

ARDS AND NORTH DOWN BOROUGH COUNCIL

25 February 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 March**, 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 Planning Committee minutes of 04 February 2025 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2022/0827/F	<p>Stable building and associated hayshed/tack room and equipment store.</p> <p>Lands approximately 250m SW of 240 Scrabo Road, Newtownards</p> <p>Speaking in support of the application: David Donaldson and Gareth Metcalfe (Applicant)</p>
4.2	LA06/2024/0438/O	<p>Erection of shed for the storage and maintenance of agricultural machinery, yard and re-location of access</p> <p>100m south of 35 Ballymaleddy Road, Comber</p> <p>Speaking against the application: Kerri Hampton</p> <p>Speaking in support of the application: Gary Thompson and Ryan Doherty (Applicant)</p>

4.3	LA06/2024/0726/F	<p>Replacement 2 storey dwelling (Change of house type from approved ref. LA06/2021/0433/F)</p> <p>15A Morningside, Ballyholme, Bangor</p> <p>Speaking against the application: Muriel Ryan (neighbour) and Emma Sutherland (neighbour's daughter)</p> <p>Speaking in support of the application: Andy Stephens and David Wilson (Project Architect) Emma Rayner (Landscape Architect)</p>
4.4	LA06/2023/2073/F	<p>Demolition of existing dwellings and erection of 9 apartments with associated car parking</p> <p>32-36 Prospect Road, Bangor</p>
4.5	LA06/2021/1476/F	<p>Residential development comprising 29 No. dwellings (comprising 25no. detached and 4no. semi-detached dwellings), including garages, open space, and landscaping, access, internal road network and all other associate site and access works</p> <p>Lands to the NW of Kiltonga Industrial Estate, SW of Belfast Road and South of Milecross Road, Newtownards</p> <p>Emma McIlwaine, Tom Stokes and Johnny Kennan (Roads and Drainage Consultant) and David Simpson (Applicant) in attendance to respond to questions.</p>
4.6	LA06/2023/2471/O	<p>1no. Single storey detached dwelling with detached garage</p> <p>Site immediately adjacent to the rear boundary of 14 Dixon Road, Bangor</p> <p>Speaking in support of the application: John Harkness</p>
4.7	LA06/2024/0665/F	<p>Proposed Upgrade to Existing Wastewater Pumping Station (WwPS). Including Extension of Existing Underground Chamber, Addition of Screen to</p>

		<p>Emergency Overflow, New Access Points and Path to Roof, and Boulders, Sand and Grass Banking</p> <p>Lands at Existing NI Water Clanbrassil WwPS, Farmhill Road, Holywood, BT18 0AD (circa 40metres South West of No.1a Clanbrassil Terrace, Holywood)</p> <p>Speaking in support of the application: Michael Graham and Paul Cooke</p>
4.8	LA06/2024/0913/F	<p>Proposed 1 year temporary car park for public use (scheme composed of 97 new car parking spaces, 6 of which are disabled parking spaces & 20 motorcycle spaces)</p> <p>Land between 12-35 Queen's Parade, Bangor</p>
4.9	LA06/2024/0960/A	<p>Village Sign</p> <p>Land 27m south of 7 Portaferry Road, Cloughey</p>

Reports for Approval

5. Service Unit Plan 2025/2026 (report attached)

Reports for Noting

6. Planning Appeals Update (report attached)
7. Quarter 2 2024/2025 Statistics (report attached)
8. Budgetary Control Report (report attached)
9. Update on Tree Preservation Order and Works (report attached)
10. Update on Planning Improvement Plan (report attached)

***** IN CONFIDENCE *****

Reports for Noting

11. Update on Planning Enforcement Case (report attached)
12. Quarterly Update on Enforcement Matters (report attached)

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 4 February 2025 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
McDowell (zoom)
Smith

Councillors:	Cathcart	McClellan
	Harbinson	McKee (zoom)
	Kendall (zoom)	Morgan
	Kerr	Smart
	McBurney	Wray
	McCollum	

Also in attendance: Alderman Cummings and Councillor Douglas

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Senior Planners (A Todd and C Rodgers) and Democratic Services Officers (R King & J Glasgow)

1. APOLOGIES

An apology for inability to attend was received from Councillor Hennessy.

2. DECLARATIONS OF INTEREST

Councillor McKee declared an interest in Item 4.5 - LA06/2023/1658/F – Land adjacent to & approx. 17m South of 27 Auburn Park, Bangor - Single dwelling.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 02 DECEMBER 2024 AND SPECIAL PLANNING OF 20 JANUARY 2025

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED that the minutes be noted.

4. PLANNING APPLICATIONS

- 4.1 LA06/2024/0381/F - 110m SE of No 73 Green Road, Bangor
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

ITEM WITHDRAWN – The application had been withdrawn from the agenda in advance of the meeting.

- 4.2 LA06/2024/0174/O - Vacant lands between Nos 7 & 11 Ringcreevy Road, Comber
2No. one and a half storey infill dwellings.
 (Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Comber

Committee Interest: A local development application "called-in" to the Planning Committee by a member (Councillor Cathcart) in order for the Committee to consider whether the application constitutes a gap site, considering precedent set by approvals LA06/2020/0600/F, LA06/2024/0373/O, LA06/2020/0600/F.

Proposal: 2No. one and a half storey infill dwellings

Site Location: Vacant lands between Nos 7 & 11 Ringcreevy Road, Comber

Recommendation: Refuse Planning Permission.

The Head of Planning provided the detail of the application. She noted the application was for outline permission with the principle of development only being considered. If the recommendation was overturned to an approval she noted that any detail for the proposal would require to be submitted at reserved matters stage.

Members would see that the application site was located within the countryside. The site lay within the Strangford and Lecale Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015. The Ringcreevy Road was a narrow rural road with isolated dwellings and pairs of buildings. The site consisted of an area of flat grass land bounded to the north, east and west by hedgerow. The south was undefined and the site was flat. The surrounding area consisted of agricultural fields and isolated single or pairs of dwellings with varying plot sizes. There was no planning history on the site. The Head of Planning displayed a series of images of the site and area. Travelling south-east along the road the first building viewed was No.7 Ringcreevy Road, then there was a field where the site was located, then a small paddock, then No.11 Ringcreevy Road and then an outbuilding adjacent to No.11.

In terms of policy under consideration, the Head of Planning explained that CTYB of PPS21 – which deals with infill development, lists criteria to be met. The buildings within the substantially built-up frontage were considered to be 7 Ringcreevy Road which was a dwelling, 11 Ringcreevy Road also a dwelling and a building adjacent to

11 Ringcreevy Road. Planning was satisfied the plots within which those buildings stand about the road and therefore had frontage to it. So, given there was a line of three or more buildings along this section of Ringcreevy Road which all share common frontage with the road, this part of the policy had been met. The second part of the assessment was to confirm an infill opportunity existed for the development of a small gap site sufficient only to accommodate up to a maximum of two houses with clarification text provided. The amplification text goes on to state that, for the purposes of the policy, the 'gap' was between buildings.

The buildings either side of the site proposed were No.7 and No.11 Ringcreevy Road. The gap was measured between the south-east elevation of No.7 and the north-west elevation of No.11 and measured at approximately 150m. The three plots which shared frontage located on either side of the site, had an average frontage width of 25m. Members should be aware that the assessment of whether a site was suitable for infill development was not purely a mathematical exercise, but rather it was a matter of considering and balancing all the evidence, including site inspection, against policy requirements. Taking all considerations into account it was the professional planning judgement 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 represented an important visual gap could be seen in an image shown between two visually separate buildings. Guidance on the interpretation of CTY8 provided in a judicial judgment (Gordon Duff Vs Newry, Mourne and Down District Council (2022) NIQB 37J) stated Justice Scoffield KC held that whether a site offers a visual break of such importance or significance was 'a matter of planning judgement; but it is a matter of common sense, and consistent with the guidance ...that the larger the site, the more likely it is to offer an important visual break.'

CTY8 required 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. In its current form the roadside boundary included a mature hedgerow which screens views when passing the site. The Head of Planning noted that if the application was to be approved, hedgerow would have to be removed to provide the required sight splays which would visually open up the site and would be hard to integrate.

The proposal was also considered to be contrary to CTY 13 of PPS 21 criteria a, b, c and f in that the proposed dwellings would be prominent features relying on additional landscaping to integrate into the surrounding landscape, particularly when viewed approaching from the northwest towards the site. Views from the opposite direction would be much the same as the site was very open. Any new dwellings on the site, irrespective of siting, design, or the proposed landscaping shown, would lack the necessary enclosure to integrate them into the landscape. There was no backdrop to the site as the surrounding land was flat and open and the dwellings would be open to views when the vegetation along the roadside boundary was removed. In addition, the infilling of this gap would create a ribbon of development and would result in a suburban style build-up of development detrimental to the rural character of the area and contrary to Policy CTY14 which related to rural character.

Given the site was located within an AONB and the siting and scale of the proposal was not sympathetic to the special character of the AONB in general, and of the particular locality, the proposal also failed the requirements of Policy NH6 of PPS2. The Head of Planning stated that given the considerations she had outlined and detail within the case officer report the recommendation was to refuse outline planning permission.

The Chair invited questions from Members

The Mayor noted the complication with gap site applications and the many debates that had occurred in the Chamber in respect of gap sites. Gap sites were not defined and there was no mathematical formula. The Mayor asked the Head of Planning what the judgement was based on.

The Head of Planning explained that if it had been found that the area was a small gap site then the application would have been approved. It was more than a mathematical equation as detailed in legal cases. As could be seen from the visuals, the site was very open in a very rural area. Applications were considered on a case-by-case basis and took account of a whole range of factors. This was an important visual gap and that had to be respected in the countryside.

The Mayor felt that whether a gap site was a small gap site was relatively subjective and he questioned if it was the view that the Council had a consistent approach in relation to gap site applications.

The Head of Planning would argue that the Planning Service had been consistent. It was not a blanket approach to sites, each site had to be assessed on its own merits. There would be some sites within the countryside that would fulfil that requirement however in this case it was clear that did not.

On a general point, the Mayor stated that he did not like the specific policy and it should be looked as part of the Council's local development plan.

Proposed by Councillor Morgan, seconded by Councillor Harbinson, that the recommendation be adopted, that planning permission be refused.

Councillor Morgan noted the location of the application which was within an AONB. She also did not like the policy CTY8 and was of the view that it instead created ribbon development. However, she believed that it was clear that the space was substantial, it was open countryside and the application should not be approved.

Referring the site layout, Councillor Harbinson felt the massing of the buildings proposed seemed to be quite a bit larger than the existing buildings at each side. He understood it was not a mathematical equation however viewed that as a large gap site.

On being put to the meeting, with voting 10 FOR, 3 AGAINST, 2 ABSTAINING and 1 ABSENT, the proposal was declared CARRIED. The vote resulted as follows:

FOR (10)	AGAINST (3)	ABSTAINED (2)	ABSENT (1)
Alderman Smith	Alderman Graham	Aldermen McDowell McIlveen	
Councillors Harbinson Kendall McBurney McClellan McCullum McKee Morgan Smart Wray	Councillors Cathcart Kerr		Councillor Hennessy

RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor Harbinson, that the recommendation be adopted, that planning permission be refused.

4.3 LA06/2023/2505/F – 17b Maxwell Road, Bangor
Demolition of existing garage/utility room. Two storey side extension, front balcony, driveway extension and ground works.
 (Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor West

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.

Proposal: Demolition of existing garage/utility room. Two storey side extension, front balcony, driveway extension and ground works.

Site Location: 17b Maxwell Road, Bangor

Recommendation: Grant Planning Permission

Presenting her report, the Senior Planner (A Todd) explained that the site was located in a long-established residential area in Bangor West. The area generally comprised low density development with detached dwellings on generous plots. In the immediate area on Maxwell Road, the dwellings were predominantly one and a half or two storey with a mix of brick and render finishes.

The existing dwelling had a one and a half storey appearance to the front but had a full two storeys to the rear. The site boundaries were defined by wooden fencing, hedges and shrubs.

In terms of the layout plans, the footprint itself of the dwelling would remain similar with only a small extended element to the rear as shown in grey on the displayed image.

The extension to the dwelling was proposed to the northern elevation in place of the existing single storey garage and would be two storey in height in line with the existing ridge height. The extension had been designed with a gable end to the front portion and a hipped roof return to the rear. To the front, a Juliette balcony and a small inset balcony were proposed to the two front facing bedrooms.

A further slide showed the existing and proposed floor plans with the extension providing a garage, utility and kitchen at ground floor and an additional bedroom and en-suite at first floor.

In terms of Impact on Character, 12 letters of objection from eight separate addresses had been received in relation to the proposal. The specific concerns raised were set out and considered in detail in the case officer's report. The main concerns related mainly to the impact of the development on the character of the area and on the amenity of No. 17a Maxwell Road and 45 Ranfurly Avenue. Policy EXT1 of PPS7 Addendum required the scale, massing, design and external materials of the proposal to be sympathetic to the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area.

The Planning Service was satisfied that the scale, design and materials of the proposed extension would very much respect both the existing dwelling and the surrounding area. Materials would match those of the existing dwelling and the extension had been designed to continue the ridge line and roof pitch of the dwelling. In terms of the impact on the wider area, as already outlined, the proposal involved only a very minor increase in the footprint of the dwelling. While the proposal would bring the two-storey element of the dwelling closer to the adjacent dwelling at No. 17a, it was not considered that this proximity of the two storey elements was out of character with the area as the existing pattern of development along this side of the road already included a number of examples of two storey dwellings sited in close proximity to each other.

In relation to Impact on Residential Amenity, the Planning Service was also satisfied that the proposed development would not result in any unacceptable adverse impact on the privacy or amenity of neighbouring residents. The adjacent properties most likely to be impacted by the development included those closest at 17a Maxwell Road to the north, 45 Ranfurly Avenue to the northeast and 26 Knockmore Park to the southeast. Looking first at Nos. 45 Ranfurly Avenue and 26 Knockmore Park, both of these properties were located to the rear of the application site as could be seen on the site location plan. In terms of potential loss of privacy to these properties, the extension only proposed two small windows at first floor level serving a dressing room and ensuite, both of which would be subject to a condition requiring obscure glazing, therefore there would be no greater degree of overlooking from first floor towards either of these properties. While large, glazed doors were proposed at ground floor, the existing boundary treatments would sufficiently screen any views from these towards the adjacent properties.

The Planning Service was also satisfied that the proposal would cause no unacceptable loss of light to Nos. 45 and 26. The extension would be no higher than

the existing dwelling and would be positioned 20.5m away from the closest corner of No. 45 and 28m away from the closest corner of No. 26. These separation distances were in excess of the 20m 'back to back' recommended separation distance in the Creating Places guidelines. Given these generous separation distances, there was no potential for the development to cause any unacceptable loss of light. While the residents of No. 45 Ranfurly Avenue had expressed particular concern regarding the loss of a view from their property, this was not a material planning consideration.

Given the close proximity of the extension to No. 17a Maxwell Road, it was acknowledged that there was more potential for the proposal to adversely impact upon this property, and this had been very carefully considered in the case officer's report.

Firstly, by way of potential loss of privacy, the extension included two windows at ground floor on the northern elevation serving a utility room and kitchen. The existing boundary treatment would screen any views from these windows towards 17a. It was also noted that there was already a garage window on the existing elevation and that additional windows could be installed at ground floor without requiring planning permission.

At first floor level, no windows were proposed which would face 17a. To the front of the extension a small inset balcony was proposed. The original size of this balcony was reduced by the architect at the request of planners to prevent any potential overlooking towards the side kitchen window of 17a.

The potential impact of the proposal in terms of loss of light to 17a had also been very carefully considered in the case officer's report. The side elevation of No. 17A Maxwell Road which faced the site, contained a ground floor kitchen window, a ground floor utility room window, a dormer window at first floor serving a bathroom and double-glazed doors at ground floor serving a dining room. As per the guidance set out in the Addendum to PPS7, the effect of development on the daylight to utility rooms and bathrooms was not considered under the policy as these were not habitable rooms. Therefore, the only windows to be considered were the kitchen and dining room windows on this elevation.

While it was acknowledged that the extension would be located within 4.3m of the kitchen window and would fail the 25-degree light test when applied, this window was not the only source of light to the kitchen with the main, larger window located on the front elevation of the dwelling as shown on the slide. Paragraph A37 of the Addendum to PPS7 advised that when considering impact on daylight, a relevant factor was whether or not the affected window was the primary source of light to the room and also whether there was an alternative natural source of light to that room. Given that the primary source of natural light to the kitchen would remain unaffected by the proposal, planners were satisfied that, on balance, an unacceptable loss of light would not occur to the kitchen as a result of the development.

The second window to be considered was the set of double-glazed doors serving the dining room of 17a. These provided the only source of light to this room. The position of the extension in relation to these doors had been carefully considered. As could be seen on the plan, the two-storey element of the extension would not sit directly

opposite the doors, therefore the 25-degree light test was met in this case. While the single storey element of the extension (as shown in grey) would be partially opposite the doors, this complied with the 25-degree light test when applied. Taking these factors into account, the Planning Service was satisfied that ample daylight would still reach the dining room from the south and south easterly directions.

When considering proposals for extensions, Policy EXT1 advised that a material consideration in the assessment must also be what extent of development could occur under permitted development rights, that is without the need for express planning permission.

A further slide showed a few rough examples of the potential extent of development permissible under permitted development rights. In the first case, the applicant could build a single storey side extension of 3m to the eaves and 4m in ridge height right up to the party boundary as shown on an image. The applicant could also build a 3m deep, 2-storey extension under permitted development rights to the rear of the existing garage that would potentially have a much greater impact on the daylight to the dining room windows of No. 17a than the current proposal given its position directly opposite the windows. Lastly, the applicant could also erect a detached building within the rear garden of up to 2.5m to the eaves and 4m to the ridge height in the position shown on the final image which would have the potential, again, to impact the daylight to the dining room of 17a. Taking account of this potential impact of permitted development rights the Planning Service did not consider that the current proposal would result in any significantly greater unacceptable impact.

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

In summary, the proposal was considered to be acceptable, taking account of the relevant policy requirements and guidance contained within the Addendum to PPS7. The proposal would cause no unacceptable adverse impact on either the character of the area or the amenity of the adjacent dwellings. Therefore, on this basis, it was recommended that full planning permission should be granted, subject to the stated planning conditions.

The Chair invited questions to the officer for clarification and the Mayor, Councillor Cathcart, asked for clarity on the neighbouring property No. 17a, referring to the two windows in the kitchen. He asked how officers had determined that the front window was the main factor and the officer explained that the front window was the bigger of the two windows and weight had been given to the fact that there were two sources of light, as advised by Policy.

Further to no more queries arising from Members to the Planning Officer, the Chair invited Mr David Strachan, to speak in opposition to the application.

Mr Strachan thanked the Committee for allowing him to reiterate some of the concerns that both his own family and many other objectors had to the proposed development at 17B Maxwell Road.

Those objectors, which had included other Elected Members of the Council, had all visited his site. The views expressed during that visit were that the proposal was 'overbearing', in the view of Councillor Gilmour and 'severely restrict' had been a term used by Connie Egan MLA, he told the Committee.

Those aligned with Mr Strachan's own concerns in that the two-story development would dominate the space between the two houses. He explained that it would cut the sunshine out of the back garden where in the summertime he and his family would enjoy private family barbecues.

He recalled strong adjectives used by the planning officer on her initial site visit who had taken the view that it would dominate his property and have a significant impact. He therefore struggled with the conclusions in her report.

Mr Strachan explained that as a family, they had looked at moving closer to Belfast and had gone through the process of putting the house up for sale; however, a number of estate agents had advised that the reason they were unsuccessful was potentially as a result of the proposed development. He could not say whether that was because of the short-term disruption that a development could cause or whether it was a longer-term detractor from the proposed plans.

He acknowledged the planning officer's report, how it dealt with the points raised in objections. However, he wanted to highlight that there would be significant loss of light in his house and garden in respect of its south-facing aspects.

His dining room, which his family used throughout the day, although not immediately opposite, but that was by a matter of centimetres, would lose significant light during the course of the day. The kitchen enjoyed light from two aspects, and he struggled to understand why his property should lose the light and he referred to the officer's report stating that it would fail the light test from his property's south facing window.

In terms of the consideration that the proposed development was in keeping with the rest of the area, he said that Maxwell Road was a long road, and a number of the properties were significantly further away. He referred to the officer's wording of generous plots with houses on them.

Between 17A and 17B, there were probably four to five meters between them but that was a single storey and that would be impacted by a double extension. He spoke of another neighbour at Ranfurly, who had enjoyed views for over 25 years and those would be lost if this application was approved.

Should the Council approve this application, it would appear that it was willing to remove light from one home, views from another home so that a house could go from a four-bedroom house to a five-bedroom house, albeit he noted that he could not talk to any of the motivations behind the development.

Mr Strachan therefore urged members of the Committee to reconsider this application and if it was not able to decline it, then to perform a site visit themselves to see the impact firsthand.

Like their fellow Elected Member, Councillor Gilmour, and Connie Egan MLA, he firmly believed that they could not decide without seeing something with their own eyes first.

In closing, he suggested that nobody would buy a pair of trousers without seeing them or trying them on, so he questioned why Members of the Planning Committee would make a decision like this without seeing the site.

As there were no questions to the speaker, Mr Strachan returned to the public gallery.

Mr Philip Parker (Agent) and Ms Pauline Wylie (Applicant) were in attendance to speak in support of the application and were invited forward to address the Committee.

Ms Wylie outlined why planning permission was required, explaining that during lockdown, she and her sister had moved into the property to care for their elderly mother, and it quickly became evident that the house was not suitable or fit for modern or multi-generational living.

The family quickly realised that they needed to create more living space and bedrooms as they, and other family members, took on an increased role in her mother's care. It was her family's desire to enable their mother to live out the rest of her days at home and they were prepared to look after her.

The ground floor had many trip hazards with different floor levels between the kitchen, pantries and the garage, making it unsafe for an 84-year-old woman with increasing mobility issues.

The family now needed to bring the house up to an acceptable standard – her mother had lived there as a widow for nearly 20 years.

Ms Wylie explained that her family was aware that significant work was needed to be carried out on the house, and they were prepared to do it to a good standard. They particularly needed to look at the garage which had a flat roof that was no longer watertight and was cracked and it needed urgent attention.

During the planning process, these issues had worsened, and her mother's health had deteriorated significantly.

The applicant explained that the family had sought to draw up plans that were sympathetic to the neighbourhood. They were keen that the design solution was in keeping with the style of the existing house and they had not wanted it to look like an extension but complement it along with the houses adjacent to it.

The brief was to create an open plan kitchen, dining and living space on one level

that would be connected to the garage allowing her mother to get in and out of the car and house without being exposed to the elements. The family had needed an additional bedroom to accommodate the existing needs of a growing multi-generational household and to create smaller bedrooms for family and friends when respite was required.

Many properties on the Maxwell Road had been extended or replaced to meet modern living standards and the applicant was asking for approval for this modest extension in order to do likewise.

Mr Parker stated that the existing dwelling sat very close to the boundaries to the north and south, the only place for the new extension was on the area of the site which would be vacated by the demolition of the existing garage/utility room on the north elevation. In locating the proposed works essentially on the footprint of the existing house, that would minimise the impact on the site and on the neighbours.

All possibilities were explored but it was very quickly evident that the solution proposed was the only viable one.

In relation to the objections, Mr Parker advised that there had been objections to the proposal, and those were discussed with the case officer. With regards to loss of view, loss of light, and dominant impact, the proposed development was assessed by the Planning Office to "not result in any unacceptable adverse impact." Where there was concern about loss of privacy from the proposed front projecting balcony the design had been amended. Where there was concern about loss of privacy to the rear garden, the condition of obscure glazing to these windows was added.

Mr Parker advised that it was of no interest to him to submit a proposal which did not meet the appropriate planning criteria. It was always disappointing to upset a neighbour, but he felt his client had the right to improve/extend her home within the limitations of planning policy and guidelines. In finishing, Mr Parker stated that the principle of development was accepted in this case, and the Planning Office had determined that the proposal passed the test on all applicable policy criteria.

The Chair invited questions to the speakers and the Mayor said he sympathised with the family's situation but explained that the Planning Committee was required to make a decision based on Planning Policy. He asked how the proposed development had been designed to try and address the concerns raised by the objectors.

Mr Parker explained that the design had followed the function of the existing plan in the house and the garage needed to be where it was when the driveway served it. The logical place to put the first floor was above the new structure and if that had been placed at the rear of the house that would have resulted in more shading on the rear garden of property 17a, and while that would not have presented cause for objection, that would not have been a neighbourly thing to do. He added that 17a enjoyed the sunshine across Ms Wiley's garden and placing the extension where it was would not interrupt that.

Alderman Graham asked if there was any scope for the bedroom to have a hipped roof and Mr Parker explained that this would have resulted in cutting back the amount of floor space and the intention was to have a bedroom and ensuite with the aim of the development being able to accommodate the two sisters and mother within the house. He added that the neighbouring houses (17b to 17e) had gable ends and a hipped roof was not typical of that style.

Ms Wylie and Ms Parker returned to the public gallery.

The Chair invited questions to the officer for clarification and the Mayor, Councillor Cathcart, asked, in relation to the rear garden of 17a, if the rights for so many meters of amenity space extended to sunlight.

The officer advised that PPS was clear that the Planning Service could not refuse the application on grounds of loss of sunlight to a garden. It was in relation to rooms, and dominance had also to be considered but not to amenity space.

Councillor McClean noted the report stated that the primary source of natural light to the kitchen would remain unaffected and that no unreasonable loss of light would occur. There were two windows and the one in question was south facing and the other slightly northwest facing with less sunlight. In relation to the concerns raised by the objector, he asked for reasoning why officers were satisfied that there would be no unreasonable loss of light to that room.

The officer explained that it was an assessment of daylight or skylight rather than direct sunlight. The front window was the main window to kitchen and the existing side window had already failed the 25-degree light test. The policy referred to two sources of light to the room which officers had given weight to.

Councillor Kendall wondered if a judgement call could be made to the contrary if the owner of the adjacent property felt that that particular window was important for light into that room. She asked if planning judgement had been made on how that person used the room and if what was being proposed appeared to be dominant to the adjacent property and would impact light to that room. She wondered if it could be judged that the other window was equally important.

The officer appreciated that the Planning Committee could form its own judgement, but officers had considered a combination of factors to reach a professional opinion and those had included taking account of all material planning considerations that had been referred to in the officer's presentation, including what could be built under permitted development. She also referred to Planning Policy making it very clear regarding a second window. While there was an impact, it was not an unacceptable impact in this case, or enough to warrant refusal.

Councillor Wray had noted Mr Strachan's claims that views expressed by the case officer at a site visit had conflicted with some of the information in the report. He put this to the officer who explained the information taken from the site visit was considered in the round by a panel of senior officers. She added that the case officer was possibly not aware of the room which the windows served at the time of the visit.

In a further query, Alderman Graham sought clarity on the permitted development considerations that had been referred to and it was explained that this could relate to structures such as a garden room or an ancillary shed, for example.

Alderman Graham sought further assurances that officers were meeting the policy requirements around the impacts on light to property 17a and queried the impacts that it would have on the 25-degree light test which he acknowledged was already transgressed.

The officer referred to her previous comments around policy advice explaining the considerations for more than one source of light and it was felt that a refusal could not be sustained at appeal. She referred to a diagram and confirmed that the 25-degree light test would be impacted further by the development.

As there were no further questions, the Chair sought a proposal.

Proposed by Councillor Morgan, seconded by Alderman Smith, that the recommendation be adopted, that planning permission be granted.

The proposer, Councillor Morgan, understood the need to improve properties to suit living arrangements, such as that intended by the applicant. She appreciated the difficulties in considering planning applications and while it would be wonderful if an extension could have no effect on neighbouring properties, the world did not work that way. She felt that the planning officers had provided great detail in terms of the application and the impacts on neighbouring properties, and she was content that everything possible had been done to minimise those impacts, and that the planning application met with the policies.

The seconder, Alderman Smith, felt that both speakers had made their cases very well, but it was planning policy that was the only consideration for the Committee. He saw the light impacts as the bone of contention, but he was content that all issues had been properly considered and was therefore happy to support the proposal.

Unable to support the proposal, Councillor Kendall felt that further information should have been sought, pointing to a strong case made by Mr Strachan that Members were being asked to approve something that they had not seen for themselves.

The Mayor, Councillor Cathcart, had great sympathy with both the applicant and objector, but it had to come down to Planning Policy, and he pointed to the key factor being the window in the kitchen and in relation to the dining room. He had also taken on board the points made around the potential for permitted development. He did not feel a site visit was necessary because there were two light sources into the kitchen and that was the key factor for him, so on balance, he was supportive of the proposal to approve.

The Chair had an objection to over-dominance and aside from the light issue, he felt that the extension would have a dominant effect on the objector's property and was unable to support the proposal to approve.

On being put to the meeting, with 10 voting FOR, 3 voting AGAINST, 2 ABSTAINING and 1 ABSENT, the proposal was CARRIED.

The voting was as follows:

FOR (10)	AGAINST (3)	ABSTAINED (2)	ABSENT (1)
Aldermen:	Alderman:	Councillors:	Councillor:
Graham	Molloy	Kendall	Hennessy
McDowell	McCollum	McKee	
Smith	Councillor:		
Councillors:	Wray		
Cathcart			
Harbinson			
Kerr			
McClellan			
Morgan			
McBurney			
Smart			

RESOLVED, on the proposal of Councillor Morgan, seconded by Alderman Smith, that the recommendation be adopted, that planning permission be granted.

4.4 LA06/2024/0595/F - The Old Inn, 15-25 Main Street, Crawfordsburn Enclosed private amenity space (13 sqm) to ground floor bedroom (Appendix III)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clandeboye

Committee Interest: A local development application attracting six or more separate individual objections which were contrary to officers' recommendation.

Proposal: Enclosed private amenity space (13sqm) to ground floor bedroom

Site Location: The Old Inn, 15-25 Main Street, Crawfordsburn

Recommendation: Grant Planning Permission

The Head of Planning outlined the detail of the application stating that 14 objections had been received from 12 separate addresses and Members should note that it was the only application being presented before them this evening that could be considered.

This was an existing hotel site, which had been in operation for many years. The Planning Service could not make a determination on matters beyond the application proposal. In terms of consultations, the Head of Planning advised that DfI Roads and Environmental Health were consulted and had no objections to the proposal.

In relation to the application site which was located within the Crawfordsburn Settlement Limit and formed part of the existing Old Inn hotel complex, the site was 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 was also located within the proposed Crawfordsburn Area of Village Character (Designation CFN 02). The area contained a mix of residential and commercial uses. It remained a material consideration that the site was 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/Village Character.

To provide some context the Head of Planning displayed slides showing the site and surrounds. The site of the proposal was located to the side of the existing hotel building.

Regarding details of the proposal, the proposed private courtyard was sited on the east elevation of the Old Inn adjacent to a ground floor bedroom. The courtyard was 13 sqm in area and would 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*'. Those works were considered minor in nature. Following assessment, the proposed development was subordinate to the existing hotel building, and it was in keeping with the surrounding area and respected the site context in terms of scale, size and design. The proposal was in keeping with Policy TSM 1 of PPS 16 for Tourism Development in Settlements which stated that planning permission would 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 had regard to the specified provisions of a development plan. Although minor in nature, as the proposal was located within a proposed AVC in draft BMAP the impact of the proposal on the overall appearance of the proposed AVC remained a material consideration.

The proposal would have no unacceptable impact on visual amenity or character of the area. It was situated to the rear of the pedestrian arch way (entrance). Sufficient space remained to ensure pedestrian access to the carpark. The proposed courtyard could be accessed through the existing bedroom or from the car park (via a timber gate). Finishes were annotated as render to match the existing building. There were no elevation changes to the front of the hotel with main views being from the existing carpark. The design of the extension was respectful to the existing buildings while also promoting sustainable economic tourism development and it was considered that a balance had been achieved in this respect. Members should note that the proposed courtyard extension would have no impact on the residential amenity of the surrounding area, Environmental Health had been consulted and had no objection. The proposal did not have any impact on trees or other landscaping features.

In terms of access, road safety and parking - access to the car park of the hotel was unaffected by this proposal. Car parking had been raised as a concern via representations. DfI Roads had no objection to the application. There was no impact on car parking as a result of this proposal with no intensification of use or loss of parking spaces. An existing access would be used to gain access and there would be no impact on traffic entering or leaving the site.

Objections raised in relation to the proposal included road safety issues and parking, impact on wildlife in nearby country park, light and noise pollution and other matters including necessity of the proposal, impact on AVC, prematurity with regard to the village plan had all been detailed and addressed in the case officer report.

The Planning Service had fully considered all concerns raised by objectors which could only be taken to be considered against this proposed development. Given the details as presented and detailed in the case officer report, the recommendation was to grant planning permission.

The Chair invited questions from Members for the Head of Planning.

Councillor McClean questioned the height of the wall wondering if that was a 2m standard rendered wall with a wooden gate. Referring to the visual showing the elevation, the Head of Planning confirmed that as correct.

In response to a question from Councillor Kendall, the Head of Planning again displayed the visual highlighting the side elevation.

Councillor Kendall noted the pedestrian entrance beside the wall on the visual. The disability ramp was located there, and she expressed concerns that pedestrians would be funnelled from the narrow archway straight into the car park with reduced visibility. She was surprised as to what was being proposed in the middle of a car park and that safety issues had not been taken into account.

The Head of Planning clarified that access would still be available into the hotel and there would be no loss of car parking.

At this stage Mr Mike Davidson was invited to come forward as he was in attendance to speak in opposition to the application.

Mr Davidson wished to raise objections on behalf of the residents of Crawfordsburn village. Residents considered the private amenity space a needless and totally unnecessary addition. As a simple screened area, it would be overlooked by the holiday cottages to be created and therefore would not be private. The site plan included in the application showed that the space was currently occupied by a wheelchair access ramp. If the ramp was surplus to requirements and was to be removed, then the space would be better served by returning to its original use as a parking space. Before the erection of the ramp that area had disabled parking bays, the markings of which were still clearly visible. Mr Davidson referred to PPS3 Policy AMP7 5.48 which detailed that there was a requirement to reserve an appropriate proportion of parking spaces to meet the needs of people with disabilities and those should be conveniently located to facilitate ease of access to the buildings they serve in order to take account of the limited mobility range of many disabled people. Residents would suggest that the space within the car park, that the proposed amenity area would occupy, was the ideal location for disabled parking as it was the closest to the entrance of the hotel. The Old Inn currently had only one disabled parking space which was clearly inadequate. The lack of sufficient disabled parking space was a real issue. Mr Davidson advised that he had witnessed when the Old

Inn car park was full, a disabled van parking on the blind corner and taking a young man in a wheelchair from the back and then leaving him sitting alone at the rear of the vehicle while the driver went back to the front of the van. The van was then parked on the blind corner for over 4 hrs almost causing a head-on collision.

Mr Davidson was of the view that the drawings submitted appeared to be incorrect and the left-hand entrance pillar was not inset as shown but was in line with the end of the existing parking spaces and so the space could easily revert to its original use as a parking space instead of the fenced-off area. Whilst the Case Officer's report acknowledged the parking problems in the village, it failed to determine the cause. Figures finally received from the planning department using DfI parking standards detailed that before the closure of the lower ground function room, when staff parking was taken into consideration, the number of in-curtilage car parking spaces recommended for a venue of this size was 188 spaces with 71 spaces available on site. After the closure of the lower ground function room the recommendation fell to 150 car parking spaces with only 56 spaces remaining. That equated to only 37% of the recommended parking. That supported what residents had said all along – the in-curtilage parking facilities were far from adequate for the number of vehicles that the hotel attracts. The parking problems on Main Street were a direct result of a lack of parking at the Old Inn. Mr Davidson advised that over the Christmas period the Old Inn car park was regularly full to maximum capacity, the on-street parking was also full to capacity, visitors to the hotel were parking on the double yellow lines at either end of the village, multiple vehicles were parking in the bus stop, and parked in the entrance to the Crawfordsburn Brow development. That reduced Crawfordsburn Village to single lane traffic forcing cars to back up in either direction. This also made it extremely difficult for residents of Crawfordsburn Brow as backed up traffic would not give way to allow residents to exit the development. Cars were parked, overnight in some cases, totally blocking the only footpath from Ballymullan Road into the village forcing pedestrians and parents with pushchairs into the road on a busy junction. Police were informed but did not attend. Mr Davidson highlighted that those were the problems residents were facing at the moment before the number of in-curtilage parking spaces had been reduced. Residents' concern was that when the proposal occurred the difficulties being experienced at busy times would become an everyday occurrence. Mr Davidson asked the Committee to refuse the application and return the space to a disabled parking space.

The Chair invited questions from Members for Mr Davidson.

