 7 QD1 in that it does not harm the character of the area with similar approvals in immediate vicinity along West Circular Road boundary.</li> <li>• The proposed dwelling does not harm neighbouring residential amenity, satisfies the requirement for private amenity space and respects surrounding density of the established residential area therefore complying with policy LC1 of the Addendum to PPS 7.</li> <li>• DfI Roads has no objections, and the proposal meets the policy requirements of PPS 3.</li> <li>• No objections from consultees with exception of NI Water where Council utilises legally applied negative condition concerning foul sewage.</li> <li>• 8 objections received from 7 separate addresses which have been fully addressed and considered in case officer's report.</li> </ul>
Recommendation	<b>Grant Planning Permission</b>
Attachment	Item 4.5a – Case Officer Report

<b>Development Management Case Officer Report</b>		 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2023/1658/F	<b>DEA:</b> Bangor West	
<b>Proposal:</b>	Single dwelling		
<b>Location:</b>	Land adjacent to & approx. 17m South of 27 Auburn Park, Bangor BT20 3HW		
<b>Applicant:</b>	Yvonne Brown		
<b>Date valid:</b>	31/03/2023	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	06/07/2023	<b>Date last neighbour notified:</b>	21/06/2023
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 8 (from 7 separate addresses)	<b>Petitions:</b> 0	
<b>Consultations – Synopsis of Responses:</b>			
<b>DFI Roads</b>	No objections – subject to conditions		
<b>DAERA Water Management Unit (WMU)</b>	No objections – Standing advice		
<b>NI Electricity (NIE)</b>	No objections.		
<b>NI Water</b>	Refusal – Negative condition		
<b>DfI Rivers</b>	No Objections		
<b>Ards and North Down Environmental Health</b>	No Objections		
<b>Recommendation: Grant Planning Permission</b>			
<b>Agreed by Authorised Officer</b>			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Public Register ( <a href="http://planningsystemni.gov.uk">planningsystemni.gov.uk</a> ).			
<b>1. Site and Surrounding Area</b>			
The application site is located to the south of number 27 Auburn Park and adjacent to West Circular Road, Bangor. The rectangular shaped site is currently the garden area			

of number 27 and is 0.06ha in area. It is relatively flat, however there is a bank to the southern boundary with mature, tall trees on top. The north, east and west boundaries are formed by closed board timber fences with a short section of similar fencing located at the eastern extent of the north boundary. The remainder of the north boundary is defined by concrete posts and wire fencing with a row of over-mature cypress trees adjacent.

The application site is located within the settlement limit of Bangor.

The surrounding area is urban and is predominantly residential. The character of the area is that of two storey semi-detached dwellings.



## 2. Site Location Plan



**Figure 1: Site Location Plan**

### 3. Relevant Planning History

#### Application Site

No Relevant planning history

#### Surrounding Area

**Reference:** W/2003/1094/F

**Proposal:** 4 No. detached dwellings and associated site works.

**Address:** Development lands adjacent to West Circular Road, Bangor with access onto Warren Grove, Tudor Park, Aston Gardens and Auburn Park

**Decision:** Permission Granted (28/09/2006)

**Reference:** W/2005/0854/F

**Proposal:** Construction of 1 dwelling and associated site works.

**Address:** Lands Adjacent to Auburn Park

**Decision:** withdrawn

**Reference:** W/2009/0657/F

**Proposal:** 1 set of 2 storey semi-detached houses.

**Address:** Site adjacent to 16 Auburn Park Bangor.

**Decision:** Permission Granted (19/11/2010)

**Reference:** W/2014/0349/F

**Proposal:** Change of house type 2 no. semi-detached dwellings with associated hard and soft landscaping in substitute of previous planning permission planning ref W/2009/0657/F.

**Address:** Site adjacent to 16 Auburn Park Bangor.

**Decision:** Permission Granted (02/02/2015)

#### 4. Planning Assessment

The relevant planning policy framework for this application is as follows:

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS3)
- Planning Policy Statement 7: Quality Residential Environments (PPS7)
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas (Addendum to PPS7)

Relevant supplementary planning guidance for this application is as follows:

- Creating Places
- DCAN8: Housing in Existing Urban Area
- DCAN 15 Vehicular Access Standards

#### Principle of Development

Regional planning policies of relevance are set out in the SPPS and other retained policies. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and the retained policies contained in PPS2, PPS3, PPS7, PPS7A and PPS12 therefore these remain the applicable policy documents to consider the development under.

The application site is within the settlement limit of Bangor as defined in both the North Down and Ards Area Plan 1984-1995 and the Draft Belfast Metropolitan Area Plan 2015. NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable.

The NDAAP at section 13.7 states that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town.

In dBMAP the site is not zoned for any purpose. The site does not have any development plan constraints.

As the site is currently within Bangor settlement limit on unzoned land, the principle of a dwelling is acceptable in the context of the LDP subject to assessment of the potential impact and compliance with the relevant regional planning policies.



**Fig 2: Orthophotography of the site outlined in red**

#### **Visual Impact and impact on Character of Area**

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

Policy LC1 of the Addendum to PPS7 provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas.

The lands to the north, east and west are residential in character with a retail park to the south across the main dual carriageway therefore, the proposed land use is compatible.

It is acknowledged that the site will involve intensification in use of a side garden area as it was described on the application form as being a vacant domestic plot.

I consider that the proposal will not harm the character and appearance of the area. The proposed scheme represents a good standard of quality and design for the area and that the modest scale, massing, and design of the dwelling is appropriate for the proposed location.

A planning history search has shown there is a precedent for the development of these end of cul-de-sac plots in the immediate area.

See orthophotography below. The solid red polygon represents the application site, and the less opaque shaded area shows similar sites which have received planning approval for dwellings at the end of the cul-de-sacs.





**Fig 3: Orthophotography of site in relation to similar approved applications in the immediate vicinity**

The proposed dwelling is single storey with a height of 3.2 m (approx.) to the eaves and 4.57 m (approx.) to the ridge. It has a floorspace of 102.86 sqm set within a 0.06ha site. Roof covering to be pre-formed metal roof tiles, painted render walls, grey basalt stonework, white uPVC windows and aluminium gutters and downpipes. The finishes are similar to those in the surrounding area. It is acknowledged the surrounding area is characterised by two storey dwellings and this proposal is single storey, however its location at the end of the cul-de-sac, adjacent to number 27 means it is not considered to be incongruous in the street scene. The height of the proposed dwelling, the 1.8m high close boarded timber fence and the level of the site being lower than the road all help to reduce any visual impact when viewed from West Circular Road and Auburn Park. Dwellings in the immediate vicinity and those which have been previously approved on end of cul-de-sac sites are one and a half/two storey in height. Whilst the proposed dwelling is single storey its design and finishes are compatible with the surrounding urban area where a mix of residential types and a sustainable form of development are encouraged.



Fig 4: Proposed elevations

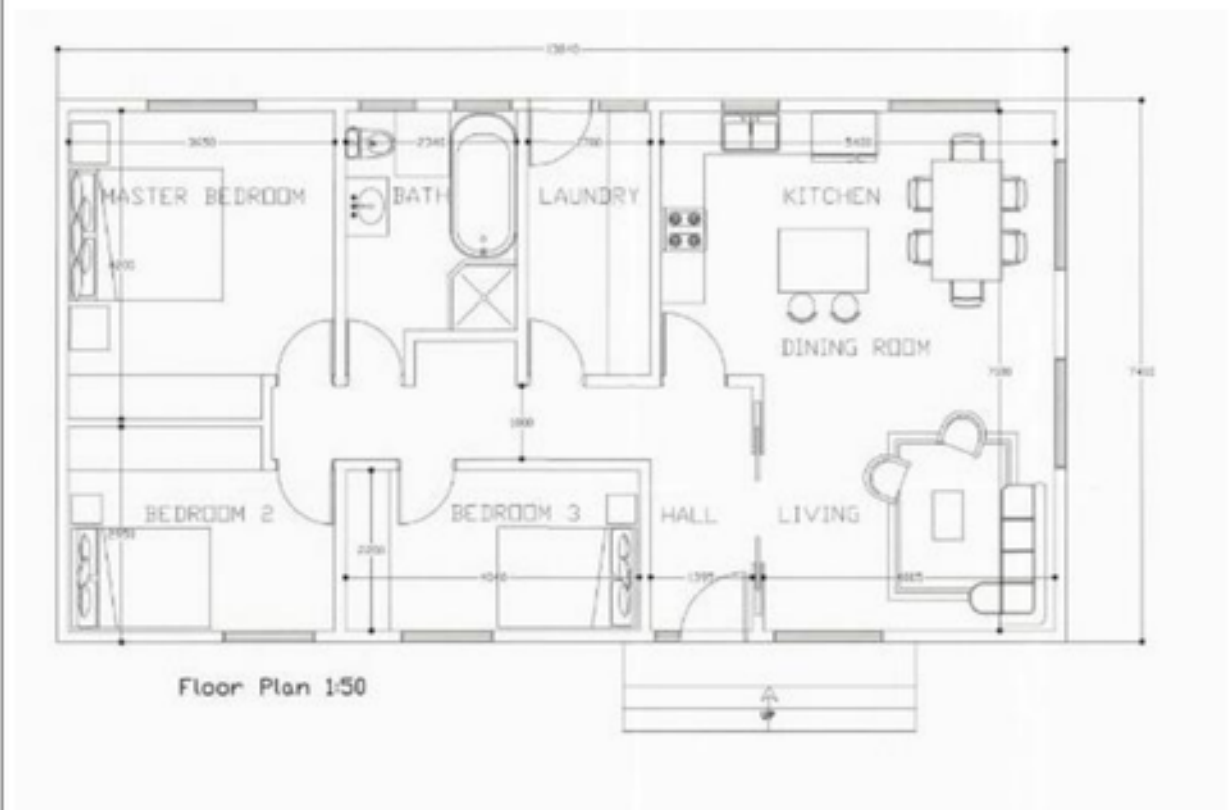
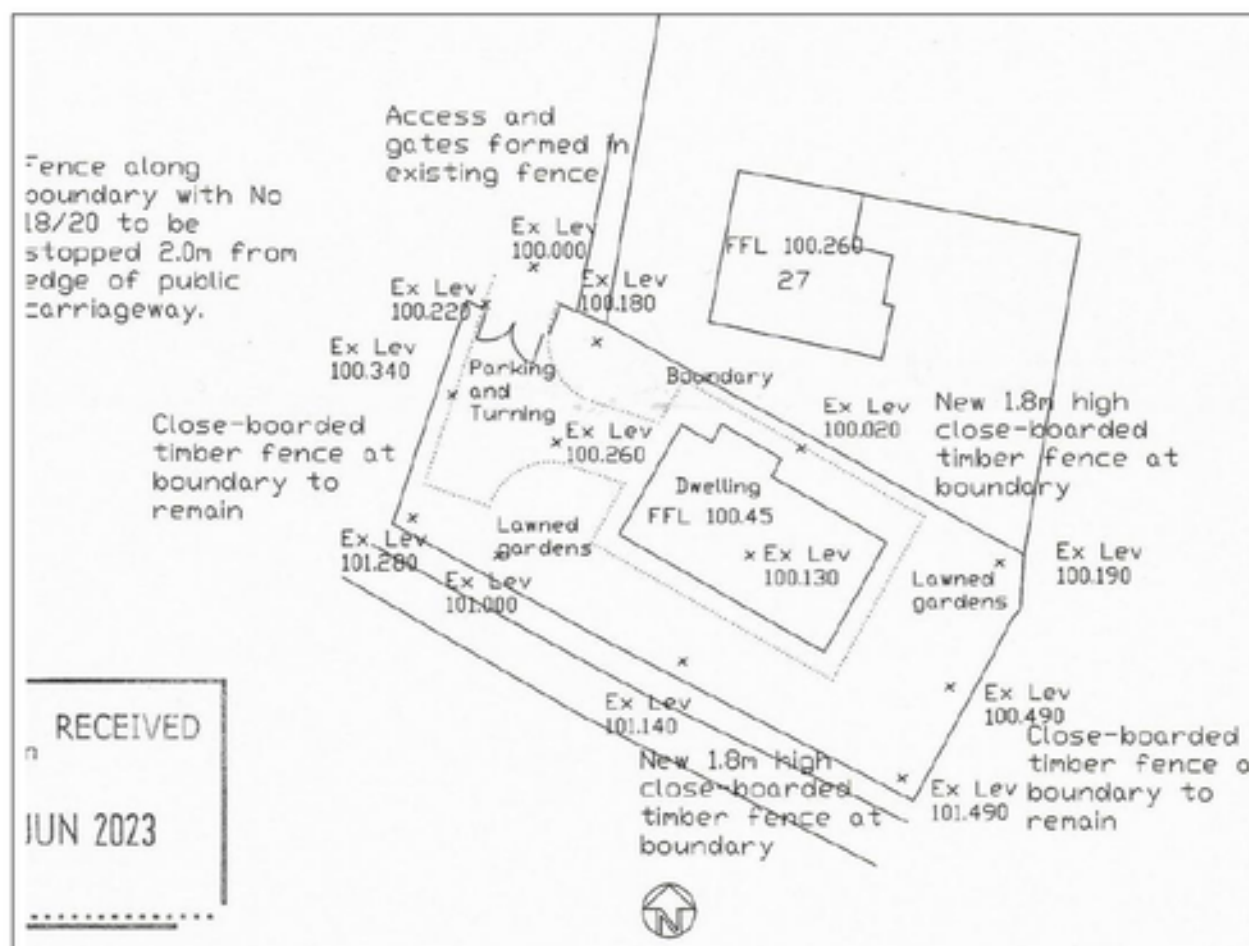


Fig 5: Proposed floorplans



**Fig 6: Proposed site plan**

The proposed site plan shows the dwelling to have a finished floor level (FFL) of 100.45, this is similar to that of the neighbouring property at number 27 which has a FFL of 100.26. A new 1.8m high close boarded wooden fence is proposed to the north east boundary between the proposal and number 27 and to the south west boundary with the carriageway. The existing close boarded wooden fence on the south east and north west boundaries are indicated to remain. Tall evergreen trees are located on the south west boundary: these will be removed and replaced with a 1.8m high close boarded timber fence. These trees are not subject to a Tree Preservation Order (TPO) and are not within a conservation area and therefore can be removed by the applicant without permission. A similar fence already exists either side of the application site and timber fenced boundaries are a feature along the boundary of dwellings adjacent to West Circular Road. Therefore, the removal of these trees and erection of a timber fence will have no unacceptable impact on visual amenity or to the character of the area.



**Fig 7: Image from Google Street View showing existing timber fencing either side of the application site. Also showing trees to be removed.**

The proposed dwelling is orientated to face north east and towards number 27 Auburn Park, its rear elevation will therefore face towards the carriageway (A2). This is not out of character in the area and dwellings in Cleland Park also back onto the carriageway.



**Fig 8: Image from Google Street View showing dwellings in Cleland Park South when viewed from the carriageway (March 2023)**

The proposal is considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, criterion (b) of Policy LC1 of the Addendum to PPS 7 and all relevant guidance.

### **Impact on Privacy and Amenity of Neighbouring Residents**

Due to its single storey design, the proposal will have no unacceptable adverse impacts on adjacent dwellings and will cause no significant overlooking or overshadowing.

The 1.8-metre-high closed boarded timber fencing will protect the privacy of the private amenity space of number 27 Auburn Park from proposed ground floor windows.

Having reviewed the submitted plans for the proposed application it is my professional opinion that it will not result in an unacceptable adverse impact on the residential amenity of neighbouring properties in terms of overlooking, loss of light, overshadowing, dominance, or other disturbance.

It is therefore considered that the proposal complies with part (h) of Policy QD 1 of PPS 7 and all relevant guidance.

### **Impact on Trees/Landscape Features**

The application site is bounded with the A2 carriageway by evergreen trees. These will be removed and replaced with a 1.8-metre-high close boarded timber fence. As indicated earlier these trees are not protected and can be removed at any time by the applicant. I do not consider the removal of these trees will cause harm to visual amenity or subsequent harm to the character of the area. The trees have been subject to assessment from a qualified ecologist who described them as a row of over mature Cypress trees.

### **Public Open Space/Private Amenity Space**

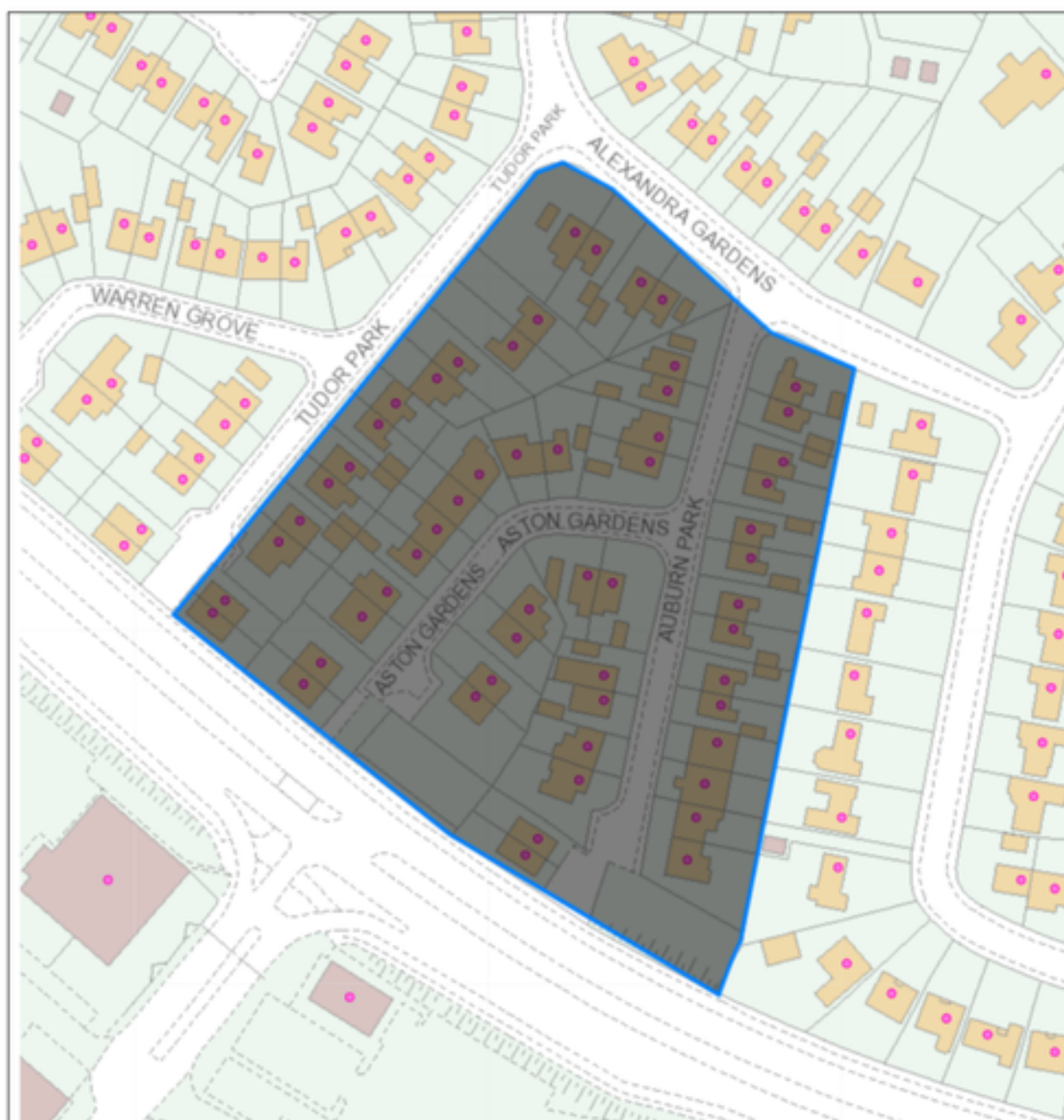
The proposal meets the required standard of 70 sqm as set out in Creating Places. Amenity space is provided in lawned gardens to the side and rear of the proposal and totals approx. 170 sqm.

Adequate private amenity space remains to the rear of number 27 (approximately 150 sqm). This is comparable with neighbouring dwellings within Auburn Park and in excess of the Creating Places guidance.

The proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7 and all relevant guidance.

### **Density**

The density of the proposal is 16 dph (1 unit ÷ 0.06ha). Within the ERA (shown below) the average density is much higher at 30 dph.



**Fig 9: Established residential area used for density calculation**

Density of a development is only one consideration of many which must be weighed up when assessing the overall impact of a development on the character of an area with the overarching test being primarily a visual one, in other words how the development will appear when viewed within its context. The visual impact of the development and its impact on the appearance of the area has been considered above. The proposal complies with criterion (a) of Policy LC1 of the Addendum to PPS 7.

#### **Dwelling Unit Size**

I am satisfied that the proposed dwelling will not be to a size less than those set out in Annex A of Addendum to PPS7.

### **Access, Roads Safety and Car Parking**

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads was consulted on the proposal and no objections were raised in relation to road safety.

The proposal incorporates a parking and turning area; when measured the area of the proposed parking and turning area is 83 sqm (approx.). It has a length of 11m and a width of at least 4.3m. It can accommodate parking for three cars. Creating Places guidelines recommend that for a three-bed detached house 2.5 spaces are required.

Adequate parking is therefore provided for the potential occupants and visitors of the proposed development. A condition requiring in-curtilage car parking spaces to be permanently retained will be added to any approval.

Objections have raised concerns with car parking in the area and subsequent congestion and difficulty in maneuvering. As the proposal provides adequate in-curtilage car parking spaces, a refusal in relation to car parking could not be sustained. Matters concerning accessibility of utility/emergency vehicles to this road have been considered however, as DfI Roads offer no objections, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policies AMP 2, AMP 3 and AMP 7 of PPS 3 and part (f) of Policy QD1 of PPS 7 and all relevant guidance.

### **Security from Crime**

I am satisfied that the development is designed to deter crime as the proposed dwelling will face towards existing built development and the amenity spaces are enclosed.

I am satisfied that the development has been designed to provide a sense of security to future occupants.

It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

### **Impact on Designated Sites/Other Natural Heritage Interests**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites and consultation was carried out with SES who have raised no concerns. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required. None of the extant habitats are classified as a priority habitat.

Biodiversity and bat roosting in conifers has been raised as an objection to this application, however the submitted biodiversity checklist and subsequent Ecologist Statement has confirmed no further surveys are required.

The ecology statement states, 'The existing treeline adjacent to the south boundary is formed by non-native cypress and therefore does not qualify as a priority habitat.'

It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

### **Drainage and Sewerage Infrastructure**

The applicant has indicated on the submitted P1 form that surface water and foul sewage will be disposed of via public mains. Objectors have raised concerns regarding water and sewerage infrastructure.

NI Water has advised that a high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed.

The applicant is advised to consult directly with NI Water ([InfrastructurePlanning@niwater.com](mailto:InfrastructurePlanning@niwater.com)) to ascertain whether any necessary alternative drainage /treatment solutions can be agreed.

I am satisfied that the above capacity issue can be dealt with by attaching a negative condition stipulating that no development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. The condition will also require that evidence of this consent shall be submitted to the Council prior to the commencement of any development.

The applicant will be able to liaise with the relevant authorities outside of the planning process to finalise the details of the proposed solution. If the applicant is unable to deliver the required solution, then he/she will be unable to implement the permission. If a private treatment plant solution is proposed as an alternative to resolve the issue, a separate planning application for this would be required.



## 5. Representations

8 objections have been received to the proposal (from 7 separate addresses). They have been considered in the main body of the report. The main issues can be summarised as follows:

- Obstruction to turning circle
- Road too small for parking
- No space for builder's construction materials

*The storage of construction materials on site is a matter for the developer and not a material planning consideration.*

- Three businesses operating on the road at Nos. 18, 20 and 27 with regular daily clients.

*Businesses operating on this road are not a material planning consideration, the application site is a garden of a residential property.*

- Utility services and emergency vehicles have difficulty manoeuvring with congestion
- Application states there are already two car parking spaces, this is incorrect.

*The proposal will have no impact on the existing car parking arrangement for the existing dwelling.*

- Biodiversity on the site and bat roosting in conifers
- Overburdening of sewage and water services
- Children playing at risk due to health and safety issues

*Although it is acknowledged that any traffic moving along Auburn Park potentially poses a risk to children playing in the street, other pedestrians and road users., the proposal for one dwelling will not result in an unacceptable increase in traffic.*

- Original houses approved when each dwelling only had one vehicle

*Original dwellings may have been approved when car ownership within households was lower than at present. Private car ownership is not a material planning consideration and adequate car parking has been provided within the application site.*

- Parking area on right hand side cannot facilitate parking as this would block the entrance to private parking area.
- Parking on the road is already critical.

## 6. Recommendation

Grant Planning Permission

## 7. Conditions

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

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

2. The dwelling hereby approved shall not be occupied until provision has been made within the curtilage of the site for the parking of a minimum of 2 private cars. The parking provision as approved shall be permanently retained thereafter.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

3. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. Evidence of this consent shall be submitted to the Council prior to the commencement of any development.

Reason: To ensure no adverse effect on the water environment.

4. The vehicular access including visibility splays and any forward sight line, shall be provided in accordance with drawing number 01A, prior to the commencement of development hereby permitted.

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

5. The area within the visibility splays and any forward sight line shall be cleared to provide a surface no higher than 250mm above the level of the adjoining carriageway prior to the commencement of development and shall be retained and kept clear thereafter.

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

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

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

7. Prior to the occupation of the dwelling hereby approved, a 1.8m high close boarded timber fence shall be erected along the boundaries of the site as indicated in GREEN on drawing No. 01A and shall be permanently retained thereafter.

Reason: To ensure the provision and retention of adequate screening to the site.

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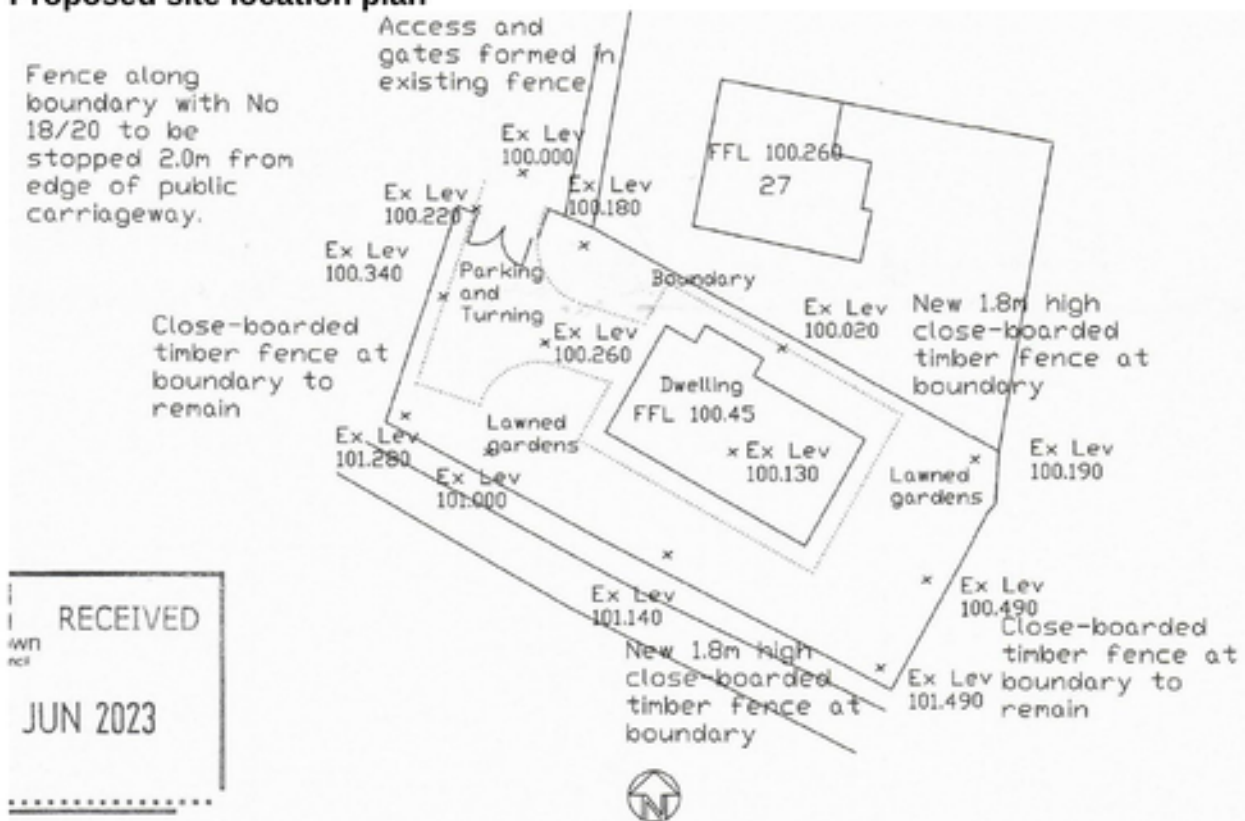
**Informative**

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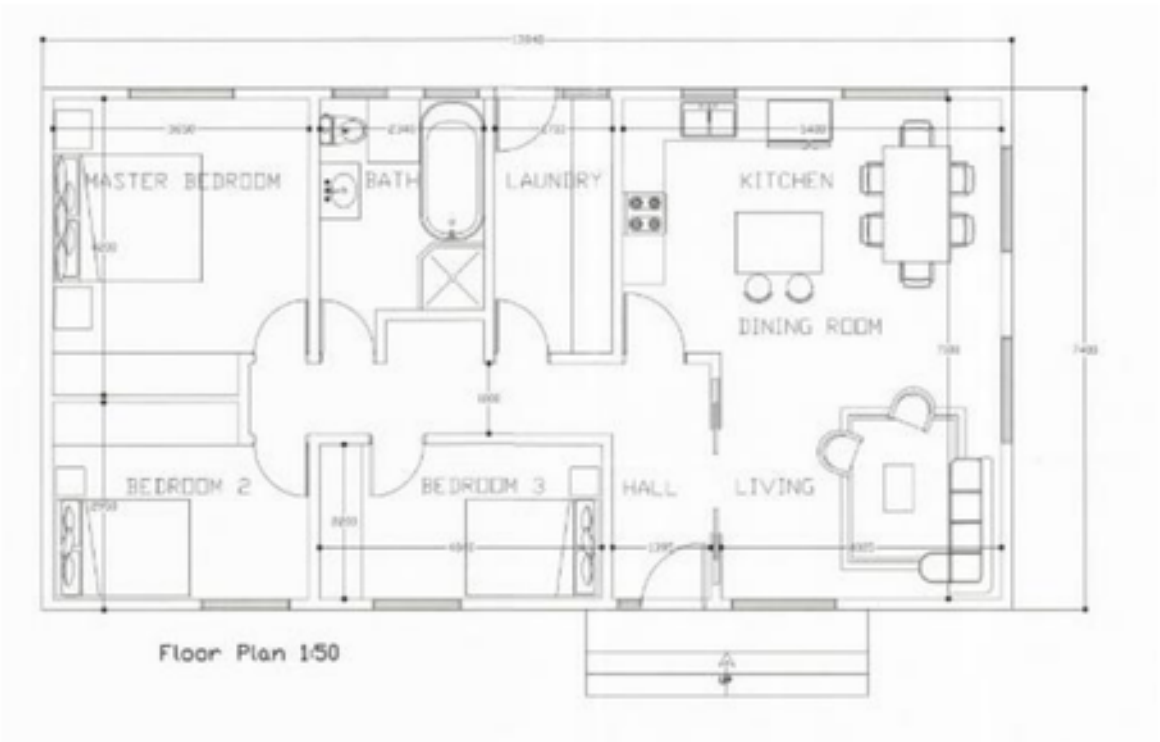
**Appendix 1: Plans**



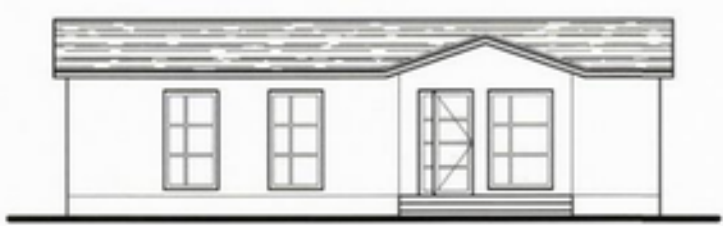
**Proposed site location plan**



**Proposed site layout**



**Proposed Floor plan**



Front Elevation 1:100



End Elevation 1:100



Rear Elevation 1:100



End Elevation 1:100

**Proposed elevations**

### Site Photographs



**Photo 1: Application site**



**Photo 2: view of application site from Auburn Park**




**Photo 3: View of application site from West Circular Road.**

## ITEM 4.6

## Ards and North Down Borough Council

Application Ref	LA06/2024/0729/F
Proposal	Front and rear single storey extension and rear two storey extension. Conversion of attic to provide habitable bedrooms with rear balcony.
Location	6 Lyndhurst Gardens, Bangor DEA: Bangor West
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	23/08/24
Summary	<ul style="list-style-type: none"> <li>• 20 objections from 10 separate addresses which are addressed in detail in case officer report.</li> <li>• The proposal's design (amendments received 28 October 2024) does not harm the character or appearance of the surrounding area.</li> <li>• The single and two storey extensions do not result in overlooking, overshadowing and meet the light tests.</li> <li>• A proposed privacy screen to the rear first floor balcony prevents overlooking of adjacent property to the south and a sufficient separation distance with intervening existing vegetation ensures no adverse impact to residential amenity to the rear (east).</li> <li>• The proposed development complies with the requirements of policy EXT 1 of the Addendum to PPS 7.</li> <li>• Proposal includes widening of existing access to allow for sufficient in-curtilage parking with DfI Roads consulted and content subject to conditions.</li> <li>• Environmental Health no objections to proposed sauna chimney following objection.</li> </ul>
Recommendation	<b>Grant Planning Permission</b>
Attachment	Item 4.6a – Case Officer Report



<b>Development Management Case Officer Report</b>			 <b>Ards and North Down Borough Council</b>
<b>Reference:</b>	LA06/2024/0729/F	<b>DEA:</b> Bangor West	
<b>Proposal:</b>	Front and rear single storey extension and rear two storey extension. Conversion of attic to provide habitable bedrooms with rear balcony.		
<b>Location:</b>	6 Lyndhurst Gardens, Bangor		
<b>Applicant:</b>	John-Michael Greeves		
<b>Date valid:</b>	23/08/2024	<b>EIA Screening Required:</b>	N/A
<b>Date last advertised:</b>	07/11/2024	<b>Date last neighbour notified:</b>	31/10/2024
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 20 (from ten separate addresses)	<b>Petitions:</b> 0	
<b>Consultations – synopsis of responses:</b>			
HED		No objection	
DfI Roads		No Objection subject to conditions	
Environmental Health		No objection	
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Impact on existing dwelling and character of the area</li> <li>• Impact on privacy and amenity of neighbouring residents</li> <li>• Impact on trees/landscape features</li> <li>• Impact on amenity space/parking</li> <li>• Impact on designated sites/natural heritage assets</li> </ul>			
<b>Recommendation: Grant Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal			

## 1. Site and Surrounding Area

The application site is located at 6 Lyndhurst Gardens, within the settlement limit of Bangor, and consists of a single storey, detached red brick bungalow with a pitched, tiled roof and integrated garage to its southern end.