Councillor McCollum advised she was very familiar with the area and how challenging it was driving through the village and parking could be at times. The area had always been challenging and cars frequently double parked either side of the road. She asked Mr Davidson if he felt the parking issues were increasing since the redevelopment of the Old Inn. Mr Davidson was of the view that the problem had become noticeable worse. He had found that once the Old Inn car park was full, the parking was being displaced on to the street, when that happened it became as what he described as a tunnel with traffic being backed up in either direction blocking the entrance into Crawfordsburn Brow. The village had become increasingly difficult to park and drive through. Residents feared that more car parking spaces would be lost from the Old Inn car park. To put it in context, there was only 16 car parking spaces in the whole of the village. There was also a need to push for a disabled parking

space in the Main Street. Mr Davidson felt the matter needed to be given careful consideration.

As there were no further questions from Mr Davidson he returned to the public gallery.

Mr David Mountstephen and Mr Israel Robb were in attendance to speak in support to the application. The Chair invited those representatives to come forward.

Mr Mountstephen advised that the application was for an enclosed private amenity space and was compliant with planning policy and the provisions of the local development plan. It would not have any unacceptable adverse impact.

Councillor McClean asked as to why the change had been brought forward as a full planning permission and could that not be approved under permitted development rights. Mr Mountstephen explained that limited permitted development rights existed for hotels. There was a category for minor development however the height of enclosure was slightly above permitted development rights. The proposal was minor in scale and was only before the Planning Committee due to the number of objections from 12 addresses in the village.

As there were no further questions for the representatives, Mr Mountstephen and Mr Robb returned to the public gallery.

The Chair invited questions from Members for the Planning Officer.

Councillor McCollum asked what the requirements for disabled access were. The Head of Planning stated that reference was made to the space having been previously used as a disabled parking space however when a site visit was undertaken the Officers assessed what the situation what was on the ground at the time. Dfl had no objections to the application.

Alderman Graham referred to the disabled access and asked where that existed at the moment. The Head of Planning was unsure but thought it was at the side of the hotel. The representatives had returned to the public gallery and therefore were unable to clarify.

Alderman Graham felt it was unique to have a courtyard adjacent to the bedroom of a hotel and questioned the reasoning for the need. The Head of Planning stated that since Galgorm had taken over the hotel, it was looking at reconfiguring and making a more quality product rather than an expansion. It was a ground floor bedroom and the proposal would increase the amenity for people staying allowing visitors to avail of outdoor seating.

Alderman Graham expressed concerns regarding the continuous drip effect with applications and the effect those had.

Councillor McBurney wished to raise a question in relation to the disabled parking space that used to be there, there was now a ramp to allow disabled access and she wondered if the car parking space was returned would that potentially impact that

accessibility issue of the ramp. The Head of Planning stated she would not answer the question as that was a 'what if' scenario, and Members had to consider the proposal before it.

Proposed by Alderman Smith, seconded by the Mayor, that the recommendation be adopted, that planning permission be granted.

Alderman Smith understood the residents' concerns regarding the traffic in the village. He recognised the challenges which had been well articulated by Mr Davidson; however, as the Head of Planning had stated there was a need to assess what was before the Committee and on that basis he felt there was no choice but to accept and approve the application.

The Mayor stated that an application had to be judged on what was before the Committee and not what was thought to be there. He believed the application was straightforward and he was happy to approve.

Councillor Kendall felt the proposal showed an enclosure with a wall height that would restrict view and funnel pedestrian access from the archway onto the main road into the way of traffic therefore not promoting safety for pedestrians or other road users and also removing disability access did not promote people with disabilities.

On being put to the meeting the proposal was declared CARRIED with 12 voting FOR, 3 AGAINST, 0 ABSTENTIONS and 1 ABSENT.

The voting was as follows:

FOR (12)

Alderman:
McIveen
McDowell
Smith

AGAINST (3)

Alderman:
Graham

ABSTAINED (0)

ABSENT (1)

Councillor
Hennessy

Councillors

Cathcart
Kerr
Harbinson
McBurney
McCollum
McClellan
Morgan
Smart
Wray

Councillors

Kendall
McKee

RESOLVED, on the proposal of Alderman Smith, seconded by Councillor Cathcart, that the recommendation be adopted, that planning permission be granted.

(Councillor McKee, attending remotely, was excluded from the meeting having declared an interest in Item 4.5 – 8.25pm)

**4.5 LA06/2023/1658/F - Land adjacent to & approx. 17m South of 27 Auburn Park, Bangor
Single dwelling
(Appendix IV)**

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor West

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.

Proposal: Single dwelling

Site Location: Land adjacent to & approx. 17m South of 27 Auburn Road, Bangor

Recommendation: Grant Planning Permission

The Senior Planner (C Rodgers) showed an image of the site, located at the end of a residential cul-de-sac and adjacent to West Circular Road. The site was not subject to any Development Plan zonings or environmental designations. Auburn Park was an established residential development. The wider area comprised of a mix of residential and commercial uses.

The officer advised from the outset it was important to highlight that there was a history of planning approvals for dwellings at the end of adjacent residential cul-de-sacs.

She showed a slide with solid red polygon representing the application site, and lighter shaded areas showing the locations of previously approved dwellings - including a pair of semi-detached dwellings immediately opposite the site. The established precedent was a significant material consideration in the determination of this application.

Further slides showed photographs of the site and the surrounding area. These included photographs from within the application site and a view of the application site from Auburn Park – a fenced area defined the location of the proposed new access.

The officer presented a further image which showed views of the application site from the adjacent carriageway – the site was to the rear of the over-grown trees. The slide also included an image of residential development previously approved and recently constructed along the carriageway adjacent to the site.

Displaying the proposed elevations, the officer explained this proposal was for a very modest, single storey dwelling with an overall ridge height of just 4.6m and an eaves height of 3.2m. The dwelling would have a painted render finish.

Due to the very modest scale of the single storey dwelling, and its end of cul de sac location (which was at a lower level to the adjacent carriageway), the development

would not be a prominent feature when viewed from the Carriageway or from within Auburn Park.

Turning to the proposed site plan, the proposed plot size respected the surrounding pattern of residential development. The level of private amenity space exceeded Creating Places standards. Hardstanding to the front could accommodate three car parking spaces which was considered ample to serve the 3-bedroom bungalow.

Due to its modest single-storey design, the proposal would have no unacceptable adverse impacts on the residential amenity of adjacent dwellings in terms of overlooking, loss of light, or overshadowing.

Objections to the proposal had been received from seven separate addresses. The main issue raised in objection letters related to the potential impact on parking along the adjacent residential streets. Other issues raised related to access and roads safety, loss of trees and associated impact on biodiversity, and the impact on NI Water infrastructure.

In terms of parking, access and roads safety, the proposal did not seek to rely on existing on-street parking capacity. As previously stated, the layout could accommodate three in-curtilage spaces which was ample to serve the modest three-bedroom dwelling and was fully compliant with planning policy.

The dwelling would be accessed via Auburn Park which was an adopted public road. Dil Roads had been consulted and had no objection subject to conditions to ensure the provision of a safe access.

In terms of biodiversity, the layout indicated that existing trees along the boundary were to be removed and replaced with timber fencing which was already a key characteristic of this particular area.

A biodiversity checklist and ecological statement had been prepared by a qualified ecologist. The ecologist advised that the trees did not qualify as a priority habitat; rather they were described as over-mature, non-native, cypress trees which were over-growing the adjacent footpath. The trees were inspected by the ecologist who found no evidence of bat roosting potential. The ecologist confirmed that no other features within the site had the potential to support protected or priority species.

NIEA Natural Environment Division was consulted and provided no objection to the loss of these trees in terms of natural heritage interests. Moreover, it was important to highlight that these trees were not subject to a Tree Preservation Order and could be removed at any time without permission.

In terms of sewage infrastructure, the officer confirmed that the application was affected by on-going NI Water capacity issues; however, it was considered that this issue could be managed by a negative planning condition requiring a solution to be agreed with the relevant authorities prior to the commencement of development. This would prevent any harm arising.

In summary, the proposal was for a very modest, single storey dwelling that respected the overall pattern of development in the wider area and would cause no harm to existing residential amenity. The layout could accommodate ample in-curtilage parking and private amenity space. Moreover, there were numerous examples of dwellings approved on similar sites along this section of the carriageway.

Having considered all material planning considerations, it was recommended that planning permission was granted.

The Chair invited questions to the officer for clarification and the Mayor, Councillor Cathcart, referred to the design, noting that all other properties were of a particular design and this was for a smaller bungalow. He asked how this would integrate with rest of street and the officer explained that the dwelling would be located at the end of cul-de-sac and would not be a prominent feature in terms of the street scene. She added that it would be set down from the carriageway and there would be limited views of the dwelling.

Proposed by Councillor Cathcart, seconded by Alderman Graham, that the recommendation be adopted and that planning permission be granted.

The Mayor felt this was a modest design compared to other developments in that area and he was satisfied that it fitted with Planning Policy.

UNANIMOUSLY RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the recommendation be adopted, that planning permission be granted.

(Councillor McKee was returned to the meeting – 8.34pm)

**4.6 LA06/2024/0729/F - 6 Lyndhurst Gardens, Bangor
Front and rear single storey extension and rear two storey extension.
Conversion of attic to provide habitable bedrooms with rear balcony
(Appendix V)**

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor West

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.

Proposal: Front and rear single storey extension and rear two storey extension. Conversion of attic to provide habitable bedrooms with rear balcony

Site Location: 6 Lyndhurst Gardens, Bangor

Recommendation: Grant Planning Permission

The Senior Planner (A Todd) took Members through the detail of the application. The site was located within a predominantly residential area in Bangor West. Lyndhurst Gardens contained a mix of single storey, one and a half storey and two storey

dwellings while the surrounding areas of Lyndhurst Avenue and Rutherglen Park contained only two storey dwellings.

The existing dwelling at No. 6 was a single storey with red brick and tile finishes while No. 5 to the north was one and a half storey and 12 Lyndhurst Avenue to the south was two storeys. The visual showed the existing and proposed site layout plans and demonstrated that there would be an increase in the overall footprint of the dwelling with an L shaped extension to the rear and a smaller, extended area to the front. An extended area of hardstanding for parking was also proposed to the front of the dwelling.

During the processing of the application, 20 objections from 10 separate addresses were received. Those had all been considered in detail in the case officer's report however the main concerns included:

- Proximity of the extension to 28 Rutherglen Park at the rear
- Loss of privacy caused by proposed balcony
- Overdevelopment of the site
- Loss of privacy from the proposed family room
- Proposal was out of character with the area.

The extension to the rear was part two storey and part single storey, while the extended area to the front of the dwelling was single storey. A roof space conversion to the existing dwelling was also proposed, which included new roof lights to the front and a roof extension to the rear with a balcony proposed off one of the new bedrooms. The Planning Officer displayed a visual showing the existing and proposed floor plans. The Planning Service was satisfied that the proposed extension would not result in the overdevelopment of the site. Ample private amenity space equating to approximately 150sqm would remain to the rear of the property. That would be well in excess of the minimum recommended space of 40sqm as set out in the Creating Places Guidelines. Adequate in-curtilage parking would also be provided for four cars which was also in line with the recommended standards for a dwelling of this size.

In terms of the impact on character, the Planning Officer outlined that Policy EXT1 of PPS7 Addendum required the scale, massing, design and external materials to be sympathetic to the built form and appearance of the existing property and not to detract from the appearance and character of the area. The Planning Service was satisfied that the scale, design and materials of the proposed extension would cause no harm to either the existing dwelling or the surrounding area. The proposed materials would match those of the existing dwelling. The proposed works to the front of the dwelling were very minor in nature resulting in no significant impact on the surrounding area. While the works to the rear were more substantial in size and would provide some first-floor accommodation, the height of the extension would not exceed the ridge height of the dwelling, therefore the visual impact from surrounding public viewpoints would be minimal. As the height respected that of the existing dwelling, the rear extension would not appear dominant within the surrounding area and would still be very much subordinate in scale to the surrounding two storey dwellings such as the immediately adjacent dwelling at No. 12 Lyndhurst Avenue.

In relation to impact on residential amenity, the Planning Service was also satisfied that the proposed development would not unduly affect the privacy or amenity of neighbouring residents. The adjacent properties most likely to be impacted by the development included 5 Lyndhurst Gardens, 10 and 12 Lyndhurst Avenue and 28 and 30 Rutherglen Park. Looking first at Nos. 10 and 12 Lyndhurst Avenue to the south, both of those properties were considered to be a sufficient distance from the proposed extension to ensure that there would be no unacceptable adverse impact by way of either loss of light or privacy. The extension would be between 9.3-12.5m from the party boundary with those properties and the mature hedge and trees along the boundary provided a good degree of screening. A 1.8m high screen was also proposed to the side of the balcony, given its proximity to the boundaries of the properties, to ensure that no unacceptable degree of overlooking. The Planning Service was therefore content that there would be no adverse impact on those properties. No. 5 Lyndhurst Avenue was located to the north of the site and would be the property in closest proximity to the proposed extension. In terms of potential for overlooking into No. 5, two new first floor windows were proposed on the northern elevation which would serve a study and small box bedroom. Both of those windows would be conditioned to be fitted with obscure glazing to prevent any potential views into the rear private amenity space of No. 5. A kitchen window was also proposed at ground floor, however the existing vegetation along the party boundary would screen any views from this window towards No. 5. It was also noted that a window could be installed in this position under permitted development rights (i.e. without need for planning permission). The extension would also create no unacceptable loss of light to No. 5 with both the 60 and 45 degree light tests being met as indicated on the plan.

The proposed rear extension would come within close proximity to the party boundary with No. 28 Rutherglen Park to the rear. However, as could be seen on the elevations and sections on slide 10, this part of the extension closest to the boundary was single storey with a maximum height of 4m. The extension would also sit approximately 0.7m below the garden level of No. 28 and 10m from the rear of the dwelling itself. Given the small scale, lower finished floor level, separation distance and boundary fence, it was not considered that the extension would appear overbearing or result in any loss of light to this property.

The impact of the proposed alterations to the roof of the dwelling, including the proposed balcony, on Nos. 28 and 30 Rutherglen Park had also been carefully considered. The balcony would be located between 21-22m from the closest point of both Nos. 28 and 30 Rutherglen Park. It would be positioned to the south west of No. 28 rather than directly to the rear and while positioned more directly opposite the rear of No. 30, the existing mature conifer trees along the boundary would screen any potential views and those trees would be conditioned to be retained. The separation distance of 21-22m was in excess of the 20m back-to-back separation distance recommended in *Creating Places* for opposing first floors. Furthermore, the balcony was small in size and served a bedroom, therefore it would not be used for outdoor gatherings, such as those balconies or terraces off living spaces. The existing trees within the curtilage of No. 6 would also provide partial screening of the proposed balcony as would the single storey extension once erected. Taking all of these factors into account it was not considered that the proposed balcony would result in any unacceptable adverse impact by way of loss of privacy.

In summary, the proposal was considered to be acceptable taking account of the relevant policy requirements and guidance. The proposal would cause no unacceptable adverse impact on either the character of the area or the amenity of the adjacent dwellings. Therefore, on that basis, it was recommended that full planning permission should be granted subject to the stated planning conditions.

The Chair invited questions from Members for the Planning Officer.

Councillor McClean noted the reference that several changes had been made to accommodate the concerns of the neighbours. He noted that the original ridge height would not be exceeded even though the square footage was to be increased. He questioned why the neighbours' objections remained if so much had been done accommodate those. Councillor McClean referred to No 28 Rutherglen Park and he felt the issue of the balcony and overlooking was being dismissed simply due to the fact there was mature conifer trees providing screening which were in need of trimming.

The Planning Officer stated that she could not comment on behalf of the objectors, and whilst Planning Service felt the proposal was acceptable under policy, objectors may have differing views. With regards the balcony, she explained that it was not just about the trees; as already alluded to, there was separate distance of 21-22m which was in excess of the recommended 20m back-to-back situation in residential areas for opposing first floors. Under permitted development rights, large dormers could be put in place and large windows with the same level of overlooking. In the professional opinion of the Planning Officers, it was about balancing the different factors, and it was a small balcony off a bedroom, and viewed as acceptable.

The Chair clarified that once an objection was lodged it remained in the planning system against the application unless it was explicitly withdrawn. Therefore, even if there were amended drawings, the objections carried forward. The Head of Planning confirmed that was correct.

Councillor Morgan sought clarity on the number of bedrooms that would be included. The Planning Officer advised that five bedrooms were labelled on the plans, therefore a significant increase in the number of bedrooms.

Referring to the conifer trees, Councillor Morgan highlighted those were notorious for falling over and becoming too big, resulting in removal. She asked if a condition was included, that if the conifer trees were to be removed would screening be required in its place. Councillor Morgan referred to No 30 Rutherglen Park in particular on the visual and the separation distance between the property and the back bedroom.

In referring to her presentation, the Planning Officer explained that the balcony would be located between 21-22m from the closest point of both Nos 28 and 30 Rutherglen Park. Condition 5 in the Case Officer's Report outlined that those trees would be need to be retained, at a minimum height of 6 metres unless removal was necessary to prevent danger to the public, in which case a full explanation along with a scheme of compensatory planting shall be submitted to the Council for approval.

Councillor McKee asked if there had been any further objections or reinforcement of objections received after significant alterations had been made to the plans as he felt that context would be useful. The Planning Officer advised that she did not have a breakdown of the number objections received before and after; however, confirmed that the objections had continued.

As there were no further questions, the Chair invited Mr John-Michael Greeves (Applicant) to come forward, who was in attendance to speak in support of the application.

Mr Greeves advised that the neighbours' thoughts had been carefully considered with significant time invested in making changes to address their concerns. 6 Lyndhurst Gardens was the only bungalow in the street that had not yet been developed. Every other bungalow had an attic conversion and extension. Mr Greeves explained that the new accommodation was essential for his family's needs and the 1970 bungalow was in dire need of an overhaul. To address Councillor Morgan's question regarding the number of bedrooms, Mr Greeves explained the property would accommodate his 86-year-old mother who had onset dementia and Parkinsons, along with his large family.

Upgrading the bungalow to a larger, contemporary, eco-friendly home should improve local amenity and potentially increase property values. The design aligned with the best aspects of other bungalows in the street, and it remained a single dwelling intended for family use only. The proposed scheme included the removal of two original chimneys and replacing them with eco-compliant systems. Outdoor green space was retained, and a contemporary wellbeing area was included. An outdoor WC allowed for convenient usage during outdoor activities. The extended parking was needed to meet Planning guidelines and still remained smaller than that of the other bungalows in the street.

In respect of privacy, Mr Greeves outlined that the rear extension height enhanced two-way privacy and safeguarded children. Currently, there was a neighbouring view directly into a child's bedroom. The United Nations Convention on the Rights of the Child (UNCRC), stated: "No child shall be subjected to arbitrary or unlawful interference with his or other privacy, family, home or correspondence" (Article 16). He noted that the low profile of the roof remained within the existing ridge line, to minimise loss of light. The rear balcony was well screened on most sides, by either roofing, screening or tall, dense evergreen trees. The potential view to a distant house was minimal or, at 50 metres away, even negligible.

Responding to the concerns expressed, Mr Reeves stated that with regards being able to look upwards into an upstairs bedroom, that was invalid for three reasons:

- A tall dense evergreen hedge;
- Three taller trees; and
- There was no right to 'upward' privacy.

The repositioning of established bushes and shrubs had been included to demonstrate improving privacy even further.

With regard to claims that end gable windows would overlook the next door bungalow, Mr Greeves outlined that:

- All skylights were overhead, thereby being too high to peer through;
- End gable windows were included as emergency exits to comply with Building Regulations;
- As those gable windows faced the neighbouring end gable, directional privacy film could also be easily applied to prevent any incidental views from extraneous angles over their rear garden. However, visibility was highly unlikely due to angles, distances and wall thickness. There were no windows to the North-East, therefore Mr Greeves did not understand that objection.

In respect of overshadowing, Mr Greeves stated that the extension would not overshadow existing two-storey houses, which also happened to sit on higher ground. The design had been refined multiple times to satisfy light concerns. Existing tall trees would be trimmed for better light while maintaining privacy and preserving nature. Concerns about winter light were addressed with three key facts: pre-existing tall houses already obscure the low direct sunlight, most winter light was ambient (being reflected and diffused from clouds in all directions), and the design met both the 45 degree and 60 degree light angle tests.

In summary, Mr Greeves believed that significant effort had been made to ensure plenty of light, privacy, and improved visual amenity for neighbours, with numerous adaptations to meet Mr Greeves' family needs whilst pleasing local residents as reasonably as possible. The scale, style and materials were in keeping with the best three bungalows of Lyndhurst Gardens and mature hedges were to be kept to retain the character of the street.

The Chair invited questions from Members for Mr Greeves.

Councillor McClean questioned if the proposal would be a doubling of the floor space. Mr Greeves advised that would be less than doubling and estimated that would be a third extra, adding that plenty of garden would remain.

Councillor McClean asked if it was the intention that the property would be used for intergenerational family living. Mr Greeves confirmed that was the case.

Councillor McClean referred to the changes that been made to the proposal to accommodate the objections, and he asked if Mr Greeves could provide comfort of any interactions with residents to meet concerns. Mr Greeves advised that he spoken with some of the neighbours and was of the understanding that they were satisfied with the alterations made. He was trying his best to accommodate the neighbours with the guidance of the architect. Some of the concerns were from MLA's who had been contacted by neighbours and therefore felt the number of objections was not completely reflective of the number of people objecting. The bungalow next door sat at the same level to his property, and he outlined that the roof had been carefully designed to protect sunlight and adaptations had been made in that regard.

As there were no further questions, Mr Greeves returned to the public gallery.

The Chair invited any further questions from Members for the Planning Officer.

Councillor McClean referred to the restrictions on the garden room use and he was concerned that would be used for a business. He noted that a condition was attached to the application in that regard however questioned if that was enforceable. The Planning Officer stated that the Planning Service was content that the condition was enforceable. It was a tried and tested condition, and the PAC would use similar wording.

Proposed by Councillor Morgan, seconded by Councillor Smart, that the recommendation be adopted, that planning permission be granted.

Referring to the visual, Councillor Morgan noted that the bungalow was in need of improvement. She believed all the neighbours had been accommodated as best as possible.

Councillor Smart was content that the application met planning policy, and the concerns of residents had been addressed as best as possible.

UNANIMOUSLY RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor Smart, that the recommendation be adopted, that planning permission be granted.

RECESS

The meeting went into recess at 9.03pm and resumed at 9.20pm.

- 4.7** **LA06/2024/0572/F - Lands at Queen's Parade and Marine Gardens, Bangor, 14m North of 45-46 Queens Parade and North of 47-50 Queens Parade, Bangor**
Children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping.
 (Appendix VI)

DEA: Bangor Central

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation

Proposal: Children's play area including play equipment, safety surfaces, seating, boundary fencing and landscaping

Site 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

Recommendation: Grant Planning Permission

The Senior Planner (A Todd) explained that the site was located at the western end of Marine Gardens just beyond the existing car park. It currently comprised paving, a small, grassed area and a small water fountain and was positioned between Queen's Parade and the Marina.

The Committee was shown images of the site. The first was looking towards Queen's Parade, the next one looking towards the Marina and the last looking towards Marine Gardens car park.

A further image showed the proposed layout plan for the playpark which would consist of a wheelchair accessible ship structure, various swings, a roundabout, seesaw, trampoline and playhouse. The playground would also be enclosed by 1m high fencing for safety with two self-closing gates on the northern boundary and one at the south eastern corner of the site.

The principle of the proposed playpark at this location was acceptable under Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation in that the current site was in use as open space and the play park would continue this use albeit in a different form. The extant planning permission for the overall Queen's Parade redevelopment was a material consideration. Under this permission a children's natural play area was approved and indicative plans showed grass mounds and a natural play structure such as those shown on a further image. The final details of the type of play equipment to be installed was conditioned on the permission to be submitted for approval prior to commencement of development, therefore allowing a degree of flexibility in terms of the type of play equipment that could be installed. A separate planning application was, however, deemed necessary for the current proposal rather than being dealt with under the planning condition due to the slightly different site area proposed and the overall height of the ship structure. Nevertheless, the previously approved play area represented a fall back for the site and therefore must be a material consideration.

The proposed ship structure would be the main feature of the playpark and would be 15.3m in length and 8.5m in height to the top of the tallest mast. The highest part of main ship itself would be the bow at 3.6m while the platform for standing on would be only 1.4m above ground level.

During the processing of the application, 19 objections from 16 separate addresses were received. These had all been considered in detail in the case officer's report; however, the main concerns included:

- The height and scale of the ship structure and impact on the character of the area.
- Lack of parking
- Loss of privacy to front gardens of dwellings on Queen's Parade
- Noise impact

In terms of the impact of the proposal on the character of the area, the play park would be visible from numerous public viewpoints given the coastal location; however, the main views would be from the west as the play structures would be largely screened by the proposed pavilion building to be located to the immediate east of the site.

A further slide showed a couple of longer distance views from the western end of Queen's Parade where the park would be partially screened by some intervening trees and planting.

The Committee was shown an image of closer views from Queen's Parade immediately opposite the site. It was not considered that the play park would appear overly dominant from any of these viewpoints and the recreational use would be very much in keeping with the location and existing open space. Historic Environment Division was also consulted and it was content that the proposal would have no adverse impact on the setting of the various nearby listed buildings along Queen's Parade given the separation distance and low height of the structures.

The Planning Service was also satisfied that the proposal would not result in any unacceptable adverse impact on the amenity of the nearby residential properties along Queen's Parade. The park would be located approximately 37m away from the closest dwelling across a public road and also at a lower level. As the area was already in use as public open space, it was not considered that there would be any significant increase in overlooking. Environmental Health was also consulted on the application and was satisfied that the play park would not cause any unacceptable noise impact.

In terms of parking provision for the proposal, this was previously assessed under the application for the overall redevelopment of Queen's Parade which included the public realm and play area at Marine Gardens. As already outlined, this permission remained extant and therefore a fallback position which was required to be a material consideration in assessing the current proposal. While the design of the playpark had changed from that previously proposed, it was not considered that this would result in any significant increase in visitors to the area. Furthermore, if applying the Parking Standards to the play park as a separate stand-alone proposal, it would fall under the category of 'Public Open space' which required four parking spaces per hectare. As the site was only 0.16ha, only one space would be required. The Planning Service was therefore content that no additional parking was required as part of this proposal.

In summary, the proposal was considered to be acceptable in principle complying with Planning Policy Statement 8 and taking account of the extant planning permission for a play area at this location. The proposal would cause no unacceptable adverse impact on either the character of the area or the amenity of the adjacent dwellings and would provide a valuable play facility functioning as an integral part of the overall proposed Marine Gardens Public Realm. Therefore, on this basis, it was recommended that full planning permission should be granted subject to the stated planning conditions.

There were no questions to the officer, so the Chair sought a proposal.

Proposed by Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted and that planning permission be approved.

Alderman Graham was content with what he felt was an excellent design while the Mayor, Councillor Cathcart, welcomed the application, adding that it was a positive development for Bangor and would be a great addition to amenity and play facilities in that area. He believed that all of the objections had been considered and separation distances were significant between this and residential properties. He was therefore happy to support the proposal for approval.

Speaking in support of the proposal, Councillor Harbinson welcomed in particular, the accessible features of the pirate ship and felt that this was a great step forward for the Borough.

Referring to the case officer's report, Councillor McKee noted that this was a replacement for the playpark at Pickie and he queried if there was a change of opinion since the original application that had proposed a natural play facility.

The Director of Prosperity explained that the existing playpark within Pickie Funpark, whilst Council owned and a free facility, and as Pickie was being redeveloped as part of the Bangor Waterfront scheme, which was funded under the Belfast Region City Deal, the operator had proposed significant investment in line with a Council tender requirement for the redevelopment of the park. Moving forward, all of the attractions within the park would be chargeable so it was felt that moving the playpark to this new location would also tie in with the overall public realm development of Queen's Parade and it would represent an investment of £250,000 providing a Tier 0/1 playpark.

UNANIMOUSLY RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted, that planning permission be granted.

**4.8 LA06/2022/0265/F - 31a Sheridan Drive, Bangor
Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking**

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to the case officer's report.

Proposal: Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking

Site Location: 31 Sheridan Drive, Bangor

Recommendation: Grant Planning Permission

ITEM WITHDRAWN - The application had been withdrawn from the agenda in advance of the meeting.

**4.9 LA06/2024/0953/A - Redburn Community Centre, 1a Ardnagreena Gardens, Holywood
Wall-mounted boards (to create anti-drugs mural)
(Appendix VII)**

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clondeboye

Committee Interest: Application on land which Council has an estate.

Proposal: Wall-mounted boards (to create anti-drugs mural)

Site Location: Redburn Community Centre, 1a Ardnagreena Gardens, Holywood

Recommendation: Grant Planning Permission

The Head of Planning outlined the detail of the application. By way of background, the sign was a project organised by a local community group. There were ongoing anti-social problems in the area and the mural sought to be both a creative project and to encourage an anti-drugs message.

The Council, as owners of the Community Hall building, had formally agreed with the applicant that the mural could be on the building for a maximum of three years. The site was a community building in a residential area of Holywood. There was a small area of greenery and dedicated parking to the front. The site was within the Redburn Local Landscape Policy Area in Draft BMAP. There were no designations in relation to built heritage. No architectural or archaeological designations affect the site.

The advertisement related to a number of marine ply boards on the side of the community building on which would be created an anti-drugs mural. The sign would be 12m in length and 1.2m in height and would be screwed to the lower part of the building below the windows.

Policy in relation to advertising explained that care was to be taken to ensure that proposals did not detract from the place where the advertisement was to be located, to prevent visual clutter, and to control signage involving illumination – there was no illumination associated with this proposal.

The building faced toward the junction with the Old Holywood Road. Whilst the building was set back from the junction, there were no intervening buildings resulting in relatively clear views – albeit through some mature trees - from the main road towards the community hall. The closest dwelling was over 50m away. There would be no material impact on the outlook for any neighbouring property. Given the summary provided in the presentation and the detail contained within the case officer report, granting of consent was recommended.

The Chair invited questions to the officer from Members.

Councillor Wray was supportive of these types of artworks and felt they were a good way to promote positive messages, but he had been aware of a number of these boards coming off during recent storms. He asked where liability would fall if this happened on Council land, but the Head of Planning advised that it was not a planning issue.

In a further query, Councillor Wray asked if the Director of Prosperity would be open to meeting the funders for these projects which was typically Northern Ireland Housing Executive or other sections within the Council to discuss reimagining projects.

The Chair felt that the matter of liability fell under the remit of the Corporate Services Committee and the Council's Lands section, but Councillor Wray explained that he wanted the Planning Service to have a wider conversation around reimagining which

was a very positive development that could be seen with some of the artwork that was appearing around Bangor. He hoped that this could be a joined-up approach and involve different areas of the Council.

The Director explained there had been various queries from Members in terms of planning consent around the advertising element of it. It did require consent to fix anything to a building and while it could be prohibitive to some community groups in terms of financing, the Planning Service had accommodated many of these applications by treating them as an advertising application which was significantly cheaper than under Category 13 of the Fees Regulations. She added that Planning Service was open to discussing any such proposals with other sections including the Council's Community Development section.

Alderman Graham asked for clarity on what the Council was being asked to approve, whether it was the principle of advertisement or a specific advertisement. The Head of Planning explained that it was for a specific image, displayed within her presentation and planning consent was sought for it to remain on the building for three years. The Director explained the necessary legislation, referring to Section 250 of the Planning Act which set out the definition of an advertisement in the context of planning and it was relevant to this particular image and building.

The Mayor, Councillor Cathcart, had wondered if a definition could have been formed within the Local Development Plan but the Director confirmed that it was set out in primary legislation which she had referred to.

Councillor McCollum explained she had been at a meeting of various community groups in Holywood the previous day and noted community buy-in in terms of murals aimed at addressing not just drug issues, but wider antisocial behaviour issues. She therefore expected to see more of these types of applications received by the Planning Service. Councillor McCollum asked for clarity if the specific image deviated from what had been presented to the Committee, if that would contravene planning consent.

The officer confirmed that any illumination of that image would be a breach of planning and enforcement action would be taken.

Proposed by Councillor Kendall, seconded by Councillor Wray, that the recommendation be adopted, that consent be granted.

Councillor Kendall knew that a lot of work had been undertaken in the community to get to this stage and that a lot of engagement went on with young people about relevant issues in the area and she was aware that it had struggled with drug issues and antisocial behaviour. She felt that Council should be willing, not just because it complied with Planning Policy, but because it was an example of direct community action to try and improve life for people in their community.

Councillor Smart rose to support what was a positive message, referring to the burden on community groups to reimage something from a negative to a positive, which was incredibly heavy at the moment. He felt it was something that the Committee needed to focus on going forward. He recognised that there were many

limits placed on the Planning Committee in terms of how it dealt with this, but it was important to leave no stone unturned and make it as successful as possible.

Alderman Graham referred to previous reservations about the matter when it was raised at the Corporate Services Committee and in relation to Councillor Smart's comments, he felt that this was not turning something negative into a positive as there was nothing negative there to begin with.

The Chair explained that Councillor Smart, having begged his indulgence, had been speaking more widely about community groups that were working very hard to have re-imaging, so it was a different point.

Referring to his views at the Corporate Services Committee when this scheme was discussed, Alderman Graham explained that he was not comfortable with painting on Council's community centres and wished to be recorded as abstaining in relation to this application.

The remaining Members of the Committee indicated agreement to the recommendation to grant consent.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Wray, that the recommendation be adopted, that planning consent be granted.

5. PLANNING APPEALS UPDATE

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

Appeal Decisions

1. There had 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.

Details of appeal decisions, new appeals and scheduled hearings could be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes this report.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Cathcart, that the recommendation be adopted.

6. CORRESPONDENCE WITH DFI MINISTER - LWWP AND NI WATER FUNDING

(Appendices VIII - XI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching cover report -previously presented 5 November 2024 in relation to Living with Water Programme (LWWP), letter to DfI Minister 3 December 2024 and response from Personal Secretary DfI Minister dated 3 January 2025. The report detailed that 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. A further letter was prepared and was issued. 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 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.

The correspondence attached to the report was the most recent response dated 3 January 2025, from Emma Stockman, the Personal Secretary to the Department for Infrastructure Minister.

The response received advised that the affordability review into the Living with Water programme had concluded. The outcome of the review was 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 operated under significant financial pressures, the letter referred 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 concluded 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.'*

RECOMMENDED that Council notes the content of this report and the attachments including the reply received from the Personal Secretary to the Infrastructure Minister.

The Head of Planning outlined the report to the Committee, explaining that at the meeting in November, Councillor McCollum had requested that correspondence be issued to the Minister of Infrastructure with particular regard to Kinnegar and to express concern at the potential future state and current state of Belfast Lough.

Correspondence was issued and a response was received from the Minister's personal secretary, writing on his behalf. This was attached for Members and summarised in the report.

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

Councillor McCollum felt that the Council was going around in circles on the matter, but the Planning Service could not be found wanting on its efforts in terms of communication.

She recalled that the DAERA Minister had raised this and had called the response from NI Water a thundering disgrace due to the fact that raw sewage continued to be pumped into Belfast Lough.

Councillor McCollum explained that she walked regularly along Seapark and noted visual evidence of sickening, raw sewage. She warned that the Council was staring the down the barrel of a gun in terms of an environmental tragedy, but it also brought profound economic issues in that people were unable to build houses along with job creation impediments. Continuing, the Member was aware that the matter was covered under the next item on the agenda and was simply proposing to note this.

The seconder, Councillor Morgan had found the report depressing in that the Minister was effectively saying no to the Living With Water plan and she found it completely unacceptable that NI Water was polluting waterways. It was preventing new housing and the unlocking of economic development, one of the core roles of the Council. The Minister needed to provide innovative solution because the status quo was unacceptable.

The Chair noted that there was now a new Minister but suspected that nothing would change as the political party seemed to be more ideologically driven and while there were alternative ways to allow NI Water to raise funds to carry out the work required, it was not a step that the previous Minister was not willing to take and he doubted that his party colleague would be willing to take it either.

AGREED TO RECOMMEND, on the proposal of Councillor McCollum, seconded by Councillor Morgan, that the recommendation be adopted.

7. KINNEGAR WWTW – UPGRADE DEFERRAL (Appendix XII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching correspondence from NIW. The report detailed that 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.

Attached to the report was 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 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 continued to exist, delivery of the Plan within the original twelve-year timescale was no longer achievable.

Given the lack of funding NI Water had begun to 'mothball' a number of Belfast projects, including the upgrade of Kinnegar WwTW which was now being paused indefinitely. It had been advised that a programme of maintenance was commencing in Spring 2025 to ensure that the existing facility operated as effectively as possible until it had been upgraded.

NIW had requested processing of the planning application continued should funding be provided which would enable delivery of the project.

RECOMMENDED that Council notes the content of this report and attachment.