**Figure 1 – Front of Dwelling**



**Figure 2 – Integrated Garage**



**Figure 3 – Rear of Dwelling**

The site has private amenity space to the front and rear, consisting of grassed garden areas and planting. The rear private amenity space is accessible via passageways to either side of the dwelling and is relatively large. To the front, the site is steeply sloped leading up to the dwelling, with a paved in-curtilage driveway. The front boundary is defined by a low brick wall with vegetation behind, and all rear boundaries are defined by mature vegetation.



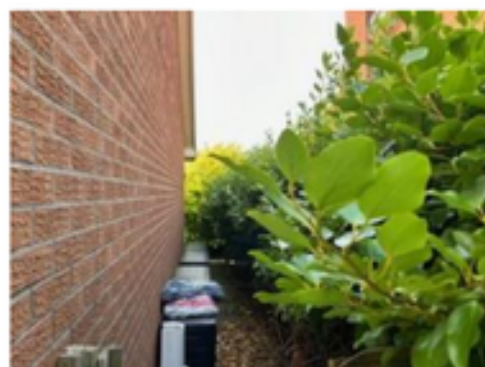
**Figure 4 – Rear Amenity Space**



**Figure 5 – facing 28 Rutherglen Park (to rear)**



**Figure 6 – southern passageway**



**Figure 7 – northern passageway**



**Figure 8 – view of site from Lyndhurst Gardens**

The surrounding area is residential in character, consisting of 1-2 storey detached red brick dwellings. It should be noted that the neighbouring properties to the rear of the application site (No. 28 and 30 Rutherglen Park) sit at a higher ground level than the application dwelling due to the topography of the area.

## 2. Site Location Plan



## 3. Relevant Planning History

No relevant planning history.

## 4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
- Planning Policy Statement 7 Addendum: Residential Extensions and Alterations

Planning Guidance:

- Creating Places

### Principle of Development

#### Development Plan

NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site is located within the settlement limit of Bangor under dBMAP, and as there are no further material provisions in the extant Plan or dBMAP that are pertinent to the proposal, the determination will be based on other material considerations.

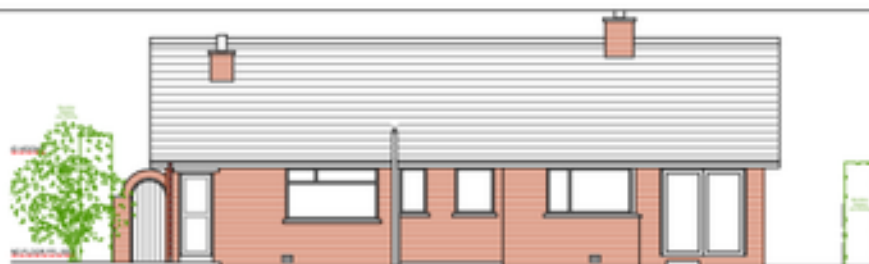
The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

#### Impact on Existing Dwelling and Character of Area

Full planning permission is sought for the development of front and rear single storey extensions, a two-storey rear extension, the conversion of an attic to habitable rooms and a rear balcony.



Existing Front Elevation



Existing Rear Elevation

### Existing Rear Elevation



Existing Side Elevation 1

### Existing Southern Elevation



Existing Side Elevation 2

### Existing Northern Elevation



### Existing Ground Floor Plan

#### Front Extension

The proposed single storey front extension provides a study space and a porch to cover the front door, to the northern end of the west elevation of the existing dwelling. It utilises the same red brick finish as the host dwelling, and has a pitched tiled roof, which integrates with the existing roof. The proposed study room utilises large bi-fold sliding glass doors, which will be on the front elevation of the dwelling. While these contrast the existing dwelling to an extent, it should be noted that there is a large existing window

in a similar location, so they are not deemed to harm the character or appearance of the host dwelling or surrounding area. The proposed front extension will project approx. 1.35m from the existing front elevation, and as such its minor scale is not deemed to harm the character or appearance of the dwelling or surrounding area in this sense.



**Proposed front elevation showing extension**

The proposal also includes the introduction of six new rooflights to the pitched roof on the front elevation. While these present a significant change to the existing roof, they are not considered to be so prominent as to harm the character or appearance of the existing dwelling or surrounding area.

### Rear Extension

The proposed rear extension involves a number of aspects. A flat-roofed extension is proposed at first floor level, adding approx. 2.5m in height at the eaves, and sitting approx. 0.1m below the ridge of the existing roof. This is to be finished in Anthracite grey fibre cement boards and will introduce two new windows and a glass sliding door (serving the proposed balcony – see consideration below). This aspect utilises a more contemporary style than the existing dwelling, but its limited public views prevent it from harming the overall character or appearance of the host dwelling or surrounding area. Alongside the proposed balcony, sitting below the first-floor extension, there is a sloped, tiled portion designed to match the pitched roof of the dwelling, forming a covered walkway beneath. This is deemed to be minimal and will match the character and appearance of the host dwelling.



**Section showing proposed first floor extension in red**



**Section showing proposed sloped portion in red**

The proposed ground floor level rear extension utilises varying designs, consisting of:

- A two-storey pitched roof extension connecting to the existing dwelling, serving a family room.
- A single storey pitched roof extension, east of the proposed family room, to serve a sauna, hall, WC, shower and garden room.

The two-storey aspect of the proposed extension will project approx. 0.93m from the northern gable wall of the host dwelling, making it partially visible from the front of the dwelling. However, due to it only projecting a small amount from this side, it is not deemed to harm the character or appearance of the host dwelling or surrounding area in this regard.

The pitched roof of this two-storey aspect projects approx. 6.9m from the rear of the dwelling, partially covering the proposed sauna (where a chimney will be located). While this part of the extension appears to consist of two storeys, it should be noted that the first floor is used as a void over the family room (with a mezzanine connecting to a study on the first floor), meaning there is no potential to overlook neighbouring properties from this aspect (see 'impact on privacy and amenity of neighbouring residents' below). In terms of design, this part of the proposed extension will use a red brick finish, with bi-fold sliding doors to the southern elevation. This matches the finish of the host dwelling, and its limited public views mean it does not cause an unacceptable level of harm to the character or appearance of the host dwelling or surrounding area.



**Proposed Southern Elevation (two storey aspect in red)**





**Proposed Northern Elevation**

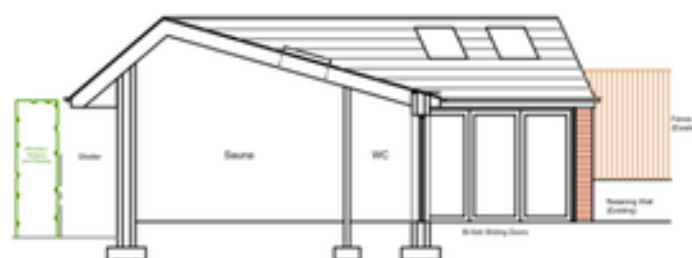
It is also noteworthy that two new windows are proposed at first floor level on the northern elevation, serving a study and a bedroom. These are both conditioned to have obscured glazing to protect the privacy and amenity of neighbouring residents (the bedroom has a second window on the front elevation, meaning the side window can be obscured as it is not the main or only outlook from the room).

The next aspect of the proposal is single storey, with a pitched roof extension, serving a hall, sauna, shower and WC. Notably, there are no internal doors between this and the family room – access is only possible externally (either via a door on the northern elevation, accessed via a passageway, or through the proposed garden room, with bi-fold sliding doors on the eastern elevation). This aspect is minor in scale, and is one storey in height, forming a corner that links to the proposed garden room. It is also noteworthy that the proposed WC has no internal access either – it is accessible via a door next to the bi-fold sliding doors on the southern elevation. It uses the same red brick finish as the two-storey aspect, and, as above, is not deemed to cause an unacceptable level of harm to the character and appearance of the host dwelling or surrounding area due to its limited public views.



**Proposed southern elevation highlighting flat-roof aspect**

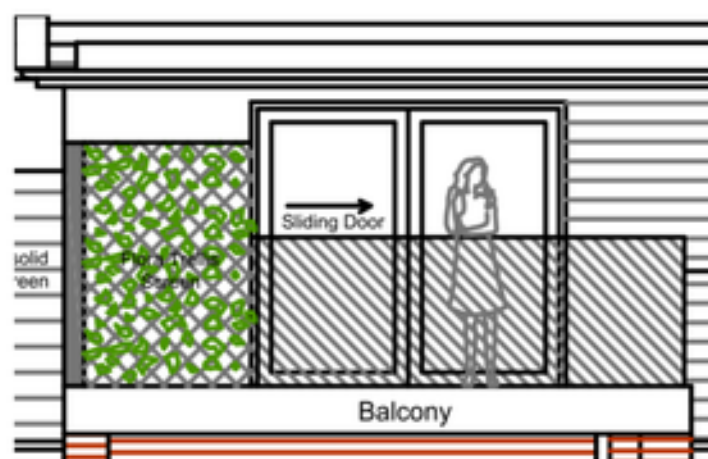
The final aspect of the proposed rear extension is the garden room, which sits 0.7m away from the rear retaining wall and approx. 1.1m away from the rear boundary fence of No. 28 Rutherglen Park (though the eaves sit approx. 0.6m away from the fence), with vegetation between it and the existing retaining wall. A pitched roof to enhance privacy to the garden area and proposed balcony, and has a ridge height of approx. 3.9m, projecting approx. 1m above the height of the boundary fence shared with No. 28 Rutherglen Park (though the ridge is set approx. 2.9m away from the fence). It uses the same red brick finish as the other aspects and will have bi-fold sliding doors on its western elevation, facing towards the rear of the host dwelling. As with the other single storey aspect, its relatively minor scale and limited public views mean it does not cause an unacceptable level of harm to the character and appearance of the host dwelling or surrounding area.



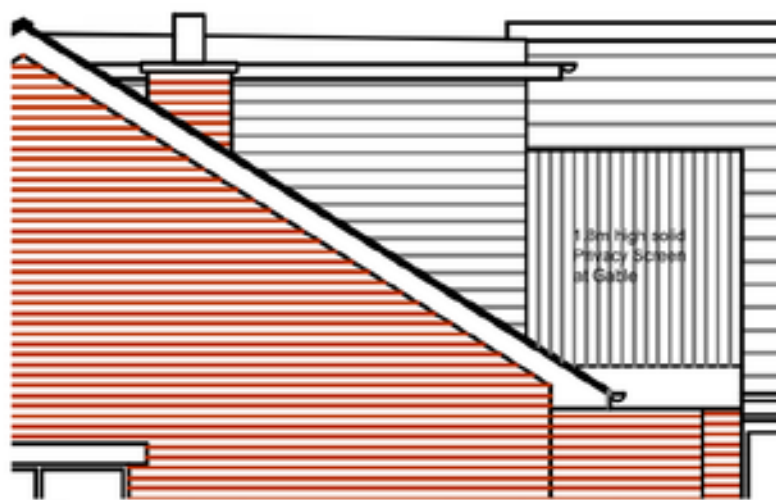
**Section showing bifold doors**

Attic Conversion and Rear Balcony

The proposed attic conversion will involve the creation of three bedrooms, a study, a bathroom and a shower room, changing the existing dwelling from one to two storeys. Windows are proposed at first floor level on the northern gable elevation, serving a bedroom and a study (both of which will utilise obscure glazing), and new rooflights are proposed along the pitched roof on the front elevation. Bedroom 1 (as shown on the proposed floor plans) will utilise a glass sliding door to provide access to the proposed balcony. The proposed balcony measures 4.6m x 1.7m (approx.) (which evidences a significant reduction in the amended plans when compared to the original proposed balcony measuring approx. 7m x 1.7m) and will form a sheltered area beneath. To the southern side, the balcony will have a 1.8m solid privacy screen and its eastern side will be partially covered by a "flora trellis screen", approx. 1.8m in height. The balcony has been reduced significantly in scale when compared to the original proposal, and it is largely screened from public view. As such, it cannot be deemed to harm the character or appearance of the host dwelling or surrounding area.



**Proposed Balcony**



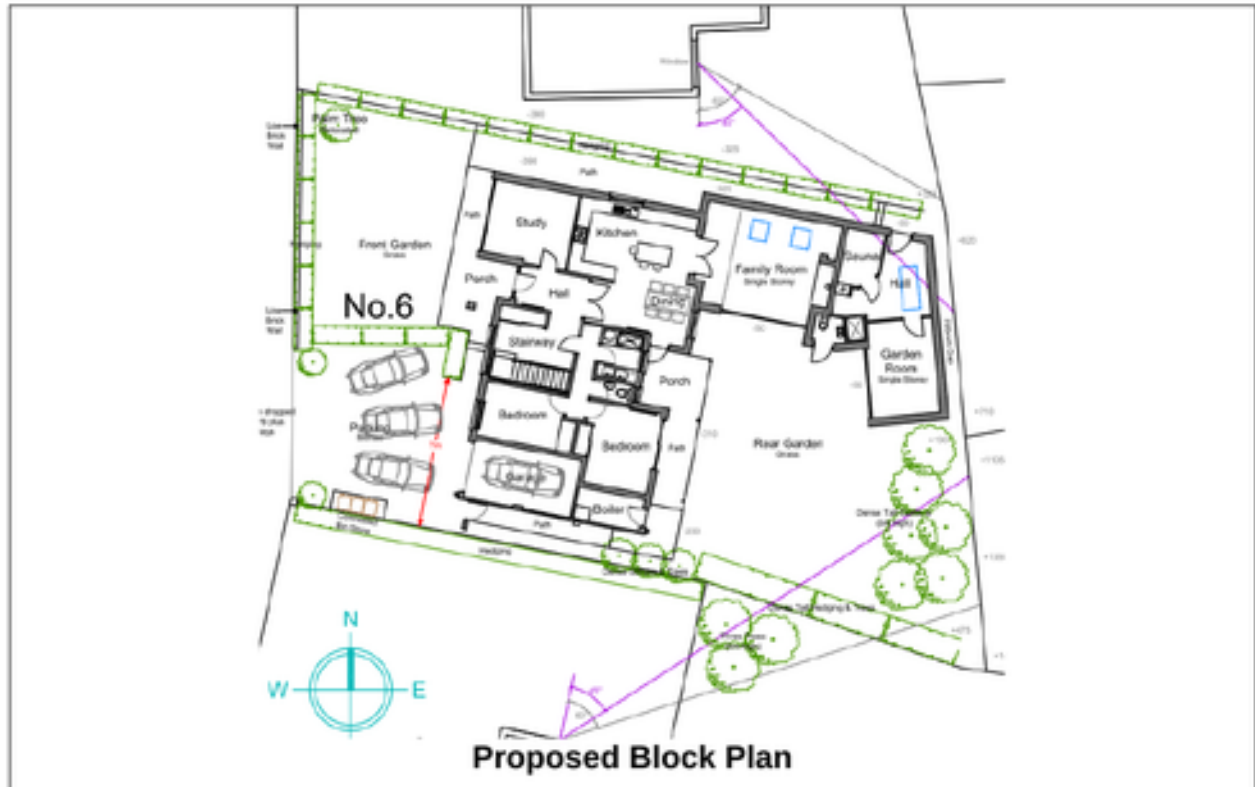
**Proposed privacy screen (southern elevation)**

Alterations to Driveway

As shown on the existing and proposed block plans below, the driveway is to be widened to accommodate 3 car parking spaces. DfI Roads has been consulted on this matter, as it involves alterations to the existing kerb, with their response detailed below under 'Access and Road Safety and Parking'. A concealed bin store is also proposed on the driveway. Overall, these changes at the front of the site will not have any impact on the character or appearance of the host dwelling or surrounding area.