The Head of Planning provided the Committee with a verbal summary of the above report.

Proposed by Councillor McCollum, seconded by Councillor Morgan, that this Council replies to the letter from Northern Ireland Water dated 15th January 2025, noting with grave concern the decision to "mothball" the Kinnegar Waste Water Treatment Works Upgrade project and the confirmation that this project is now paused indefinitely and further asks Northern Ireland Water for clarification of the following issues:

1. What is the programme of maintenance which will commence in Spring 2025 and in what way will it differ from that maintenance which is currently in place?
2. If the facility at Kinnegar operates as "effectively as possible", will that achieve the key objectives in the Living with Water Plan of:
 - a. Increasing the treatment capacity to facilitate economic growth in the Borough
 - b. Reduce spills from unsatisfactory storm overflows
 - c. Treat waste water to a higher standard and,
 - d. Reduce the risk of odours

Speaking to her alternative proposal, Councillor McCollum referred to comments she made on the previous item, warning that the coastline was on the brink of an ecological disaster. The extent of the problem, including the state of Belfast Lough, had been set out in one of NI Water's own reports which had brought to attention just how NI Water was failing to deal with the issues at hand and prevent what Minister Muir (DAERA) had described as the 'next Lough Neagh'.

Continuing, Councillor McCollum pointed to what was a terrifying thought for members of the sea swimming community in terms of what was drifting up onto our shores. This was also now stifling this Borough in terms of a desperately needed building. It was not good enough to just keep kicking the can down the road and

hope that someone breaks first in a game of chicken. Council's hands were now tied until the new Minister for Infrastructure took over the reins, but it was possible for the Council to go back to NI Water and call it to account. She referred to an ongoing consultation and further comments from Minister Muir who was determined that NI Water would be held to account in the same way that any other polluter is and subject to the same sanctions.

In closing, Councillor McCollum urged Members to support her proposal which would see further contact to NI Water and see exactly what this effective maintenance programme was that it was apparently going to undertake with the same budget.

The seconder, Councillor Morgan, was supportive of the proposal, adding that it was important to get a clear understanding of what NI Water had meant in terms of how the waste plant was operating. She wondered if it only meant that the Lough was polluted less often, which she found appalling. She referred to Strangford Lough that was not talked about enough, she felt, in comparison to Lough Neagh. While Strangford Lough was coastal, it still meant that the Borough was sending its effluent out into the Irish Sea.

While supportive of the proposal, Alderman Graham felt that the underlying problem was the funding required to upgrade the infrastructure in terms of dealing with wastewater and it boiled down to NI Water being able to get the money it needed to do that. He also referred to further complications around opposition to water charges, but ultimately there needed to be a funding model available to upgrade the infrastructure.

Councillor Kendall added her support to the proposal, describing the situation as disgusting and disgraceful and pointing out that people had a right to clean water. While Council was able to blame NI Water, and it was right to write to them as proposed, it was also the fault of the Government for not making the funds available. She recalled figures from early 2024 which showed that an astronomical amount of new homes, including social housing, planned which were delayed due to water infrastructure issues, which was wholly unacceptable. She explained that private sector developers were paying to fund research but it needed a cross-departmental, multi-agency approach with budgets made available. It was still right, though, to write to NI Water not just in relation to Kinnegar and the Belfast Lough, but also for all across Northern Ireland, but more needed to be asked of the Government, too.

Alderman Smith sympathised with the proposal, but it was not possible for NI Water to magic up the funds that were needed and it did land at the Minister of Infrastructure's door and he doubted that what was an ideological decision would change under the successive Minister. Ultimately, it needed a complete change in how water was funded. He referred to a number of positive ideas, but the Minister had turned his back on them and unless the Minister and NI Executive changed that approach, then it would remain a catch 22 situation. If NI Water did not have the hundreds of millions it needed for capital works, it would continue to fight with one or both hands tied behind its back.

Summing up, Councillor McCollum agreed with Members in terms of the funding that was required for NI Water to install the required infrastructure investment, but felt the

Council needed to continue to bring it to the public's attention that the Planning Service's hands were tied in relation to the issue and also ask NI Water not to collude with DFI in what was a whitewash regarding the maintenance programme because it was clear that it would not make any progress.

AGREED TO RECOMMEND, on the proposal of Councillor McCollum, seconded by Councillor Morgan, that this Council replies to the letter from Northern Ireland Water dated 15th January 2025, noting with grave concern the decision to "mothball" the Kinnegar Waste Water Treatment Works Upgrade project and the confirmation that this project is now paused indefinitely and further asks Northern Ireland Water for clarification of the following issues:

1. What is the programme of maintenance which will commence in Spring 2025 and in what way will it differ from that maintenance which is currently in place?
2. If the facility at Kinnegar operates as "effectively as possible", will that achieve the key objectives in the Living with Water Plan of:
 - a. Increasing the treatment capacity to facilitate economic growth in the Borough
 - b. Reduce spills from unsatisfactory storm overflows
 - c. Treat waste water to a higher standard and,
 - d. Reduce the risk of odours

8. NOTICES OF MOTION REFERRED TO COMMITTEE BY COUNCIL

8.1 Received from Councillor McLaren and Councillor Wray

This Council expresses its concern at the crumbling state of our water and wastewater infrastructure and the resultant profound impact it is having on households throughout our council area; the disastrous and dangerous impact the resulting sewage pollution is having on our coastlines; further notes the impact the lack of wastewater connection capacity is having on the delivery of new homes and the establishment of new businesses; further highlights that through rates, water is already accounted for, and that the separation of this payment as a sustainable funding stream for Northern Ireland Water could unlock the ability to attract additional funding to invest in water and wastewater infrastructure and; resolves to write to the Minister for Infrastructure to highlight this council's deep concern and press for urgent action on the funding model for Northern Ireland Water to enable it to secure the required funding to invest in our water and wastewater infrastructure.

ITEM WITHDRAWN - Members had previously been advised that the Notice of Motion had been withdrawn.

NOTED.

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.

Proposed by Alderman Cummings, seconded by Councillor Douglas, that the Notice of Motion be adopted.

The Chair invited Alderman Cummings and Councillor Douglas to the meeting, who were in attendance virtually and were not Members of the Planning Committee.

Proposed by Alderman Cummings, seconded by Councillor Douglas, that the Notice of Motion be adopted.

Alderman Cummings outlined at the end of 2024 the Department of the Economy launched the Sub Regional Economic Plan which called for a locally led approach, enabling local communities and local government to contribute to improved economic outcomes. Whilst Alderman Cummings recognised the existence of industrial sites around the Borough, there was a disparity that had been identified in the Comber area. Over recent years there had been a persistent enquiry about industrial units, with a particular demand in support for the agricultural sector and engineering. He explained that the purpose of this proposal was to allow officers to explore the potential for industrial units with a view to contributing towards the economic vision for the area. There had been notable success with regard the regeneration of Comber town centre, it was the call for sustainability that highlighted the demand for industrial development that brought focus to the growing population of Comber. The proposal would enable officers to explore the reality of the current demand and allow them to factor that into the Comber area, when considering the request from government to help them identify suitable locations to help meet their goals. The demands for support infrastructure and emerging growth were often heard, but if the growing population of Comber was to be sustainable, then it required a balanced approach to help the local economy. That included space that allowed for opportunities for SMEs, emerging businesses and manufacturing.

Alderman Cummings asked Members to support the motion which sought a report, that would not only better inform the emerging Comber town action plan but also help address the subject of sustainable economic growth in the flourishing corner of the Borough. In doing so, that would also complement the wider Department for the Economy's Sub Regional Plan and its aspirations with Invest NI.

Councillor Douglas added her support to the motion which was asking Officers to bring back a report to identify potential sites in around Comber to accommodate units for small and medium enterprises and businesses. Local communities working in partnership with the Department for the Economy, Invest NI and other agencies, would help create more job opportunities, increase productivity and employment rates. Councillor Douglas believed that the growth of Comber's economic business sector was vitally important. The majority of residents in Comber worked outside the town and she felt the motion could create an opportunity for the young people to work locally or have their own businesses located close to home.

Councillor Douglas highlighted the need to for the Council to be mindful of the importance of bringing investment to the Borough, to try and attract more businesses

and jobs. She outlined that could be a small starter business looking cost-effective space, or a growing medium enterprise needing more room for expansion. Councillor Douglas felt it was vital that the Council continued to engage with the business sector throughout the Borough and include them in the delivery of a better place to work and live. She called for Members to support the motion and for the report to be brought back to the relevant Committee.

Alderman McDowell added his support to the motion, though he was of the view that the motion should have been referred to the Place and Prosperity Committee. For many years, Alderman McDowell had been raised the lack of business accommodation/industrial space in the Borough, particularly Newtownards and Comber. Comber used to have considerable industries, and he alluded to some of those; however, unfortunately, over the years those had disappeared and the land used for housing. Alderman McDowell stated that there had always been a demand for businesses to set up in Comber; however, due to the lack of space those businesses had to go elsewhere. He felt that there was an opportunity to make a difference with the Minister's statement and the setting up of Local Economic Partnerships (LEP). He suggested that one of the first items that the LEP should look at was the overall availability of employment land or premises throughout the Borough. There was need to have a plan and strategy in place to address the matter. Alderman McDowell highlighted the problem of market failure and the need for a joint effort and the Council needed to play a pivotal role to ensure there was proper facilities available for businesses to grow. Alderman McDowell felt that there was a need to invest in those facilities to attract jobs as opposed to becoming a dormitory town. Alderman McDowell supported the proposal, but felt the Council needed to go further in the future.

Councillor Morgan believed the motion brought an excellent initiative and it should be supported adding that Comber has had significant new housing built and the town was prospering. However, the town had lost a lot of industrial units which had not been replaced. The town action plan from 2015 highlighted the need for an innovation hub and she looked forward to a report coming back.

The Mayor wished Members well with the motion; however, highlighted his dissatisfaction with Invest NI as an organisation, noting that Invest NI had land available in Bangor and had done absolutely nothing with it for over a decade. Therefore, having the land available was not the only issue and he believed Invest NI did not care about any of the areas outside Belfast. Invest NI had recently prepared a strategy stating that there were going to focus outside the greater Belfast area. Considering Ards and North Down had the lowest job creation of Invest NI sponsored jobs, the Mayor said that he was scared what the approach would be. The Mayor felt that the Council needed to keep the pressure on Invest NI to recognise the Borough and what it had to offer in terms of the workforce and the potential job creation. In Bangor there were units which were owned by various different companies; however, those were fully occupied by SME's, therefore there was the potential scope there, but he could not count on Invest NI to assist.

Alderman Smith shared the Mayor's scepticism regarding Invest NI; however, he hoped any units built in Comber would be focused more on the SME sector and thus would fall outside of the clutch of Invest NI. Some units had been identified in the

Enler village development and he questioned the potential timescale around those and that this could be considered in the forthcoming report. That was a large development and he wondered when the industrial element would come onboard. One of the benefits of the Enler Village development was the access to the road network and he suggested that any industrial areas proposed should be integrated into the transport infrastructure. There were examples of sizeable industrial areas within Comber; however, many were unfortunately located down country lanes.

Councillor Smart added his support to the motion which he felt was very relevant for the businesses that could not grow within the Borough. He asked if Officers had the information and the ability to complete the proposal in-house or if that would need outsourced.

The Chair was of the understanding that the work could be completed in-house, and a lot of work had already been done in relation to the identification of the sites. He noted that there was a section of the motion that did not lie comfortably within Planning Committee and suggested a proposal be made in relation to referring the report to the Place and Prosperity Committee.

To sum up, Alderman Cummings thanked Members for their comments and alluded to some of those. He agreed with the need for consideration for the wider aspect of the Borough; however, his motion was brought forward in relation to Comber and the void that existed. He recognised the scepticism in relation to Invest NI and trusted on the aspirations of the Department for the Economy and the detailed report that would come from Council Officers would hopefully lead the outcome. There was great potential, emerging industries, especially in precision engineering and the Agri-Tech sector with great ideas but the space was just needed to let them flourish. Alderman Cummings was content that the motion was referred to the Place and Prosperity Committee and explained that it had been referred to the Planning Committee due to footprint element.

AGREED TO RECOMMEND, on the proposal of Alderman Cummings, seconded by Councillor Douglas, that the Notice of Motion be adopted.

FURTHER AGREED, on the proposal of Councillor McCollum, seconded by Councillor Morgan, that officers report back, where relevant, to the Place and Prosperity Committee.

TERMINATION OF MEETING

The meeting terminated at 10.21 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2022/0827/F
Proposal	Stable building and associated hayshed/tack room and equipment store
Location	Lands approximately 250m SW of 240 Scrabo Road, Newtownards 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. The Mayor seeks the Planning Committee to consider whether - <i>"The principle of stables development in the countryside has been accepted. The refusal quotes 5 reasons. However, all of these essentially relate to considerations of visual integration and rural character which is subjective and should be considered by the planning committee. Furthermore, this is the only land within the applicants ownership and there are no realistic alternatives but to site the buildings at this location. If stables cannot be secured at this location, then the business may not be able to survive."</i>
Validated	16/08/2022
Summary	<ul style="list-style-type: none"> • No letters of objection or other representations received. • Consultees – DfI Roads – no objection subject to conditions • Principle of development accepted as development of an outdoor recreational use in the countryside. • Site location unacceptable failing ADAP 2015 policy regarding Local Landscape Policy Area, PPS 21 & PPS 8 - adverse visual impact. • Site cannot be absorbed into surrounding landscape (due to topography, lack of existing vegetation and other buildings), is a prominent feature and site lacks long established boundaries with front boundary being removed to accommodate visibility splays. • Reliance on need for new landscaping which is contrary to Policy CTY 13 of PPS 21. Site is with an AONB and fails to comply with Policy NH6 of PPS 2 'Natural Heritage' as prominent in landscape with critical views from east and north west. • Application deferred at Planning Committee 03 December 2024 for site visit - held on 20 January
Recommendation	Refuse Planning Permission
Attachment	Item 4.1a – Case Officer Report Item 4.1b – Addendum Report Item 4.1c – Note of site meeting

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0827/F	DEA: Newtownards	
Proposal:	Stable building and associated hayshed/tack room and equipment store.		
Location:	Lands approximately 250m SW of 240 Scrabo Road, Newtownards.		
Applicant:	Mr G Metcalfe T/a Hillhead Farm		
Date valid:	16.08.2022	EIA Screening Required:	No
Date last advertised:	31.08.2022	Date last neighbour notified:	25.08.2022
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads	No objection with conditions relating to the development of the access.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Integration and impact on rural character • Impact on AONB and Local Landscape Policy Area • Access, parking and road safety • Impact on biodiversity and designated sites • Impact on residential amenity 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
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 Northern Ireland Public Register (planningssystemni.gov.uk)			

1. Site and Surrounding Area

The application site is the southwest portion (0.3ha) of a field (Figure 1 and 2) and is accessed via an existing agricultural lane which initially inclines in a southerly direction up from Scrabo Road before declining gently to the application site.

Figure 1: View of Application Site from Lane



Figure 2: View of Application Site Facing North



The application site sits at a higher ground level than the adjacent agricultural laneway and Moat Road with it being visible when travelling on Moat Road (Figure 3). Boundaries to the west and south of the application site are defined by hedges and wooden fencing (Figure 4). Boundaries to the north and east are undefined as the application site is part of a field.

Figure 3: View Towards Application Site from Moat Road



Figure 4: Boundaries to the West and South of the Application Site



The surrounding landscape is undulating and inclines in a northerly direction to peak at Scrabo Tower (Figure 5). The surrounding area appears rural with agricultural lands, fields, farm holdings and dwellings found in the surrounding landscape.

Figure 5: Application Site and Surrounding Landscape



2. Site Location Plan

Figure 6: Site Location Plan



Figure 7: Aerial Image of Application Site



3. Relevant Planning History

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

4.0 Planning Assessment

4.1 Planning Policy Framework

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

- Ards and Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS 3)
- Planning Policy Statement 8: Open Spaces, Sport & Outdoor Recreation (PPS 8)
- Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21)

4.2 Principle of Development

ADAP designates the application site as located in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area (LLPA 5) and an Area of Constraints on Mineral Developments (Figure 8).

Figure 8: Extract From Map No.2/001a – Ards Borough North



Policy CON 2: Local Landscape Policy Areas (Policy CON 2) in the ADAP explains that planning permission will not be granted for development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Policy CON 2 continues to explain that Local Landscape Policy Areas are of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

Features that contribute to the environmental quality and the character of LLPA 5 in which the application site is located include, *inter alia*:

- The whole of the landform of Scrabo Hill which extends across Kempe Stones Road to the north and in a number of tails towards Comber to the south as well as the remaining undeveloped flat foreground adjoining Comber Road which is visually significant in long distance views.
- Traditional patterns of farms and fields which are renowned for their agricultural quality and create a patchwork effect.

The proposal is considered contrary to Policy CON 2 as the proposed stable building, associated hayshed/tack room and equipment store would adversely impact the character and environmental quality of LLPA 5. This is as the application site forms part of a field that is undeveloped land which contains no existing buildings or structures. As the application site and wider field contains no existing buildings, the proposal is unable to be absorbed/blended into the rural landscape without creating an adverse visual impact.

Additionally, with no visual backdrop from existing buildings or indeed mature vegetation such as trees, the proposed development is considered prominent and will consequently have a detrimental impact on the two forementioned key features of LLPA 5 which is the traditional pattern of fields which form a patchwork effect and the whole landform of Scrabo Hill which is visually significant in long distance views.

Development at the application site, on undeveloped land devoid of backdrop features (built and natural) which would assist with absorbing/integrating the proposal with the rural landscape will adversely affect the environmental quality, integrity or character of LLPA 5. Given the amenity value, landscape quality and local significance of LLPA 5, it is considered that the proposal is contrary to Policy CON 2.

In relation to ADAP, no further environmental, architectural, or archaeological designations relate to the application site.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically, PPS 2, PPS 3, PPS 8 and PPS 21.

In relation to development in the countryside, PPS 21 lists types of development that are considered acceptable in rural areas. Policy CTY 1 indicates that planning permission will be granted for outdoor sport and recreation uses in accordance with PPS 8: Open Space, Sport and Outdoor Recreation. Under the headnote "Equestrian Uses", prevailing policy states that the keeping and riding of horses for recreational purposes is increasingly popular and that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, subject to the

scale and integration of ancillary buildings. Whilst it is acknowledged that this makes specific reference to riding schools, the headnote does not distinguish between recreational facilities for personal use and larger commercial operations. Of further note and material to assessment is the Planning Appeals Commission interpretation on the matter which suggests that "this would not bar consideration of other equestrian uses under the policy" (Planning Appeal 2018/A0008).

In the same appeal decision, the appointed Commissioner states that none of the listed criteria to be met under Policy OS3 requires the applicant to provide supporting information to demonstrate that there is a need for this type of development within the rural area. Notwithstanding, the applicant submitted a Design and Access Statement and Supporting Statements explaining that the application site is located to the rear of the applicants' lands and will be used to facilitate the applicants existing equestrian business which breeds horses for recreational purposes. Due to changes in the applicant's personal circumstances which involved selling-off the applicants' stables at 27 Ballymore Road, Killinchy, new stables are required to house young foals.

Taking into consideration the understanding of equestrian uses in PPS 8 and the PAC interpretation provided in Planning Appeal 2018/A0008, I am satisfied that the proposal is concurrent with acceptable outdoor sport/recreational uses specified in PPS 8.

While the proposal is considered acceptable in principle with regard to being an acceptable outdoor recreational use in the countryside both Policy OS 3 in PPS8 and Policy CTY 1 in PPS 21 explain that such development is subject to the proposed development being able to integrate sympathetically into their landscape surroundings:

Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, ***provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings***. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals (Policy OS 3, para 5.33, p.27)

All proposals for development in the countryside ***must be sited and designed to integrate sympathetically with their surroundings*** (Policy CTY 1, PPS 21, p. 11).

As the proposal is not capable of integrating sympathetically into its rural surroundings for the forementioned reasons and those provided in section 4.3 of this report, it will detrimentally impact on the identified features that contribute to the environmental quality and the character of LLPA 5. Consequently, the proposal is considered contrary to Policy CON 2 of the ADAP and therefore not considered acceptable in principle at the proposed location.

Assessment continues with discussing material planning considerations under the subsequent headings of this report.

4.3 Integration and Impact on Rural Character

As identified, the application site is in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area and also Strangford and Lecale Area of Outstanding

Natural Beauty. Proposals located in the countryside and within these designated areas are subject to specific planning policy criteria to they do not detrimentally impact on the visual amenity value of the rural area and character of the ANOB. With regard to PPS 21, Policies CTY 1, CTY 13 and CTY 14 are applicable. With regard to PPS 8, Policy OS 3 is applicable and with regard to PPS 2, Policy NH 6 is applicable.

The proposal seeks full planning permission for the development of an equestrian facility for breeding/training horses which incorporates a stable building, hayshed/tack room and equipment store, sanded paddock, relocated and widened access, fenced wintering paddock and turning area/haylage storage area (Figure 9).

Figure 9: Proposed Site Layout Plan



The proposed Hay Shed and Tack Store is the taller of the two proposed buildings (Figures 9 and 10), measuring 5.947m high and will be sited to the eastern side of the application site. The proposed stables will have a ridge height of 4.5m. With regard to the topography of the application site, the submitted topographical survey and cross-section drawing demonstrates that the proposed buildings will not be visible from Scrabo Road which lies north of the application site. However, the topography of the landscape steadily falls away from the application site both in southeasterly and easterly directions towards Comber Road meaning that the proposed buildings will be visible from long distances.

Figure 11 demonstrates that the height of proposed Hay Shed and Tack Store at the proposed siting in the landscape will be approximately 56.6m high which makes it visible from Moat Road as demonstrated in Figure 3 at the start of this report.

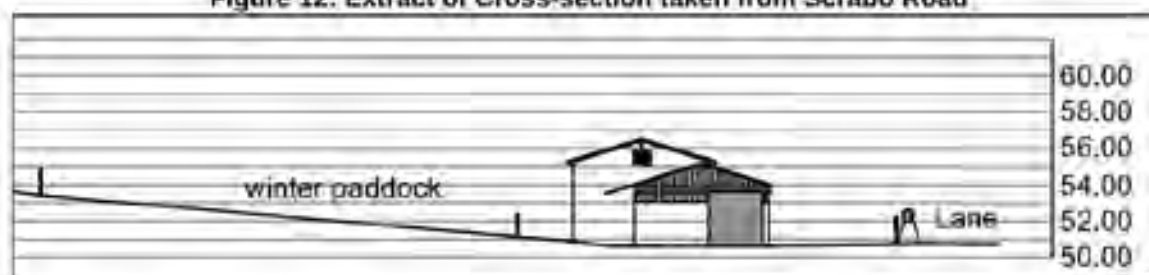
Figure 10: Proposed Hay Shed and Tack Store Elevations



Figure 11: Proposed Stables Elevations



Figure 12: Extract of Cross-section taken from Scrabo Road



The design and external finishes of both proposed buildings are considered appropriate for the site and its locality. However, the height of the buildings and the lack of a suitable degree of enclosure for the proposed buildings to integrate into the landscape such as existing trees or existing buildings which could act as a backdrop, makes the proposed buildings inappropriate at the application site.

The Proposed Site Layout Plan demonstrates that a significant amount of tree planting (26 trees) has been proposed for integration purposes. In addition to the proposed tree planting, the undefined northern and western boundaries are to be defined by 1.5m high post and wire fencing. While the hedgerow which defines the southern boundary will be retained, it will be the only natural boundary to be retained as the hedge that defines the eastern boundary would be removed, with new hedges planted, to allow for the development of the proposed access and visibility splays. As explained in paragraph 5.64 in PPS 21 *'while new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient'*.

The proposed grassed wintering paddock is considered acceptable as is the proposed grasscrete laneway and turning area would maintain the rural appearance of the application site and wider area. The sand paddock is also not considered visually obtrusive given its small scale.

The existing agricultural access into the application site is to be closed off and infilled with a post and wire fencing and a new hedge and, a new 5m wide access has been proposed on this side of the application site. As discussed above, the development of the proposed new access will initially have a visual impact given that the existing 1.2m banking and hedge will have to be realigned behind the visibility splays required for the proposed access however, its development is considered appropriate in appearance and will maintain the rural character of the application site and area.

At the proposed location, on land elevated above Moat Road as well as above lands to the east and south, it is considered that the scale/height of the proposed buildings will make them a prominent feature in the landscape. When the prominence of the proposed buildings is taken into consideration along the fact that the application site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, would primarily on the use of new landscaping for integration and fails to blend in with the landform, it is considered that the proposal fails to comply with the policy criteria (a – c and f) in Policy CTY 13 of PPS 21. Consequently, planning permission should be refused as the proposed buildings cannot visually integrate into the surrounding landscape.

It is also considered that the proposal fails to comply with policy criteria (a) in Policy CTY 14 of PPS 21 as the proposal would be unduly prominent in the landscape.

Lastly, is considered that the proposal fails to comply with the policy criteria (iii and vi) in Policy OS 3 of PPS8 as the proposal would have an adverse impact on the visual amenity of the local landscape as the proposed development cannot be readily absorbed into landscape by taking advantage of existing vegetation and topography and, the proposed buildings are of an inappropriate scale to the surrounding environment in terms of their siting, layout and landscape treatment.

With regard to the impact of the proposal on the AONB, it is considered that the application site is located in vulnerable position in the landscape with long distance views achievable from the east and south. Given that a key environmental feature of Strangford and Lecale AONB is Scrabo Hill, is considered that the siting and scale of the of the proposal will appear prominent and therefore is not sympathetic to the character of the AONB. Had the proposal been grouped with or benefitted from a backdrop, then it is likely that its impact on the AONB would have been negligible however, this is not the case. For these reasons, the proposal is also considered contrary to policy criteria (a) of Policy NH6 in PPS 2.

4.4 Impact on Trees or Landscape Features

No trees would be affected by the proposal as none exist at the application site. The western hedgerow would be relocated to behind the proposal visibility splays which is not considered environmentally damaging. Overall, the proposal will not cause the unacceptable loss of, or damage to, landscape features which contribute significantly to local environmental quality.

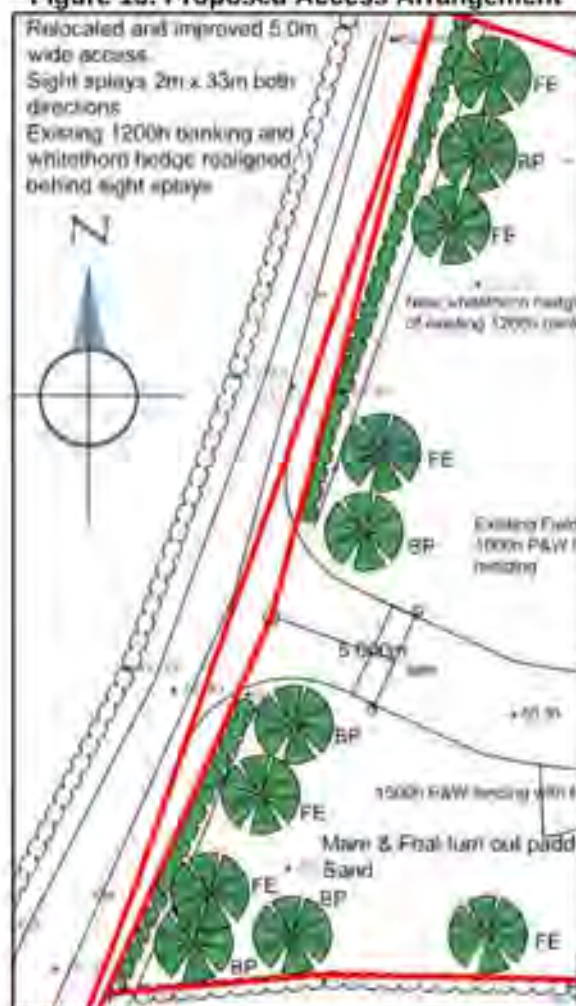
4.5 Access, Parking and Road Safety

The proposal incorporates closing off the existing access on the western boundary and developing a new 5m wide access on the same boundary (Figure 13).

The applicant has confirmed in the submitted Application Form and Design and Access Statement that the applicant will attend the application site twice a day to feed and care for the stock. In addition to this, occasional visitors to the application site will include a vet, farrier or feed supplier. It is not considered this low level of vehicular traffic to the application site would have a detrimental impact on the safe movement in traffic.

DFI Roads was consulted on the proposal and raised no objection subject to conditions pertaining to the construction of the visibility splays and access gradient. I am therefore satisfied that the proposed access will not prejudice road safety.

I am satisfied that sufficient space has been proposed within the curtilage of the application site for the movement and parking of vehicles.

Figure 13: Proposed Access Arrangement

4.6 Impact on Biodiversity and Designated Sites

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.

4.7 Impact on Residential Amenity

The closest neighbouring property is located over 200m away at 240 Scrabo Road. This separation distance is sufficient to prevent any adverse impact on the amenity enjoying by the residents of this property.

4 Representations

No representations were received.

5 Recommendation

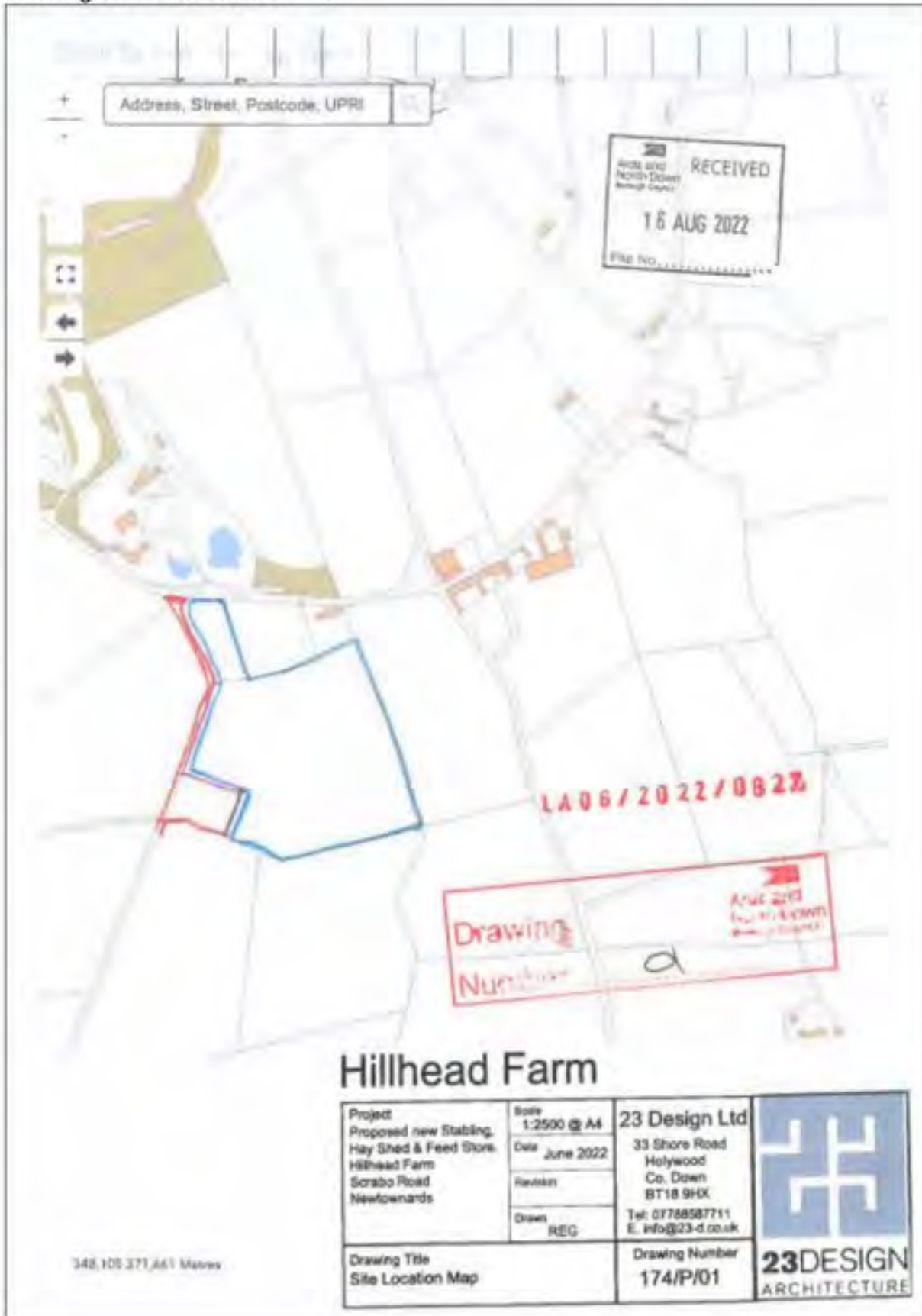
Refuse Planning Permission

6 Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are not designed to integrate sympathetically within their surroundings.
2. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2 Natural Heritage criteria (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CON 2 in the ADAP, and criterion iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
4. The proposal is contrary to the SPPS and Policy CTY13 criteria (a), (b), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposal would rely 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.
5. The proposal is contrary to the SPPS and Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Appendix One: Submitted Plans

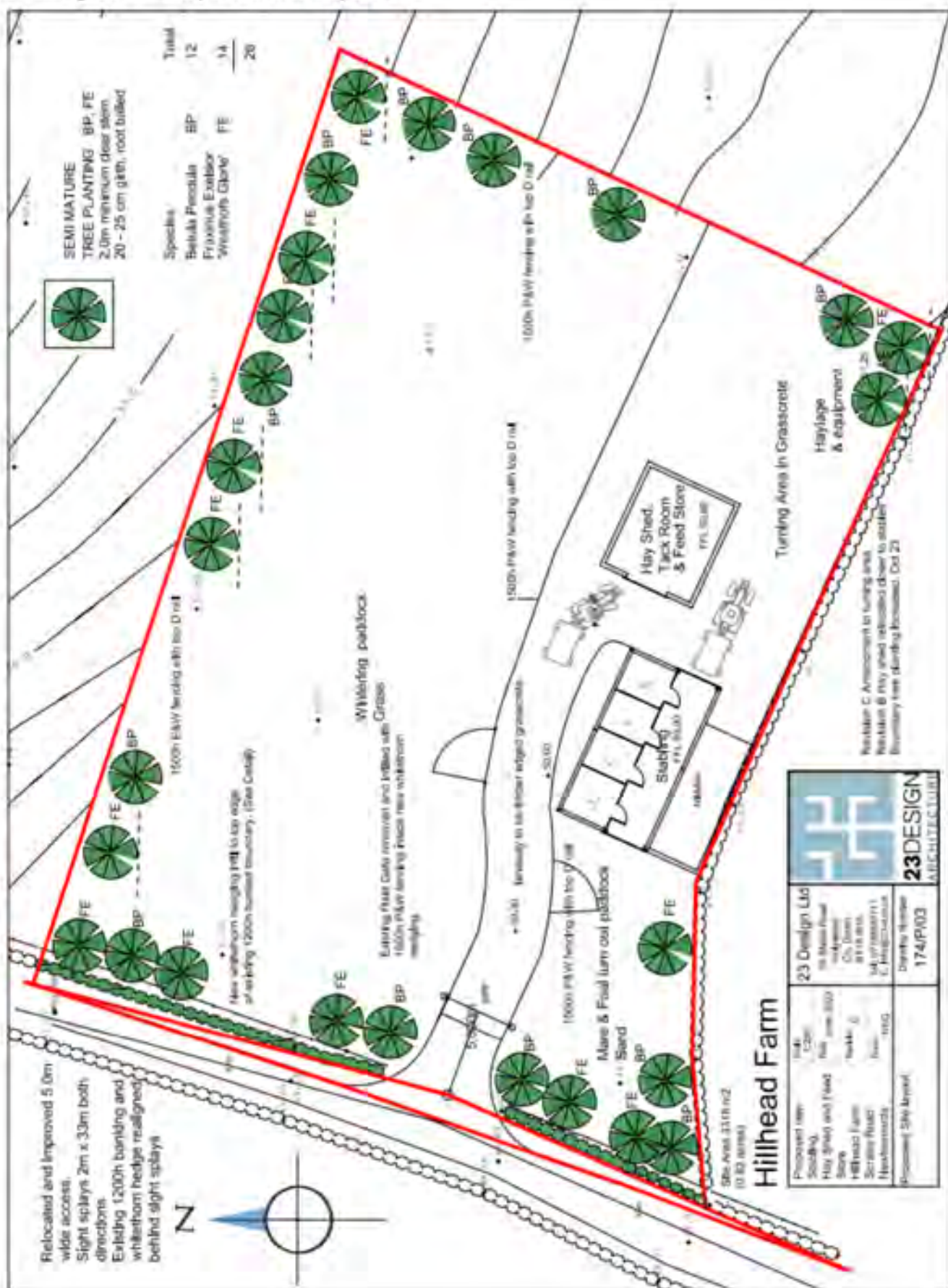
Drawing 01 – Site Location Plan



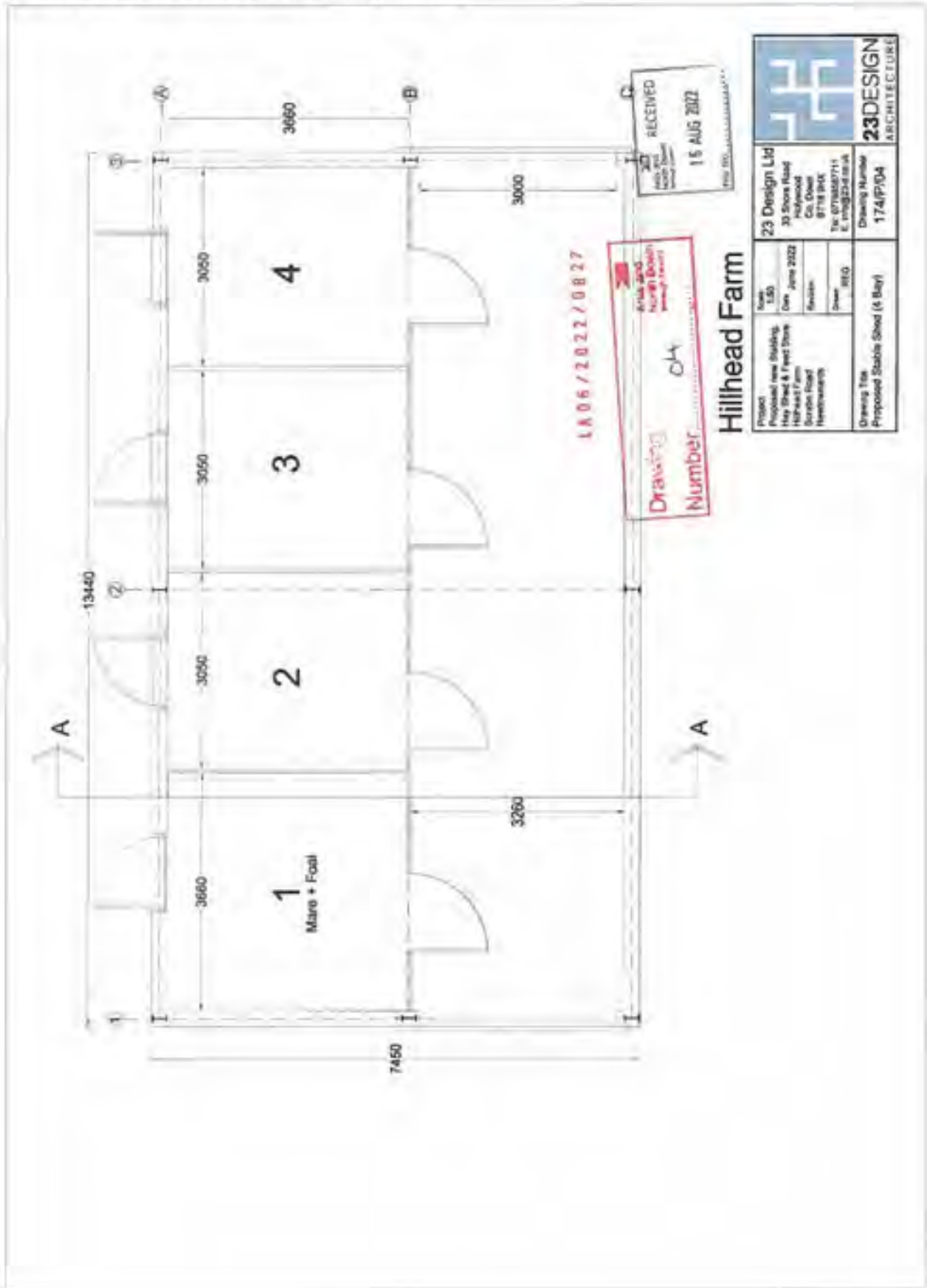
Drawing 02A – Topographical Map and Proposed Site Section



Drawing 03C – Proposed Site Layout Plan



Drawing 04 - Proposed Floor Plans (Stables)



Drawing 05 – Proposed Stables Elevations

Proposed finishes
 Dark green single skin ppc roof and wall panels
 Smooth sand cement render
 Black rainwater goods
 Dark green hardwood doors
 Clear perspex rooflights

Proposed North West Elevation

Proposed North East Elevation
 Ledge braced and sheathed covering with fielded plaster cover section

Proposed South West Elevation

Proposed South East Elevation

Proposed Section A-A

Hillhead Farm

Project: Proposed new Building
 May Street & First Store
 Hillhead Farm
 Stroud Road
 Northleach

Scale: 1:100
 Date: June 2022

Drawn: [Signature]
 Checked: [Signature]

23 Design Ltd
 33 Stone Road
 Hillhead
 Cot. Dean
 BT18 9DL
 Tel: 0778887711
 E: info@23d.co.uk

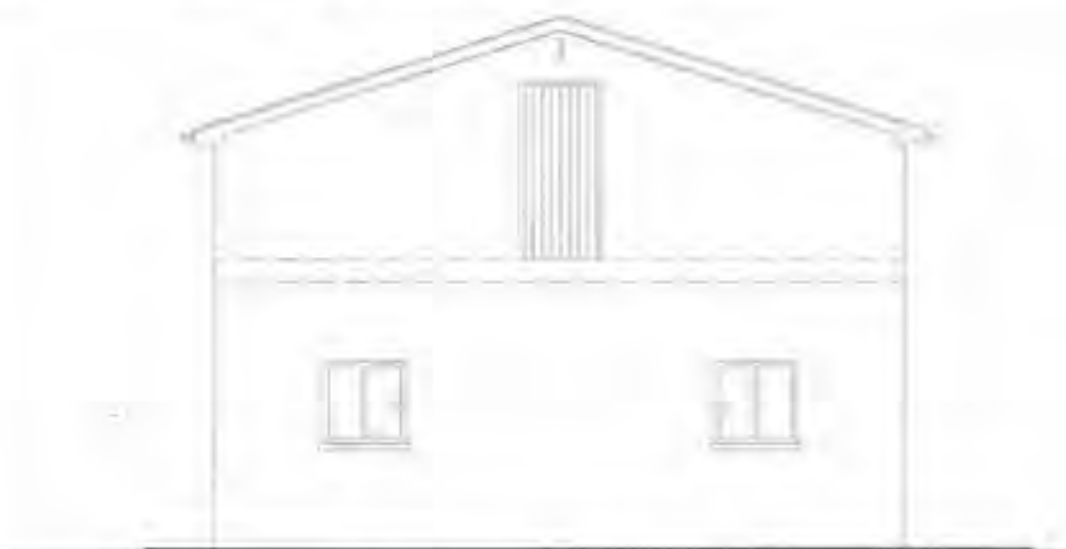
23DESIGN
 ARCHITECTURE

Drawing Number: 174/P/05
 Drawing Title: Proposed Stable Shed Elevations & Section A-A

RECEIVED
 15 AUG 2022

0A062302Z0827

Drawing 06 – Proposed Hay Shed and Tack Store Elevations



Proposed South East Elevation



Proposed North West Elevation


DRAWING NUMBER
 LA06/2022/0827

LA06/2022/0827

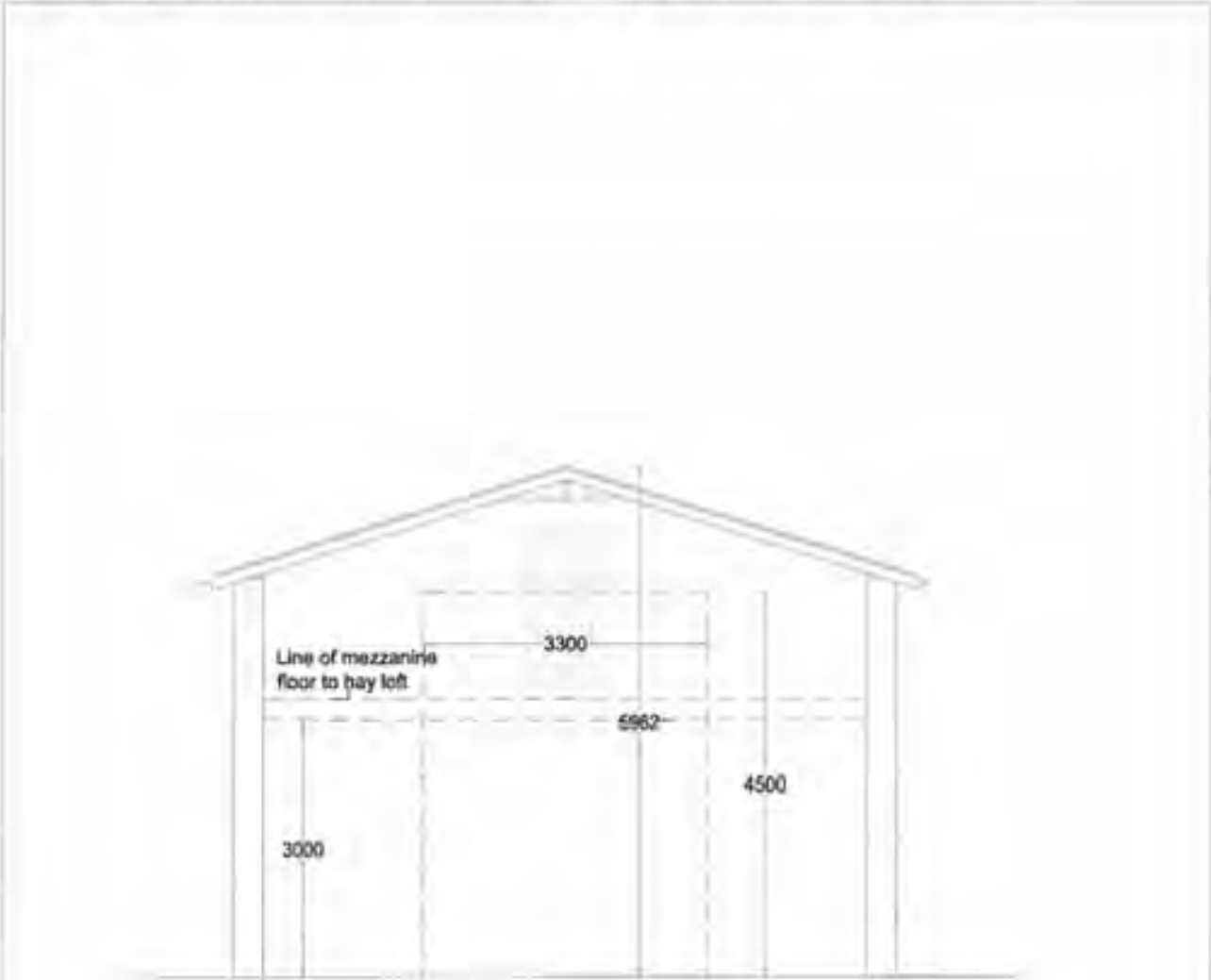
- Proposed finishes**
- Dark green double skin ppc metal profiled roof
 - 300mm insulated cavity walls
 - Smooth sand cement render
 - Black rainwater goods
 - Dark green steel sliding door
 - Aluminium windows
 - Perspex rooflights

RECEIVED
 16 AUG 2022

Hillhead Farm

Project Proposed new Tackling, Hay Shed & Feed Store Hillhead Farm Soutbo Road Northwintards	Scale 1:50 Date June 2022 Revision Drawn 02/03	23 Design Ltd 33 Skirw Road Hollywood Co. Down BT18 9HX Tel: 0726027711 E: info@23-d.co.uk	
Drawing Title Hay Shed Proposed SE & NW Elevations	Drawing Number 174/P/08		

Drawing 07 – Levels and Cross Sections for Hay Shed and Tack Store



Proposed Section B-B

LA06/2022/0027

Draw! Number 07

18 AUG 2022 RECEIVED

Hillhead Farm

Project Proposed new Stabling, Hay Shed & Tack Store Hillhead Farm Sunder Road Newbottle	Scale 1:50	23 Design Ltd 33 Shore Road Hollywood Co. Down BT18 9XC Tel: 07766877111 E: info@23d.co.uk	
	Date June 2022		
	Drawn JSD		
	Checked		
Drawing Title Hay Shed Proposed Section B-B		Drawing Number 174/P/07	23DESIGN ARCHITECTURE

Drawing 08 – Proposed Hay Shed and Tack Store Elevations



Proposed South West Elevation




Proposed North East Elevation

LA06/2022/0027

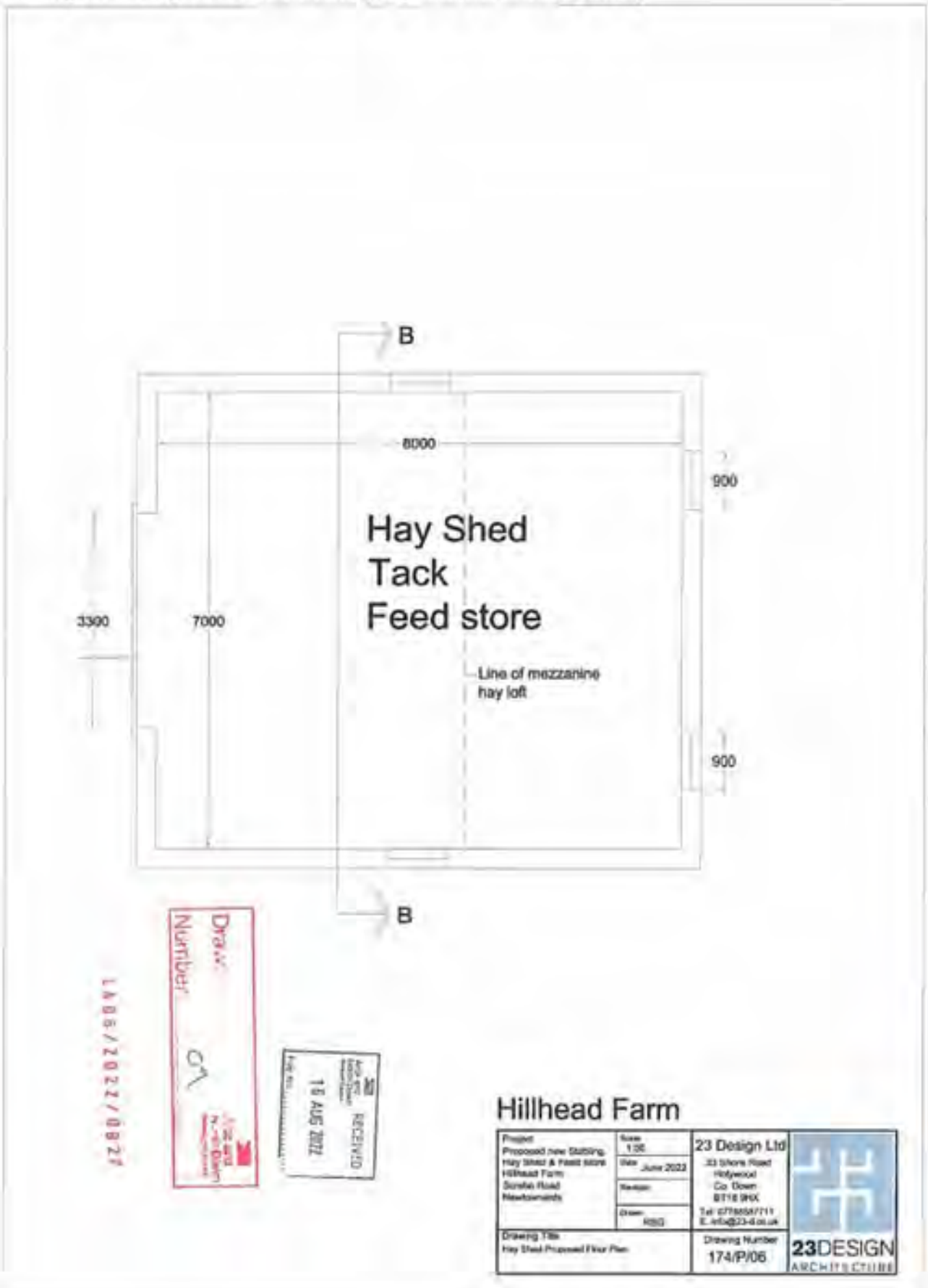
- Proposed finishes**
- Dark green double skin ppc metal profiled-roof
 - 300mm insulated cavity walls
 - Smooth sand cement render
 - Black rainwater goods
 - Dark green steel door
 - Aluminium windows
 - Perspex rooflights



Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Strath Road Newport	Scale 1:50 Date June 2022 Author Drawn REV	23 Design Ltd 23 Stone Road Ridgeway Co. Down BT18 9PK Tel: 0778547711 E: info@23-d.co.uk	 23DESIGN ARCHITECTURE
Drawing Title Hay Shed Proposed SW & NE Elevations		Drawing Number 174/P/08	

Drawing 09 – Proposed Floor Plans (Hay Shed and Tack Store)



Drawing 10 – Proposed Boundary Treatment



Lane boundary treatment

New Whitethorn hedging infill planting to top edge of existing field boundary banking
Existing Post and Wire D Rail fence with stock mesh infill retained with new fencing to North and East boundaries



New boundary treatment

Post and Wire D Rail fence with stock mesh to paddocks and North and East boundaries

Draw Number 10

Arts and North Down Borough Council

Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:50	23 Design Ltd 33 Shore Road Holywood Co. Down BT18 9HX Tel: 07766507711 E: info@23-d.co.uk	
	Date June 2022		
	Revision		
	Drawn REG		
Drawing Title Proposed boundary infill/treatment		Drawing Number 174/P/10	23DESIGN ARCHITECTURE

LA06/2022/0827

Appendix Two: Site Inspection Photographs

Existing access into application site/western boundary



Existing access – through gate.



Southern Boundary



View of application site facing North



View within application site facing Southwest and boundaries to the West and South



Addendum to Planning Committee Report			 Ards and North Down Borough Council
Reference:	LA06/2022/0827/F	DEA: Newtownards	
Proposal:	Stable building and associated hayshed/tack room and equipment store.		
Location:	Lands approximately 250m SW of 240 Scrabo Road, Newtownards.		
Applicant:	Mr G Metcalfe T/a Hillhead Farm		
Date valid:	16.08.2022	EIA Screening Required:	n/a
Date last advertised:	31.08.2022	Date last neighbour notified:	25.08.2022
Letters of Support:	0	Letters of Objection:	0
		Petitions:	0
Rationale for Addendum and Discussion			
1.0 Introduction and Rationale for Addendum			
<p>This is an addendum to the full Planning Committee Report for application LA06/2022/0827/F which is due to be presented at Planning Committee on 3rd December 2024.</p> <p>This Addendum has been prepared to consider the Briefing Note submitted by Donaldson Planning on behalf of the applicant which was received by the Planning Department in response to the original Case Officer Report. In line with procedure, the Planning Department considers all documentation submitted prior to the formal determination of an application in the assessment of a proposal.</p> <p>In addition to considering the Briefing Note (Donaldson Planning), the Planning Department requested an Explanatory Statement from the applicant to explain how the business is currently operating, where the horses are currently stabled/located, justification for selection of the application site and details of any other alternative sites considered.</p> <p>In response to the request for an Explanatory Statement the applicant submitted:</p> <ul style="list-style-type: none"> - An Explanatory Statement regarding the previous business known as Hillhead Farm. - A further Explanatory Statement explaining the current operational circumstances of the business, the challenges the business faces, consideration of alternative sites and justification for the current application. - Copies of 2 Horse Passports. - A copy of a payment made to the applicant by DAERA dated September 2023. - A copy of membership of the applicant's membership in the Irish Thoroughbred breeders' Association. - Pedigree horse information. 			

- News article/press coverage relating to a horse owned by the applicant.
- Sales history records for horses.

Consideration of the submitted information is presented below.

2. Consideration of Additional Submitted Information

2.1 Briefing Note provided by Donaldson Planning

The Briefing Note states that the proposed stable building and associated hay and feed store would be located on land owned by the applicant for over 40 years, used for grazing and exercising his horses. The briefing Note considers the buildings to be small with a maximum height of 6m, located approximately 100m south of Scrabo Road on land which is at a lower level.

The Briefing Note acknowledges that a concern raised by the Planning Department is that the proposed development will have an adverse impact on rural character and recognises that the application site is located in a Local Landscape Policy Area (LLPA). The briefing Note emphasises that the LLPA designation does not prohibit development and the Planning Department concurs with this understanding. The LLPA designation does however, prohibit development which will adversely affect the environmental quality, integrity and character of LLPAs which the Planning Department considers that the development will do as:

- The application site forms part of a field that is undeveloped land containing no existing buildings or structures. As the application site and wider field contains no buildings, the development will sit in an isolated position in an exposed landscape rather than being clustered and consolidated with an existing group of buildings in the landscape creating an adverse visual impact on the LLPA.
- The application site contains no mature vegetation such as trees with only one boundary defined by a hedge to be retained. Consequently, the proposed development will appear prominent and have a detrimental impact on the two key features of the particular LLPA which are the traditional pattern of fields which form a patchwork effect and the whole landform of Scrabo Hill which is visually significant in long distance views.

The Briefing Note acknowledges Scrabo LLPA as a high-quality landscape requiring protection from insensitive or inappropriate development and recognises it as an area with a living and working agricultural landscape containing more than 140 buildings consisting of large houses, farm buildings and a number of commercial enterprises. The Planning Department agrees that Scrabo LLPA is a high-quality landscape which is also located in the AONB and considers that all development must be given careful consideration to ensure the quality of the landscape is protected from inappropriate development.

Local Landscape Policy Areas (LLPAs) are those areas, within or adjoining settlements, which are considered to be of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

While the overall LLPA may contain a multitude of buildings for different uses including dwellings and farm buildings, these buildings would have been assessed against site specific circumstances and relevant planning policy. Hence, the existence of other buildings in the surrounding landscape provides no precedent for the proposed development which can only be assessed against the relevant regional planning policy and the site-specific circumstances.

The agent's Briefing Note refers to the Planning Committee Report where reference is made to the Case Officer considering the proposal 'prominent' and 'in a vulnerable position with long distance views achievable from the east and south' with the development 'fully visible' from Moat Road. The Briefing Note refutes that the development will be fully visible from Moat Road and argues that it will be 'well integrated into the landscape'.

While the Planning Department accepts that the proposed buildings will not be visible from Moat Road in their entirety, this is not the policy test: it is whether the proposed development is a prominent feature in the landscape.

When the development site is viewed from along Moat Road, the rear elevation of the building proposed for use as a Hay Shed and Tack Store (measuring 6m in height) reads as skyline development with no backdrop and is a prominent feature. This building is visible to a significantly greater degree than the proposed stables building from Moat Road due to its height and easterly position within the application site (Figures 1 and 2).

The Planning Department also does not agree that the buildings will be well integrated into the landscape as only a hedge along the southern boundary exists/would be retained (the laneway hedge is to be removed to accommodate the access and development, which is considered against policy NH5 of PPS 2 later in this addendum).

There are no existing trees or buildings that could act as a backdrop and/or assist with absorbing the development; it is unable to integrate into the surrounding Local Landscape Policy Area (LLPA 5 of ADAP 2015 – Scrabo Tower & landform) and sensitive AONB landscape.

Figure 1 below: Proposed Site Layout Plan overlay Map

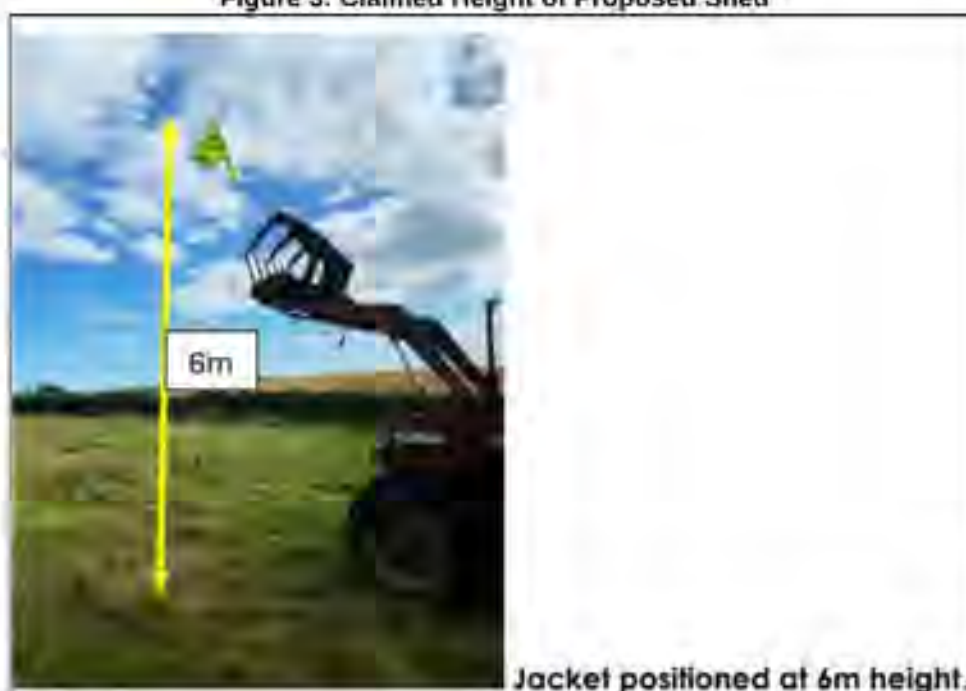


Figure 2: View towards Application Site from Moat Road

The agent's Briefing Note describes the two buildings (stable building and associated hayshed/tack room and equipment store), as modest in size and situated on the lowest part of the applicant's holding. The buildings are not considered modest in height with the Hay Shed and Tack Store measuring 6m high and the proposed stables measuring 4.5m high. While the application site may be situated on the lowest part of the applicant's holding, this does not account for the fact that the wider surrounding landscape consists of open fields with no trees or other natural integrative features or in intervening buildings that the proposed development could avail of, meaning that the proposed buildings will be prominent in this surrounding landscape.

The Briefing Note further contains an assessment of perceived critical views of the proposed development where a high visibility jacket was supported by a tractor and loader and raised to the maximum height and position of the proposed shed (Figure 3). The Briefing Note states that views were then taken of the tractor/jacket from all surrounding roadways and mapped. Figure 4 shows the mapped views of the tractor tractor/jacket contained in the Briefing Note.

Figure 3: Claimed Height of Proposed Shed





The Planning Department does not consider that a high visibility jacket raised on a tractor accurately represents and reflects the visual impact of the proposed buildings. There is also no confirmation within the Briefing Note as to the precise position of the loader within the application site and therefore no reliance of accuracy or determining weight can be placed on this information.

Whilst the Briefing Note includes several long-distance views of the application site, it fails to consider the visual impact of the proposal from the Killynether Road, immediately northwest of the site. There are critical views of the application site from Killynether Road when travelling east with views of the proposed buildings achievable when looking south towards the application site (Figure 5). From this viewpoint there is no existing backdrop or intervening buildings or features in the foreground to assist integration by filtering views of the proposed development. It therefore appears unacceptably prominent from this part of the public road network (approximately 220m away) within a very open and exposed landscape.

It is the considered opinion of the Planning Department that this would be the most critical and sustained view of the buildings in the landscape and would go further to demonstrate over what distance of the Killynether Road they would be visible from –

i.e. it isn't just one point along the road (see image of viewpoint from further along the Killynether Road below).

It is also worth noting that this is an attractive tourist area with Scrabo and Killynether Forest Park providing additional reasoning to ensure the special characteristics of the LLPA and AONB Landscape are protected in this area.

Figure 5: View of Application Site from Killynether Road



The Briefing Note continues to state that in terms of views of the proposed buildings, there will be a slight view of the application site from Moat Road but the development will be 'mostly hidden from view as it will sit at a lower level than the drumlin top and be further screened by vegetation and new planting'. This assertion relies on a photograph of the 6m high jacket on the tractor to demonstrate that only the top of the hay shed will be visible (Figure 6) and also on new planting which will take a considerable time to mature.

Figure 6: Views of Application Site from Moat Road provided by the Agent



View from Moat Road



Magnified view from Moat Road to show the jacket attached to the loader is only just visible – only the very peak of proposed hay store may be visible due to the combination of topography and vegetation.

The Planning Department would contend that the view provided has not been taken from the where the application site is most visible on Moat Road and, would point out that while the agent asserts the buildings would be screened by new planting, the need for new planting for integrative/screening purposes is contrary to planning policy as specified in PPS 21, Policy CTY 13 - Integration and Design of Buildings in the Countryside, Criteria (c) where it clearly states that a new building is unacceptable where it relies primarily on the use of new landscaping for integration. As 26 new trees have been proposed for integrative purposes along with the planting of a hedge along the lane-side boundary, it is clear that the proposal relies on new planting for integration. Moreover, it is also considered that the amount of tree planting is out of keeping with the character of the surrounding area which consists of open fields with hedgerows.

Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of PPS 2 states that permission will only be granted for a development proposal that is not likely to have an adverse impact on or damage to a number of listed elements, one being priority habitat.

The extensive tree planting does not make up for the loss of the hedgerow, which exceeds 30m in length, and there is no record of an Extended Phase 1 Habitats Survey being carried out as set out in NIEA's Standing Advice on Hedgerows to consider the impact on the degradation of hedgerow quality and the foraging opportunities for existing species.

The Planning Department considers that the proposed extensive tree planting is uncharacteristic in the surrounding landscape which is open character in nature and defined by existing hedgerow boundaries.

Additionally, as per the proposed site layout (drawing No.03A), it is the rear elevation of the proposed Hayshed which will be clearly visible from Moat Road. This elevation is two-storey with the pitched roof (set out below - drawing No.06) and is proposed to have a sand cement render finish. The proposed building, which the Planning Department does not consider as modest nor ancillary to the primary stables building given its scale, size and height, will clearly read as skyline development and be a prominent feature in the surrounding landscape from Moat Road (see also initial Case Officer Report).



The Planning Department would agree with the Briefing Note with regard to the assertion that the keeping and breeding of horses is a recognised rural activity with stables and hay sheds a recognisable and acceptable element throughout the Northern Ireland countryside. The Planning Department does not however, agree with the conclusion contained in the Briefing Note that the development will not be prominent and will nestle into the local landscape for the aforementioned reasons.

2.2 Explanatory Statements

Two explanatory Statements were submitted on behalf of the applicant. One sets out the history of the business which was previously located at Hillhead Farm and the second, explains how the business is currently operating following the loss of the facilities at Hillhead Farm.

Explanatory Statement – History of Business

The applicant explains that for nearly 40 years he has been involved in breeding National Hunt horses in the area but due to matrimonial circumstances was required to sell the farmhouse, 8 acres and the stabling facility. The applicant states that he retained 12 acres of land where he continues to operate the breeding business (this site is a part of this acreage). No information has been presented by the applicant demonstrating that a search for alternative stabling facilities in the locality has been investigated.

The Statement continues to explain that the applicant is a member of the Irish Thoroughbred Breeders Association, having served on the Committee for over 35 years and is governed by its code of practice. The applicant also states that he receives a grant subsidy from DAERA.

The applicant states that the objective of his business is to produce high quality foals suitable for sale with those foals requiring additional time for development, retained until they are 3 years old and ready for the next sales cycle. The applicant explains that while he previously handled the preparation of his horses, he now sends them to Hillcrest Stables in Killinchy for this process.

The statement continues to provide information regarding the number of successfully bred foals and racing winners which is not considered relevant to the assessment. Documents supporting this element of the statement were submitted and include:

- Copies of 2 Horse Passports.
- A copy of a payment made to the applicant by DAERA dated September 2023.
- A copy of membership of the applicant's membership in the Irish Thoroughbred breeders' Association.
- Pedigree horse information.
- News article/press coverage relating to a horse owned by the applicant.
- Sales history records for horses.

The Planning Department would assert that the success/longevity of a business is not a material planning consideration so the information listed above pertaining to this holds no weight in the assessment of the proposal except to demonstrate that the proposed stables are for equestrian use, and he has managed to function without the proposed development to date.

Explanatory Statement – Current Operation of Business

This Statement explains that the applicant's previous farmstead contained 4no. indoor stables, a high hayshed, a foaling and isolation unit and tack room.

In terms of the operational arrangements of the business following sale of the above facilities, the applicant explains that from November to April his horses are stabled in Ballymena. The Statement explains that while business can function under this arrangement, the applicant states there are limitations in their view although this cannot carry determining weight in the assessment of the current planning application site, as this was a personal decision to use this location and nowhere closer:

- Limited indoor space for some horses has resulted in some being kept in sheltered fields.
- The facilities scale makes it difficult to monitor individual horses with the same level of care as he could when the applicant had his own facilities. The use of his own facility may assist in preventing injuries to horses.
- The risk of contagious diseases is higher because multiple horses from different owners share the same space. The barn setup makes isolating infected horses extremely difficult.
- The arrangement is financially draining, adding unnecessary strain on the applicant's business.
- The applicant is unable to support local suppliers for feed, haylage, and engage his usual veterinary practice which has a wider economic impact.

The Statement explains that from May to October, the applicant continues breeding on the 12 acres of land he retained.

The applicant explains that *"In the past, I foaled my own mares with assistance from my local Veterinarians, but now I must send them to a specialised foaling unit in Southern Ireland near the stud farms. Once the mares have foaled, been covered, and confirmed back in foal, they return home. Meanwhile, the foals, yearlings, two-year-olds, and three-year-olds graze on the land"*.

The Statement sets out perceived difficulties asserted by the applicant:

- As there is no stabling, should a horse become injured they would need transported to a veterinary clinic which may not always be practical.
- Routine veterinary and farrier services take place in a small, fenced area in the field. This arrangement poses health and safety risks to both horses and the professionals and only for his long-standing relationship do they attend.
- The applicant currently uses his car as tack room, which is both impractical and inefficient.
- Feed is stored in a large waste bin, and there is nowhere to store extra supplies

This Statement explains that in selecting the application site, consideration was given to other locations on the 12 acres of land with the application site considered the least visible and capable of providing the best shelter when the horses are turned out during the day in the winter paddocks.

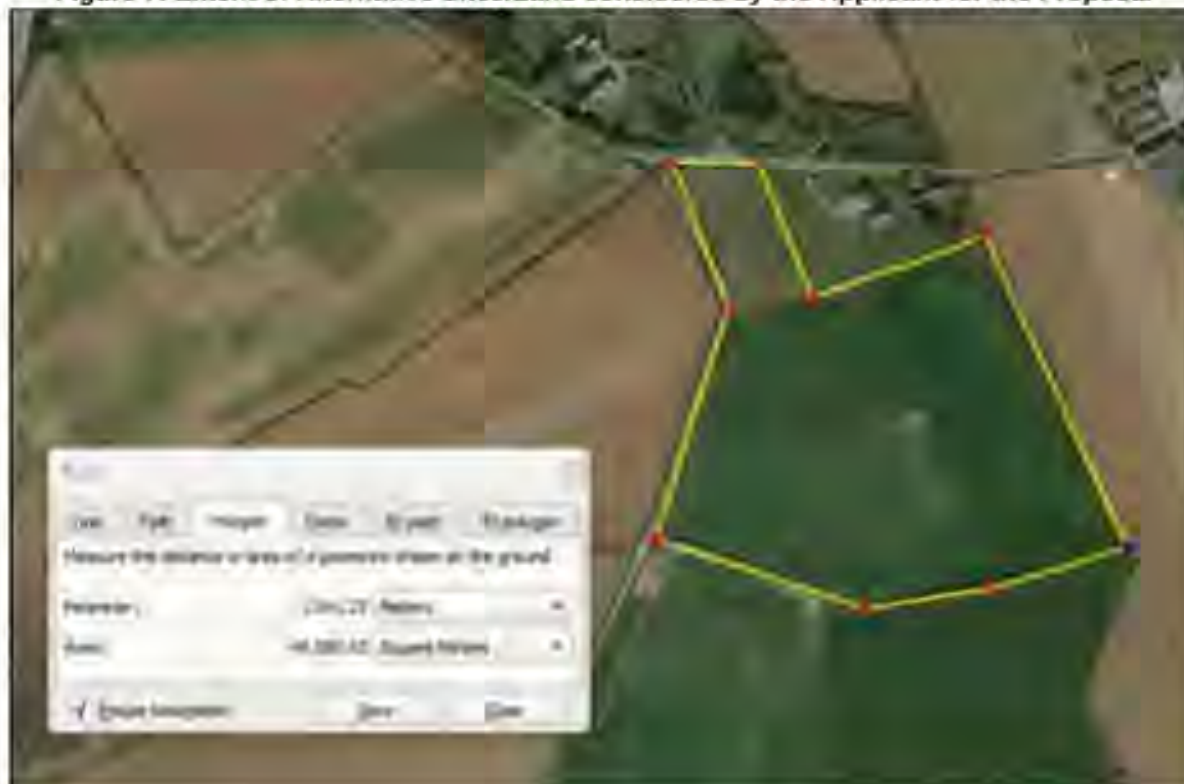
In its concluding summary, the Statement requests planning approval to ensure *"health, safety, and welfare of both the horses and personnel, and to maintain the efficient operation of my equine activities"*.