**Existing Block Plan**



**Proposed Block Plan**

Other relevant plans / drawings:



**Proposed Floor Plans**

### Impact on Privacy and Amenity of Neighbouring Residents

With regard to the potential for loss of light/overshadowing to neighbouring properties, it should be noted that the two storey aspect of the ground floor proposed extension is sited in close proximity to the neighbouring property at 5 Lyndhurst Gardens, and as such a Light Angle Test was required to ensure there is no unacceptable loss of light to the neighbouring property. As shown below, the proposal is compliant with both the 60 degree and 45 degree light angle tests, and it is also noteworthy that it is not a full two storeys – it is a single storey with a tall pitched roof. As such, there is not deemed to be an unacceptable loss of light whereby the amenity of neighbouring residents would be unduly harmed. No other neighbouring properties are seen to be unduly impacted by the proposal in regard to loss of light or overshadowing.



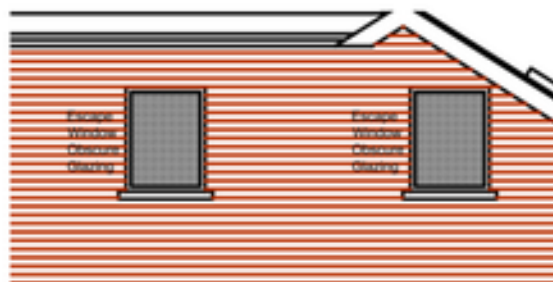
**Light angle test, with 2 storey aspect in red**

Regarding the potential for overlooking, the proposal contains a number of aspects that need to be considered:

- First floor windows on the northern elevation
- First floor balcony to rear
- First floor windows to rear
- Sliding bi-fold doors serving the proposed family room

Regarding the proposed first floor windows on the northern elevation, these have been indicated as having obscured glazing to prevent any overlooking, and these would be subject to a condition requiring the fitting of the obscure glazing prior to occupation of

the extension and permanent retention thereafter. With the obscure glazing in place, there is no potential for any unacceptable level of overlooking to the neighbouring property at 5 Lyndhurst Gardens, or any other nearby neighbouring dwellings.



**Proposed first floor windows with obscure glazing**

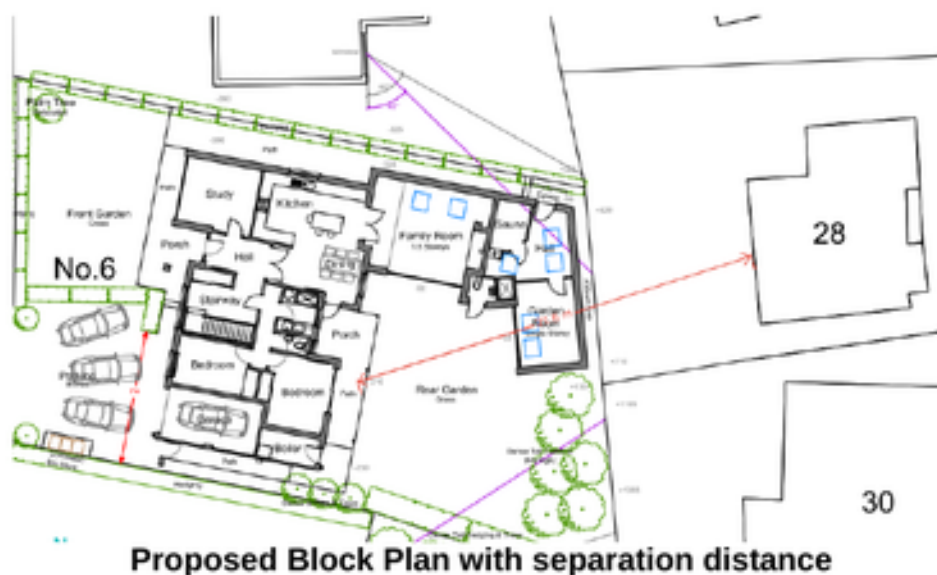
Regarding the proposed first floor balcony, it should be noted that a screen has been added to the south to prevent the overlooking of neighbouring properties to the south on Lyndhurst Avenue, and a "flora trellis screen" has been added on its eastern side to provide further screening.

Regarding the neighbouring properties to the rear, the rear wall of the neighbouring dwelling at 28 Rutherglen Park sits approx. 21.6m away from the balcony and is also sited at a considerably higher topography. This separation distance exceeds the minimum 20m 'back to back' separation distance recommended in the Creating Places Guidelines. Further to this, there is a tall garden fence (approx. 2.2m, on top of an approx. 0.8m retaining wall) on the boundary between the properties, and the pitched roof of the proposed single storey extension further reduces any likelihood of overlooking issues. It is also noteworthy that the neighbouring dwelling at 28 Rutherglen Park is two-storey, so there would be no likelihood of the proposal being dominant to this neighbouring property.

The mature coniferous trees between the application site and the neighbouring property at 30 Rutherglen Park prevent any potential for an unacceptable level of overlooking to this neighbouring property and it is recommended that they are conditioned to be retained at an appropriate height if planning approval is forthcoming. Again, the separation distance between the proposed balcony and the rear of No. 30 would be between 22 and 24m, well in excess of the 20m recommended in Creating Places.

Neighbouring properties further north on Rutherglen Park are not deemed to be unduly impacted by the balcony, due to the considerable separation distance, and the two-storey aspect of the proposal blocking views.

During a site meeting with the neighbouring resident at 28 Rutherglen Park on 04 September 2024, photographs were taken to display the potential impact of the balcony, seen below.



**Figure 9 – view of application dwelling from garden of 28 Rutherglen Park**



**Figure 10 – view of application dwelling from upstairs of 28 Rutherglen Park**

Regarding the proposed first floor windows to the rear, these are situated alongside the balcony and will have a similar level of impact in regard to the overlooking of neighbouring properties to the rear. Again, the neighbouring properties on Rutherglen Park are situated at a higher topography than the application dwelling, and the separation distance between the rear of the dwellings negates the potential for an unacceptable level of overlooking from the proposal. As previously stated, given the

acceptable separation distance and the proposed single storey garden room situated near to the party boundary which will help to screen potential views from the balcony, it is not considered that any unacceptable degree of overlooking would occur. Paragraph A28 of PPS7 Addendum advises that except in the most isolated rural location, few households can claim not to be overlooked to some degree. Indeed, as is evident in the above photograph, No. 28 itself already has direct views towards the application dwelling from its first-floor windows.

Regarding the sliding bi-fold doors serving the proposed family room, it should be noted that these face towards the rear of the neighbouring dwelling at No.10 Lyndhurst Avenue. There is a mature hedge to the boundary between 10 Lyndhurst Avenue and the application site, and there is considerable vegetation in the rear garden of 10 Lyndhurst Avenue to provide further screening. A site meeting was conducted with the neighbouring resident at 10 Lyndhurst Avenue on 11 September 2024, with photos facing the application site shown below. The boundary vegetation belonging to the application site will be conditioned to be retained, and with this in place it is determined that the proposed sliding bi-fold doors associated with the proposed family room will not result in any unacceptable level of overlooking to the neighbouring property at 10 Lyndhurst Avenue.



**Figure 11 – facing the application site, from rear of 10 Lyndhurst Avenue**

None of the single storey aspects of the proposal can be deemed to harm any neighbouring residents regarding overlooking, overshadowing, loss of light or dominance, with it noted that the neighbouring properties to the rear (namely 28 and 30 Rutherglen Park) sit at a higher topography than the application site and consist of two storey dwellings.

#### **Impact on Trees/Landscape Features**

The proposal involves some minor alterations to vegetation within the curtilage of the site, none of which is deemed to contribute significantly to local environmental quality, and as such these alterations are deemed to be acceptable.

#### **Impact on Amenity Space and Parking**

While the proposal does display a loss of rear private amenity space, it should be noted that Creating Places recommends a minimum of 40m<sup>2</sup> for residential purposes. It is



clear that the site will still have ample private amenity space, in excess of the guideline set out by Creating Places. As such, I am satisfied there is sufficient provision for recreational and domestic activities within the curtilage of the site.

The proposal involves the widening of the existing driveway to create parking space for three cars. As such, I am satisfied that a sufficient provision has been made for the parking / turning of vehicles.

### **Access and Road Safety and Parking**

Ample parking will be provided in accordance with Creating Places standards. DfI Roads was consulted and offers no objections, subject to conditions.

### **Designated Sites and Natural Heritage**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

### **PPS 6 Considerations**

Due to the site's proximity to a Rath (Fort Hill – DOW002:001), DfC's Historic Environment Division were consulted. Their response dated 12 September 2024 indicated that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

### **Environmental Health Considerations**

Following an objection relating to the new chimney associated with the proposed sauna, Environmental Health was formally consulted. On their response dated 16 September 2024, they offered no objection to any part of the proposal.

## **5. Representations**

Ten neighbouring properties have been notified, as per the Council's statutory obligation.

As of writing, twenty objections have been received from ten different addresses. The following concerns have been raised:

- **Inaccuracies in plans**

Multiple objectors raised the fact that vegetation was shown in the gardens of 28 and 30 Rutherglen Park which no longer exists. In the amended plans received on 28 October 2024, this has been removed, and the boundary fence has been added.

- **Proximity of proposal to rear boundary – the flat roof extension runs approximately 8.5 metres long, in essence the full length of the fence at 28 Rutherglen Park**

Upon re-surveying the site and slightly altering the shape of the proposed extension in the amended plans received on 28 October 2024, there is a gap of 0.7m between the proposed extension and the retaining wall / fence between the application site and the neighbouring property to the rear (28 Rutherglen Park). With the topography difference between the sites, there would not be an unacceptable visual impact or level of dominance to the rear neighbouring properties.

- **Loss of privacy caused by proposed balcony**

The Addendum to PPS7 advises that there will always be a degree of overlooking in built up areas. The amended plans received on 28 October 2024 show the balcony to have been reduced significantly in size and has implemented two privacy screens. As discussed under "Impact on Privacy and Amenity of Neighbouring Residents" (above), the balcony is not deemed to cause an unacceptable loss of privacy or amenity to neighbouring residents.

An objection was also received relating to the proposed balcony overlooking the neighbouring property at 37 Rutherglen Park. There is not deemed to be any unacceptable level of overlooking to this neighbouring property, as the dwelling at 37 Rutherglen Park sits approx. 54 metres away from the rear of the application dwelling and is at a higher topography.

- **The site will be overdeveloped, not in keeping with the area**

The site is not considered to be overdeveloped, as there is still ample amenity space surrounding the dwelling (the rear garden measures approx. 119.4m<sup>2</sup> with the proposal in place, and the front garden measures approx. 79m<sup>2</sup>), even with the proposal in place.

- **Loss of green corridor for wildlife through back gardens**

The proposal does not involve the removal of any vegetation which is deemed to contribute significantly to local environmental quality, and certain boundary hedges and trees have been conditioned to be retained – see Section 7 – Conditions (below).

- **The proposed chimney associated with the sauna would suggest wood fired in a smoke free zone**

Environmental Health was consulted on this matter, and their response dated 16 September 2024 offered no objection to the proposal.

- **Overlooking from proposed family room towards 10 Lyndhurst Avenue**  
The vegetation on the boundary between the application site and 10 Lyndhurst Avenue has been conditioned to ensure it will be retained at a set height, preventing the potential for an unacceptable level of overlooking in this case.
- **No consideration for topography of site**  
The amended plans received on 17 September 2024 now include spot levels on the site to indicate any changes to topography as a result of the proposal.
- **Potential for proposed garden room to be converted to business use or separate accommodation**  
A condition has been placed to ensure the garden room will remain incidental to the enjoyment of the host dwelling.
- **The proposal is out of character for the area**  
There are very limited public views of the proposal, and it sits below the ridge line of the existing dwelling whilst also leaving ample private amenity space. It should also be noted that the surrounding area contains a mix of one and two storey dwellings. As such, the proposal is not deemed to harm the character or appearance of the surrounding area, as considered under "Impact on Existing Dwelling and Character of Area" (above).
- **The proposed plans are a vast overdevelopment of a 3-bedroom bungalow into a 6-bedroom house**  
As above, the site is not considered to be overdeveloped. The amended plans, received on 28 October 2024, shows one bedroom removed to create a study, and ample car parking space has been provided for the amount of bedrooms proposed within the dwelling. The height and scale of the proposal is considered to be sympathetic to the host dwelling overall.
- **Loss of privacy from windows on northern elevation**  
In the amended plans received on 28 October 2024, the proposed first floor windows have now been altered to utilise obscured glazing, preventing any unacceptable level of overlooking. These windows have been conditioned to be retained as such. The ground floor window on this elevation is not deemed to have the potential to cause any undue level of overlooking to neighbouring properties.
- **The proposed side wall of the 2-storey dormer and single storey extension is wider than the existing house**  
As mentioned above, the proposal is considered to be sympathetic in scale to the host dwelling. The projection of approx. 0.93m beyond the existing dwelling is not considered as significant enough to harm the character or appearance of the host dwelling or surrounding area.
- **The pitched roof extension will cause a loss of light to neighbouring properties**  
As considered under "Impact on Privacy / Amenity of Neighbouring Residents" (above), the proposal will not cause an unacceptable loss of light to neighbouring residents.

- **The proposed balcony is out of character for the area**  
The proposed balcony is on the rear elevation of the dwelling and has very limited public views. Therefore, it is not deemed to harm the character or appearance of the surrounding area.
- **Dominance**  
The extension is set 0.7m-1m away from any boundaries, and the roof pitch of the proposal slopes away from the neighbouring property at 5 Lyndhurst Gardens. As such, the proposal is not deemed to cause issues in relation to dominance.
- **Creation of precedent as a result of the proposed balcony**  
Each planning application will be considered on its own merits based on policy provisions and material considerations.
- **Smells produced from kitchen window**  
The extension will be used for domestic purposes and will not generate amenity impacts beyond what is expected from a single domestic dwelling and thus not result in detrimental outcomes to neighbouring amenity.
- **The plans may not give an accurate indication of potential light impacts, or specifically loss of light to neighbouring properties**  
As considered above, the amended plans received on 28 October 2024 display light angle tests for potentially affected neighbouring properties.
- **The sun path diagram pertains to the summer solstice – this was never a concern, my concern is late Autumn, Winter and early Spring**  
It is deemed from the light angle tests shown in the latest revisions (DRG 05B) that the proposal will not unduly impact the level of light received by neighbouring properties.
- **The 45-degree rule for light involves vertical as well as horizontal and I see no cognizance of this in any diagrams**  
The 45-degree rule does not involve a vertical test – the vertical test is the 25 degree rule. This is not deemed necessary in this case, as the proposal does not involve increasing the height of the dwelling directly adjacent to any neighbouring windows on a parallel wall.
- **The proposal fails the 45-degree light angle test as per DRG06A**  
There have been further revisions since the provision of DRG06A, which step back the 2-storey pitched roof aspect. DRG05B evidences that the proposal is now compliant with the 45-degree light angle test when taken from the neighbouring dwelling at 5 Lyndhurst Gardens.
- **The revised plans are insufficiently reduced in size to blend within this area**  
As the proposal is a rear extension, which does not exceed the ridge height of the host dwelling, it is not considered to detract from the character or appearance of the host dwelling or surrounding area.

- **The revised plans show a further loss of green space and rain attenuating surfaces with additional parking spaces to the front of the dwelling**  
The introduction of additional car parking is a necessary requirement due to the number of bedrooms associated with the proposal. There is still a significant amount of green space / permeable surfaces within the curtilage of the site.