The applicant considered the 6m height of the hayshed necessary to allow for tractor access to handle and store large bales of straw. The applicant explains that the

proposed facility will include an isolation area for mares and foals returning from stud farms, to mitigate the risk of contagious diseases, and will also incorporate a tack room.

Having considered the above information, the Planning Department requested that the planning agent confirm the location of 12 acres of land considered in the site selection process. A map was submitted which showed that the 12 acres included the application site and land immediately north and east (Figure 7).

Figure 7: Extent of Alternative Sites/Land considered by the Applicant for the Proposal



Having considered the Statement the Planning Department considers insufficient consideration has been given to alternative sites for the development which is limited to only the lands owned by the applicant within the specific LLPA and the AONB. In selecting an acceptable site, consideration should have been given to lands where the development could be visually integrated into the surrounding landscape and where it would not cause a detrimental change to the rural character of an area. It should be noted however that the Planning Department does not consider that any land within the applicant's ownership at this location along Scrabo Road would comply with the policy tests in terms of absorption and integration into the surrounding open landscape.

Lastly, the submitted Design and Access Statement states that the applicant's own stabling facilities were sold off in February 2021. Since then, the applicant's business has been able to operate without owning stabling facilities, albeit not in the most economically sustainable manner in his view given a requirement to avail of stabling facilities outside of his ownership. Nonetheless, the business has functioned without the proposed development. The Planning Department considers that the applicant's desire to develop the proposal at the application site for financial reasons/efficiency gains, does not outweigh the policy requirement to protect this Area of Outstanding

Natural Beauty in which the proposed development would be a prominent feature and cannot be effectively integrated even with proposed new planting.

3.0 Planning Appeal 2020/A0064

Planning Appeal 2020/A0064 (Appendix 1) reviewed the decision to refuse planning permission for 'Retention of building for equestrian use, to include domestic stables, hay store and tack room'. The Planning Department considers the appeal development comparable in terms of the application of the third criterion of planning policy OS 3 of PPS 8 to that proposed under the current application.

A main issue in Appeal 2020/A0064 is whether the buildings for equestrian use will have an adverse impact on visual amenity or the character of the local landscape due to lack of integration (when the roadside hedgerow is removed to provide the visibility splays).

Similar to the application site, the appeal site is located in a rural area. Unlike the appeal site which was not subject to any specific designations or zoning, this application site is located in a much more sensitive landscape (Strangford and Lecale AONB and Scrabo Tower and Landform Local Landscape Policy Area). Given the additional designations, it is considered that the development proposed under the current application requires even greater consideration with regard to its visual impact on the special designated areas than that awarded to the appeal site.

As with the current application, the appeal proposal was assessed under PPS 8: Open Space, Sport and Outdoor Recreation and PPS 21: Sustainable Development in the Countryside.

Policy CTY 1 – Development in the Countryside of PPS 21 says that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One such is outdoor sport and recreational use in accordance with PPS 8. Therefore, if the development satisfies the requirements of PPS 8, it would be acceptable in principle. Thereafter, its siting, design and other planning and environmental considerations remain to be assessed in concluding on whether it complies with Policy CTY 1.

Appeal 2020/A0064 determined and sustained the refusal reason that the proposal is not compliant with Policy CTY 1 of PPS 21 on the premise that it accords with PPS 8 as it was not sited to integrate sympathetically with its surroundings.

Following the first refusal reason, appeal 2020/A0064 also determined that the development failed to satisfy criterion (iii) of PPS 8 Policy OS 3 which requires that there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

The third refusal reason was that the equestrian buildings were at odds with criterion (b) of Policy CTY 13 of PPS 21 whereby the site lacks long-established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Figure 8: Unauthorised Appeal Building dismissed at appeal under 2020/A0064 (Google Streetview) for comparison – considered to be an adverse impact on visual amenity and character of local landscape:



The Planning Department considers that the current application should be refused for the reasons specified in appeal 2020/A0064 which were upheld by the Planning Appeals Commission as:

- The site forms part of an open field on elevated ground with long distance views achievable from surrounding public roads. The proposed buildings would not integrate to sympathetically with its surroundings. Indeed, the 26 proposed trees would appear out of character with the open fields.
- The development cannot be readily absorbed into the landscape by taking advantage of existing vegetation or topography and contains no mature vegetation or trees.
- The application site only retains one boundary defined by hedge as the only other boundary defined by a hedge would be removed allow for the development of the visibility splays. While another hedge would be planted behind the visibility splays, this hedge would take time to mature.

In addition to the current proposal being refused in accordance with the three refusal reasons upheld in Appeal 2020/A0064 on what is considered a less sensitive site, the Planning Department also contends that the current application does not comply with the following policy criteria:

- Policy CON 2 in the ADAP, and criteria iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are

not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

- Policy NH 6 of Planning Policy Statement 2 Natural Heritage criterion (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
- Policy CTY13 criteria (a), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape as it would read as skyline development; the proposal would rely 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.
- Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

As detailed in the Case Officer Report and referred to earlier, the application site lies within Scrabo Tower and Landform Local Landscape Policy Area. Policy CON 2: Local Landscape Policy Areas (Policy CON 2) designated by the ADAP explains that planning permission will not be granted for development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Policy CON 2 continues to explain that Local Landscape Policy Areas are of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

Features that contribute to the environmental quality and the character in which the application site is located include:

- The whole of the landform of Scrabo Hill which extends across Kempe Stones Road to the north and in a number of tails towards Comber to the south as well as the remaining undeveloped flat foreground adjoining Comber Road which is visually significant in long distance views.
- Traditional patterns of farms and fields which are renowned for their agricultural quality and create a patchwork effect.

The Planning Department remains of the view that the proposed development is contrary to Policy CON 2 as it would adversely impact the character and environmental quality of the LLPA 5. This is as the application site forms part of a field that is undeveloped land which contains no existing buildings, structures or trees and thus is unable to absorb the development into the rural landscape without creating an adverse visual impact on its existing character. Additionally, with no visual backdrop from existing buildings or mature vegetation such as trees, the proposed development will be prominent in the landscape which consists of open fields and will be critically visible from surrounding public viewpoints as outlined earlier in section 2 of this Addendum.

Policy OS 3 of PPS 8 states that the development of proposals for equestrian/ outdoor recreational uses will be permitted where all of eight criteria are met. In light of the aforementioned reasons, the Planning Department also considers that the proposed development fails to comply with criteria iii) and vi) of Policy OS 3 in PPS 8:

- iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

As the proposed buildings would be located in what is considered vulnerable landscape with clear critical views and, given that a key environmental feature of Strangford and Lecale AONB, is Scrabo Hill, it is considered that the siting, scale and proposed finishes of the of the proposal will appear prominent and not sympathetic to the character of the AONB. Consequently, the proposal is also considered contrary to policy criterion (a) of Policy NH6 in PPS 2:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

In addition to not complying with criterion (b) of Policy CTY 13 - Integration and Design of Buildings in the Countryside, of Planning Policy Statement 21 which was upheld as a refusal reason Appeal 2020/A0064, considered comparable case to the current proposal, the development also offends criteria (a), (c) and (f) where a new building is unacceptable where:

- (a) it is a prominent feature in the landscape.
- (c) it relies primarily on the use of new landscaping for integration.
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The above refusal reasons have been provided as the buildings will have a significant adverse visual impact from Killynether and Moat Roads in a landscape consisting of expansive open fields, which gradually descend to the south. The proposed development is prominent and fails to acceptably integrate into the surrounding high scenic area. Further, the application site is unable to provide a suitable degree of enclosure for the new buildings in order to integrate into the landscape with no existing trees or other natural features and buildings to aide integration, alongside the fact that it would primarily rely on the use of new landscaping (26 new trees and a new hedge boundary) for integration then it is clear that the proposal cannot satisfy the above policy criteria.

Lastly, the proposal fails to satisfy criterion (a) in Policy CTY14 - Rural Character, of PPS 21 which states that a new building will be unacceptable where:

- (a) it is unduly prominent in the landscape.

It follows that if the development cannot comply with criterion (a) of Policy 13, it also cannot satisfy (a) of Policy CTY 14 as the proposal would cause a detrimental change to the rural character of the area.

The Planning Department takes the view that Planning Appeal 2020/A0064 provides a comparable case to the development proposed. While each planning application is

assessed on individual merit, it is inarguable that where a proposal will adversely impact the landscape in which it is to be located, then planning permission must be refused.

Given that the application site lies within a vulnerable and sensitive landscape, more so than the Appeal site because of the AONB and LLPA designations and determining weight cannot be simply applied to the applicant's personal circumstances over the need to absorb the proposal into the surrounding open countryside, the Planning Department stands by its recommendation to refuse the application.

4.0 Full Refusal Reasons

Having reviewed the submitted information, the Planning Department remains of the opinion that the proposal does not comply with planning policy and should be refused for the following reasons:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are not designed to integrate sympathetically within their surroundings and there are no overriding reasons as to why it is essential and could not be located in a settlement.
- The proposal is contrary to the SPPS and Policy NH 6 of Planning Policy Statement 2 Natural Heritage criteria (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality
- The proposal is contrary to the SPPS, Policy CON 2 of ADAP 2015, and criteria iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
- The proposal is contrary to the SPPS and Policy CTY13 criteria (a), (b), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposal would rely 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.
- The proposal is contrary to the SPPS and Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

5.0 Summary

Taking into consideration the comparable Planning Appeal 2020/A0064, the policy interpretation and weight afforded by the PAC to the visual harm caused to the character of the rural area and the fact that policy OS3 of PPS8 does not list the 'need' for such a facility as a material consideration to be given weight the Planning Department remains of the view that the proposal should be refused on the grounds of the visual harm caused to the character of this sensitive rural landscape for the reasons outlined above.

Item 4.1c

Application: LA06/2022/0827/F

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

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

Note of Site Meeting

Following consideration of the above proposal by the Planning Committee at its meeting of 4 December 2024, the matter was deferred for a site meeting in line with paragraph 67 of the Protocol for the Operation of the Planning Committee as it was considered that the proposed development was difficult to visualise from the case officer's report, photographs and drawings

A site visit was convened by the Head of Planning which took place at the site on Monday 20 January 2025 at 09.30am.

The meeting point was the car park at Killynether Country Park from where members would walk to the site assessing various viewpoints along the way.

In attendance:

Alderman Graham (joined the group at the access to the car park due to slight delay)
Councillors Morgan, Wray, Smart
Gail Kerr – Acting Head of Planning
Andrea Todd – Senior Planning and Technical Officer

In line with paragraph 71 of the Protocol the site visit was a fact-finding exercise and therefore, there were no public rights of attendance by either objectors or applicant/agent.

The Head of Planning summarised the main points of the Protocol for the operation of Planning Committee in relation to site visits for the benefit of members.

The site location plan and associated photographs of the application site from main viewpoints were circulated for member's convenience which provided a context for the viewpoints to be assessed at the site visit.

The group walked to the entrance of the car park to the Scrabo Road to assess the wider landscape in order to gain an appreciation of where the site would be location.

The Head of Planning explained that the area was an Area of Outstanding National Beauty characterised by open farmland with wide ranging views. Any development in the area was characterised by small clusters of buildings set with well-established mature landscaping.

The group walked west along the Scrabo Road to look at the site from a further distance – the site was visible by the presence of a tractor on the site with an extension with a marker on top.

The group then walked back along the Scrabo Road towards the site turning into the access lane. The area was marked by high hedges with parts of the site not being visible from the road at this point.

The access to the site was along the access lane at which point the group accessed the site. The site of where the proposed two structures were to be located was roughly marked out on the site.

The Head of Planning detailed the site explaining the characteristics of hedgerows and undulating landscape with views of Scrabo Tower to the north and views of Strangford Lough as the group traversed east across the site.

There were some matters of clarification from members regarding potential views from the dual carriage way – it was explained that any views would be long ranging and fleeting. There would also be views of the site at parts along the Moal Road which runs from the Scrabo Road to the Comber – Newtownards dual carriageway.

Those in attendance made their way back to the car park where the Head of Planning informed them a note would be taken of the site meeting and Democratic Services informed of those in attendance.


The site visit ended at 10.30am.

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2024/0438/O
Proposal	Erection of shed for the storage and maintenance of agricultural machinery, yard and re-location of access
Location	100m south of 35 Ballymaleddy Road, Comber DEA: Comber
Committee Interest	A local development application "called-in" to the Planning Committee by a member of that committee. <i>Called in by Ald McIlveen, Chair of the Planning Committee from weekly delegated application list w/c10 February – "for the committee to consider whether the development meets the criteria under CTY 12 of PPS 21 in that</i> <i>(a) it is necessary for the efficient use of the business;</i> <i>(b) in terms of character and scale it is appropriate to its location;</i> <i>(c) it visually integrates into the local landscape</i> <i>(d) it will not have an adverse impact on the natural or built heritage;</i> <i>Or that it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.</i> <i>If it meets the criteria under CTY12, the committee should then consider if it satisfies the remaining three refusal grounds."</i>
Validated	23/05/2024
Summary	<ul style="list-style-type: none"> • Outline planning permission therefore principle of development being considered • Proposal not sited beside existing farm buildings -no existing buildings within the holding that the proposed building could be grouped with, therefore the applicant must demonstrate that the building is essential • Farm business active and established as per requirements set out in policy • Applicant maintains storage at 35 Ballymaleddy Road no longer an option- stated on 13 September 2024 'I wrote on my application that I would be losing the use of the facilities at No.35. I confirm that the new occupiers have now taken possession, and I no longer have access"

	<ul style="list-style-type: none"> • Section 54 (LA06/2024/0568/F) approved for 35 Ballymaleddy Road to remove occupancy condition to "facilitate letting" – applicant listed as • No 37 Ballymaleddy Road is applicant's parents holding housing their machinery – however applicant's address is also listed as 37 Ballymaleddy Road on the submitted P1 f and P1C form that the active farm business is 'completely owned by applicant. Applicant has also advised that there is also no possibility of erecting a shed within the curtilage of number 37 due to mother's landscaped garden • Planning history- DOE decision - X/2011/0165/F. 100M South of 35 Ballymaleddy Road, Comber – A single storey farm dwelling – Permission refused, and appeal dismissed PAC ref 2011/A0265
<p>Recommendation</p>	<p>Refuse Planning Permission</p>
<p>Attachment</p>	<p>Item 4.2a – Case Officer Report</p>

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0438/O	DEA: Comber	
Proposal:	Erection of shed for the storage and maintenance of agricultural machinery, yard and relocation of access.		
Location:	100m South of 35 Ballymaleddy Road, Comber, BT23 5RD		
Applicant:	Mr Ryan Doherty		
Date valid:	23/05/2024	EIA Screening Required:	No
Date last advertised:	06/06/2024	Date last neighbour notified:	23/05/2024
Letters of Support: 0	Letters of Objection: 3 (from one address)	Petitions: 0	
Consultations – synopsis of responses:			
DAERA		Content (Farm business active and established)	
DFI Roads		No objection in principle	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Visual Amenity • Impact of the proposal on the character of the countryside • Impact on Biodiversity • Access & Road Safety 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
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 proposed site for the shed comprises part of a small triangular field at the junction of Gransha Close with Ballyallolly Road. The site slopes from the north west down towards the south east.

The site does not currently contain any buildings and is detached from the remainder of the farm holding. A substantial part of the holding is located to the north of the application site on the northern side of Ballymaleddy Road. A second part of the holding is located just outside Killyleagh.

The site is within the countryside as designated with Ards and Down Area Plan 2015.



The surrounding area is rural in character, with agricultural fields and farm buildings in the local vicinity.

2. Site Location Plan



3. Relevant Planning History

X/2011/0165/F: 100M South of 35 Ballymaleddy Road, Comber – A single storey farm dwelling – Permission refused and appeal dismissed.

Planning Appeal: 2011/A0265

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposed development is contrary to the Department's Planning Policy Statement 3 Access, Movement and Parking, Policy AMP2 Access to Public Roads in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide adequate sight lines where the proposed access joins.
3. The proposed development is contrary to the Department's Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 Access to Public Roads in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an adequate rear site distance where the proposed access joins.

The previous application is within the same field as the proposed shed but not in the same part of the field. The site location, site layout and proposed elevations which were refused are included below.



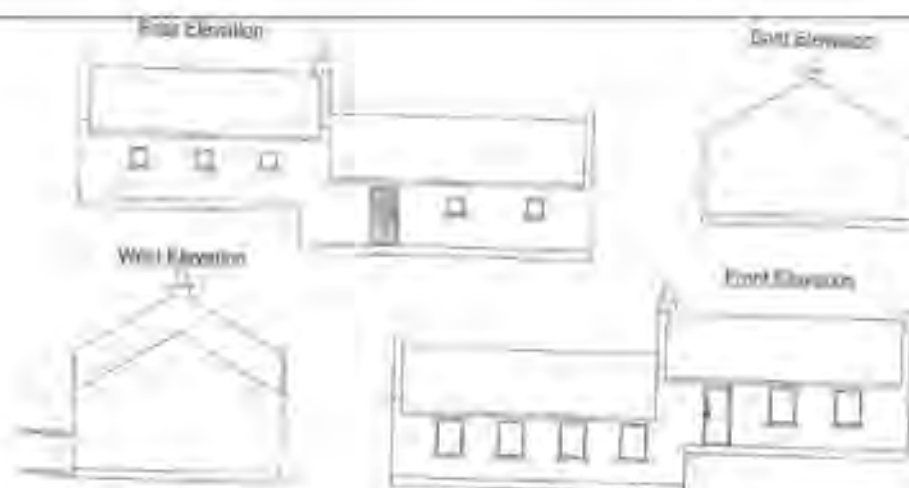


Figure 1: Previously considered plans

4. Planning Assessment

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

- Ards & Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- 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

ADAP currently acts as the LDP for this area. The site described above is in the countryside as designated in the Ards and Down Area Plan 2015.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. In determining what is an active and established business, paragraph 5.56 of PPS21 refers to criteria set out in CTY 10, i.e. the farm business is currently active and has been established for at least 6 years.

The applicant provided details of their farm business number and associated farm maps. The Department for Agriculture (DAERA) has confirmed that the business referred to on the P1C form has been existence for more than 6 years, and that it has claimed subsidies in the past 6 years. The P1C states, 'All land shown on the business

map has been used for hay production and sale thereof since 2014. The business started using the land on a conacre licence since this time'. The three fields in Comber separate from that including the application site are still used under a conacre licence. The applicant has advised that the application site is the only field within his ownership in the Comber area.

On this basis, I am content that the application is related to an active and established agricultural holding.

The policy also requires that it must be demonstrated that any development is necessary for the efficient use of the agricultural holding or forestry enterprise.

The applicant has stated in the submitted design and access statement that the shed was necessary to

- provide storage of machinery and an associated work area for the safe maintenance of this machinery as directed by the health and safety executive,
- Sheltering of machinery from the elements required by the machinery manufacturers and reduce depreciative loss.
- Provide under machine access and safe welding facilities – in accordance with guidance in 'farmwise'
- The profitability of the enterprise relies on the applicant carrying out as much work as possible.
- Dry storage would enable the production of a small amount of hay and ability to speculate on fertiliser and store until needed.

The applicant provided a list of machinery which is currently all stored outside:

- Tractor
- Sower
- Mower x2
- Tedder
- Rake
- Baler
- Bale lifter
- Sprayer
- Hedgecutter
- Pick up and trailer.

The applicant confirmed that access to the limited facilities at 35 Ballymaleddy Road was no longer an option. No 35 Ballymaleddy Road was subject to a section 54 application to remove an agricultural occupancy condition which was approved on 29/08/2024 (LA06/2024/0568/F). The application was made in the name of Elizabeth Doherty and the reason for removal was 'To facilitate letting'.

The applicant has stated that from 2014-2021 the holding was 30 acres and 10 acres were lost following the death of his grandmother and also the use of her drive and garage. An email from the applicant to planning on 13 September 2024 confirmed 'I wrote on my application that I would be losing the use of the facilities at No.35. I confirm that the new occupiers have now taken possession, and I no longer have access to this "workshop" and yard space.'

The applicant has stated the loss of this space is the need for the shed. (a search on LPS describes number 35 as a house (agricultural) outbuilding, garden). However, ariel photography does not show a detached outbuilding at this location, or significant yard space.



Figure 2: Goggle earth pro image of 35 Ballymaleddy Road

It is stated the applicant owns one field in Comber (this Council area) and the remaining fields in Comber are rented in conacre. The applicant has stated that the size of the holding is 20 Acres, 13 Acres owned and 7 Rented. Apart from the application site the only other owned land is within Newry Mourne and Down Council Area. Therefore, there cannot be any alternative sites within the Comber area where the applicant owns the land. The applicant has given no reason why the shed must be located within the Comber area rather than within Newry Mourne and Down other than proximity to his home address. Number 37 is stated to be the applicant's parents holding, housing their machinery and is not part of the applicant's farm holding which is identified on the farm maps. The applicant's address is however listed as 37 Ballymaleddy Road on the submitted P1 form and the applicant has confirmed on the P1C that the active farm business is 'completely owned by applicant'.

A health and safety report completed by Brain Larkin Safety Limited dated 18/11/2024 advises that: *'Maintenance of tractors and agricultural implements is a critical aspect of ensuring farm related operations run smoothly. Effective servicing requires a safe and well-equipped work environment. The current setup lacks the essential infrastructure to carry out these tasks efficiently and safely. It concludes, setting up a designated work area with a levelled concrete floor, pit, and fume extraction system is a practical and necessary step to ensure the safe, efficient, and cost-effective maintenance of agricultural machinery. The proposed infrastructure upgrades align with operational needs and long-term goals, providing a justifiable return on investment.'*

Recommendations within the report for facilities for the maintenance of machinery appear to be excessive for a farmer of a relatively small holding requiring a shed to store equipment associated solely with the cutting of hay. The policy requires that it must be demonstrated that any development is necessary for the efficient use of the agricultural holding or forestry enterprise. The facilities listed in the health and safety report for maintaining machinery would appear to be of an extent that would be required for an agricultural machinery maintenance business carrying out maintenance on a daily basis rather than just occasional minor maintenance works. It is not considered that the maintenance facilities set out are necessary for the efficient use of the agricultural holding. Maintenance could easily be carried out by an agricultural machinery repair operator off site. For a small holding (20 acres) involving hay production it would be expected that limited farm equipment would be required which could be serviced and repaired elsewhere off site when necessary. As this is an outline planning application there are no floor plans submitted to how the essential equipment will be located with the proposed building.

A site inspection showed a number of pieces of machinery stored in a field adjacent to number 37 (applicant's address/parent's dwelling) in fields which are not included within the business's farm maps. The orange dots on the orthophotography below show the fields that had some machinery in them the day of inspection and the blue dot shows the location of the proposed shed. As this machinery was located on land outside of the applicant's farm business, it is concluded that they must be associated with another business. No other farm equipment was evident within the applicant's holding at the time of inspection.



Figure 3: Orthophotography showing location of equipment visible on site inspection (orange dots) and proposed site (blue dot)



Figure 4: Site photographs showing some machinery within adjacent fields on day of site visit

I am of the opinion that although a shed may provide storage and a safe work area for the established farm business, I am not persuaded it is necessary in this location.

I do not consider that the reasons above demonstrate that development in this location is necessary for the efficient use of the agricultural holdings. The total evidence presented does not persuade me that the proposed building is essential for the efficient functioning of the business and the exceptional test in CTY 12 is not met.

The policy goes on to state that in cases where a new building is proposed such as this, applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

Through the evidence submitted, there are no suitable buildings on the farm holding, this would be the first farm building. The applicant's address on the application form is No 37, he lives with his parents but he does not own number 37.

This is an outline planning application and materials and final design of the building would be considered in depth at reserved matters stage.

As can be viewed in the orthophotography above, the proposal is not sited beside existing farm buildings (there are no other farm buildings on the farm).

The policy states that exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business; or there are demonstrable health and safety reasons. There are no existing buildings within the holding that the proposed building could be grouped with, therefore the applicant must demonstrate that the building is essential.

The applicant has not confirmed in the submission where the machinery is currently stored (only that it is outside), nor has he provided evidence why he cannot rent accommodation nearby. The applicant has advised that while the farm business address is registered as No. 37 and he lives at this address, he does not own the property as it is his parent's house, therefore it does not constitute an existing building on the holding. The applicant has also advised that there is also no possibility of erecting a shed within the curtilage of number 37. In an email received 10/10/24 the applicant included photos of his parents' house which he felt demonstrated how his mother had invested in the garden, he stated, 'It seems unreasonable that I could be criticised for not bulldozing part of this.'. The financial investment in landscaping a garden area cannot be considered as a material planning consideration and not a sufficient reason for the proposal to be on an alternative site away from the farm buildings.

The applicant has also failed to demonstrate that he has actively looked at options for renting a building in the locality and why this would not be an option. The sole reason provided to justify this site, is that it is the only one in ownership of the applicant within this Borough and that the PAC had considered the previous application of a dwelling on this site would have no impact on character or integration.

The previous application within this field was for a farm dwelling and the red line differs from this application. This was a DOE decision. While it did not refuse on grounds of prominence, the Council, as the current planning authority is not bound to this and in my opinion the building would be prominent and contrary to CTY13 and 14. This

application contained elevations and a block plan. Regardless of the elevations any farm shed on the proposed site would be unduly prominent in the landscape and would be detrimental to the visual character of the area.

Planning appeals

During the assessment of planning applications, it is useful to consider appeal decisions for similar proposals in terms of the policy interpretation adopted by the PAC

Planning Appeal 2022/A0035

Proposed farm shed for storage

Location: Approximately 300m South of 7 Ballylurgan Road, Randalstown, BT41 2NN
DISMISSED

The main issue in this appeal was whether the appeal development would be acceptable in principle in the countryside and visually integrate into the landscape. Para 11 states, 'The Council's reason for refusal engages criterion (a) of the policy. They argue that it has not been demonstrated that the appeal development is necessary for the efficient use of the holding.'

Similar to the current application under consideration, the appellant's evidence indicated he had no farm buildings on his own land and the farm business used an existing farm building adjacent to his late father's home. The appellant no longer had use of this building upon his father's passing, he inherited the farm business and not the farm buildings.

Para 15 of the appeal decision states, 'he has provided no convincing explanation to clarify why this newly erected building, which is located near the farm house and owned by a family member, is no longer available for the continued storage of the farm machinery. In the evidential context provided, it has not been demonstrated that an additional building is necessary for the efficient use of the holding. Accordingly, the proposal fails to comply with criterion (a) of Policy CTY 12.'

With regard to siting of the proposed building the Commission considered that as the farm was registered to the home address the farmhouse represented an 'existing building on the farm'. The appeal building would not be sited beside the farmhouse and no compelling evidence has been provided to verify there are no other buildings on the farm holding. Within regard to consideration given to an alternative site away from existing farm buildings where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons the commissioner was not satisfied the appeal building was essential for the efficient functioning of the business and therefore the exceptional test of policy CTY 12 is not met.

The commissioner also considered the building a prominent feature in the landscape in critical short and long distance views and highlighted the reliance on new planting which would take time to mature.

Whilst it is acknowledged that all planning applications must be considered on their own merits the above appeal is considered to be a similar situation to the application currently under consideration. No 37 is considered in this case to be the 'building on the farm'. While No. 37 is owned by the applicant's parents, the applicant also lives at No. 37 and his farm business is registered to this address therefore the proposal could be sited to cluster with this property. In my planning opinion it has not been demonstrated that the proposal is required to be located on the proposed site away from the dwelling house.

Throughout the application process the applicant has also referenced a number of planning appeals which he considers to be relevant.

2016/A0007

Farm shed for storage, handling facilities, wintering stock and security.

350m south west of 25 Ardymagh Road, Ballyclare.

DISMISSED

The commissioner did not accept that this business was active and established for the required 6 year period. (Not the case in the current application). The appellants agricultural holding is comprised of a 6 acre field and there are no other buildings on the holding and the appeal building is not proposed to be sited beside existing farm buildings therefore the exceptional test of CTY 12 is engaged.

In this case no demonstrable health and safety reasons were advanced by the appellant and 15 lambs have been kept at the site and land and accommodation elsewhere for over wintering. The commissioner concluded that, *'The total evidence presented along with the limited size and partial operation of the business on land elsewhere does not persuade me that the appeal building is essential for the efficient functioning of the business, irrespective of the costs of renting land elsewhere. The exceptional test within CTY12 is not met.'*

The above appeal is not comparable, nor helpful to the applicant as it has been dismissed. However, it does confirm the PAC stance that cost of renting land elsewhere is not given determining weight.

2014/A0056

Agricultural Shed

215m North West of 41 Divis Road, Lisburn

ALLOWED

The appellant purchased the holding with the intention to acquire a herd of cattle, however DARD was unable to issue a herd number as the appellant does not have testing facilities or a shed to isolate cattle in certain circumstances. DARD stated the appellant can provide housing for the isolation of animals in the future his application for a herd number would be reconsidered. The commissioner noted that isolation of cattle is a statutory requirement under the Brucellosis Control Order (Northern Ireland) 2004. As the appellant is bound by statute to provide a facility for isolation of cattle it was concluded that, *'This proposed shed would provide such a facility and without it the appellant would be unable to expand his farm enterprise in the direction which he*

intends. Therefore, it is my view that the proposed shed is necessary for the efficient use of the holding.'

The above appeal differs in that the purpose of the appeal building was to house cattle as directed by statute. The application under consideration is for the storage of machinery etc. which although may benefit from being stored dryly it is not essential to the efficient use of the holding.

2019/A0035

Farm building and animal handling facility

Land approximately 200 metres south-west of 59 Demesne Road, Seaforde, Ballynahinch, BT24 8NS

ALLOWED

The appellant stated the proposed buildings will be used for multi-purpose and that is necessary to house and look after his sheep over the winter and during lambing season and stated concern for welfare of his animals coming into winter months. The appellant also highlighted that existing external working arrangements were fatal when sheep were unwell and there is no shelter available. The appellant's evidence also states that the proposed farm building is designed to assist the welfare of sheep as set out by Schedule 1 of the Welfare of Farmed Animals Regulations (NI) 2000. The commissioner concluded, 'The appellant's evidence also states that the proposed farm building is designed to assist the welfare of sheep as set out by Schedule 1 of the Welfare of Farmed Animals Regulations (NI) 2000.'. The proposal does not rely primarily on the use of new landscaping to enable the building to integrate on the site, however augmentation and planting of native trees along the roadside boundary was conditioned.

Similar to the application under consideration this appeal proposal represents the first building on the farm holding. The appeal building was to assist in animal husbandry and welfare which is set out in statute. Similar to planning appeal 2014/A0056.

2022/A0001

Proposed first farm shed

land approximately 70m NE of 81 Coolagh Road, Greysteel

DISMISSED

In the report the commission acknowledges the appellant has been actively involved in farming and have grown their agricultural business and that this is the only land farmed under the appellants business of which they are in ownership. However, the field was purchased less than six years ago and has not been part of the farm holding for the requisite period of time. Therefore, the commissioner concluded, 'The development fails in the first instance to meet the requirement of being on an active and established agricultural holding.' The report addresses other concerns raised in respect of CTY 12 in the interest of completeness.

As this is the first farm shed proposed on the holding there are no existing buildings that can be used or sited alongside. The appellant has sheep and indicates that from 2013 they have rented accommodation and this is no longer economically nor sustainably viable. The appellant did not provide information on the location used to date or reason as to why this is no longer financially viable. No information was provided

of any farm machinery owned by the farm business which would need to be stored inside (however it was mentioned in the statement of case that the proposal would be to cater for their own animals and machinery. Para 5.22 of the report concluded that as the appellant has successfully farmed their business since 2013, *'I am not persuaded that they could not continue to do so in the absence of a shed on this holding. In the evidential context before me I am not persuaded that the proposed shed is necessary for the efficient use of the agricultural holding or essential for the efficient functioning of the business and as such the proposal is contrary to criterion (a) of Policy CTY12 and the exceptions test is not met.'* Para 5.23 states, *'The proposal fails to comply with Policy CTY12 read as a whole and the related provisions of the SPPS.'*

The applicant has included a list of machinery currently stored outside and referred to the equipment's operators manuals and storage instructions. The above appeal decision was not dismissed solely on the basis that the appellant did not provide these details but that it did not satisfy CTY 12 in the round. It cannot therefore be concluded that if the appellant had provided more details of machinery to be stored that the planning appeal would have been allowed.

2019/A0087

General purpose agricultural shed (Retrospective)

To the rear and north-west of 28 Lany Road, Moira

ALLOWED

When deciding if the farm business has been active the commissioner concluded in Para. 7 that the submission of sheep and cattle records of movement, births and deaths over the required period, *'demonstrates agricultural activity, albeit low key at times.'* Para. 9 deals with the need and stated *"With the exception of a small barn all of the other buildings on the holding are in use and are not suitable for the proposed use. The small shed could not accommodate the livestock or storage of machinery and is not suitable.'* It was concluded that the shed was necessary for the efficient use of the holding.'

Given the consultation response from DAERA, Council have not disputed the 'activeness' of the farm business.

The applicant also cited a dismissed appeal, **2011/A0265** which relates to the same field as the proposal but a lower lying part of the field. This appeal was in relation to a single storey farm dwelling and is included in the site history section of this planning report. It is my understanding this application/appeal was made by the applicant's grandmother, Mrs Belle Ross.

The commissioners report outlines at the time of the appeal, *'there is now just one existing building on the farm holding at No. 35 Ballymaleddy Road adjacent to field No. 1 on the farm survey map. This dwelling, which is occupied by the appellant, is located some distance from the appeal site and is visually separated from it by topography and vegetation.'* No evidence was submitted to meet the demonstrable health and safety reasons, or verifiable plans to expand the farm and therefore the exception test of CTY 10 was not met. In Para. 10 of the report the commission discusses concerns raised by the objector about integration and rural character and concluded, *'The proposed dwelling is in a relatively low lying position set into the side of a hill with substantial*

vegetation particularly along its more elevated northern boundary. The proposed single storey dwelling would dovetail into the local landscape and achieve a satisfactory level of integration. I also consider that concerns about the impact on the rural character of the area, given the level of integration, would not warrant the refusal of planning permission.'

The above planning appeal decision relates to a farm dwelling and therefore has been assessed under CTY 10, therefore it is not comparable to the current planning application which is assessed under CTY 12. Also, at this time the farm holding was at number 35 whereas the applicant has stated his address is number 37.

Integration and Impact on Rural Character

This is an outline planning application and detailed drawings are not required to be submitted. The site is located in a triangular shaped field bounded by Ballyalloly Road on the east and Gransha Close to the south and south west boundary and a lane to the north. The plans submitted indicate a small portion of hedge to be removed to provide site access and the planting of new hedgerows. The sloping topography of the surrounding land mean the site is very visible, particularly when travelling south to north along the Ballyalloly road. Critical viewpoints are also from Ballymaleddy Road to the north and Gransha Close.



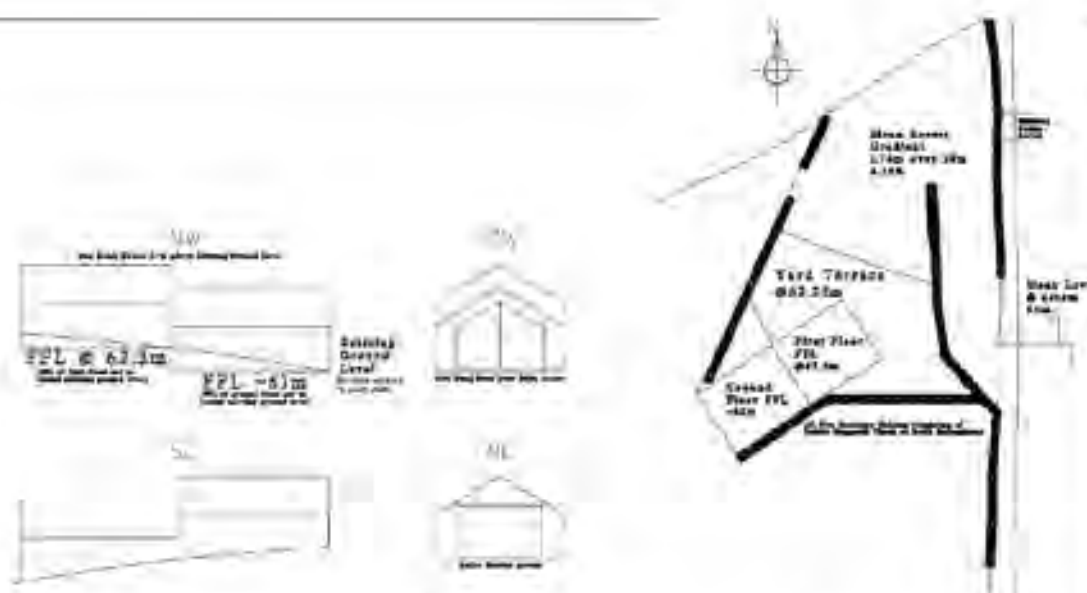


Figure 5: Critical viewpoint example, elevations and block plan of proposed shed

This application contained elevations and a block plan (see above). Regardless of the elevations any farm shed on the proposed site would be unduly prominent in the and would be detrimental to the visual character of the area. The applicant has queried that the PAC did not object to the previous application for a dwelling within this field in terms of integration. However as stated previously, the dwelling was proposed on a more low lying portion on the field. (also Council are not bound by DOE decision which didn't include any CTY13/14 reasons for refusal). The shed will be easily seen along critical views from this stretch of the Ballylolly Road. The block plan indicates the site is unable to provide a suitable degree of enclosure for the shed to be integrated into the landscape and new boundary hedging is proposed. The ancillary works proposed include a yard area. The existing mature hedgerows would provide some screening of the shed and the proposed hedging will help integrate the gravelled area into the landscape. The ancillary works therefore would rely heavily on the use of new landscaping for integration. sheds. In conclusion, it is considered that the shed does not meet all the criteria within policy CTY 13 and 14 as it is a prominent feature in the landscape

Residential Amenity

The closest neighbouring property to the shed would be No. 18 Gransha Close. The proposed shed is approx. 80 metres from this property.