**Non-Material Considerations:**

- **Devaluation of Property**  
This is not a material consideration in a planning determination.
- **Loss of views**  
This is not a material consideration in a planning determination.
- **Has a safety assessment been carried out on the trees in the applicant's garden?**  
This is not a material consideration in a planning determination. Relevant trees and vegetation have been conditioned to be retained or replaced.
- **On the light test No.30 Rutherglen Park has not been considered – the trees are now becoming a light issue**  
The proposal is not deemed to unduly impact the level of light received by No.30 Rutherglen Park. The loss of light from trees is not a material consideration in a planning determination.
- **Outside door backing onto neighbours gardens and path between neighbours' properties – why is this needed if the homeowner can access the sauna and garden room from inside the house?**  
The homeowner cannot access the sauna / garden room from inside the house. A path leading to incidental buildings is not deemed to impact the proposal.
- **Negative impact on quality of life due to stress**  
This is not a material consideration in a planning determination.
- **Complaint from neighbour at No.37 Rutherglen Park re: not receiving a notification letter**  
No letter was sent to this property when the proposal was first advertised, as they are not situated close enough to the application site. When the neighbours were re-notified following the receipt of amended plans, a letter was sent to this property.
- **How will the proposed sauna be heated, oil / gas / solid fuel? Is the family room fireplace wood fired or coal fired? Smoke will be blown towards my home**  
This is not a material consideration in a planning determination. Environmental Health was consulted and offered no objection to the chimneys.

- **The extension will be located 70cm from my fence (rear of 28 Rutherglen Park)**  
 The extension is proposed to be located 70cm from the retaining wall at the rear of the site – the fence is a further 30cm beyond this, making the proposed extension 1m away from the fence.
- **The booklet of amendments refers to a proposed view from “27 Rutherglen Park”. This is incorrect, our property is located at 37 Rutherglen Park.**  
 This refers to the booklet of amendments submitted on 17 September 2024. There have since been further amendments, and a new design statement, submitted on 28 October 2024.
- **Please clarify if you are preserving trees or cutting them? Where do you intend to relocate trees and bushes in the very limited space you have remaining?**  
 The proposal is clear in showing which trees / vegetation are to be retained / removed, and also directly shows which vegetation is being replanted towards the front of the site.

## 6. Recommendation

**Grant Planning Permission**

## 7. Conditions

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the Proposed Site Layout Plan, Drawing No.05B bearing the stamp dated 28/10/2024 prior to the commencement of development hereby permitted.

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

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway prior to the commencement of development and such splays shall be retained and kept clear thereafter.

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

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

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

5. The existing natural screenings along the southern and eastern boundaries of the site as shaded GREEN on drawing No. 05B shall be retained at a height of 6 metres on the eastern boundary and 2 metres on the southern boundary unless removal is necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interest of privacy.

6. The windows on the northern and eastern elevations, serving the downstairs bathroom, downstairs WC, upstairs bathroom, upstairs WC, study and Bedroom 3, and shaded in BLUE on drawing No. 03C, shall be glazed with obscure glass prior to occupation of the development hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy

7. The garden room and sauna hereby permitted shall not be used at any time other than for the purposes incidental to the residential use of the dwelling known as 6 Lyndhurst Gardens, Bangor.

Reason: To prevent the creation of additional dwelling units or business uses.

8. The privacy screen serving the balcony, highlighted in RED on Drawing No. 03C, shall be fitted prior to occupation of the development hereby approved and this privacy screen shall be permanently retained thereafter.

Reason: In the interest of privacy.

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

**Appendices**

**Appendix One: Submitted Plans**



**DRG 01 – Site Location Plan**



**DRG 02 – Existing Plans and Elevations**





**DRG 03C – Amended Proposed Plans and Elevations**



**DRG 04A – Amended Existing Block Plan**



**DRG 05B – Amended Proposed Block Plan**

**Appendix 2: Site Inspection Photographs (23 August 2024)**



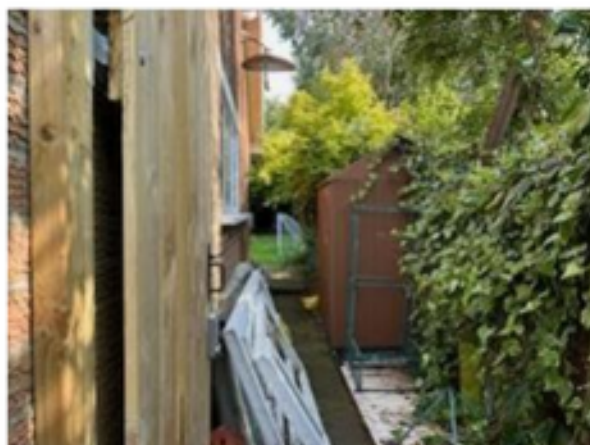
**6 Lyndhurst Gardens**



**Front of Application Dwelling**



**Garage attached to application dwelling**



**Passageway to south of application dwelling**



**Rear garden of site (taken facing northeast)**



**Rear elevation of application dwelling**



**Boundary with 5 Lyndhurst Gardens (north of site)**



**Boundary with 10 Lyndhurst Avenue (south of site)**



**Boundary with 28 / 30 Rutherglen Park (east of site – only No.28 visible)**



**Rear of application dwelling + rear garden**

**Appendix Three: Photographs from site meeting at 28 Rutherglen Park (4 September 2024)**

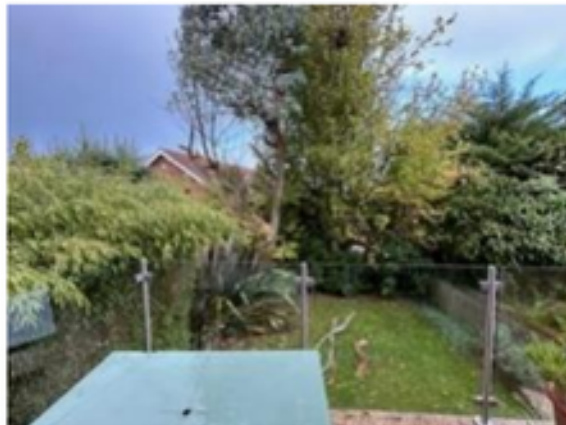


**View of 6 Lyndhurst Gardens from rear of dwelling at 28 Rutherglen Park (facing west) – proposed balcony will be screened by existing trees.**



**View of 6 Lyndhurst Gardens from upstairs in 28 Rutherglen Park – proposed balcony position screened by existing trees – see pages 15-16 of report for consideration.**

**Appendix Four: Photographs from site meeting at 10 Lyndhurst Avenue (11 September 2024)**



**View of 6 Lyndhurst Gardens from rear of 10 Lyndhurst Avenue (facing north)**

**Appendix Five: Photographs received from resident of 28 Rutherqlen Park (25 September 2024)**









**Appendix Six: Photographs received from resident of 28 Rutherglen Park (25 October 2024)**












## ITEM 4.7

## Ards and North Down Borough Council

Application Ref	LA06/2024/0572/F
Proposal	Children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping.
Location	Lands at Queen's Parade and Marine Gardens, Bangor, 14m North of 45-46 Queens Parade and North of 47-50 Queens Parade, Bangor BT20 3BH.  DEA: Bangor Central
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	01/07/2024
Summary	<ul style="list-style-type: none"> <li>Proposed playpark does not conflict with the Local Development Plan. It is located within an area of open space, proposed LLPA and Urban Waterfront designation.</li> <li>A playpark, which is deemed as open space under Annex A of PPS 8 complies with policy OS 1 ensuring the continued protection of open space in the urban area.</li> <li>The fully accessible playpark with wet pour rubber surfacing has a proposed ship structure as its centre piece.</li> <li>Existing planting and trees are being retained with new planting along the proposed west boundary. Sufficient separation distance existing between the proposed site and nearby residential dwellings.</li> <li>The proposal does not result in overlooking of any residential private amenity space and the structure will not dominate the street scene.</li> <li>No objections from consultees.</li> <li>Parking Statement submitted underlines that playpark forms part of approved public realm of overall Queens Parage development and cannot be taken in isolation. Proposal complies with Parking Standards as set out in case officer report.</li> <li>19 objections from 16 separate addresses fully considered in case officer report.</li> </ul>
Recommendation	<b>Grant Planning Permission</b>
Attachment	Item 4.7a – Case Officer Report

<b>Development Management Case Officer Report</b>		 <b>Ards and North Down Borough Council</b>	
<b>Reference:</b>	LA06/2024/0572/F	<b>DEA:</b> Bangor Central	
<b>Proposal:</b>	Children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping.		
<b>Location:</b>	Lands at Queen's Parade and Marine Gardens, Bangor, 14m North of 45-46 Queens Parade and North of 47-50 Queens Parade, Bangor BT20 3BH.		
<b>Applicant:</b>	Bangor Marine Ltd		
<b>Date valid:</b>	01.07.2024	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	16.01.2025	<b>Date last neighbour notified:</b>	09.01.2025
<b>Letters of Support: 0</b>	<b>Letters of Objection: 19 (from 16 separate addresses)</b>	<b>Petitions: 0</b>	
<b>Consultations – synopsis of responses:</b>			
DFI Rivers	No objection		
DFI Roads	No objection		
Environmental Health	No objection subject to condition		
Shared Environmental Service	No objection		
NIEA	No objection		
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development.</li> <li>• Impact on character and appearance of area.</li> <li>• Impact on privacy and amenity of neighbouring residents.</li> <li>• Impact on listed buildings</li> <li>• Impact on trees/landscape features.</li> <li>• Access, Movement and Parking</li> <li>• Impact on designated sites/natural heritage interests.</li> </ul>			
<b>Recommendation: Grant Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://planningssystemni.gov.uk">Northern Ireland Public Register (planningssystemni.gov.uk)</a>			



## 1. Site and Surrounding Area

The application site occupies a portion of the open space known as Marine Gardens on the northern side of Queens Parade, on the opposite side of the road from 45-46 Queens Parade and 47-50 Queens Parade (Figure 1).



**Figure 1: Application Site in relation to Properties on Queens Parade**

At its centre, the application site contains a small circular landscaped lawn and a smaller circular water fountain (Figure 2). A paved walkway surrounds these features and connects with the coastal pathway located to the north adjacent to Bangor Marina (Figure 3). While the existing walkway connects with the coastal path, the coastal path itself is not included in the application site.



**Figure 2: Circular Lawn and Water Fountain in Centre of Application Site**

Grassed landscaped areas are located on the western and eastern sides of the application site and contain several trees (Figure 4). Two public paths are also located

on the southern side of the application site: the eastern paths lead to the Queens Parade/Grays Hill/Southwell Road Roundabout beside the large public carpark on Queens Parade. The path to the west connects with the road on Queens Parade adjacent to Somerset Avenue.



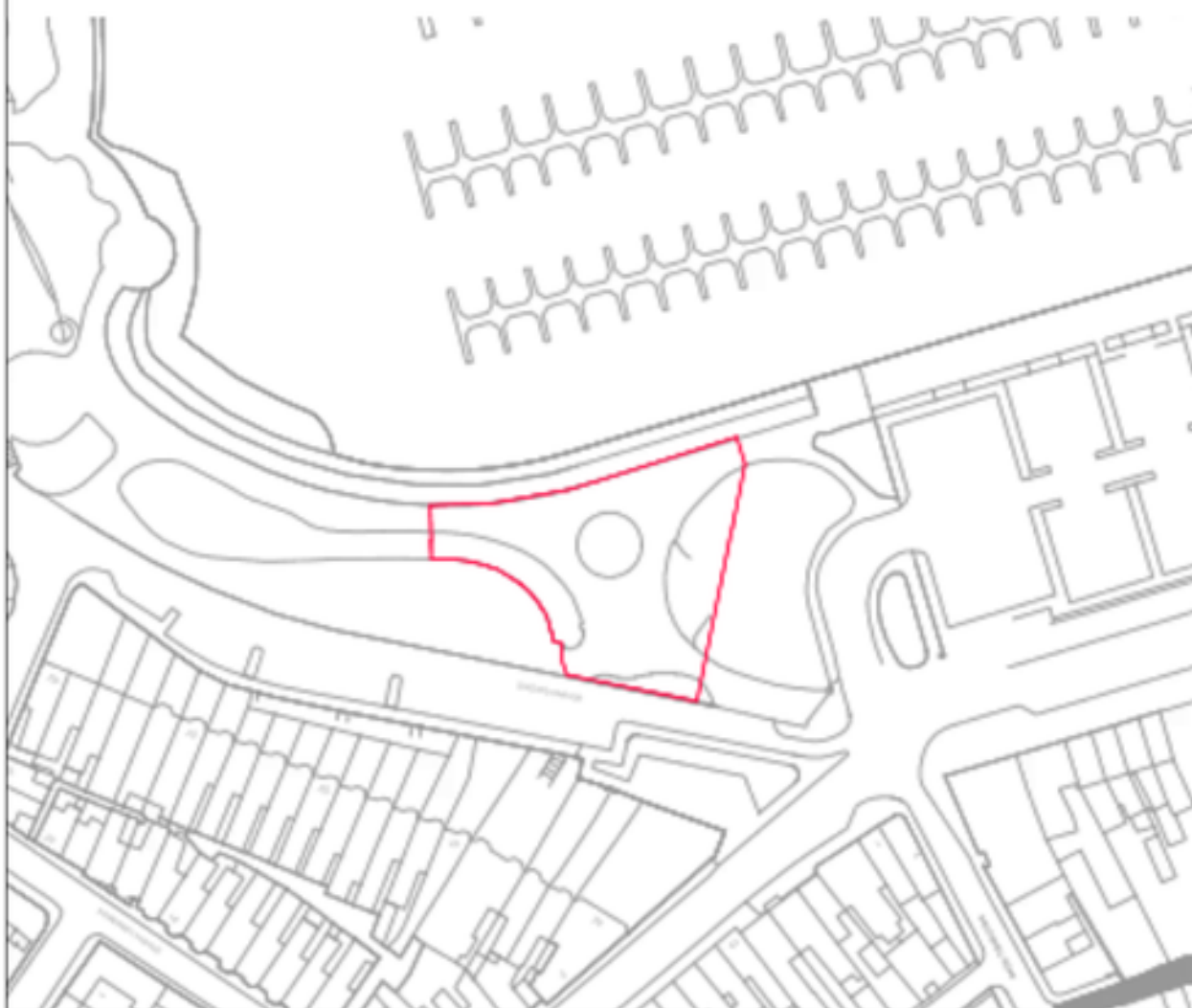
**Figure 3: Coastal Path abutting Application Site**



**Figure 4: Eastern and Western Side of Application Site**

A stone wall defines the southern boundary of the application site.

## 2. Site Location Plan



## 3. Relevant Planning History

**LA06/2020/0097/F** - Lands at and to the rear of 18 to 52 Main Street (Reeds Rain to TK Maxx) 2 to 34 King Street 5 to 17 Southwell Road 5 to 41 Queen's Parade Marine Gardens car park the Esplanade Gardens and the area around McKee Clock Bangor BT20 3BJ. - Demolition of existing buildings at 5-12 and 35-41 Queen's Parade, 22-30 Main Street (formerly B and M Bargains), 34-36 Main Street (Oxfam and Hospice shops), 6-34 King Street and 5-17 Southwell Road; minor extension and elevational changes to 40-42 Main Street (Caffe Nero); creation of new means of escape and installation of rooflights to 20 Main Street (Halifax); creation of new bin storage and basement access together with minor facade works to 48 Main Street (TK Maxx); erection of a mixed use development comprising culture and leisure facilities (class D), a 66 bedroom hotel, retail units, food and beverage outlets, offices (class B1- (a)), 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments along King Street, creation of a new vehicular access onto Southwell Road to serve undercroft car park comprising 217 spaces together with 14 courtyard spaces and 24 on street, creation of new vehicular access onto King Street to serve residential parking, minor

modifications to the Main Street and King Street junction and creation of a two-way street along Southwell Road from the junction with Primrose Street, creation of a new service vehicle access onto Main Street, creation of new public squares and courtyards including new pedestrian access points; and the redevelopment of Marine Gardens Car Park including partial demolition of sea-wall to create a public realm space comprising gardens and lawns, play areas, events spaces, covered shelters, 4 kiosks and 2 pavilions (housing food and beverage operators), and water feature together with other ancillary development. (Private Streets Determination drawing and associated phasing plans) – Permission granted – 03/10/2022.



**Figure 5: Approved site location plan for Queens Parade development  
LA06/2020/0097/F**

**LA06/2023/1500/F** – This application was submitted in relation to the above approved Queen's Parade redevelopment to vary Condition 2 in relation to phased development and Condition 3 in relation to public realm areas  
PERMISSION GRANTED – 12/12/2023

**LA06/2024/0559/F** – This further application was submitted in relation to the original LA06/2020/0097/F approval to vary a number of conditions as follows:

- Condition 2 - Amended phasing of development
- Condition 3 - Minor landscape layout amendments to public realm
- Condition 6 - Minor amendments to hard and soft landscaping within public realm
- Condition 14 - Amendment to drawing references showing plant rooms
- Condition 16 - Amendment to reflect updated drawing reference

Condition 43 - Amended drainage proposals  
 Condition 44 - Amendment to reflect updated drawing reference  
 Condition 45 - Amendment to reflect updated drawing reference  
 Conditions 48, 49, 54 & 56 - Amended phasing of roadworks  
 Condition 57 - Amendment to reflect updated drawing reference

PERMISSION GRANTED – 25/11/2024

The above planning applications are in relation to the wider Queens Parade development project and incorporate part of this application site. It is evident from the most recently approved site plans that the area adjacent to the proposed site is 'a children's play area.'



Figure 6: LA06/2024/0559/F – Approved landscaping plan drawing no.64A

## 4.Planning Assessment

### Planning Policy Framework

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Movement, Access and Parking (PPS 3)
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

### Principle of Development

According to both the NDAAP and dBMAP, the application site is located within Bangor Settlement Limit. It is within an area of existing recreation and open space, a local landscape policy area (BR31) and Urban Waterfront (BR32) as proposed in draft BMAP. There are no further environmental, architectural, or archaeological

designations pertaining to the application site. The site is opposite 47-62 Queens Parade which is a listed, residential terrace.



**Figure 7: Extract from Map No. 3a Bangor, dBMAP.**

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

The SPPS recognises that open space is important to the quality of urban life, and can support many cultural, social, health and environmental benefits. As per paragraph 6.200 of the SPPS, open space is acknowledged as important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites and can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

As per Paragraph 6.205, the SPPS operates a presumption against the loss of open space irrespective of its physical condition and appearance. The proposal for a children's playpark would ensure that the site will continue to be used as open space. As per Paragraph 6.207 of the SPPS, the location of such facilities can often be contentious with the SPPS stating that such facilities shall be located within settlements in order to maximise the use of existing infrastructure. The application site is within the designated settlement limit of Bangor and serves as a focus for the community.

Annex A within Planning Policy Statement 8: Open space, sport and outdoor recreation, defines 'Open Space'. Point (iv) states, 'provision for children and teenagers – including play areas, kickabout areas, skateboard parks and outdoor basketball hoops'. Therefore, PPS 8 is relevant, in particular policy OS1, Protection of Open Space. This policy aims to protect against the loss of open space and highlights, 'The protection and enhancement of sporting and outdoor recreational facilities in urban areas may also reduce the demand for such activities in the countryside.'

As the site is within the settlement limit of Bangor and within an area where a play park has previously been approved as part of the wider Marine Gardens public realm proposals, the principle of development is accepted. Assessment will therefore focus on other material planning considerations provided under the subsequent headings of this report.

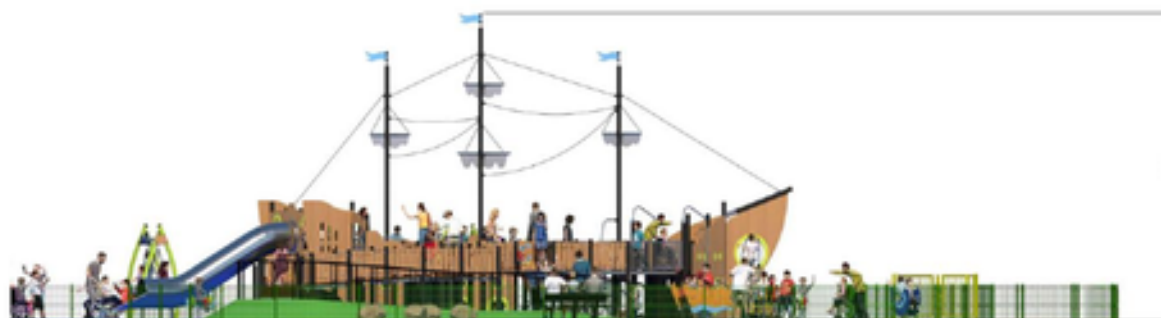
### Impact on Character and Appearance of Area

Full planning permission is sought for a children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping.

The proposed play equipment includes a wheelchair accessible ship structure, swing with flat seats, swing with cradle seats, pod swing (with ideal transfer height from wheelchair), wheelchair roundabout, fish themed site on rocker, dolphin themed accessible inclusive two person sit in spring rocker, rowing boat accessible six-person group see saw, wheelchair accessible inclusive in-ground trampoline and playhouse.

The play area has an area of approximately 547 sqm and will consist of wet pour rubber surfacing. All remaining areas will remain in their current condition, with any disturbed areas being reinstated on completion. The new pathway will be finished in resin bound gravel in natural sand coloured mix to continue the sea side/marine theme. The site will be enclosed by a new 1.0m high weldmesh fencing, this will tie into the existing walls to prevent children running out of the play area onto the promenade or Queens Parade. Two single self-closing gates are proposed along the northern boundary providing access.

The ship structure is the largest piece of the proposed play equipment and sits centrally on the site.



**Figure 8: Proposed 'ship' elevations**

The height to the tip of the highest sail is approx. 8.5m, the 'raised platform area' is approx. 1.4m above ground level and the front and rear elements of the ship have an overall height of between 3.4m and 3.6m in height. The length of the ship structure is approx. 15.3m.

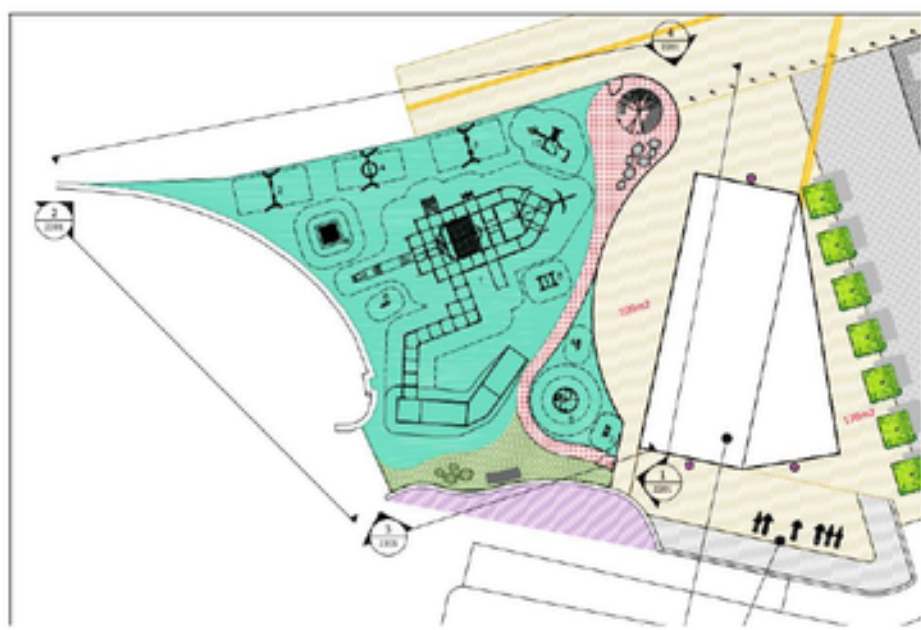


Figure 9: Proposed Site Layout Plan

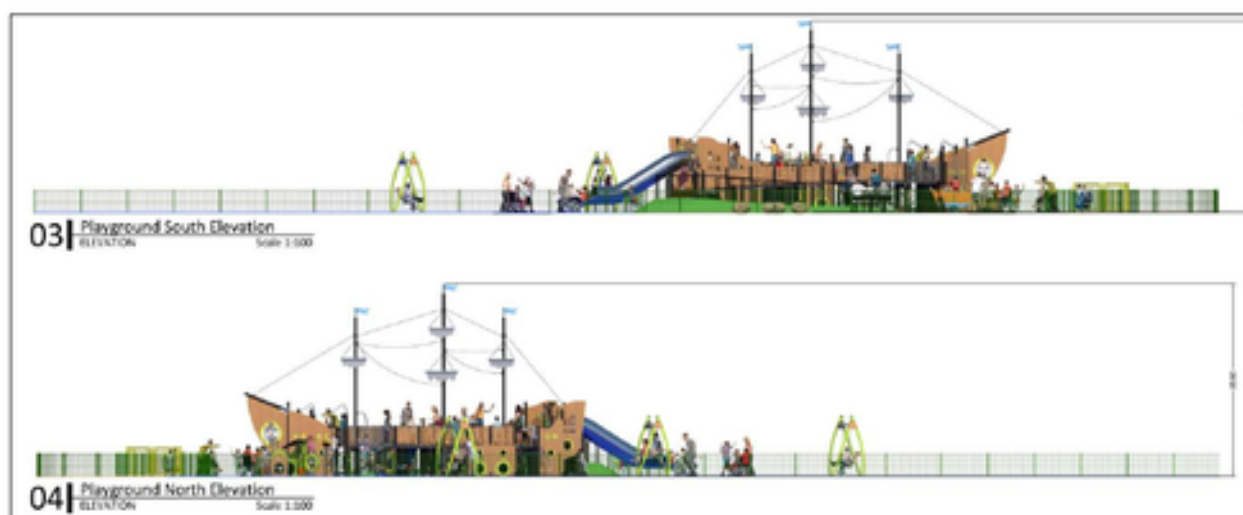


01 | Playground East Elevation  
ELEVATION Scale 1:100



02 | Playground West Elevation  
ELEVATION Scale 1:100





**Figure 10: Proposed elevations of children's play park showing equipment and boundary treatments**

The proposal will be visible from public viewpoints along Queens Parade, especially the 'ship' element. Existing planted areas and trees along the western boundary are indicated to be retained as well as proposed low shrub and herbaceous planting to the south. This will help to soften the impact of the proposal. A play park is not considered to be out of character in this area of existing open space and will also complement the existing facilities at Pickie Fun Park as well as the wider proposed Queen's Parade development.

Taken as a whole, I do not consider that the proposal will detract from the appearance or character of the surrounding area. I am therefore satisfied that the proposal complies with planning policy in this regard.

### **Impact on the Privacy and Amenity of Neighbouring Residents**

The play park is situated opposite existing residential properties along Queens Parade. Given that it is the public front aspect of the properties that face the site, the existing use of the site as public open space and the fact that there is a public road and car park between the properties and the site, it is not considered that the proposed playpark would result in any unacceptable impact by way of loss of light or privacy to these dwellings. The playpark will also be located a significant distance from the dwellings (approx. 37m).

Some representations received from the residents of the Queen's Parade properties adjacent to the site have highlighted that the front garden areas of the properties are used as their main amenity space given the limited space to the rear of these properties. While it is acknowledged that these areas are likely to be used as the main amenity space for the properties, they are nevertheless already fully open to public view and do not constitute private amenity space. The areas are overlooked to a degree from the road and from Marine Gardens at present. The location of the proposed ship structure on the application site is approximately 22 metres from the site boundary and a further 13m to the front boundary of the closest front garden. This separation distance and the fact that these gardens are already visible from surrounding viewpoints mean the proposal cannot be considered to significantly affect the privacy of surrounding

residential properties in terms of overlooking from the raised element of the proposed ship feature.

Environmental Health (EHD) has been consulted on the proposal and did not raise any concerns regarding any potentially unacceptable levels of noise or disturbance caused by the proposed playpark. EHD has requested that an informative be attached to any subsequent approval regarding limits on construction work times. As an informative is not enforceable, with the agreement of EHD this has been included as a planning condition. This is to help to ensure any noise and disturbance during the construction phase does not result in unacceptable noise disturbance to nearby residents.

I am content that the proposal satisfies the policy requirement to not unduly affect the residential amenity of neighbouring residents.

### **Impact on Listed Buildings**

The application site is in proximity to a number of B2 listed buildings which are of special architectural or historic interest and are protected by Section 80 of the Planning Act (NI) 2011 - namely 47-56, 57-58, 59-60 and 61-62 Queens Parade.

Historic Environment Division (HED) has been consulted with the details of the play park. It acknowledged the play area is positioned so that it is not directly in front, nor located within the pink wash of the listed section of terrace. The proposed ship structure is the largest piece of equipment however, the bulk of its massing is no greater than 4m in height (approx.) and only the masts and sails protrude higher than this point. Having considered the application, HED is content that the proposal is satisfactory to the SPPS and PPS6 Archaeological policy requirements. The proposal is considered to be in compliance with the requirements of the SPPS, para. 6.12 of Planning Policy Statement 6: Planning Archaeology and the built heritage, Policy BH11 (Development affecting the Setting of a Listed Building).

### **Impact on Trees/Landscape Features**

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The plans show retention of existing trees and along the south west boundary, a proposed semi mature feature tree (northwest corner) and low shrub and herbaceous planting and reinforced lawn to the south of the site. A condition shall be added to ensure the proposed landscaping is carried out and permanently retained.

### **Access, Movement and Parking**

Following consultation, DFI Roads has responded with no objections to the proposal.

A parking statement has been submitted by the agent in response to the concerns raised in representations regarding car parking provision. The agent made the following points.

- *This playpark application is to update the play facility previously approved as a component part of the overall public realm proposals under Approval*

*LA06/2020/0097/F and should not be considered in isolation. A full Transport Assessment was carried out for the LA06/2020/0097/F application that assessed car parking provision for the full Queen's Parade development and identified available parking capacity within the City Centre for all aspects of the proposal including the play park.*

- *The requirement for a Parking Survey is set out in Appendix 3 of the Guide to the Planning Application Process as being required for when there is a parking need that cannot be accommodated within the application site. The Transport Assessment for the full Queen's Parade and Marine Gardens site has identified that this need can be accommodated through existing car park provision. Additionally, category requirement as per the guidance in the Parking Standards is for public open space – 4 spaces per hectare, and the playpark site is 0.16ha so less than one space would be required if applied as a standalone scheme out with the Marine Gardens development.*
- *This is a play park which is being proposed to replace the play park at Pickie Fun Park, which as a facility has no dedicated parking.*

Given the acceptability of the previous transport assessment carried out in relation to the full Queen's Parade development I am content that there is sufficient car parking to serve the proposed play area. The fact that the playpark will be a replacement for the current playpark at Pickie and will be an ancillary feature the overall public realm redevelopment is also a material consideration meaning that in itself, it would not be likely to attract a greater number of visitors.

### **Impact on Designated Sites/Natural Heritage Interests**

Given the location of the proposal, Shared Environmental Service have been consulted and have no objections given the surrounding land use and the 345m distance to designated sites in open water. There would be no significant effects that would undermine the conservation objectives of any designated site features.

Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/09/2024. This found that the project would not be likely to have a significant effect on any European site.

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

## Flood Impact

DFI Rivers was consulted on this planning application. The Flood Maps (NI) indicate the proposed site lies outside the 1 in 100 year fluvial floodplain and the 1 in 100 year fluvial climate change floodplain. Furthermore, Flood Maps (NI) indicate that the proposed site also lies outside the 1 in 200 year coastal flood plain and the 1 in 200 year coastal climate change flood plain emanating from Belfast Lough.

Regarding FLD 2 – Protection of Flood Defence and Drainage Infrastructure: there is a designated culverted watercourse located within close proximity to this site's eastern boundary, known to Rivers Directorate as the Clandeboye Stream. In accordance with Revised PPS 15, FLD 2 (point 6.32), it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. The proposed play park will have no impact on the required working strip.



Figure 5.1 – DfI Rivers Culvert Locations

**Figure 11: Extract from approved drainage assessment for Queens Parade development.**

## 4 Representations

19 representations from 16 different addresses have been received. These are all objections. The main points raised within the objections have been summarised below and the material planning considerations raised have been dealt with under the relevant headings in the main body of this planning report.

- ***Ship structure and sails are too tall for area and will overshadow and take away from the visual appeal of the marina.***  
The visual impact of the proposal has been considered in detail in the above report.
- ***Negatively affect tourism***  
No substantive evidence has been put forward which demonstrates how the park would negatively affect tourism. On the contrary, it is considered that the new play facilities will enhance the tourism offer for families at this location.
- ***Building a park with a boundary fence will close off the majority of the area in the evenings and the site will not retain its current amenity.***  
The park occupies only a small area of the overall Queen's Parade public realm. The remainder of the public realm will remain fully open and accessible. Fencing is necessary in any play park with roads nearby to ensure the safety of children.
- ***Loss of open green space***  
The site will be retained as open space. Only a small, circular grassed area in the centre of the site is to be removed. Extensive grassed lawn areas are proposed within the wider public realm, replacing the current car park.
- ***Car parking provision***  
Car parking has been considered in detail in the above report.
- ***Impact of noise and loss of privacy to houses in the area***  
Potential noise, disturbance and loss of privacy has been considered in the above report.
- ***Access or emergency vehicles often access the promenade area to drive to Pickie Park and beyond through pedestrian access at the roundabout at the bottom of Grays Hill. This will not be possible due to boundary fence.***  
Emergency vehicles will still be able to access the promenade from elsewhere within the proposed public realm.
- ***Overlooking into the front gardens and living areas of nearby dwellings.***  
Potential loss of privacy has been considered in detail in the above report.
- ***Overdevelopment***  
The proposal does not represent overdevelopment and must be considered in the context of the proposed public realm as a whole, which incorporates extensive areas of open space.
- ***Undermine the aesthetic integrity/consistency of the built environment.***  
The visual impact of the development on the character and appearance of the area has been considered in detail in the above report.
- ***Unnecessary as Pickie fun park is less than 100 metres away.***  
Planning policy does not require need to be demonstrated for a playpark at this location. The site already has extant planning permission for a children's play area.