The applicant has stated that the shed is for the storage of machinery and possible repairs of said machinery, as well as the possibly of storage of hay and fertiliser.

Part 7 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 sets out where permitted development rights may be used for the development of new agricultural buildings. Such rights exist where the development is more than 75m from any non-associated dwelling. This separation distance aims to minimise the likelihood of an adverse amenity impact being caused to the residents of nearby dwellings.

Accordingly, it may be inferred that if a new agricultural building were to be sited less than 75m away from an existing dwelling it has the potential to cause amenity impacts.

It is usually recommended that, where, as in this case it is proposed to site an agricultural building close to an unconnected residential dwelling, that in order to ensure the occupants of such a dwelling are not adversely impacted by activities associated with such an agricultural building and not place restrictions on farm activity, a suitable separation distance is provided between the agricultural building and the residential dwelling. It is difficult to be prescriptive in relation to the distance to be applied but a separation distance of at least 75m from the farm building to the unconnected residential dwelling should be applied. The position of this shed appears to meet this separation distance.

I do not consider the proposal will have an unacceptable detrimental impact on the residential amenity of number 18 Gransha close in terms of loss of light, privacy or dominance.

Access and Roads Safety

The access to the field has been moved to the north of the existing access. DFI Roads have been consulted on this relocation and have no objections. The proposal will therefore have no detrimental impact in terms of road safety.

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.

5. Representations

Three representations were received, these were anonymous. The following is a summary of matters raised:

- Red line is a strange shape and ruins the shape of a perfectly good field and an inefficient use of land
- Alternative sites available
- Prominence/visual impact
- Wildlife/environmental impact
- Proximity to a dwelling house
- Flooding
- Sloping site requiring retaining structures, excavation and underbuilding
- Site history

- Elevations show two sheds not one

While the Council cannot give any determining weight to anonymous objections, the matters raised have nevertheless been considered as follows:

With regards to the shape of the red line and the shape of the remainder of said field this is not considered to be of planning concern and the applicant is entitled to submit whatever red line they consider to be appropriate.

The applicant has throughout the application process made it clear that they are not in ownership of other lands in the vicinity of the application site and therefore no alternative site can be presented.

Flooding was considered as part of the PAC decision to the previous application and it was concluded that it is 'clearly an existing issue but the proposal could incorporate sufficient drainage arrangements to divert run off to the drain on the opposite of Gransha Close and thereafter to the Gransha River. I have not been persuaded that this issue would justify the refusal of planning permission.' This remains the case for this new planning application.

Regarding the concern that the application was for two sheds, it is shown as one shed with differing floor levels to allow the applicant the possibility of working under machinery. The council have to access what is proposed and in this instance, it is one farm shed. As referred to previously, this is an outline planning application and detailed drawings were not required to be submitted. Conditions could be used to restrict size and design etc.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons


1. The proposal is 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 are no overriding reasons why the development is essential at this location.
2. The proposal is contrary to The Strategic Planning Policy Statement for NI (para 6.73), and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- it has not been demonstrated that the shed is necessary for the efficient use of the agricultural holding;
 - the shed would not be sited beside existing farm buildings;
 - it does not merit being considered as an exceptional case as it has not been demonstrated that there are no other sites available at another group of buildings on the holding, health and safety reasons exist to justify an alternative site away from existing farm buildings or that the alternative site away from existing farm buildings is essential for the efficient functioning of the business.
3. The proposal is contrary to criteria a, b, c, d and f of Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal
- a) is a prominent feature in the landscape
 - b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - c) it relies primarily on the use of new landscaping for integration
 - d) ancillary works do not integrate with their surroundings
 - f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and the impact of the ancillary works would damage rural character.

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2024/0726/F
Proposal	Replacement 2 storey dwelling (Change of house type from approved ref. LA06/2021/0433/F)
Location	15A Morningside, Ballyholme, Bangor DEA: Bangor Central
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to the case officer's report.
Validated	22/08/2024
Summary	<ul style="list-style-type: none"> • Planning history is material consideration – previous approval (planning ref: LA06/2021/0433/F) Demolition of existing dwelling and replacement 2 storey dwelling with additional lower basement level, carport and associated site works- Permission Granted 28/06/2023 • Fall back opportunity therefore exists • No change in policy consideration since previous approval – proposal policy compliant • Proposed change of house type respects surrounding context and is appropriate to the character and topography of the site sympathetic design within ATC designation • 11 representations from 9 address points – case officer report for previous approval went into significant detail addressing concerns. Case officer report for current proposal details concerns regarding proposed change of house type only and have been fully considered.
Recommendation	Grant Planning Permission
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0726/F	DEA: Bangor Central	
Proposal:	Replacement 2 storey dwelling (Change of house type from approved ref. LA06/2021/0433/F)		
Location:	15A Morningside, Ballyholme, Bangor		
Applicant:	Paul & Liz Dalzell		
Date valid:	22/08/2024	EIA Screening Required:	No
Date last advertised:	05/09/2024	Date last neighbour notified:	07/11/2024
Letters of Support: 0	Letters of Objection: 10 (from 9 addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Rivers		No Objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Planning history associated with the site and the principle of development; • Design, scale, layout and massing of proposed dwelling; • Access, movement and parking; • Impact on residential and visual amenity; • Impact on Designated Sites and Biodiversity • Flooding 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
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 Northern Ireland Public Register			

1. Site and Surrounding Area

The site is located at 15A Morningside in Bangor. The previous dwelling on site has been demolished and construction works have taken place following approval of a replacement dwelling under planning ref. LA06/2021/0433/F.

There is a river running along the western boundary of the site, which leads into Ballyholme Bay. The site has views across the bay with access provided to the open space located directly north. There is an existing vehicular access which served the original dwelling from Morningside. The overall site is approximately 0.14 hectares, and the topography is such that the ground falls away quite steeply to the north and west towards the coast.



The area is predominately residential comprising a variety of house types with mature gardens and in-curtilage parking. Ballyholme beach and promenade are located to the front of the dwelling. The site lies within the settlement limit of Bangor and within the Proposed Bangor East Area of Townscape Character. The site is adjacent to the Outer Ards Ramsar, ASSI and SPA.

2. Site Location Plan



3. Relevant Planning History

LA06/2021/0433/F: 15a Morningside, Bangor: Demolition of existing dwelling and replacement 2 storey dwelling with additional lower basement level, carport and associated site works: Permission Granted 28/06/2023.

The planning permission above establishes the principle for development at this site. The above application is extant until the 28th of June 2028 and represents a genuine fall-back opportunity on the site.

LA06/2024/0115/CA: Dwelling not being constructed in accordance with planning approval LA06/2021/0433/F: Live

LA06/2023/2295/DC: 15a Morningside, Bangor: Discharge of condition 6 of previously approved application LA06/2021/0433/F (CEMP). Condition Partially Discharged.

LA06/2024/0171/DC: 15a Morningside, Bangor: Discharge of Condition 7 and 8 of previously approved application LA06/2021/0433/F (Retaining walls, structures and supporting banks) Condition Discharged.

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 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 15: Planning and Flood Risk

Planning Guidance:

- Creating Places
- Development Control Advice Note (DCAN) 8 – Housing in Existing Urban Areas

Principle of Development

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, despite its end date, with dBMAP remaining a material consideration where applicable.

In dBMAP the site is not zoned for any purpose. The site does however lie at the northern edge of the proposed Bangor East ATC (BR14).

The principle of development has been established by the extant approval under application ref. LA06/2021/0433/F. The extant planning permission represents a genuine fallback position on this site; therefore, it is a significant material consideration in the determination of this application. There has been no change to the relevant policy context since the previous grant of planning application and the assessment of the current application will focus on the impact of the changes proposed.

Design, Visual Impact and Impact on Character of the Area & ATC

The site is located within an area which is predominantly characterised by detached dwellings. The proposal is for a change of house type from that approved under LA06/2021/0433/F.

It must be noted that recent planning appeals have clarified that the ATC policies within the Addendum to Planning Policy Statement 6 only apply to designated ATCs, and not

proposed ATCs. However, the impact of the proposal on the proposed ATC remains a material consideration and can be objectively assessed. The proposed scheme includes a large two-storey detached dwelling. The agent submitted a statement outlining the changes in the proposed design. The main change to the overall scheme is the omission of the lower ground (basement) floor due to cost implications and issues with the piling and excavation. To accommodate for the loss of this basement level, the first-floor level has been extended to the rear to allow for an additional bedroom. Other changes to the proposed change of house type application include the following:

- Landscaping amended.
- Omission of balconies, curved glass guarding - now side paths and patio.
- Carport reverted to an enclosed garage with no change in plan or height. New ground floor windows.
- Omission of chimney.
- Omission of first floor cladding, replaced by render.
- Pantry door at side elevation in place of a window.
- Porch side windowsill lowered to floor level.
- Wider Hall/Landing corner window
- A reduction in height and width of the rear landing window.
- Large sliding patio doors have reverted to double doors with mullions and side panels.
- A proposed seeded terramesh retaining system for banks rather than relying on stone gabions.
- Changes in garden levels – to the west of the dwelling adjacent to the river.

As can be shown in Figures 1 and 2 below, there are no significant changes proposed to the overall site plan. The overall footprint of the dwelling will generally remain as previously approved, with only minor changes proposed to the landscaping of the site.



Figure 1: Approved Site Plan

Figure 2: Proposed Site Plan

The proposed rear section of the dwelling will project a further 2.3m on the first floor level and will measure 5.6m in width. This will result in approximately 14.7sqm of additional floor space which will accommodate a new bedroom. As previously mentioned, the other changes to the proposed house-type include the removal of the chimney, the enclosed garage in place of the carport with a roller door, the fenestration changes and alterations to the levels and landscaping to the garden areas. The approved cladding to the first floor has also been amended to a render finish. These alterations to the change of house-type can be viewed in Figures 3 and 4 below.



Figure 3: Approved Elevations

Figure 4: Proposed Elevations

I am satisfied that the proposed change of house type will respect the surrounding context and is appropriate to the character and topography of the site. The overall design changes are minimal, with the change of cladding to render being welcomed as it will reflect the finishes of existing dwellings in the area. There are no changes proposed to the roof, (on the front (north-facing) elevation), or to the overall height of the dwelling or finished floor level; therefore, it is not considered that this change of house type will appear a more prominent feature within the streetscape. The changes to the front fenestration are welcomed as the dwelling appears more traditional in design and therefore more in-keeping with the older properties within this area.

The perceived scale and massing of the front elevation will be reduced through the loss of the basement level. Whilst the scale and massing of the side elevations will increase slightly due to the addition of the first-floor rear bedroom, I do not consider that the dwelling would appear visually prominent when viewed in the context of the surrounding built form. Having considered the surrounding context of the site, it is my professional planning judgement that the overall scale and massing of the alternative

dwelling design will continue to respect the surrounding context of the site and will cause no harm to the character and appearance of the proposed ATC.

The front building line was considered an important part of the previous assessment under ref. LA06/2021/0433/F in which the case officer stated:

'The siting of the proposed dwelling has been brought forward to be more in line with the existing building line of the neighbouring dwellings. However as is demonstrated in the site layout plan in figure 20 below, the proposed dwelling will still sit 1.5m behind the existing building line of the adjacent dwelling at No. 17 and 11m behind the building line of 65 Ballyholme Esplanade, therefore the position of the dwelling on the site will be completely respectful of its context.'

As work has commenced on the dwelling, it was reported that the front building line had been altered and was not set 1.5m back from the adjacent dwelling. This was raised with the agent who had measurements taken and confirmed that it was set back approximately 1.411m. I am content that this measurement is shown on the proposed site plan as measured in Figure 5 below. This represents a very minor change to the proposed layout, and I am satisfied that the proposal will continue to respect the surrounding pattern of development

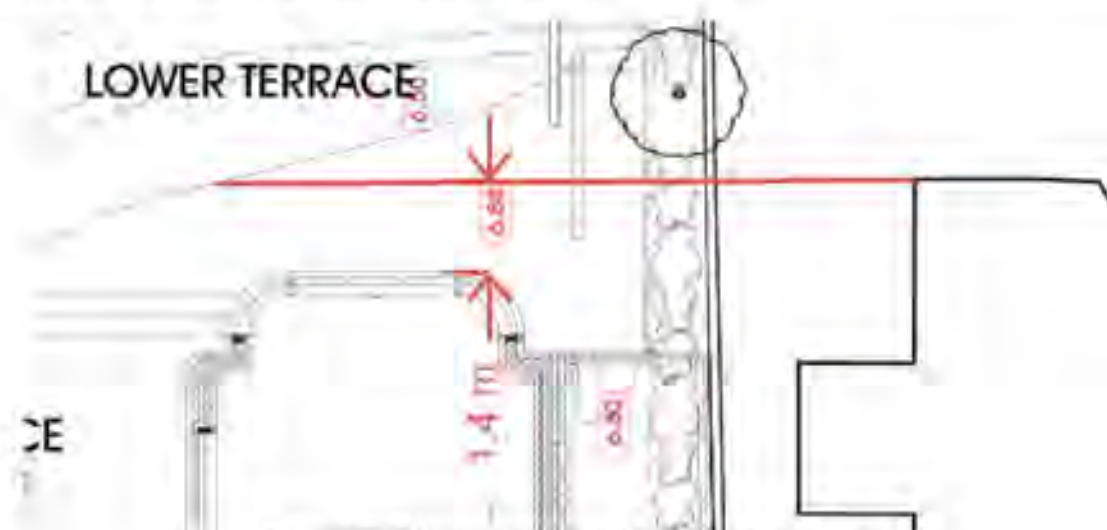


Figure 5: Measurement of front building Line

Overall, I am satisfied that the proposed change of house type represents good design. The scale, massing, landscaping and materials proposed are combined to create a development that is in keeping with the overall character and appearance of the proposed ATC. The landscaped banks will maintain the sloping/terraced garden which is characteristic of dwellings that face onto the Esplanade.

Residential Amenity

It must be noted that the previous case officer report under LA06/2021/0433/F went into great detail in relation to how No. 17 Morningside would be impacted in relation to overlooking, overshadowing, loss of light and dominance. As this is an application for a change of house type, I will focus on the proposed changes to the design, and how these may impact on neighbouring dwellings.

It is not expected that there will be any unacceptable adverse impacts on neighbouring residential amenity as a result of this proposed change of house type. There are no additional first floor windows proposed to the side elevation facing No. 17 Morningside; therefore, there will be no issues with overlooking and loss of privacy. It is recommended that any windows previously conditioned to be obscure glazed should be subject to a similar condition requiring obscure glazing as part of any approval of the subject application.

The changes to the ground floor fenestration will have no unacceptable adverse impact on the neighbouring dwellings and will be largely screened by proposed and existing boundary treatments. The hall/landing corner window will be slightly wider (from 1.3m to 1.5m) however given this serves the stairs and landing I do not consider any overlooking to be unacceptable. In addition, the assessment within the COR for the extant permission on this site remains relevant. See extract from COR below.

'The existing first floor side bedroom window of No.15a, has views towards the single storey extension, which has Velux windows, and the rear of No.17. The proposed stairwell window is located in approximately the same location as this existing window, which is a material consideration. Given the latter and due to the existing boundary treatment, which consists mature trees and hedgerow, I am content there will be no additional adverse overlooking to the rear or side of No.17 from the proposed stairwell window.'

A new first floor window will be positioned to the rear elevation to serve the new bedroom. As there will be approximately 5.2m from the 1st floor window to the gable elevation of No. 15, this window will be conditioned to be obscure glazed. The additional 1st floor window to the side of the bedroom will not result in any overlooking given there is 26m of separation distance between it and No. 65 Ballyholme Esplanade.

I do not consider the change of house type will result in any issues in relation to loss of light, overshadowing or dominance. It must be noted that the previous case officer went into detail examining the potential loss of light and overshadowing caused to the neighbouring dwelling and carried out light tests to assess this impact. The extant planning permission is material to the assessment of the current application and it is considered that it should be attributed significant weight.

The proposed extension to the first floor will not result in an unacceptable level of loss of light to the neighbouring dwellings at No. 17 or No. 15 Morningside. Within PPS7A para A36 & A37, a 'light test' is described to be used as guidance in assessing the loss of light any development may create on neighbouring properties. The light test is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing/loss of light impact upon neighbouring properties. The 45-degree light test in relation to rear patio doors of No. 17 can be viewed in Figure 5. As the first-floor extension does not breach this light test, I do not consider there will be any unacceptable adverse loss of light caused by the proposed amended design.

There is one existing ground floor window to the side elevation of No. 15 Morningside which could be impacted by the extended first floor section. However, this is finished

with obscure glazing and is likely to serve a non-habitable room. The scale and position of the proposed single storey garage reflects that of the previously approved carport. The proposed garage is also located in the same position and the former single storey garage. Any breach of the light test in relation to this window would be minor and the hipped/sloping design of the roof of the proposed dwelling would mitigate any impacts.

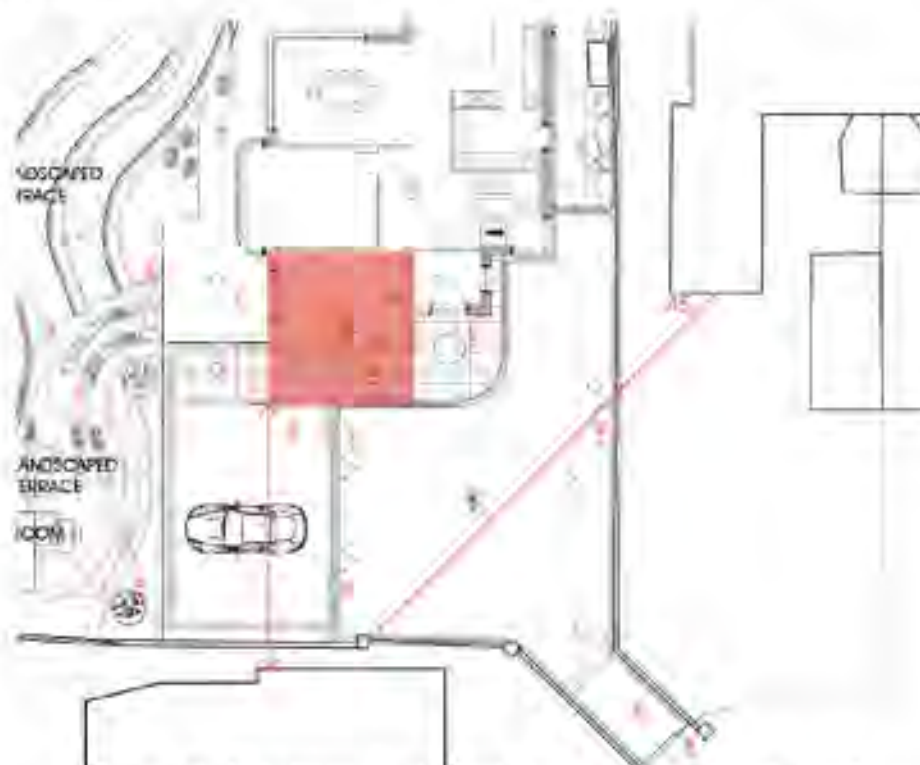


Figure 5: 45-degree Light Test -extension shown in red

A patio area is proposed at the ground level, in the inner front corner, with access from the side and front. This was previously approved in the original application therefore it is not considered there will any unacceptable overlooking.

In relation to the front building line, the change of house type will protrude approximately 0.1m further forward than the extant approval. This change is very minor, and I do not consider it will result in any material impact on neighbouring residential amenity in terms of loss of light, overshadowing and/or dominance.

Access and Road Safety

The proposal will utilise the existing access onto Morningside. No changes are proposed to the existing parking area and number of spaces provided. It is therefore considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Private Amenity Space

Sufficient amenity space will be provided within the development. The plot is adequate to ensure that sufficient provision is made for private amenity space well

above the average space standard for the development, providing a greater than 70m² amenity space as recommended in *Creating Places*.

The landscaping scheme has been amended with the approved and proposed landscaping shown in Figures 7 and 8 below. Conditions 7 and 8 of the original application relate to the stability of retaining walls/lands within the site and have been discharged by the Council's Planning Department. Any approval of the current application would represent a separate planning permission; therefore, it is recommended that these conditions should be repeated. The agent has confirmed the use of a proposed seeded terramesh retaining system for banks rather than relying on stone gabions.



Figure 7: Approved Landscaping

Figure 8: Proposed Landscaping

Designated Sites and Natural Heritage

A Biodiversity Checklist and Bat Survey Report were submitted in the original application under ref. LA06/2021/0433/F. Both NED and SES were consulted and offered no objections. It must be noted that the original dwelling has already been demolished and it is not considered the alternative dwelling design would trigger the need for additional surveys.

It is acknowledged, given the coastal location there is a moderate risk of coastal erosion. However, as the case officer in the previous report stated, weight is given to the distance between the proposed dwelling and the coast (approx. 40m) and the fact that that the proposal was replacing an existing dwelling. Taking into account the extant planning permission, I remain content that the proposal will not be significantly affected by the effects of coastal erosion.

Flooding

Flood Maps (NI) indicates that the western boundary of the site lies within the 1 in 100 year fluvial and 1 in 200 year coastal flood plain. A Flood Risk Assessment (FRA) by OCSC Consulting, dated 10th October 2024 was submitted. The following conclusions were highlighted in the assessment:

- No buildings will be constructed in the area at risk of flooding. Minimal encroachment into the floodplain will occur from the proposed landscaping. The

minimal changes to the garden's flood capacity are not expected to have any detrimental effects on surrounding properties, considering the proximity to the Cotton River's mouth, which drains into Ballyholme Bay.

DFI Rivers was consulted and stated the following within their response:

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

Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by Rivers Directorate, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m were considered necessary, and be provided with clear access and egress at all times. I am satisfied there is a suitable working strip provided on site, with no development located within 5m of the river. DFI Rivers did not raise any concerns in relation to this.

Other considerations

There are no archaeological or built heritage features to protect or integrate into the overall design and layout of the development.

There is no need for local neighbourhood facilities to be provided as an integral part of the development. The proposal will not damage the quality of the local area. The layout has been designed to deter crime as the dwelling and private amenity space will be enclosed by suitable boundaries.

1. Representations

11 representations were received from 9 separate address points including neighbors, elected representatives and agents (on behalf of residents). The following matters were raised below:

Impact on Residential Amenity: Several objectors stated that the proposed change of house type will impact upon the residential amenity of No. 17 Morningside in relation to overshadowing, dominance and overlooking. More specifically it was stated that the extension to the first-floor section at the rear will result in overshadowing and loss of light to No. 17, particularly in relation to the rear amenity space. It was also stated that this section will appear dominant with the boundary wall coming close to No. 17's boundary creating a 'hemmed-in' effect. Comments were made in relation to the patio area overlooking the front garden of No. 17. Many comments were made in relation to the front building line being brought forward 0.1m and the potential for additional overshadowing to side windows of a conservatory/porch space of No. 17. The neighbour at No. 17 stated that the new gate along the side elevation would cause overshadowing to her living area. The agent reduced the height of the gate to 1m (from 2m) to prevent any overshadowing/loss of light.

Response: These matters have been addressed under 'Residential Amenity' above. The extended rear section of the proposed dwelling does not breach the light test in relation to No.17; therefore, I am satisfied that it will not cause any acceptable impact to neighbouring residential amenity through loss of daylight. Overshadowing of a rear garden area alone, is not considered to be a reason to justify a refusal of planning permission. Regardless, having considered the path of the sun, the separation distances provided, as well as the position and scale of the original building to be replaced, I am satisfied that the proposal will cause no unacceptable adverse harm to neighbouring residential amenity in relation to this matter.

The first-floor section to be extended is over 8m from the shared boundary with No. 17. Dominance is described as the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Views towards this section of the proposed dwelling from the patio doors of No.17 would only be available at an oblique angle; therefore, I do not consider that the extension to the first floor will impinge on the immediate outlook of this property. In addition, I am further satisfied that the proposal would not appear dominant when viewed from the neighbouring property given the light test has been satisfied.

As the ground level of the patio area reflects that of the extant planning permission on this site, this aspect of the proposal will not result in any additional overlooking. As stated in the main body of the report, I consider the amendment to the front building line to be very minor and I am satisfied that it will not result in any material impacts to neighbouring residential amenity.

Impact on proposed ATC and Established Residential Area: Several objectors stated that the proposed mass of the change of house type will be totally out of scale with the other properties in Morningside, and will also dominate the landscape, especially when looking from the west (Esplanade). One objector stated that the projecting terrace will be a dominant feature on the seaward elevation. One objector also mentioned that the new garage is more dominant on site. It was suggested that photomontages were required to assess the full impact.

Response: These matters have been addressed under Design, Visual Impact and Impact on Character of the Area & ATC above. As stated previously, the additional first floor bedroom to the rear will slightly increase the massing of the dwelling when viewed from the east and west elevation. It is acknowledged that there will be public views of the side elevation of the proposed dwelling from Ballyholme Esplanade (west of the site). As this portion is set back to rear of the site and when it is considered in the context of the existing built form of the surrounding area, I do not consider that the scale and massing of the development would result in the dwelling appearing incongruous in the street scene. I am satisfied that this change will cause no harm to the character and appearance of the area. This portion of the dwelling will not be visible on approach from the north-eastern side of the esplanade as the existing dwellings along Morningside will screen it from view. The removal of the basement floor and the chimney reduces the overall mass to the front elevation; therefore, I consider the overall massing of the proposed dwelling to be acceptable. The surrounding area has a wide variety of large detached, semi-detached and terraced dwellings and I do not consider the proposed dwelling will appear dominant or out of

scale within this context. The terrace to the front was previously approved with no changes proposed to the levels. The garage in place of the approved car port is the same height, with new windows placed along the side elevation. I do not consider it appears more dominant than the car port and the windows help break up the overall massing. I do not consider photo montages are required as the proposed changes to the design are relatively minor.

Biodiversity: One objector stated that a biodiversity checklist was required. A Biodiversity Checklist and Bat Survey Report were submitted as part of the original application under ref. LA06/2021/0433/F. Both NED and SES were consulted and offered no objections. The original dwelling has already been demolished and I am satisfied that the alternative dwelling design would not trigger a need for any further ecological surveys.

Flooding: One objector stated that the development is to be carried out within a flood plain and will result in a loss of this flood plain. These matters have been addressed under 'Flooding' above.

Clarification: The following queries were raised in relation to the application:

- Completed works do not comply with or resemble original approval with levels reworked on site. It was highlighted that the front building line is not set-back 1.5m from front building line of 17 Morningside (original approval). One objector also stated that they have not complied with the landscaping scheme. One objector also mentioned that enforcement would not fully investigate until this planning application was determined.

Response: There is a live enforcement case under ref. LA06/2024/0115/CA linked to this application. The front building line erected on site corresponds with the plans within this current application. The Council's Planning Enforcement Team has been closely monitoring the site and have issued an at-risk letter to the applicant in relation to the works that have already taken place. Please note that the landscaping has not been carried out on site.

- One objector has requested clarification on the boundary treatment with No. 17, the height of a new gate and clarification on proposed rainwater goods and foul waste pipework and ventilation from kitchen and toilet spaces. In addition, they asked what the proposed use of the area was along this shared boundary. Hedging is proposed between these boundaries and the new gate will measure 1m in height. The proposed rainwater goods are shown on the proposed elevations. Details of ventilation from kitchen and toilet spaces are not considered necessary to inform the assessment of the planning application. The proposal is for a replacement dwelling which will connected to the mains sewerage system (as original dwelling was). The area will be used for a bin store and yard area and will form part of the domestic curtilage of the dwelling.

- One objector asked about obscured windows and if these would be the same as previously approved. They also asked about the FFL in reference to previously demolished dwelling and the new proposed FFL. I informed this objector that the previous condition in relation to obscure glazing would be included on any approval for this change of house type. The FFLs are shown on the proposed plans (no changes to previous approval).

2. Recommendation

Grant Planning Permission

3. 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 landscape works including the terraced banking, retaining wall/structures shall be carried out in accordance with DRG 08: Proposed Landscaping. All works and new planting as indicated on the stamped approved drawing shall be completed during the first available planting season after the occupation of the dwelling hereby approved and retained permanently thereafter.

Reason: In the interest of visual amenity.

3. Existing mature trees/shrubs and hedging as shaded green on DRG 03A: Proposed Site Plan shall be augmented as required and grown to a minimum height of 1.8m and shall be retained thereafter at a minimum height of 1.8m.

Reason: To ensure the maintenance of screening.

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

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

5. If any retained planting is removed, uprooted or destroyed or dies, another hedgerow/tree/s shall be planted at the same place and shall be of such size

and species to be agreed in writing with the Council. The planting as approved shall be planted within the next available planting season.

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

6. The finished floor levels and proposed ground levels for the dwelling hereby approved shall be in accordance with the details set out on DRG 05: Proposed Floor Plans and DRG 07A: Proposed Elevations.

Reason: In the interest of privacy and visual amenity.

7. The windows, as shaded yellow, on DRG 07A: Proposed Elevations, shall be finished with obscure glass. The obscure glazing shall be installed prior to the occupation of the dwelling hereby approved and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of the dwelling hereby permitted without the grant of a separate planning permission from the Council.

Reason: In the interests of visual amenity.

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwelling hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

10. Demolition/construction works shall not take place outside the following hours: 07:00 – 19:00hrs Monday to Friday, Saturday 08:00 - 13:00hrs and not at all on Sundays or Public Holidays.

Reason: To ensure the occupiers of nearby residential premises are not adversely affected by noise from the demolition /construction works.

11. A working strip shall be provided adjacent to the watercourse which will have a minimum width of 5 metres, but up to 10 metres were considered necessary as agreed with Rivers Agency and be provided with clear access and egress at all times.

Reason: To facilitate future maintenance by DfI Rivers.

12. All proposed retaining walls, structures and supporting banks within the development as shown in DRG 08: Proposed Landscaping, shall be designed

and constructed in accordance with the relevant British Standard 8002:2015 'Code of Practice for Earth Retaining Structures'. The works shall be completed in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Reason: To ensure the stability of lands and the proposed works.

13. The CEMP approved under LA06/2023/2295/DC shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Council.

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

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.

Appendix 1: Plans



Figure 1: Site Location Plan



Figure 2: Proposed Landscaping



Figure 3: Proposed Floor Plans & Sections

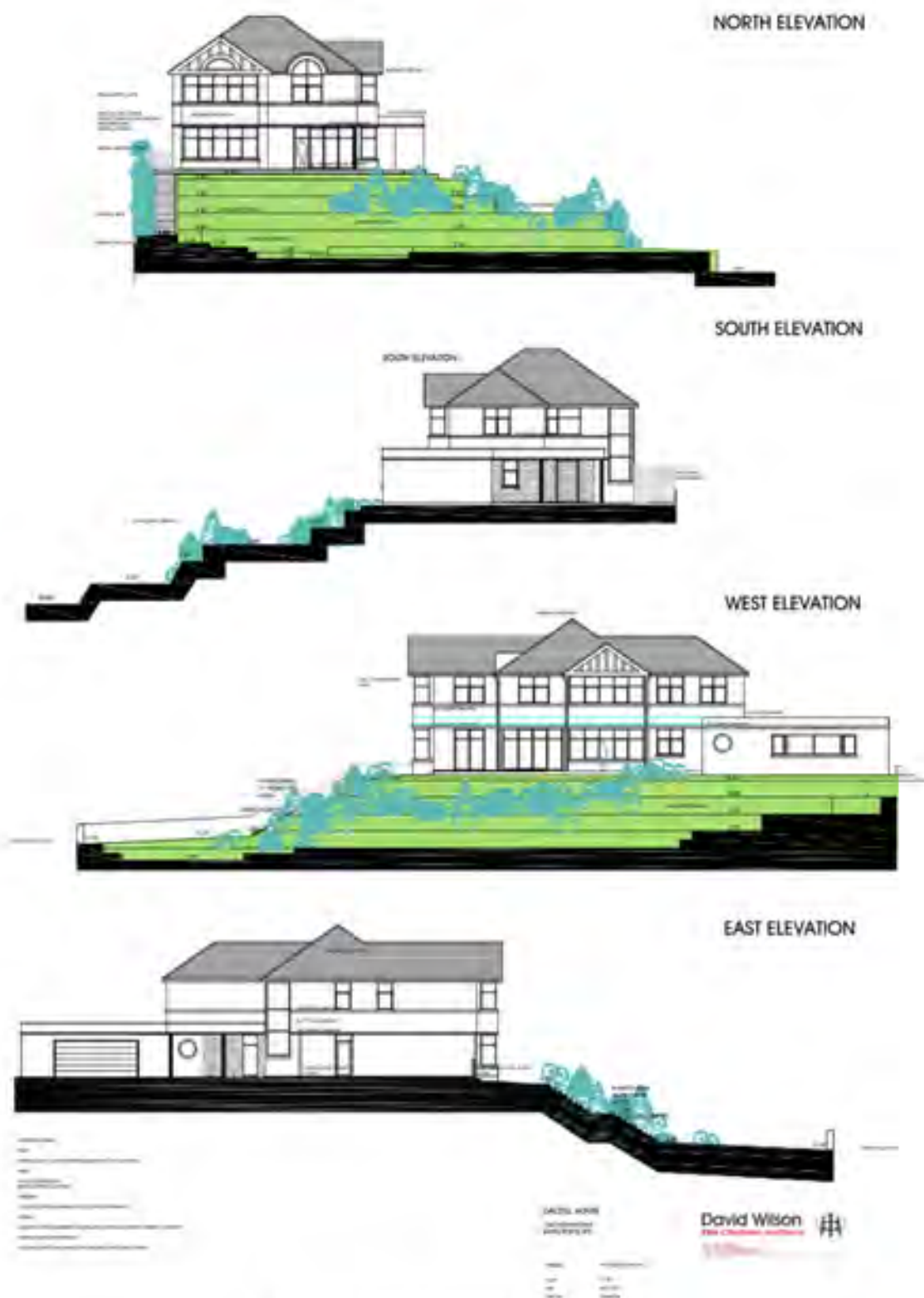


Figure 4: Proposed Elevations



Figure 5: Proposed Elevations

Appendix 2: Site Photos



*Photos of work commencing on site: October 2024
No. 17 Morningside adjacent site*





Photos of work commencing on site: October 2024



Photos of work commencing on site: October 2024



Photos of work commencing on site: October 2024





No. 15 Morningside to rear of site



Patio doors to rear of No. 17



View of development from ground and first floor windows of No. 17





Photos of works in January 2025



Addendum to Case Officer Report LA06/2024/0726/F

Following the publication of the Case Officer Report (COR) for the application referenced above, one further objection has been received. This has taken the total number of objections up to 11 from 9 different addresses. This addendum has been drafted to address points raised by the objector and the correspondence from the occupant of the neighbouring property to the east of the site (No. 17 Morningside).