- **Noise pollution**  
Environmental Health has raised no objections
- **Restrict current sea views and devaluation of property.**  
Not material planning considerations.
- **Biodiversity impacts following removal of trees**  
The proposal does not involve the removal of any significant trees on the site.

## 5 Recommendation

### Grant Planning Permission

## 6 Conditions

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

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

2. 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 operation of the play area 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.

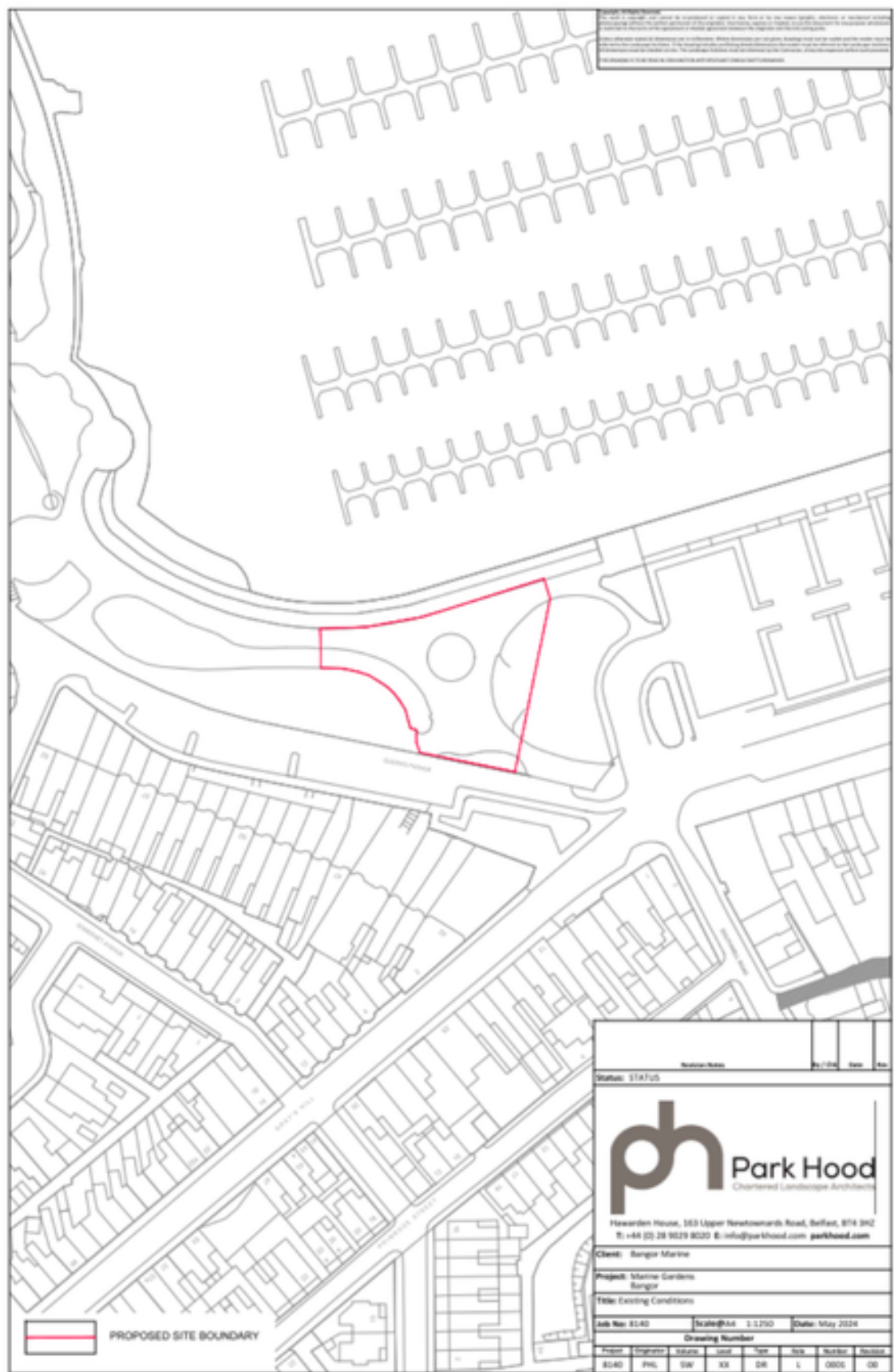
3. Construction work must be undertaken in accordance with BS5228: 2009 Code of practice for noise and vibration control on construction and open sites. Construction work shall be undertaken only between the hours of 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturdays. No work shall be undertaken on Sundays or public/bank holidays.

Reason: To protect residential amenity.

**Informative**

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.

**Annex 1 Proposed plans**

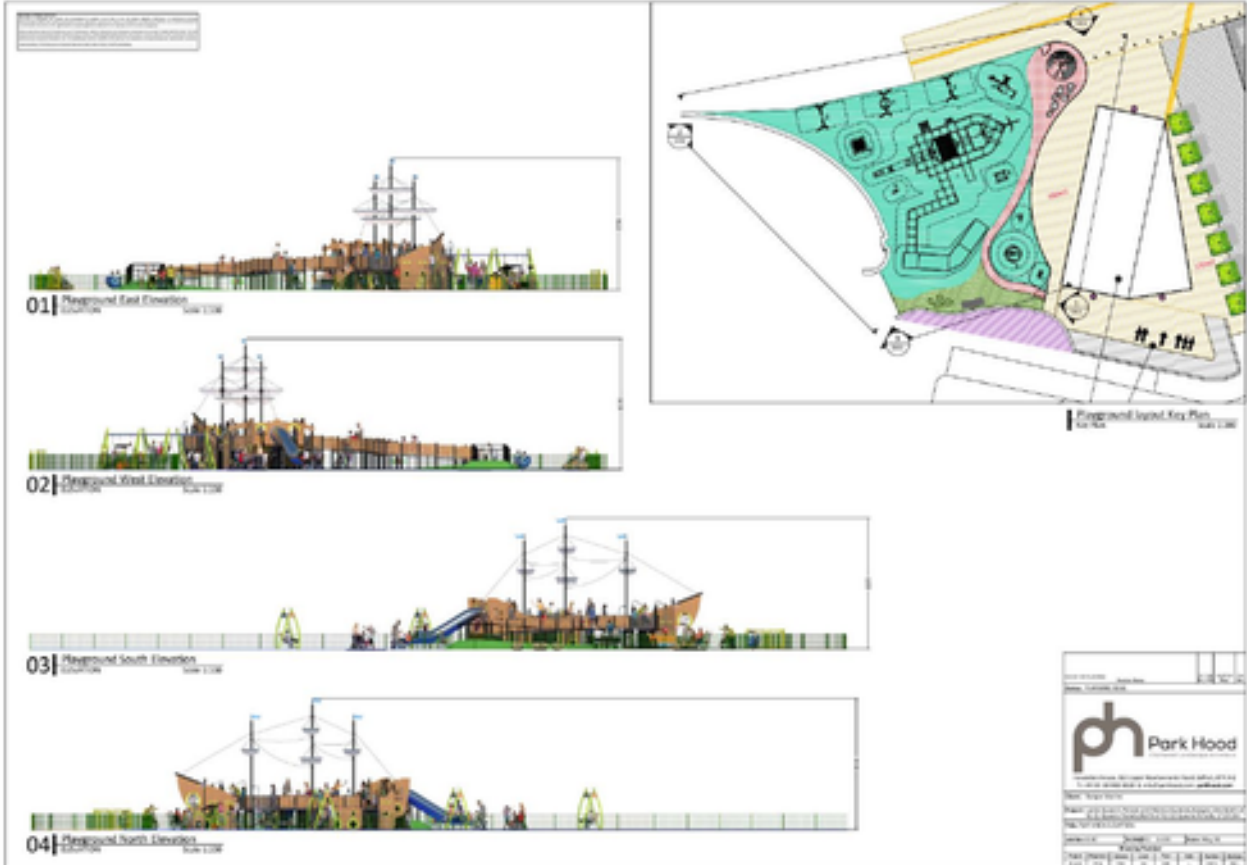


**Drawing 01 – Site location Plan**





Drawing 02: Plan Area Layout



Drawing 03 - Play Area Elevation

**Annex 2: Site photographs.**

**Photo 1: View of application site with dwellings at Queens Parade in the back ground**



**Photo 2: Dwellings along Queen's Parade facing towards the application site.**



**Photo 3: Photo of application site looking towards Bangor Marina**




**Photo 4: Photo of application site looking East to West**

## ITEM 4.9

## Ards and North Down Borough Council

Application Ref	LA06/2024/0953/A
Proposal	Wall-mounted boards (to create anti-drugs mural).
Location	Redburn Community Centre, 1a Ardnagreena Gardens, Holywood DEA: Holywood & Clandeboye
Committee Interest	Application on land which Council has an estate.
Validated	02/01/2025
Summary	<ul style="list-style-type: none"> <li>• Project organised by local community group to encourage an anti-drugs message within local area.</li> <li>• There have been no representations either in support of or objecting to the proposal.</li> <li>• Advertisement proposal does not conflict with the local development plan. Whilst in a proposed LLPA in dBMAP 2015, it does not cause any adverse visual impact in the surrounding area.</li> <li>• Sign is not visually obtrusive, does not result in visual clutter and complies with policy AD1 of PPS 17 and the SPPS.</li> </ul>
Recommendation	<b>Consent</b>
Attachment	Item 4.9a – Case Officer Report

Development Management Case Officer Report				 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2024/0953/A	<b>DEA:</b> Holywood & Clandeboye			
<b>Proposal:</b>	Wall-mounted boards (to create anti-drugs mural)	<b>Location:</b>	Redburn Community Centre, 1a Ardnagreena Gardens, Holywood		
<b>Applicant:</b>	Holywood Community Network				
<b>Date valid:</b>	02/01/2025	<b>EIA Screening Required:</b>	No		
<b>Date last advertised:</b>	n/a	<b>Date last neighbour notified:</b>	n/a		
<b>Consultations – synopsis of responses:</b>					
None					
<b>Letters of Support</b>	0	<b>Letters of Objection</b>	0	<b>Petitions</b>	0
<b>Summary of main issues considered:</b>					
<ul style="list-style-type: none"> <li>Principle of development</li> <li>Design and Appearance</li> <li>Impact on amenity of neighbouring properties</li> <li>Impact on the character and appearance of the area</li> <li>Biodiversity</li> </ul>					
<b>Recommendation: Grant Planning Permission</b>					
<b>Report Agreed by Authorised Officer</b>					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://Northern Ireland Public Register (planningsystemni.gov.uk)">Northern Ireland Public Register (planningsystemni.gov.uk)</a> using Public Access					

## 1. Site and Surrounding Area

This site consists of a community building located in a residential area of Holywood. The building – and the adjacent playpark – is owned by the Council.

The building is finished in red brick with extensive multi-panel glazing on the main elevation facing the road. The property has the appearance of an older school building.

There is a small area of greenery and dedicated parking to the front.

The wider area is residential in character with a number of bungalows in close proximity to the site.

## 2. Site Location Plan



## 3. Relevant Planning History

No relevant planning history on the site.

## 4. Planning Assessment

**The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:**

- North Down & Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 17: Control of Outdoor Advertisements



*Main view of the front of the building*

### **Principle of Development**

The NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site above is within the settlement of Holywood. Furthermore, the site is within the Redburn Local Landscape Policy Area in Draft BMAP. There are no designations in relation to built heritage. No architectural or archaeological designations affect the site. As there are no material provisions in the extant LDP that are pertinent to the proposal, the determination will be based on the prevailing regional policies and all other material considerations.

The SPSS sets out that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The policy document also goes on to further expand upon the control of advertisements in Paragraphs 6.52 to 6.60 (pages 49-50) of the document. Outlining that whilst advertising is a familiar feature of our environment, it has the potential to impact the character of a building and the area in which it is located. Paragraph 6.59 reiterates that care is to be taken to ensure that all proposals do not detract from the place where the advertisement is to be located, to prevent visual clutter, and to control signage involving illumination.

### **Description of Proposal**

The advertisement relates to a number of marine ply boards on the side of the community building which will create an anti-drugs mural. The sign will be 12m in length and 1.2m in height and will be screwed to the lower part of the building below the windows. By way of background, the sign is a project organised by a local community group. There are ongoing anti-social problems in the area and the mural seeks to be both a creative project and to encourage an anti-drugs message.

## Visual Amenity & Impact upon area

The main policy context for this type of development is PPS17: Control of Outdoor Advertisements. Consent is to be given where the sign respects amenity when assessed in the context of the general characteristics of the locality; and, it does not prejudice public safety.

In the amplification, it is requested that care must be taken to ensure that an advertisement will not detract from the place where it is to be displayed or its surroundings.

Policy AD 1 of PPS17 notes that the following matters are to be taken into account:

- Impact upon the general character of the area
- Scale and size of the advertisement in context of the host building
- The cumulative effect of advertisements on the host building
- Scale, scale and dominance in context of the surrounding area
- The design and materials to be applied
- With freestanding signs, impact upon character of the surrounding area
- Impact on public amenity with regards to size, scale and potential light pollution due to any proposed illumination

The building faces toward the junction with the Old Holywood Road. Whilst the building is set back from the junction, there are no intervening buildings resulting in relatively clear views – albeit through some mature trees - from the main road towards the community hall (see image below).



*View from main road through trees towards the subject building*

The area has a mature residential character with a substantial amount of informal open space, mature trees and roadside vegetation. Whilst the sign will be below the window it will be 12m long and will 'catch the eye' to any glance towards the hall. However, given the intervening trees in the foreground between the building and potential critical views from the junction with Old Holywood Road and Jackson's Road, visual impact is limited and the proposal acceptable.



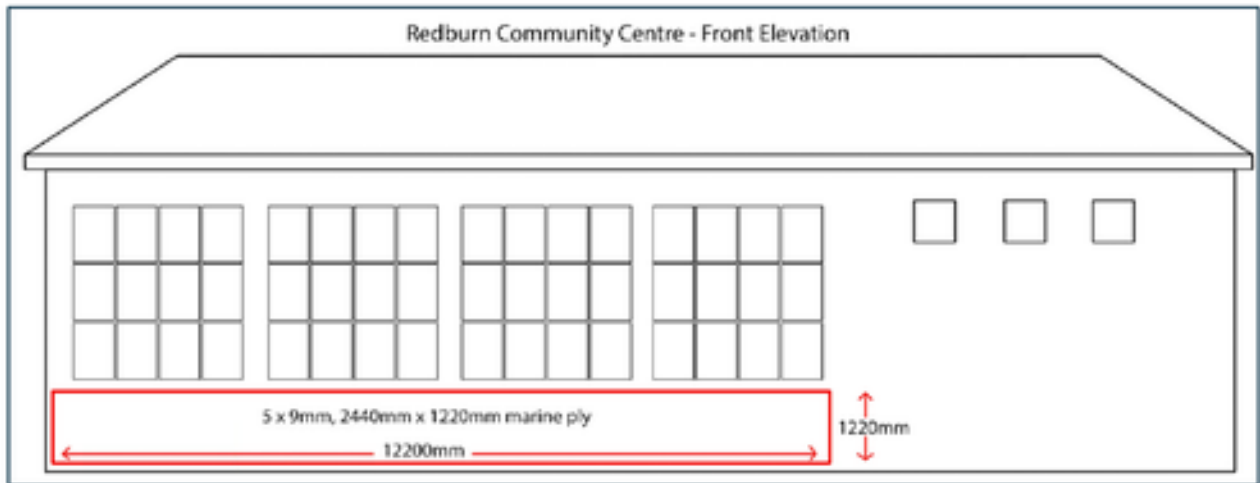
<p>There are no similar signs in the area – or on the building - and I do not consider there to be any sense of cumulative impact. The sign will be not be illuminated and the proposal will pose no risk to motorists.</p> <p>The SPPS further highlights the need to balance the requirements of prevailing marking conditions and the need to protect and enhance our towns and cities. Whilst the proposal is not commercial in nature, community engagement, facilities, and health lie at the heart of the SPPS. In the process of decision taking, the Council is therefore tasked to balance both the social and environmental matters in the public interest.</p> <p>There is a clear community benefit with this proposal and I consider it complies with requirements of the SPPS.</p> <p><b>Impact on Privacy and Amenity of Neighbouring Residents</b></p> <p>Closest dwelling is over 50m away. There will be no material impact on the outlook for any neighbouring property.</p> <p><b>Time Limit</b></p> <p>The Council, as owners of the Community Hall building, have formally agreed with the applicant that the mural can be on the building for a maximum of three years.</p> <p>As a result, it is my professional opinion that a temporary time condition is imposed to reflect this agreement meaning the mural should be removed at the end of the three-year period.</p>
<p><b>5. Representations</b></p> <p>No letters of representation have been received.</p>
<p><b>6. Recommendation</b></p> <p><b>Grant Consent</b></p>
<p><b>7. Conditions</b></p> <p>1. The signage, hereby approved, shall be removed on or before three years from the date of this permission.</p> <p>Reason: Time Limit</p>
<p><b>Informative</b></p>

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.