The following issues were highlighted:

- Design, Visual Impact & Impact on Character of the Area & ATC:** The objector highlighted that Morningside is an area of predominantly semi-detached homes which are of much smaller scale than the proposed dwelling. It is agreed that the surrounding area has a mixture of house types, primarily detached and semi-detached. There are several large, detached properties located within Ballyholme Bay, Morningside and Ballyholme Esplanade. It must be acknowledged that the proposal is for a single detached dwelling that will replace the detached dwelling that was recently demolished on this site. The principle has already been established by the extant planning permission.
- Residential Amenity:** Clarification was sought in relation to the proposed increase in the width of the stairwell window facing No. 17. The occupant of No. 17 stated that any increase may result in unacceptable overlooking and obscure glazing should be considered as mitigation. I have carried out a further comparative review of the proposed window (in the context of the previous approval) and I can clarify that there is an increase of 10cm in the proposed width of the glazing on each elevation of this corner window (previously stated as 20cm in case officer report). This is a minor increase to the overall size of this stairwell window which is not a main habitable room. In the original case officer report under ref. LA06/2021/0433/F the following was stated in reference to this window:

'The existing first floor side bedroom window of No.15a, has views towards the single storey extension, which has Velux windows, and the rear of No.17. The proposed stairwell window is located in approximately the same location as this existing window, which is a material consideration. Given the latter and due to the existing boundary treatment, which consists mature trees and hedgerow, I am content there will be no additional adverse overlooking to the rear or side of No.17 from the proposed stairwell window.'

Unlike a stairwell window, a bedroom window is considered to be a main habitable room. This factor remains a material planning consideration and, taking into account the extant planning permission on site, it is not considered that the proposed minor increase in width of the staircase window would harm residential amenity.

- Other Matters:** The neighbour at No. 17 requested further clarification regarding the separation distance between the first-floor extension and the shared boundary. This distance measures approximately 8m as shown in Figure 1 below.



Figure 1: Distance between 1st floor section and shared boundary

- The neighbour at No. 17 has concerns in relation to Condition 3 which states the following:

*Existing mature trees/shrubs and hedging as shaded green on DRG 03A:
Proposed Site Plan shall be augmented as required and grown to a minimum height of 1.8m and shall be retained thereafter at a minimum height of 1.8m.*

Reason: To ensure the maintenance of screening.

The neighbour has stated that this height of screening will cause further loss of light and overshadowing to her amenity space and north-facing kitchen window. The neighbour requested that the wording of the condition be amended to reduce the minimum height of landscaping along a section of the boundary to 1.4m. The Planning Department is content to amend the wording of the proposed condition to address the concerns of the occupant of the adjacent property.

Recommendation

Having considered all material planning considerations raised, the recommendation to approve the proposed application remains unchanged.

The following conditions are recommended to be included on the decision notice:

1. Planning permission is hereby granted for the change of house type in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This development will have deemed to have begun on the date development was initiated.

2. All hard and soft landscape works including the terraced banking, retaining wall/structures shall be carried out in accordance with DRG 08: Proposed Landscaping. All works and new planting as indicated on the stamped approved drawing shall be completed during the first available planting season after the occupation of the dwelling hereby approved and retained permanently thereafter.

Reason: In the interest of visual amenity.

3. Existing mature trees/shrubs and hedging as shaded green on DRG 03A: Proposed Site Plan shall be augmented as required and grown to a minimum height of 1.8m between points A and B and to a minimum height of 1.4m between points B and C and shall be retained thereafter at these respective minimum heights.

Reason: To ensure the maintenance of screening.

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

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

5. If any retained planting is removed, uprooted or destroyed or dies, another hedgerow/tree/s shall be planted at the same place and shall be of such size and species to be agreed in writing with the Council. The planting as approved shall be planted within the next available planting season.

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

6. The finished floor levels and proposed ground levels for the dwelling hereby approved shall be in accordance with the details set out on DRG 05: Proposed Floor Plans and DRG 07A: Proposed Elevations.

Reason: In the interest of privacy and visual amenity.

7. The windows, as shaded yellow, on DRG 07A: Proposed Elevations, shall be finished with obscure glass. The obscure glazing shall be installed prior to the occupation of the dwelling hereby approved and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected

within the curtilage of the dwelling hereby permitted without the grant of a separate planning permission from the Council.

Reason: In the interests of visual amenity.

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or reenacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwelling hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

10. Construction works shall not take place outside the following hours: 07:00 – 19:00hrs Monday to Friday, Saturday 08:00 - 13:00hrs and not at all on Sundays or Public Holidays.

Reason: To ensure the occupiers of nearby residential premises are not adversely affected by noise from the demolition /construction works.

11. A working strip shall be provided adjacent to the watercourse which will have a minimum width of 5 metres, but up to 10 metres were considered necessary as agreed with Rivers Agency and be provided with clear access and egress at all times.

Reason: To facilitate future maintenance by DfI Rivers.

12. All proposed retaining walls, structures and supporting banks within the development as shown in DRG 08: Proposed Landscaping, shall be designed and constructed in accordance with the relevant British Standard 8002:2015 'Code of Practice for Earth Retaining Structures'. The works shall be completed in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Reason: To ensure the stability of lands and the proposed works.

13. The Construction Environmental Management Plan (CEMP) approved under LA06/2023/2295/DC shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Council.


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

Nicole Keizer 27/02/2024

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2023/2073/F
Proposal	Demolition of existing dwellings and erection of 9 apartments with associated car parking
Location	32-36 Prospect Road, Bangor
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to the case officer's report.
Validated	07/08/2023
Summary	<ul style="list-style-type: none"> • Site located within central Bangor with a range of housing densities in the vicinity • Building currently on site is vacant and following fire damage is considered an eyesore in the local area • Proposed design reflects and respects the traditional three storey terrace townhouses in the area • Proposal is policy compliant and no objections from statutory consultees • 10 objections from 7 addresses – issues raised include Right of Way issues along the laneway which are matters out with the planning process • Other material issues raised fully considered in case officer report • Density slightly higher than the immediate area but given central location, amenity space and provision of car parking is not considered to cause demonstrable harm
Recommendation	Grant Planning Permission
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/2073/F	DEA: Bangor Central	
Proposal:	Demolition of existing dwellings and erection of 9 apartments with associated car parking		
Location:	32-36 Prospect Road, Bangor		
Applicant:	Mr D McCoubrey		
Date valid:	07.08.2023	EIA Screening Required:	No
Date last advertised:	17.08.2023	Date last neighbour notified:	09.01.2025
Letters of Support: 2	Letters of Objection: 10 (from 7 different addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads	No Objections		
NI Water	Standard Reply		
Environmental Health	No Objections		
NIEA – Natural Environment Division	No Objections		
Summary of Main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Design, Visual Impact and Impact on Character of the Area • Access, Road Safety and Car Parking • Impact on Residential Amenity • Impact on Biodiversity • Private Amenity Space 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
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 Northern Ireland Public Register (planningsystemni.gov.uk)			

1. Site and Surrounding Area

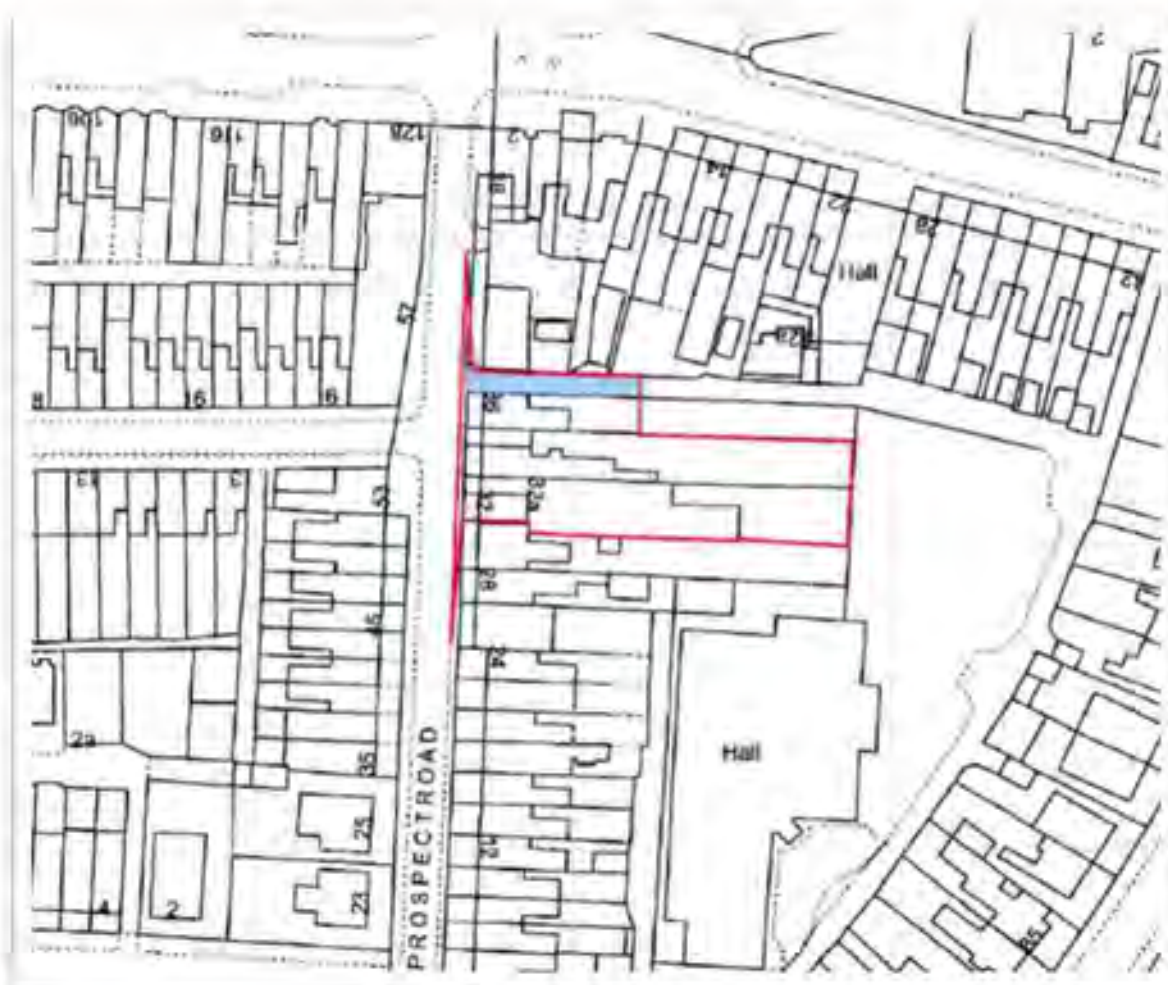
The site is located on the eastern side of Prospect Road, which is now a one-way street within a residential area of central Bangor. Positioned on a north-south trajectory, Prospect Road, is accessed by Hamilton Road at one end and provides direct access to High Street at the other.

With regards to the subject site itself, lands within the site boundary contain a terrace of 3 no. two storey dwellings. No. 36, (end terrace) remains occupied and is finished in smooth render plasterwork with white uPVC windows and doors.

Due to extensive fire damage, No. 34 (central unit) has been partially demolished, the roof having been completely destroyed/removed resulting in the interior of the dwelling and party wall with No. 32 being exposed and open to view. The partial remains of a ground floor bay window and covered access remain visible, alongside the door surrounds of what would have been the main entrance to the dwelling.

Completing the site, No 30, Prospect Road, is again a two storey terraced unit, which is currently in a state of significant disrepair. Finished in smooth render plasterwork, the frontage of property is again inclusive of a covered access leading to the rear, with the main entrance and decoratively tiled path being centrally located on the front elevation next to a large window serving the main living area of the former dwelling.

2. Site Location Plan



3. Relevant Planning History

W/2008/0606/F

32,32A & 34 Prospect Road, Bangor

Demolition of Nos 32,32a and 34 Prospect Road and erection of 2no. terrace houses to front and 3no. townhouses to rear and associated parking and landscaping.

Application Withdrawn 04.09.2009

(NB: further to indication of refusal issued by DoE Planning Service on 24.08.2009)

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 (NDAAP 1984-1995)
- Draft Belfast Metropolitan Area Plan (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: Planning, Archaeology and the Built Environment
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 15: Planning and Flood Risk

- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards
- Creating Places
- Living Places

Principle of Development

Section 6(4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise.

The site is located within the settlement limit of Bangor as identified in both the North Down and Ards Area Plan 1984-1995 and Draft BMAP 2015.

In addition, the site is located within a proposed ATC (BR 49 - Bangor Central) as shown in Draft BMAP and an area which is characterised by a variety of uses to include long established residential neighbourhoods, commercial activity and areas public space/recreation.

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, PPS6, PPS7, Addendum to PPS 7, PPS12 and PPS15 therefore these remain the applicable policy documents to consider the development under.

In respect of assessment under PPS 6, it is to be noted that whilst recent planning appeal decisions have clarified that policies within do not apply to "proposed" ATC designations, the current status of the LDP does not negate the fact that the potential impact on the character and appearance of a proposed ATC is a material consideration which can be objectively reviewed as part of the overall planning assessment process.

Design, Visual Impact and Impact on Character of the Area

Policy QD1 of PPS 7 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character, appearance and residential amenity of the local area.

The existing buildings are not considered to make any material contribution to the character or appearance of the area, particularly so because of the extensive fire damage caused to the central terrace and a visually evident state of advanced disrepair when viewed on the ground.

As such, it is my professional view that demolition of the existing buildings will not be of detriment to the wider area and re-development of the site will alternatively improve the aesthetics of the street scene as it currently exists.

As detailed below, the proposed scheme is inclusive of an apartment building, constructed in situ of the 3 no. existing terraced dwellings. Containing 9 no. individual units, (6no. 2 Bedroom/3 persons & 3 no. 1 Bedroom/1 person), the development is inclusive of a dedicated carpark area, containing 14 no. spaces, a covered bin storage area, cycle storage/parking space and a landscaped amenity area on the eastern side of the plot against the shared boundary with a church car park and abutting the common boundary with No. 30 Prospect Road.



Proposed Site Layout (as shown on Drawing 02/D received 15/03/24)

In terms of design and aesthetics, the proposed building seeks to replicate the original street scene with the west elevation (onto Prospect Road) having a similar ridgeline to the established row of terraced dwellings of the same side of the street.

Inclusive of vertically emphasised windows with dormers to the second floor and a centrally located bay window stack that extends to the first floor, it is my professional judgement that the proposed apartment block will not only marry easily into the surrounding area, but that it has been sympathetically designed to acknowledge the former fire damaged dwelling which originally occupied the mid-section of the site.

As illustrated overleaf, annotations on the submitted drawings clarify that the apartment block will be finished in a mix of smooth render plasterwork, a blue/grey natural slate roof, dark grey/black fascia, soffits and rainwater goods and corresponding dark grey aluminium windows and doors throughout.

It is my professional planning judgement that all of the stipulated finishes and materials are acceptable in context of the site and surrounding area.



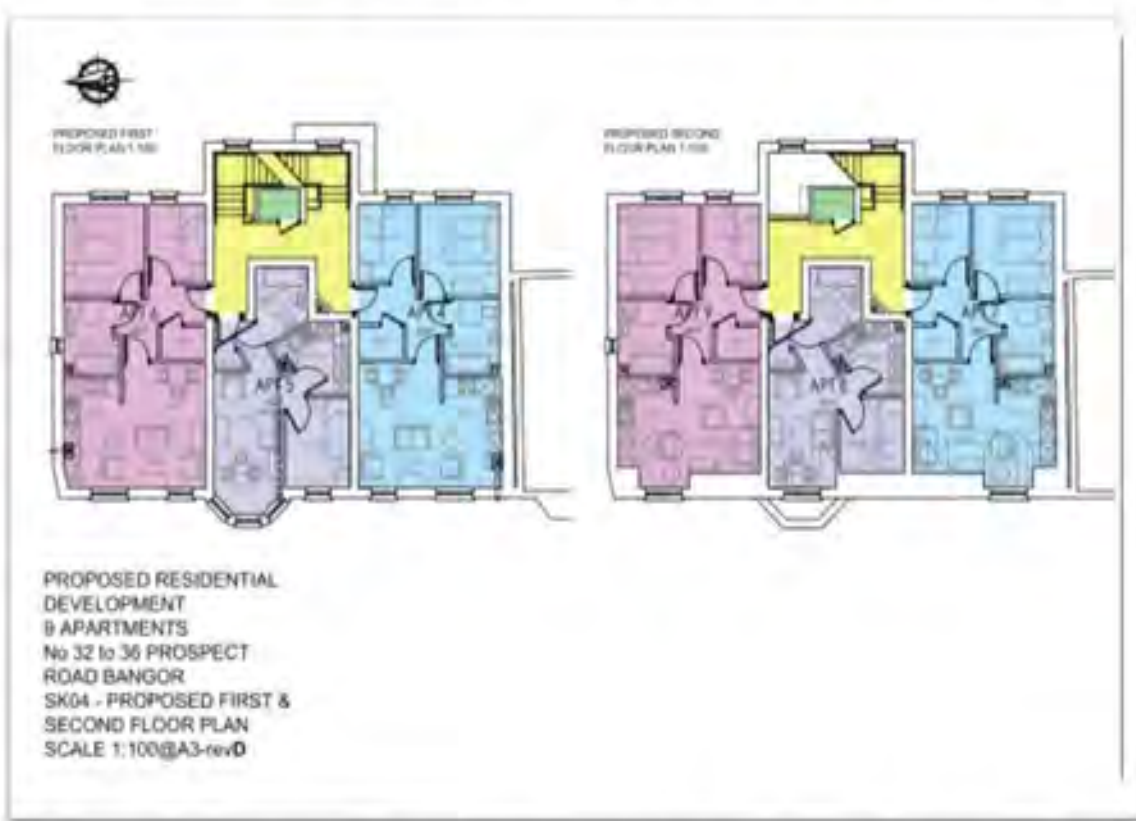
Proposed Elevations (North, East & West) - NB: internal south side adjoining No. 30 Prospect Road

In context of internal floorplans and the general layout of the proposed building, as can be viewed overleaf, the 9 no. units are divided equally across three floors, with the layout of each unit, broadly replicated on each level.

Access to the building is via a main door at the rear of the building, which leads from the designated carpark into a communal hallway and stairwell giving access to the first and second floors of the building.



Proposed ground floor plan to include 3 no. apartments and communal hall/stairwell



Proposed first and second floor layouts containing 3 no. apartments per floor and ancillary stairwells/landing area

It is my professional planning judgement that, as presented, the proposal will not harm the established character of the surrounding area and will sympathetically blend into the wider residential area which spans from Hamilton Road (to the south) to High Street/Donaghadee Road (to the north).

The overall scale and massing of the proposed apartment building is comparable to established properties on either side of Prospect Road and will serve to rejuvenate what is a notably derelict site which currently detracts from the aesthetic of the surrounding area.

The building has been designed to ensure that it will not be an overly dominant or visually obtrusive modern addition to what is a relatively old residential area of Bangor and construction of a relatively traditional 2 ½ storey frontage to the public road is proposed.

This will maintain the continuity of the terracing which is characteristic of Prospect Road with the positioning of all ancillary and less traditional elements being located at the rear of the site, where public viewpoints are of a minimal nature.

In context of the same, I would assert that the proposed development is broadly comparable to the original arrangement of buildings within the site and remains sympathetic in design, scale and massing of the original street scene.

In conclusion then, I am satisfied that the proposed development will blend and sympathetically marry into locale, without detriment to the character of the surrounding area.

Whilst the proposed development represents a higher density form of residential development when compared to what originally occupied the site (i.e.: 9 no. apartments in lieu of 3no. terraced dwellings), when considered within the wider setting of the Harbour Ward area of Bangor it is of note that numerous terraced dwellings are a predominant and long standing feature, which ultimately represents an area of high urban density within the central area of the settlement.

In calculating the dwellings per hectare (dph) for this particular site, dividing a total of 9 units by the area of the site, which is stipulated as 0.13ha, arrives at a figure of 69 units per hectare.

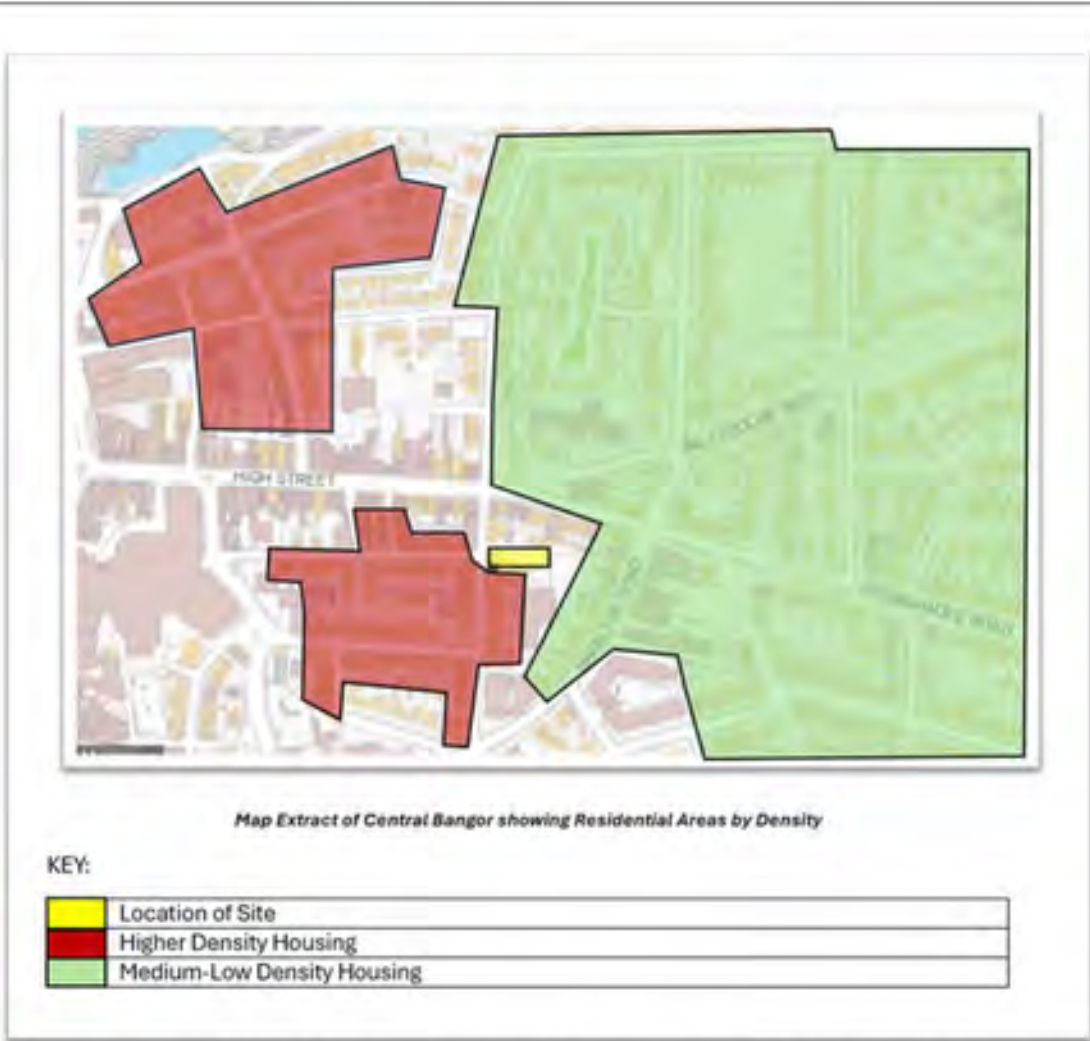
Whilst this evidently represents an increase to what previously occupied the site, when set in context of existing apartment developments, (some of which are detailed overleaf) this still remains lower than the density of others which range from 100 dph (34-36 Holborn Avenue) to 130dph (those under construction to the rear Savoy Hotel site on Broadway), whilst the Tonic Fold on the Hamilton Road/Moria Drive junction has a density of 151dph and apartments within the former Savoy hotel itself has a density of 195dph.



Examples of High-Density Housing within the surrounding area – Beatrice Road (above) and Holborn Avenue (below)



When the same is then considered in context of the wider locale, residential density changes somewhat to include lower density housing on land to the east of Clifton Road and south of Ballyholme Road.



The proposed density is therefore not significantly higher than that found within the wider area. I am therefore satisfied that the proposal will not be of detriment to the overall character of the area, nor will it create town cramming or overdevelopment of the site.



Multiple Apartment Blocks at junction of Donaghadee Road and Hamilton Road



Modern Apartment Blocks on Holborn Avenue (above and below)



Apartments now nearing completion on Broadway

Amenity Space

In accordance with Creating Places guidance, private communal open space is acceptable for apartment developments and should range from a minimum of 10sqm per unit to around 30 sqm per unit. The apartments will share and have access to a relatively sizeable communal garden at the rear of the site which is inclusive of a usable lawn area of approximately 240m².

Applying the standard of 10-30m² per unit, a hypothetical division of the communal area equates to approximately 26.5m² for each unit which is considered acceptable in context of prevailing guidance.

Additional landscaping will be included to soften the ancillary service areas of the site, and a communal collection point for the disposal of domestic refuse, will ensure that pavements are generally kept clear.

In addition to the overall amount and arrangement of amenity space within the site, which is considered to be acceptable, this specific site also benefits from accessibility to the centre of Bangor and proximity to public recreation spaces such as Ward Park, Ballyholme Beach and Bangor Marina/Pickie Park.

Having regard to the previous points made and the location, I am content that the apartments would create satisfactory living and amenity conditions for prospective residents.

Impact on Privacy and Amenity of Neighbouring Residents

Having assessed the proposal, I am satisfied that the proposed apartments will not be of detriment to the residential amenity of surrounding properties.

As annotated on the site layout plan below, the green rectangle (which has been added for illustrative purposes) has been used to highlight the road frontage section of the new building that will be directly aligned with properties on the opposite side of the road.



Extract of Site Layout Plan annotated to highlight relationship between existing and proposed buildings

This evidences the fact that approximately half of the new building faces towards the pavement and public road on Beatrice Avenue and is not directly aligned with occupied buildings, were overlooking/loss of privacy might otherwise be an issue.

I am consequently satisfied that the apartment units within the pink and purple areas (as depicted on the site layout above) will be more directly aligned with the junction with Beatrice Road, and in my professional judgement, no direct views into main habitable rooms of existing dwellings on either side of this street will be achievable.

With regards to southern half of the building, on the ground floor, the bedroom of Apartment 2 and the living/kitchen area of Apartment 3 (see green rectangle on map extract overleaf) will face toward No. 53 Prospect Road.



Extract of Site Layout Plan annotated to highlight areas of Apartment 2 & 3 which will be aligned with existing frontage of No. 53 Prospect Road

With an approximate separation distance of 10-11m between frontages, in addition to the fact that such an arrangement is a relatively typical feature of residential development, I am satisfied that the ground floor layout of the apartment building will have a negligible impact on the amenity of residents living within No 53 Prospect Road.

In addition, neighbouring dwellings along Prospect Road are long established and being within close proximity to adjoining pavements, are already open to public views.



In respect of the relationship between apartments on the second and third floors of the apartment building and No 53 Prospect Road, the separation distance of 10-11m between building lines evidently remains and is a positive feature.

As presented, the scheme respects and reflects the established ridge and building lines which characterise the surrounding area, and prevailing guidance contained with the Creating Places document suggests that greater flexibility in the application of standards is appropriate when assessing inner urban residential schemes or other higher density areas. It is of note that this is a busy urban street within a long-established residential area.

I am therefore satisfied that where the subject building directly relates to existing properties on the opposite side of Prospect Road, the proposed development is acceptable as presented and will not cause demonstrable harm to the amenity of residents within existing dwellings.

Elsewhere within the site, I am satisfied that the separation distances between existing dwellings and the proposed apartments and the orientation of the proposed apartments relative to the neighbouring properties will ensure that no unacceptable degree of dominance or overshadowing and no direct overlooking of main habitable rooms will occur.

In respect of amenity space, which is to be made communally available to residents, the area is positioned at the rear of the subject plot, will be softened with trees and shrubbery and will be moreover located to directly abut with a neighbouring garden to the south (No 30, Prospect Road) and a privately owned car park (Hamilton Road Presbyterian Church) to the east. In context of the same, I would assert that the proposed development will not impinge upon the amenity or function of either area.

In overview then, I am content that, as presented, the apartment development will have no unacceptable adverse impact upon the amenity of surrounding dwellings and properties.

Access, Roads Safety and Car Parking

As per Policy AMP 2: Access to Public Roads, planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

With more specific regard to the subject site, it is of note that Prospect Road is not a protected route and as such there is no conflict with the requirements of Policy AMP 3.

In respect of the access arrangement proposed, entry and egress from the ancillary car park onto a shared laneway has been deemed acceptable (for the purposes of planning) and it is of further note that DFI Roads have offered no objections to the proposal in terms of the proposed access arrangement from the adjacent laneway onto the public road subject to conditions recommended to improve roads safety.

On the basis of the same, I am content that the proposal will not be of detriment to the safety of road users and is compliant with prevailing planning policy.

Policy AMP 7 Car Parking and Servicing Arrangements

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

Parking Standards set out the parking requirements addendum to PPS3 for various types and use classes and categories of residential development.

In the case of apartments, a calculation of 1.25 unassigned spaces will be required for every 1 Bedroom Unit with an uplift to 1.5 unassigned spaces for every 2 bedroomed unit.

With a total of 6 no. 2 bedroomed units and 3 no. 1 bedroom units, based upon these requirements, a total of 12.75 (rounded to 13) unassigned parking spaces are required to serve the proposed development.

As presented, the layout is inclusive of 14 no. parking spaces, which exceeds the prevailing standard and when considered in context of proximity to the centre of Bangor where a variety of bus and taxi services are available and a train station (with a direct to connect to Belfast) can be accessed, I am consequently satisfied that parking provision within the development is satisfactory.

Designated Sites and Natural Heritage

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

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.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end,

the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species.

In this instance it has indicated that there is not a reasonable likelihood of there being protected species present and therefore further investigation is not considered necessary and of further note that NED were consulted and offered no objections to the proposal as submitted.

It can therefore be concluded that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Sewage Disposal

As part of the development, the applicant has shown that wastewater from the site will be processed via a sewage treatment pack, which is to be located at the rear of the plot, beneath the communal amenity area.

The onus remains upon the developer to ensure that all other separate consents to connect to existing utilities are secured prior to commencement of development on the site.

Archaeology and Built Heritage

There are no features of the archaeological and built heritage to protect and integrate into the overall design and layout of the development.

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

Security from Crime

The layout has been designed to deter crime and promote safety, with dedicated carparking and the main entrance to the apartment block located at the rear of the property.

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

Local Neighbourhood Facilities

As the proposal is for 9 no. apartment units there is no need to provide local neighbourhood facilities as part of the development. The site is within the settlement limit of Bangor and within close proximity/walking distance of a variety of shops and other services.

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

5. Representations

A total of 10 no. objections (some duplication from the same address) were received from occupants of properties/premises in the immediately surrounding area, to include:

- 38a, b, c & d Prospect Road, Bangor (Robinson & Robinson Goldsmiths)
- 49 Prospect Road, Bangor (Megrath)
- 14 Donaghadee Road, Bangor (Hamilton)
- 16 Donaghadee Road, Bangor (Bertenshaw)
- 18 Donaghadee Road, Bangor (Lynas)
- 20 Donaghadee Road, Bangor (Milliken)
- 22a Donaghadee Road, Bangor (Irwin)

Assessment of Issues raised by 3rd Party Objectors to include:

- ***Concern regarding access arrangements, obstructed visibility and use of an established RoW, which is a narrow, single width laneway, not associated with the subject addresses***

From available mapping records, the subject access lane is not identified as a public right of way. It can therefore be presumed that the referenced RoW is a private one and only those parties with a verifiable and documented interest in the same have free and unfettered access to the same.

Whilst the red line site boundary on the original Site Location Plan did not include the section of the lane required to provide access to the rear, the agent/applicant has since provided and amended SLP to include the section of laneway immediately adjacent to the site.

In association with the same, and due to the fact that the applicant is not in ownership of this laneway, an amended P2 Landownership document was provided as evidence that notice of the planning application had been duly served upon the registered landowner.

For the purposes of the planning application, I am therefore satisfied that due process has been adhered to and any remaining dispute regarding use of the subject RoW is of a civil nature and beyond the remit of prevailing policy and the overall planning process.

As part of the planning assessment, DFI Roads have been consulted on a total of five occasions throughout the assessment and direct attention has been drawn to those objections in relation to the proposed access arrangement.

In response, and have fully reviewed the same, DFI Roads representatives have indicated that the development scheme is satisfactory and that due to the one-way flow of traffic along Prospect Road, any objection regarding obscured visibility on the right-hand side emerging from the laneway is not of determining weight.

The overall conclusion to be reached in respect of access and visibility is that the proposal is compliant with prevailing policy and that there are no legitimate grounds upon which a refusal of planning permission could be sustained.

Notwithstanding, an onus remains upon the developer to ensure that all other necessary permissions/consents/easements are secured to facilitate the proposed development prior to commencement of any works.

For the purposes of planning however, it is my professional judgement that the foundations of any objection regarding use of the identified RoW, lie beyond the remit and control of planning legislation and policy.

Should objectors wish to pursue the matter, it is my conclusion that the dispute is of a civil nature which may be challenged via alternative channels.

- ***Generation of additional traffic on laneway within proximity to existing dwellings***

As already referenced above, DFI Roads Service have been duly consulted as part of the planning assessment process. As a statutory consultee, no objection has been raised in respect of access, parking or additional traffic potentially generated by the proposed development subject to recommended planning conditions in the interests of roads safety.

- ***Excessive amount of hard surfacing created by addition of large parking area to the rear of the site***

Whilst the development is undoubtedly inclusive of an additional amount of hard surfacing to the rear, I do not believe that the parking area included is excessive in context of the surrounding area, which is urban in nature and inclusive of features such as the large carpark at the rear associated with Hamilton Road Presbyterian Church.

As presented, the proposed site layout is inclusive of landscaping to include a rear lawn and tree planting at the rear of the site which will serve to soften the visual impact of the ancillary car park and bin storage area.

These are elements which are favourable and in my professional judgement, an acceptable degree of landscaping and open space has been provided when assessed in context of prevailing planning policy.

- ***Loss of trees/hedging/shrubbery and consequential impact upon wildlife/environment***

Whilst an element of site clearance will be involved to make way for the new development, in its present state, the site is largely derelict and has become significantly overgrown.

In respect of local wildlife, no protected species have been found to reside within or around the boundary of the site, which might otherwise be of concern and require appropriate mitigation.

No identifiable trees have been afforded protection by a Tree Preservation Order on the site, and as a result it is to be concluded that re-development of the plot to include all proposed landscaping within, will offset any loss of overgrown trees or vegetation which are a current feature of the site.

- ***Issues regarding bin storage provision, additional bins located on what are already congested pavements, which already present access issues for local residents***

As shown on submitted plans, a sizeable, covered bin store is to be constructed within the boundary of the site. Whilst it is duly acknowledged that the process of bin collection may result in additional bins appearing kerbside, as is typical in most residential areas, this is generally of a temporary and short term nature which only occurs on weekly basis, after which bins are returned to a storage position within the property.

Management or enforcement of any variation to this pattern or any long-term obstruction of the public footpath/roadway is beyond the remit of planning legislation and therefore cannot be considered material to planning assessment of the subject development.

- ***Concern that on-street parking will increase, due to location of dedicated car parking at rear of apartment block and accessed via a narrow, badly illuminated laneway.***

Within the parameters of any planning assessment, the amount of carparking included to service the site in addition to the general arrangement and layout of same, is material to any formal recommendation made.

As presented, the development is inclusive of a suitable and appropriate level of parking in context of the residential development which it serves.

Management or enforcement of both on-street parking and/or usage of the proposed car park essentially lies beyond the planning process, and the presentation of a hypothetical scenario cannot be given significant or determining weight in the overall planning assessment.

Given the nature and vintage of the surrounding residential area, where on-street parking is a predominant feature, the inclusion of dedicated parking for future occupants is a feature to be alternatively commended in addition to satisfying prevailing planning policy requirements.

It is of further note that the overall scheme and those alterations to the existing access which feature on the Private Streets Determination drawings will enhance visibility for vehicles exiting the shared laneway through the provision of 2.0m x 43m splays whilst the safety of pedestrians will also be improved through the widening of the existing asphalt footpath to 2.0m across the site frontage.

- ***General concerns regarding pre-existing anti-social behaviour in the area***

The basis of this concern would appear to partially relate to the existing condition and long-term vacancy of the site. Whilst control and management of the civil disturbance is not a planning matter, in my professional judgement, the principle of re-development and subsequent occupancy of the site has notable potential to reduce anti-social behaviour in the area which would alternatively be of advantage of the scheme and of benefit to the wider locale.

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. Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 09B published on 28/03/2024.

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

3. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 09B prior to the commencement of any other 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.

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

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

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.

6. Development shall not be commenced until the footway indicated on drawing 09B published on 28th March 2024 has been constructed to final wearing course.

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

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

Reason: To ensure adequate car parking within the site.

8. All communal amenity space shall be provided in accordance with the details shown on Drawing No. 02/D prior to the occupation of any part of the development hereby approved.

Reason: To ensure the provision of communal amenity space.

9. The long-term management and maintenance of the communal open space as indicated on Drawing No.02/D, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing by the Council prior to the occupation of any dwelling hereby approved.

Reason: To ensure the provision and maintenance of communal open space within the site.

10. Any 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.

Reason: To maintain the character and appearance of the area.