**Annex – Associated drawing**



1. Location in relation to Hollywood



2. Proposed Front elevation



3. Proposed rendered image

Unclassified

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## ITEM 5

## Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 February 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	17 January 2025
File Reference	N/A
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: Not applicable
Subject	Update on Planning Appeals
Attachments	

## Appeal Decisions

1. There have been no appeal decisions received since the last update for the Planning Committee on 3 December 2024

## New Appeals Lodged

2. The following appeal was lodged on 30 December 2024.

PAC Ref	2024/A0098
Council Ref	LA06/2021/0490/O
Appellant	Paul McGouran
Subject of Appeal	Proposed farm dwelling and domestic garage
Location	50m NW of 100 Carrickmannon Road, Ballygowan.

Not Applicable

Details of appeal decisions, new appeals and scheduled hearings can be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

**RECOMMENDATION**

It is recommended that Council notes this report.

Unclassified

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## ITEM 6

## Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 February 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	14 January 2025
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: N/A
Subject	Correspondence with DfI Minister - LWWP and NI Water funding
Attachments	Item 6a Cover report -Item 7 presented 5 November 2024 in relation to Living with Water Programme (LWWP) Item 6b Letter to DfI Minister 3 December 2024 Item 6c Response from Personal Secretary DfI Minister dated 3 January 2025.

**Background**

Members shall be aware of the matters raised in relation to funding of the Living with Water programme and assurances for funding for a fit for purpose Northern Ireland Water (NIW) (Planning Committee 09 April 2024 – Item 6, reporting of update at Planning Committee meeting of 06 August 2024 – Item 6.) Most recently a further report was presented in November 2024 in relation to the critical stage of Living with Water and the outcome of the DfI review of that programme (Item 6a attached). A further letter was prepared and was issued (Item 6b attached). The letter set out concerns over consequences for the environment with a knock-on effect for the Planning system with limited opportunities for future economic growth and the

## Not Applicable

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development of much needed housing. Furthermore, it made explicit the concerns of the Planning Committee that the matter of funding for upgrades to Kinnegar WwTW be investigated again as a matter of urgency.

### Detail

Attached at Item 6c is the most recent response dated 3 January 2025, from Emma Stockman, the Personal Secretary to the Department for Infrastructure Minister.

The response received advises that the affordability review into the Living with Water programme has concluded. The outcome of the review is that *'the social, environmental and economic needs for the Belfast Plan continues to exist, however, without the necessary budget, the original 12-year timescale to deliver it is no longer achievable'*. The letter advises that delivery of the projects *'in the Belfast Plan, including the upgrade to Kinnegar WwTW, will therefore be taken forward as normal business at a scale and pace achievable within available budgets'*.

In acknowledging that NIW operates under significant financial pressures, the letter refers to the Minister allocating it a budget of c.£0.5 billion in 2024/25 (just under 40% of the total non-ring-fenced budget available for DFI).

The letter concludes that *'it is important, therefore, that NI Water works within this funding, prioritises accordingly, and seeks opportunities to collaborate with stakeholders, including the Council, to find innovative solutions wherever possible.'*

## RECOMMENDATION

It is recommended that Council notes the content of this report and the attachments including the reply received from the Personal Secretary to the Infrastructure Minister.

Unclassified

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## ITEM 7

**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 November 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 October 2024
File Reference	160051
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: N/A
Subject	NIW on The Story of Belfast Lough
Attachments	The Story of Belfast Lough

**Background**

Officials within Northern Ireland Water (NIW) and the Council have previously been engaged in relation to the Living with Water Programme (LwWP) water sampling, and the LwWP Wastewater Treatment Works (WwTW) upgrade project. Through those discussions matters around water quality, flood risks and development constraints were raised.

Planning officials raised the matter of funding for the LwWP with Members at the Planning Committee meeting of 09 April 2024 – Item 6, at which Members agreed that the Council writes to the Minister for Infrastructure seeking assurances that the monies committed to NIW for infrastructure projects, particularly the planned upgrade to Kinnegar WwTW, be reinstated forthwith. A response to that letter was reported to Committee at its meeting of 06 August 2024 – Item 6.

We have now reached a critical stage as NIW and other LWWP partners await the outcome of the Department for Infrastructure's review of the LWWP, which will



Not Applicable

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determine if any of the LWWP Major Projects (which includes the replacement of Kinnegar WwTW) will be able to proceed as had been planned in 2021.

### **The Story of Belfast Lough**

NIW has provided the attached document, entitled 'The Story of Belfast Lough' which it prepared and has released to stakeholders, after review by the Utility Regulator and the Department for Agriculture, Environment and Rural Affairs.

The report references how improvement of the water quality in the rivers of Belfast and Belfast Lough is dependent upon key decisions being made today.

In relation to Ards and North Down Borough Council Members should note that:

- Figure 2.1 illustrates how the LWWP catchment area spans from Holywood to Helen's Bay
- Figure 5 shows the locations of storm overflows in the ANDBC area that are 'unsatisfactory' - causing pollution
- Section 5.4 sets out how the odour at Kinnegar is a result of land reclamation coupled with unsatisfactory overflows
- Section 6.4 sets out the impact of pollution on swimming at designated Bathing Waters controlled by ANDBC
- Section 6.5 sets out the impact of pollution on Seapark – and the important role of the Council in advising the public about the risks of water quality
- Section 7 sets out the impact of capacity constraints on economic development
- Section 9.5 sets out how the NI Assembly has until 3 December 2024 to respond to a report by the Office for Environmental Protection (OEP)

### **Living With Water Programme (2021)**

In many places the 'Story of Belfast Lough' references the 'Living With Water Programme' (LwWP) and the Living With Water In Belfast Plan.

Further information on this can be found here:

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/living-with-water-in-belfast-plan-updated-apr22.pdf>

### **Storm Overflows Document and Data**

In March 2024 NIW published the document '*Northern Ireland's Wastewater System*' on its website.

This can be accessed from the storm overflow page: [Storm Overflows \(niwater.com\)](https://www.niwater.com/storm-overflows)

NI Water has also launched a second webpage called '*storm overflow performance*' that makes available in a spreadsheet the modelled results for frequency and volume of spills from storm overflows. This can be accessed from the storm overflow performance page: [Storm Overflow performance \(niwater.com\)](https://www.niwater.com/storm-overflow-performance)

Sharing of this information is part of NIW's commitment to increasing understanding of Northern Ireland's wastewater system, how it works and performs. Publishing

Not Applicable

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drainage modelling data also ensures that NI Water is compliant with FOI requirements.

### **RECOMMENDATION**

It is recommended that Council notes the content of this report and the attachment.

Our Ref: COR 2024 233

Your Ref:

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Planning Department  
2 Church Street  
Newtownards  
BT23 4AP

[planning@ardsandnorthdown.gov.uk](mailto:planning@ardsandnorthdown.gov.uk)

Mr John O'Dowd  
Minister for Infrastructure

**Via Email Only:** [john.odowd@mla.niassembly.gov.uk](mailto:john.odowd@mla.niassembly.gov.uk)

03 December 2024

Dear Minister O'Dowd,

**Ref: Northern Ireland Water (NI Water - NIW) - Living with Water Programme**

I refer to previously issued Council correspondence dated 10 June 2024 seeking assurances that the monies committed to NIW for infrastructure projects, particularly the planned upgrade to Kinnegar Wastewater Treatment Works (WwTW), be reinstated forthwith. A response to that correspondence was subsequently reported to Committee at its meeting of 06 August 2024.

At the time of writing, NIW and other LWWP partners awaited the outcome of the Department for Infrastructure's review of the LWWP, which would determine if any of the LWWP Major Projects which included the replacement of Kinnegar WwTW would be able to proceed as planned in 2021.

The recently published LWWP was presented to Planning Committee members and while the publication of the document was noted and welcomed, concern was expressed that whilst recommendations were put forward for improving infrastructure around Belfast Lough, the only way they could be met was through funding.

As funding continues to fall short of maintaining a level of fit for purpose infrastructure and delivery for growth, it is unclear how programmes detailed in the LWWP will be

Our Ref: COR 2024 233

Your Ref:



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delivered successfully, despite the suggestion that much could still be achieved in relation to the Council's ambitions with joint working with NI Water to seek innovative solutions and maximise opportunities available.

The ongoing underinvestment in wastewater infrastructure will result in disastrous consequences for the environment with a knock-on effect for the Planning system with limited opportunities for future economic growth and the development of much needed housing.

Given the well-publicised comments that Belfast Lough was on course to become the next Lough Neagh, members of the Planning Committee requested further correspondence be issued so that the matter of funding for upgrades to Kinnegar WwTW be investigated again as a matter of urgency.

I look forward to your considered response.

Yours sincerely,

**GE Kerr MRTPI**

**(Acting) Head of Planning**

**(issued electronically without signature)**

From the office of the Minister for Infrastructure  
**JOHN O'DOWD MLA**

Gail Kerr  
Head of Planning  
Ards & North Down Borough Council  
2 Church Street  
Newtownards  
BT23 4AP

[planning@ardsandnorthdown.gov.uk](mailto:planning@ardsandnorthdown.gov.uk)

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2 - 4 Cromac Avenue,  
Belfast, BT7 2JA  
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Email: [Private.office@infrastructure-ni.gov.uk](mailto:Private.office@infrastructure-ni.gov.uk)

Your reference: COR 2024 233  
Our reference: COR-1956-2024  
03 January 2025



Dear Gail,

### **NI Water / Living With Water Programme**

Thank you for your letter to Minister O'Dowd dated 3 December 2024 about the need for funding for NI Water to deliver wastewater infrastructure projects, including Kinnegar Wastewater Treatment Works (WwTW).

When the Living With Water in Belfast Plan was published in 2021, it was always acknowledged that additional funding would be required to deliver it within the original 12-year timeframe. In the New Decade New Approach agreement, Living With Water was identified as a beneficiary of increased funding, however, this funding was not received.

Since the Council corresponded on the matter, in June 24, the affordability review of the Living With Water Programme has concluded. The review was prompted by an increase of £700m in NI Water's cost estimates to deliver its elements of the Belfast Plan, bringing the total cost of the Plan to £2.1bn.

The outcome of the review is that the social, environmental and economic needs for the Belfast Plan continues to exist, however, without the necessary budget, the original 12-year timescale to deliver it is no longer achievable. Delivery of the projects in the Belfast Plan, including the upgrade to Kinnegar WwTW, will therefore be taken forward as normal business at a scale and pace achievable within available budgets.

Whilst it is acknowledged that NI Water is operating under significant financial pressures, the Minister has allocated the company a budget of almost £0.5 billion in 2024/25, which is just under 40% of the total non-ring-fenced budget available for his entire department. It is important, therefore, that NI Water works within this funding, prioritises accordingly, and seeks opportunities to collaborate with stakeholders, including the Council, to find innovative solutions wherever possible.

The Minister will continue to work with his Executive colleagues to present the case for additional funding for water and wastewater.

Yours sincerely

A handwritten signature in black ink, consisting of a large loop on the left and a horizontal line extending to the right.

**EMMA STOCKMAN**  
**Personal Secretary to the Minister**

Unclassified

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## ITEM 7

**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 February 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	20 January 2025
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: N/A
Subject	Kinnegar WwTW - Upgrade Deferral
Attachments	Item 7a - correspondence from NIW

**Background**

Members shall be aware through Item 6 of the recent response dated 3 January 2025 from the office of the Infrastructure Minister regarding concerns of the Planning Committee that the matter of funding for upgrades to Kinnegar WwTW be investigated again as a matter of urgency.

**Detail**

Attached at Item 7a is recent correspondence dated 15 January 2025, from Paddy Brow, Project Sponsor for NIW, with regard to the proposed update to Kinnegar WwTW currently being dealt through planning application ref: LA06/2024/0309/F.

The attached details how, in late 2024, DfI wrote to NI Water and advised that a review had been carried out of Belfast area projects and concluded that whilst the need for the Living With Water in the Belfast Plan continues to exist, delivery of the Plan within the original twelve-year timescale is no longer achievable.

## Not Applicable

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Given this lack of funding NI Water has begun to 'mothball' a number of Belfast projects, including the upgrade of Kinnegar WwTW which is now being paused indefinitely. It has been advised that a programme of maintenance is commencing in Spring 2025 to ensure that the existing facility operates as effectively as possible until it has been upgraded.

NIW has requested processing of the planning application continues should funding be provided which would enable delivery of the project.

## RECOMMENDATION

It is recommended that Council notes the content of this report and attachment.



**Northern Ireland Water**  
Infrastructure Delivery Directorate  
Westland House  
Old Westland Road  
BT14 6TE  
[www.niwater.com](http://www.niwater.com)  
[waterline@niwater.com](mailto:waterline@niwater.com)  
Tel: 03457 440088



Wednesday 15 January 2025

Gail Kerr  
Head of Planning  
Ards & North Down Borough Council  
2 Church Street, Newtownards  
Co. Down, BT23 4AF

Dear Gail

**Kinnegar WwTW Upgrade Deferral (application ref. LA06/2024/0309/F)**

In this letter NI Water provides an update in relation to the upgrade of Kinnegar WwTW under the Living With Water in Belfast Plan, which was launched by the Department for Infrastructure (DfI) in 2021. The key Kinnegar WwTW Upgrade project objectives are to increase the treatment capacity to facilitate economic growth in the catchment area which extends from Holywood to Dundonald and East Belfast, reduce spills from unsatisfactory storm overflows, treat wastewater to a higher standard and reduce the risk of odours.

As part of the Early Contractor Involvement (ECI) phase of the project, excellent progress has been made by the integrated project team (Farrans Construction, TES-CAW JV and AECOM), which has been working closely with NI Water and our consultants RPS Consulting Engineers to develop designs and to secure planning permission so that construction could commence in early 2026.

However, as you may be aware from recent media coverage, NI Water is facing significant funding challenges. In late 2024 DfI wrote to NI Water and advised that a review had been carried out and concluded that whilst the need for the Living With Water in Belfast Plan continues to exist, delivery of the Plan within the original twelve-year timescale is no longer achievable. Delivery of the Belfast Plan projects can no longer be taken forward through a formal programme but instead by individual partners, such as NI Water, and delivered as normal business at the 'scale and pace achievable within available budgets'.

When assessing if any of the Living With Water in Belfast Plan major projects could proceed, NI Water has assessed the following additional factors:

- 1) DfI has separately advised NI Water to plan based on a defined level of constrained capital funding budget until 2033. The budget figure presents a significant shortfall when compared to the level of investment that was determined by the Utility Regulator for the period 2021 to 2027.
- 2) With insufficient capital investment funds, NI Water is following prioritisation based on DfI's PC21 Social and Environmental Guidance and shared with NI Water's Principal Stakeholders

(Department for Infrastructure, NI Environment Agency, Drinking Water Inspectorate, Utility Regulator, and Consumer Council for NI).

When these factors are assessed together, there is no investment available to undertake any of the Major Projects included within the Living With Water Plan for Belfast, including Belfast WwTW, Sydenham WwPS, Kinnegar WwTW, Whitehouse WwTW and Extension of the Belfast Storm Water Tunnel.

Accordingly, NI Water had recently begun to 'mothball' all these projects, including the upgrade of Kinnegar WwTW. The project is now being paused indefinitely.

NI Water has set out the implications of these projects being paused in the Story of Belfast Lough, which can be accessed here: [Story of Belfast Lough - Northern Ireland Water](#)

To ensure that the existing facility operates as effectively as possible until it has been upgraded, NI Water will commence a programme of maintenance in Spring 2025.

NI Water will continue to make representations to the DfI for the funding to able to progress each of the major projects in the Living With Water Plan for Belfast in the hope that funding can be provided. In this instanced we will urgently work to commence delivery. Accordingly, we would be grateful if you could please continue to process the planning application so that, should funding be provided, we can proceed to deliver the project.

Yours sincerely



Paddy Brow MEng CEng FICE  
Project Sponsor

Brian Dorrian - Ards & North Down Borough Council	E <a href="mailto:Brian.Dorrian@ardsandnorthdown.gov.uk">Brian.Dorrian@ardsandnorthdown.gov.uk</a>
Tomasz Piadlo – NI Water Senior Project Manager	E <a href="mailto:tomasz.piadlo@niwater.com">tomasz.piadlo@niwater.com</a>
Mark McEvoy – RPS Ireland Ltd NEC Project Manager	E <a href="mailto:Mark.Mcevoy1@rps.tetrattech.com">Mark.Mcevoy1@rps.tetrattech.com</a>
Catriona Morgan – RPS Ireland Ltd Senior Planner	E <a href="mailto:catriona.morgan@rpsgroup.com">catriona.morgan@rpsgroup.com</a>