11. 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

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

12. The development shall be served by a private wastewater treatment plant within the site until such time as NI Water infrastructure has been upgraded to serve the development and connection has been agreed in writing by NI Water. No part of the development hereby approved shall be occupied until the wastewater treatment plant has been installed in accordance with the details indicated on Drawing No's 08 and 02/D and is fully operational. Details of the proposed management and maintenance of the plant shall be submitted to and approved in writing by the Council prior to the occupation of any part of the development. The private wastewater treatment plant shall be permanently managed and maintained in accordance with the approved details.

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

Informative

1. 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.

Associated Maps & Site Photographs



Figure 1: Site Location Plan (Amended) Date received 14.11.2024



Figure 2: Showing Existing Site Frontage and adjacent development on Prospect Road

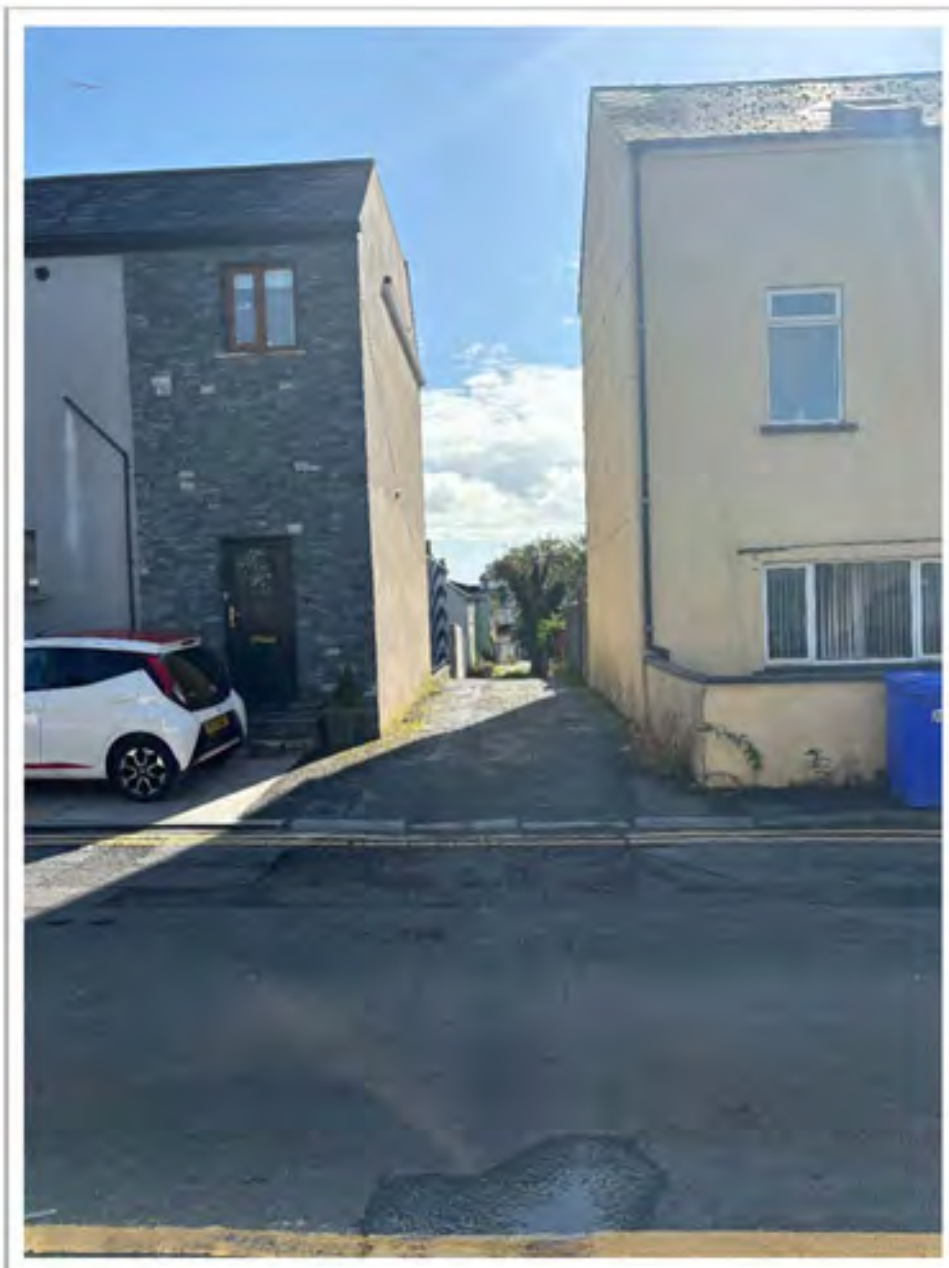


Figure 3: Proposed access to rear of site using existing shared laneway



Figure 3: Existing Site Frontage, showing extensively fire damaged dwelling in centre of terrace



Figure 4: Existing Rear boundary of the site (highlighted in red) and visible from car park associated with Hamilton Road Presbyterian Church

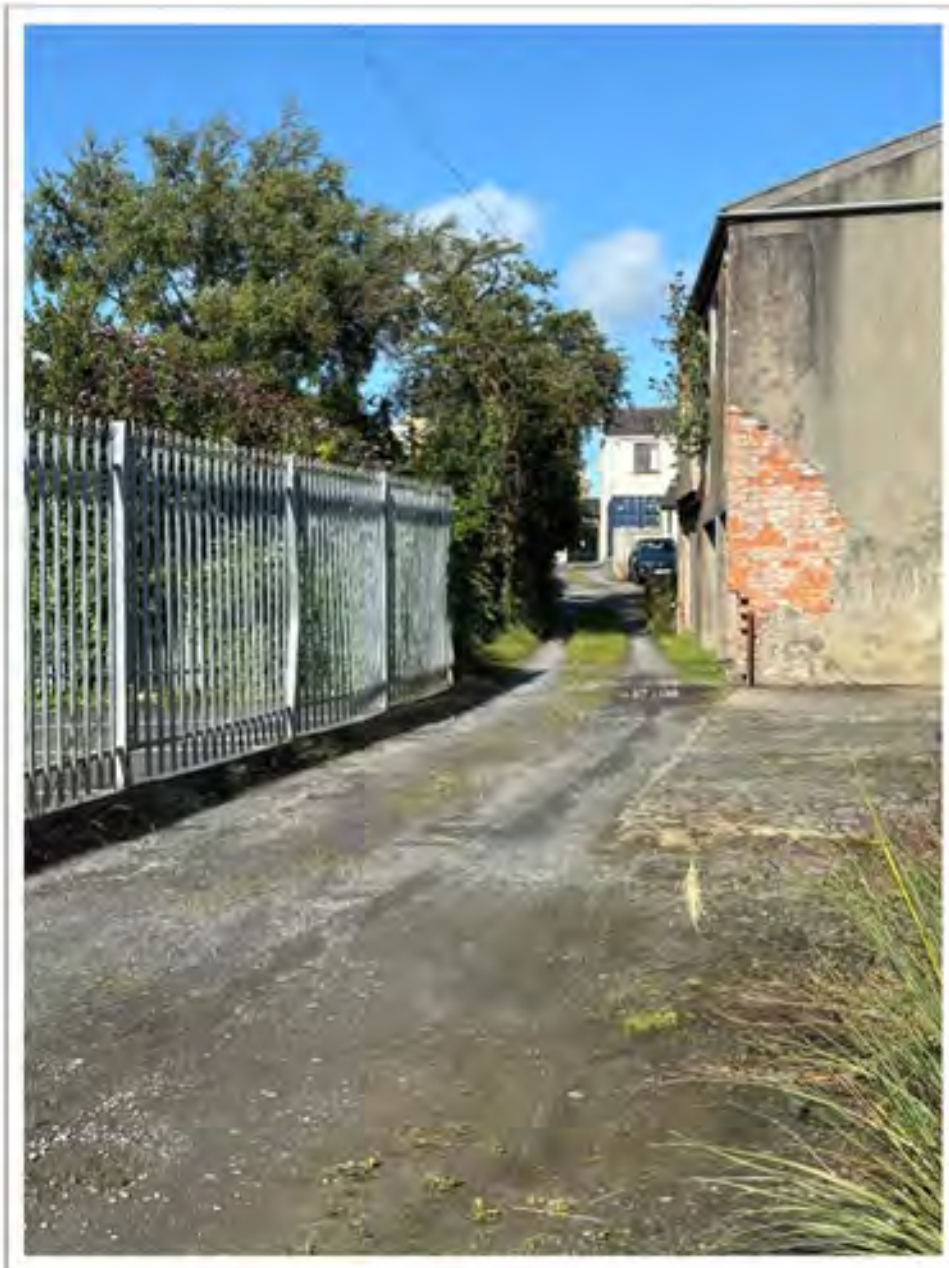


Figure 5: Showing existing shared access lane looking towards Prospect Road (railings of Hamilton Road Presbyterian Car Park, visible on left of photo)

ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2021/1476/F
Proposal	Residential development comprising 29 No. dwellings (comprising 25no. detached and 4no. semi-detached dwellings), including garages, open space, and landscaping, access, internal road network and all other associate site and access works.
Location	Lands to the NW of Kilonga Industrial Estate SW of Belfast Road and South of Milecross Road Newtownards DEA : Newtownards
Committee Interest	An application falling within the major category of development.
Validated	22/12/2021
Summary	<ul style="list-style-type: none"> • Application site is located within the settlement limit - zoned for industry within the Ards and Down Area Plan (NS 32) • Planning history is material consideration – previous approvals on the site detailed in case officer report • Certificate of lawfulness granted in relation to works carried out to commence development of previously approved nursing home, permission remains extant and can be built out at any time • Planning permission previously granted on south-eastern portion of the site for 20 single storey retirement dwellings -planning ref LA06/2018/0589/F permission expired on 4 September 2024- remains a material consideration • Condition restricting the commencement of the 20 dwellings until nursing home constructed and operational was appealed -PAC ref 2019/A0149 – PAC determined condition was unnecessary • Current application for 29 dwellings now covers entirety of the site • No objections from statutory consultees with come recommending conditions • 4 objections from 3 addresses – material issues raised addressed in case officer report
Recommendation	Grant Planning Permission
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1476/F	DEA: Newtownards	
Proposal:	Residential development comprising 29 No. dwellings (comprising 25no. detached and 4no. semi-detached dwellings), including garages, open space, and landscaping, access, internal road network and all other associate site and access works.	Location:	Lands to the NW of Kiltonga Industrial Estate, SW of Belfast Road and South of Milecross Road Newtownards
Applicant:	Jona Developments		
Date valid:	12/01/2022	EIA Screening Required:	Yes
Date last advertised:	01/02/2024	Date last neighbour notified:	06/01/2025
Consultations – synopsis of responses:			
DFI Roads	No objection subject to conditions		
DAERA Natural Environment Division	No objection subject to condition		
DAERA Water Management Unit	Concerns initially raised over connection foul sewers by NI Water now advising that connection can be made		
DAERA Regulation Unit	No objection		
DAERA Industrial Pollution & Radiochemical Inspectorate	No objection		
NI Water	No objection		
Environmental Health	No objection subject to conditions		
Rivers Agency	No objection subject to condition		
Shared Environmental Service	No objection subject to conditions		
Letters of Support	0	Letters of Objection	4 from 3 addresses
		Petitions	0
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, Visual Impact and Impact on Character of the Area • Public Open Space/Private Amenity Space • Impact on Residential Amenity 			

- Access, Road Safety and Car Parking
- Archaeology and Built Environment
- Security from Crime
- Designated Sites/Other Natural Heritage Interests
- Other Planning Matters

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

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 <https://planningregister.planningssystemni.gov.uk/>

1. Site and Surrounding Area

The application site is approx 3ha in area and located to the extreme west of Newtownards inside the settlement development limit as designated within the Ards and Down Area Plan 2015.

The site is zoned within the Development Plan for Industry. It is currently vacant, relatively level land comprising of two tennis courts, a pond, and an area of hard standing previously used for car parking. It is situated below the Belfast Road (to the north) and the Milecross Road (to the northwest/west). The north-eastern boundary is defined by mature hedgerows and a watercourse. The pond within the site is to be retained as part of the overall layout. The northwest boundary is defined by hedging.

The Kiltonga Industrial Estate is located to the immediate east of the site and is accessed off the Belfast Road (which also serves the application site). However, the site is separated from the Industrial Estate by the estate road. The estate comprises a number of industrial businesses, including Pritchitts, The Stove Yard, Patton's Bakery, and the former Kiltonga Leisure Centre.

The Kiltonga Hall (small stone church) and its car park are located to the east of the entrance to Kiltonga and directly opposite the site.

2. Site Location Plan



3. Relevant Planning History

X/1994/0147/O Site beside Kiltonga Squash Club, Belfast Road, Newtownards – Residential Hotel – Permission granted 10/03/1995.

X/1998/0073/O – Site adjacent to Kiltonga Squash Club, Old Belfast Road, Newtownards – Site for residential hotel (renewal of outline permission) – Permission granted 11/12/1998.

X/2003/0575/F - Site adjacent to Kiltonga Squash Club, Old Belfast Road, Newtownards - Variation of Condition No 1 of outline permission X/1998/0073 - date of Reserved Matters application extended for 2 years until 11/12/03 – Permission granted 16/10/2003.

X/2003/1417/RM – Site adjacent to Kiltonga Squash Club, Belfast Road, Newtownards – Hotel consisting of main building (reception, function room, dining area & 13 bedrooms) – Permission granted 07/07/2005.

X/2011/0347/F – Lands at Kiltonga Estate, South of Old Belfast Road and east of Milecross Road, Newtownards – Erection of residential nursing home – Permission granted 20/09/2012.

LA06/2017/1029/LDE - Lands at Kiltonga, Belfast Road, Newtownards - Operational works pre condition of X/2011/0347/F – Granted 14/09/2017.

LA06/2018/0589/F - Land to west of Kiltonga Estate access south of Old Belfast Road and south and east of Milecross Road Newtownards - Development of 20 no single storey retirement living dwellings with associated landscaping and site works. Relocation of car park approved as part of adjacent care home permission – Permission granted 05/09/2019.

2019/A0149 - Land to west of Kiltonga Estate access south of Old Belfast Road and south and east of Milecross Road, Newtownards - Development of 20 no single storey retirement living dwellings with associated landscaping and site works. Relocation of car park approved as part of adjacent care home permission – Appeal against condition 3 attached to LA06/2018/0589/F – None of the approved dwellings shall be occupied until the adjacent Residential Nursing Home, approved under X/2011/0347/F has been constructed and is operational.

Reason: To ensure the dwellings permitted under Class C3(a) of The Planning (Use Classes) Order (Northern Ireland) 2015 can benefit from relevant care services to be provided by the Nursing Home on site.

Appeal allowed and Condition 3 is deleted.

The application falls within the major category of development. Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation (PACC) on major development proposals. The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations 2020 (as amended) suspended the requirement for a PACC public event. In accordance with temporary statutory provisions during the emergency period the Applicant put in place alternative arrangements to engage with the public at pre-application stage.

A Public Information Notice was placed in the Belfast Telegraph on 21 June 2021 and the Newtownards Chronicle on 24 June 2021 to engage with the community at pre-application stage. Leaflets were distributed residential properties within a 400m radius of the application site on the 30 June 2021.

There was also an online digital consultation facility to enable feedback via an online submission form. The webpage was available over a 6-week period, from 5 July 2021 to 16 August 2021.

Meetings were also held with elected representatives and industrial park representatives.

Having reviewed the Pre-Community Consultation Report, I am satisfied that all statutory pre-application requirements have been fulfilled.

From analysis of feedback, the concerns related to increase in traffic flow, maintenance responsibility for shared landscape areas and badger exclusion zones.

To address these concerns, a Transport Assessment Form (TAF), Landscape Management Plan and Ecological Report have been prepared in support of the application.

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
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 8: Open Space, Sport and Recreation
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 15: Revised Planning and Flood Risk

Planning Guidance:

- Creating Places
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards

Principle of Development



The application site is located within the settlement limit of Newtownards and is zoned for industry within the Ards and Down Area Plan (NS 32). The Plan contains a number of key site considerations relative to that proposed zoning, including the requirement for construction of an appropriately designed grade separated junction at the junction of Milecross Road and the A20 Kempestones Road dual carriageway.

There is an extensive history of planning approvals on this site. A certificate of lawfulness was granted in relation to works carried out to commence development of the previously approved nursing home. Therefore, I am satisfied that the planning permission for the nursing home remains extant and can be built out at any time.



Site associated with X/2003/1417/RM outlined in blue

On the south-eastern portion of the site, planning permission was granted for 20 single storey retirement dwellings. This permission expired on 4 September 2024. However, it remains a material consideration.



Site associated with LA06/2018/0589/F outlined in blue

In the assessment carried out within the COR for application ref: LA06/2018/0589/F , significant weight was attributed to the extant nursing home approval. The report also recognised that the Key Design Considerations, to provide an appropriately designed grade separated junction at the Milecross Road and A20 Kempstones Road, was possibly too prohibitive to potential investors in relation to the size of the zoned site remaining beyond the approved site for the nursing home. It is evident that previous planning permissions on this site did not require compliance with this KDC and this is material to the assessment of the current application. DFI Roads has been consulted on the current application and has provided no objection to the proposed access in terms of roads safety subject to recommended planning conditions.

Due to the Council attaching significant weight to the nursing home approval, a condition was imposed on the decision notice to restrict the commencement of the 20 dwellings until the nursing home was constructed and operational. This condition was appealed by the Applicant.

Class 3(a) of The Planning (Use Classes) Order (NI) 2015 (UCO) is for the provision of residential accommodation and care to people in need of care (other than a use within C1 (Dwellinghouse)). Class C1 of the UCO is for dwellinghouses and is defined as use of a dwelling house (whether or not as a sole or main residence) – a) by a single person or by people living together as a family. The dwellings, whilst being for over 55s, offered independent living either for individuals or couples complete with parking facilities and amenity space.

The PAC concluded that the proposed dwellings fell under Class C1 (a) of UCO and that there was nothing in the wording of the condition that required the proposed dwellings to use the nursing home facilities. The PAC determined that Condition 3 is unnecessary and allowed the appeal removing the restriction which prevented occupation of the dwellings until the adjacent Residential Nursing Home, approved under X/2011/0347/F is constructed/operational.

The current proposal is now for 29 No. dwellings which extends over the entirety of the site.



Section 6(4) of the Planning Act (Northern Ireland) 2011 (The Act) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan *unless material considerations indicate otherwise (my emphasis)*.

Section 45 (1) of The Act requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.

Cognisant of Sections 6(4) and 45(1) of the Planning Act, it is a material consideration that the approved nursing home can be completed at any time within this zoning.

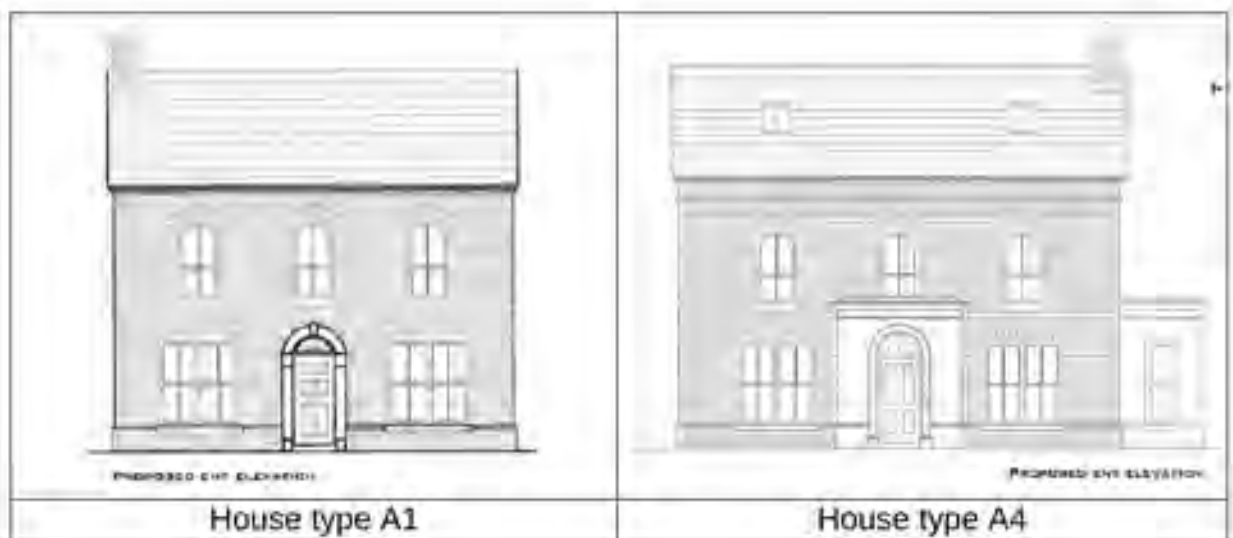
Moreover, the principle of non-industrial development across the entire application site has clearly been established by the planning history for the nursing home and Class C1 dwellings.

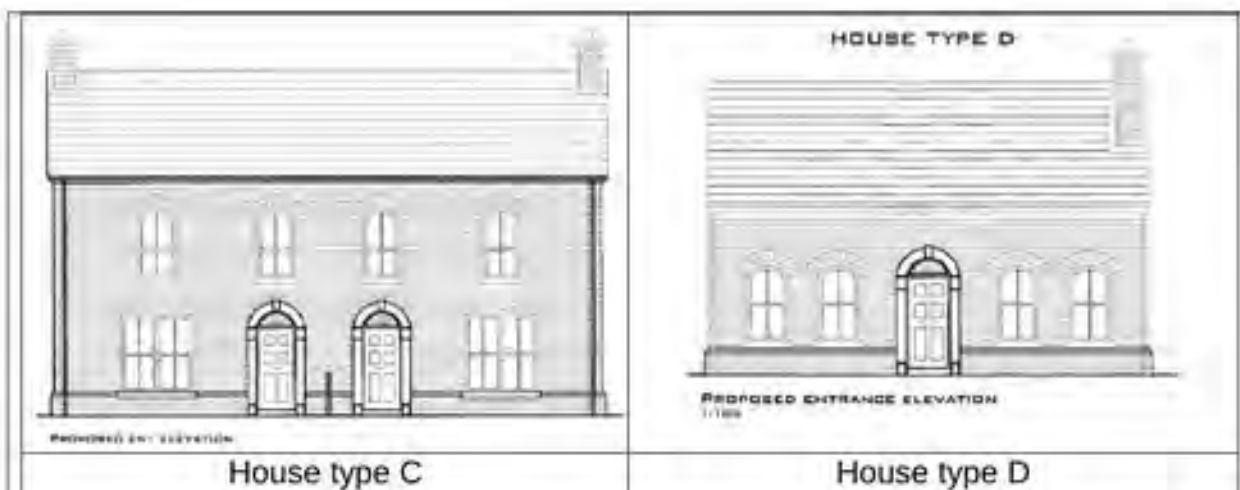
The Applicant has provided a 'Demand Viability Report', prepared by O'Kane Commercial. It has identified that the current supply of care home beds is sufficient to meet demand in Newtownards, with additional beds recently opened at Castlebawn. In addition, they advise that the lands have been marketed over the course of the past 7 years with the benefit of planning permission, without any success. As such, it is demonstrated that there is currently no demand for a nursing home on the site.

The application site is within the settlement limit of Newtownards where there is a presumption in favor of development. Whilst the site is zoned for industry in the development plan, I consider that the planning history of the application site should be afforded determining weight in relation to this matter and that the loss of zoned industrial land is acceptable in principle.

Design, Visual Impact and Impact on Character of the Area

The proposal is for the erection of 29 No. dwellings units. The dwellings are a mix of semi-detached and detached dwellings. The 29 dwellings will comprise 25 No. detached (house types A1, A2, A3, A4, A5, A6, B1, B2, B3, B4 and D) and 4 No. semi-detached (house type C) dwellings. The gate lodge dwellings, (house type D) are 1 ½ storey in height. House types A2, A4, A6 and B4 are 2 ½ storey. The remaining dwellings are two-storey. All dwellings are finished in brick with some render detailing on certain house types. A selection of the house types is provided below.





House type D is situated adjacent to the entrance into the development and has been designed to have a dual frontage to the front and rear facades to provide a high-quality design on approach to the site.

The dwellings in the immediate area are primarily finished in brick with render detailing and are two-storey in height. The proposed dwellings are not considered to be out of scale or character with development in the local area.



Braeside

The density of the proposed site equates to approximately 9.5 dwellings per hectare (dph). Whilst the site is not located within an established residential area, I have considered the density of Braeside (11.6dph), which is the closest housing development to the application site. The density of the application site is therefore not considered to be out of character with the area or significantly higher than that found in the area.

It is considered that the pattern of development is consistent with that exhibited in the surrounding area. All dwellings comply with the space standards set out in Annex A of the Addendum to PPS 7.

There is a 3-4m incline across the site with the western portion higher than the access road. Spot levels have been provided throughout and the finished floor levels of the proposed dwellings respect the topography of the site.



Relevant section of landscape plan

The rear gardens of sites 1-9 will back onto the Belfast Road. In this instance, the rear amenity areas will be 1-2m below the level of the adjacent Belfast Road to the NE. The existing trees along this road boundary are to be retained to provide a landscape buffer. A 2.3m high acoustic fence is also proposed along the rear boundary of these dwellings. The fence will be provided at ground level of proposed dwellings

which is lower than the level of the Belfast Road. I am content that this layout along with associated acoustic fencing will not have an adverse impact on the visual amenity of the area.

I am satisfied that the design, layout, scale and massing of the proposed dwellings will respect the topography of the land and the character of the area in accordance with PPS 7 Policy QD 1.

Public Open Space/Private Amenity Space

An average of 137sqm of private amenity space is provided to the rear of each dwelling and will be enclosed by fencing and landscaping. Creating Places recommends that a variety of different garden sizes should be provided, and back garden provision should therefore be calculated as an average space standard for the development as a whole and should be around 70 sqm per house or greater with a minimum area of no less than 40sqm. I can confirm that the provision meets the recommended standards.

Policy OS 2: Public Open Space in New Residential Development from PPS 8 requires new residential development of 25 or more units, or on sites of one hectare or more, to have public open space provided as an integral part of the development. 10% of the site area is normally expected. The overall site area is 3.06ha with open space provision

provided in two parcels. There will be a seating area and informal play area, as well as a pond and adjacent woodland walk. The open space totals 0.589ha which equates to 19%. The minimum threshold of 10% has been met. It is recommended that any approval of the application is subject to planning conditions to ensure the open space is provided and subsequently retained and maintained for the benefit of future residents.

Local neighbourhood facilities are not required due to the scale of the proposal.

Impact on Residential Amenity

Policy QD1 (h) states that design and layout should not conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The site is bounded by the Belfast Road to the north-east, the Milecross Road to the north-west and the access road into Kiltonga Industrial Estate to the south-east.

There is one dwelling, 9 Milecross Road which abuts the roads which border the application site. The proposed meadow is located in the western corner of the site and therefore I have no concerns regarding any adverse impact on this neighbouring dwelling.



Site and location of neighbouring dwelling

I have also considered residential amenity for future residents within the development and changes have been made to ensure that proposed first floor gable windows do not have direct views into other dwellings. The bathroom windows on the gable elevations will be conditioned to be permanently fitted with obscure glazing. The layout ensures

that each dwelling receives ample light and is not compromised by neighbouring dwellings.

Noise

As the site backs onto the Belfast Road and is adjacent to Kiltonga Industrial Estate, an Inward Sound Level Impact Assessment, prepared by Lester Acoustics was submitted in support of the application.

The report confirmed that the daytime sound level climate is dominated by road traffic and reference is made to Pro-PG (Professional Practice Guidance on Planning & Noise). At night time there is a contribution from the industrial plant and equipment in the Kiltonga Industrial estate and this has been assessed using BS 4142 by calculating a rating level and comparing to the guideline internal sound levels specified in BS 8233.

The results of manned sound level surveying have been accepted for appropriate daytime, evening and night-time periods. When using the resultant levels and assessing in terms of the Pro-PG noise risk assessment the site falls within the Medium risk category for daytime and night-time. It is noted that ambient sound levels (LAeq) are in excess of the guidelines by up to 21dB daytime and 16dB and for the night-time maximum by up to 18dB. Therefore, in order to protect habitable rooms, it is proposed that the facades of the dwellings will need to be upgraded to reduce sound levels within dwellings due to transportation noise.

Consequently, there is a requirement that, to achieve the required minimum sound reductions, an acoustic window and ventilation system will be required. The Council's Environmental Health Department has considered the noise impact assessment and provided no objection to the application subject to recommended planning conditions to secure appropriate noise mitigation.

Having weighed up the potential impact of the proposed development, I am content that there will not be a significant adverse impact on the existing or proposed dwellings.

Access, Road Safety and Car Parking

The proposed site will be accessed off the Belfast Road, at the junction which serves Kiltonga Industrial Estate.

The access road into the development will be adopted by DfI Roads and Private Streets Determination drawings have been submitted.

DfI Roads considered the proposal and offered no objections subject to conditions. The proposal is therefore not considered to prejudice road safety or significantly inconvenience the flow of traffic.

Each dwelling will have two car parking spaces as standard within the curtilage. There are 5 No. 5-bed detached, 18 No. 4-bed detached, 2 No. 3-bed detached and 4 No. 4-bed semi-detached. In addition to the 2 in-curtilage parking spaces provided per dwelling (58 spaces), 29 visitor parking spaces are also required in accordance with the Parking Standards document. A total of 35 visitor parking spaces are indicated on Drawing 38B which meets the recommended guidance.

Archaeology and Built Heritage

There are no archaeological, built heritage or landscape features to protect or integrate into the overall design and layout of the development.

Security from Crime

The layout has been designed to deter crime as the back gardens will be enclosed. The dwellings will face onto the proposed roadway and also the areas of open space within the site. I am content that the layout has been designed to ensure maximum surveillance is provided which will provide a feeling of security and a sense of vitality within the development.

Designated Sites/Other Natural Heritage Interests

The application site is hydrologically linked to the following National, European and International designated sites:

- Strangford Lough Ramsar site, which is designated under the Convention on Wetlands of International Importance, Ramsar 2.2.1971 (as amended);
- Strangford Lough Special Area of Conservation (SAC) and Special Protection Area (SPA) which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Strangford Lough Part 1 Area of Special Scientific Interest (ASSI) which is declared under the Environment Order (Northern Ireland) 2002.

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), Shared Environmental Service (SES) carried out an assessment to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives. Having considered the nature, scale, timing, duration and location of the project, SES advised that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or

projects subject to mitigation to secure implementation of pollution prevention measures and to remediate potential land contamination.

NED is also content that the impact of the proposed development is unlikely to have a significant impact on designated sites provided the mitigation measures outlined in the Outline Construction & Environmental Management Plan (dated April 2023) are implemented in full.

The application site contains smooth newt and badgers which are protected by The Wildlife (Northern Ireland) Order 1985 (as amended) and bats and otter which are protected under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Newts

NED has taken into consideration the revised Pond Restoration & Newt Mitigation document (dated 04 August 2024) and has provided no objection to the proposal subject to the implementation of proposed mitigation measures to safeguard the local newt population.

Badgers

As detailed in the proposed construction environmental Management Plan, piling within the site will be undertaken by 'Continuous Flight Auger' (CFA) piling method. This is considered by NED as suitable mitigation to prevent harm to badgers through noise and vibration.

NED recommends that no development activity, including ground preparation or vegetation clearance, should take place until a Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Council. The approved BMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Council.

Natural Environment Division (NED) considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions

Other Planning Matters

Flooding and Drainage

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains.

A Drainage Assessment by McCloy Consulting has been submitted in support of the proposal. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year

event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers requested that the Council includes a condition if planning permission is granted which requires the submission of a final drainage assessment.

Contaminated Land

A Preliminary and Generic Risk Assessment (PRA) was submitted in support of the application. The desk top study and PRA has identified potential pollutant linkages. Historical mapping has shown that the site contained a mill pond divided into two and a mill race between 1901-1961. The larger pond has been infilled with unknown type and quantity of material. Off-site sources include the Kiltonga industrial estate to East and Southeast and a former flax mill and burial site to the north.

However, taking into consideration the location, topography, distance and age of potential sources it is considered that there is a low risk of contamination from adjacent land uses impacting the site.

A Generic Quantitative Risk Assessment (GQRA) has been carried out to assess risks to human health associated with an infilled pond within the site. The GQRA concluded that contaminant concentrations detected within the soils, groundwater and surface waters within the site will pose a low risk to human health.

The Council's Environmental Health Department and DAERA Regulation Unit have provided no objection to the proposed development in terms of land contamination subject to conditions to protect human health and environmental receptors.

Compatibility with Adjacent Economic Development Uses

Having considered the planning history of the site, it is clear that the principle of non-industrial residential use on this site has already been established. I am therefore satisfied that the proposed development is acceptable within the context of PPS4 Policy PED 8 in terms of the compatibility of uses within this area.

5. Representations

4 No letters of representation have been received from 3 addresses:

- Parking is limited within site – a parking schedule has been provided which indicates that the in-curtilage parking provision along with additional spaces for visitors can all be provided within the application site. The parking provision is in accordance with the recommended guidelines as set out in the Parking Standards document.

- Volume of traffic increase – DfI Roads has considered the proposal and offers no objection to the proposal.
- Low lying lands – concerns over drainage and sewage – A Flood Risk and Drainage Assessment was submitted in support of the application, and it was reviewed by DfI Rivers. A river model was included in the assessment, and it demonstrates all development in relation to this application will take place beyond the extents of the 1 in 100 year fluvial floodplain. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate. DfI Rivers offered no objection to the proposal, subject to a condition relating to the submission of a final drainage assessment.
- Flooding of the watercourse – I referred this concern to DfI Rivers, and their response is available to view on the planning portal. The surface water run-off from the site is to be conveyed to the consented discharge point via the drainage system of manholes and pipes as shown in Appendix F of the FRA/DA and in Drawing 37C.

DfI Rivers has requested a condition to be included on the decision notice to require the submission of a final drainage assessment prior to the construction of the drainage network. A copy of an agreed Article 161 with NI Water will also form part of this submission. This is to ensure that the proposals within the Drainage Assessment are implemented, the surface water run-off is being attenuated and restricted to the agreed discharge consent (which is 35 l/s) and that NI Water are content to adopt and maintain the system.

- Flora and fauna – Biodiversity has been considered in the Ecological Survey which was submitted and reviewed by the Natural Environment Division (NED). NED offered no objections to the proposal subject to the submission of a final Construction Environmental Management Plan (CEMP) and a Badger Mitigation Plan (BMP).
- Green spaces for mental health – whilst I note that the application site currently appears as a green space to local residents, it is zoned for industry and is located within the Newtownards settlement limit where there is a presumption in favour of development on the site.
- The location of the island on the Roadway means that a tanker/large lorry turning right from the Roadway onto Belfast Road in the direction of Newtownards will, due to the length of the vehicle, no longer be able to wait in the (shortened) right-hand turning lane for vehicles exiting the Roadway - further amended plans were received following receipt of these objections and DfI Roads confirmed in March 2024 that it

was content subject to conditions. No further objections were received in relation to the access.

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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 35C.

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

3. The visibility splays of 4.5 metres by 90 metres at the junction of the proposed access roads, shall be provided in accordance with Drawing No. 35C 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.

4. Each dwelling hereby approved shall not be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

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

5. The development hereby permitted shall not be commenced until any highway structure, retaining wall, culvert requiring Technical Approval, as specified in the

Roads (NI) Order 1993, has been approved and constructed in accordance CG300 of the Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges.

6. Each dwelling hereby approved shall not be occupied until provision has been made within its curtilage for the parking of private cars at the rate of 2 spaces. In-curtilage parking areas shall be permanently retained thereafter and shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

7. All noise mitigation measures detailed in the Inward sound Level Impact Assessment, prepared by Lester Acoustics shall be incorporated into the development.

Reason: To protect the amenity of future residents from noise.

8. The minimum sound reduction performances (dBR_{Tra}) of all window and ventilation systems within the site shall satisfy those specified in Figure F of the Inward Sound Level Impact Assessment, prepared by Lester Acoustics.

Reason: To protect the amenity of future residents from noise.

9. Acoustic barriers with a surface weight in excess of 10kg/m² shall be installed, located and permanently retained in accordance with Figure H of the Inward Sound Level Impact Assessment, prepared by Lester Acoustics and in accordance with the details (including fence heights) shown on Drawing No.03C. The barriers must be of solid construction (no holes or gaps).

Reason: To protect the amenity of future residents from noise.

10. Gas protection measures shall be installed into all dwellings located in Zone A, prior to the occupation of these dwellings, (as specified on Figure 5 of Preliminary and Generic Risk Assessment Version 2, prepared by Tetra Tech, referenced B027299 and dated 10th August 2021). The gas protection measures must meet the requirements of CS2 as prescribed in guidance within CIRIA C665 and British Standard BS8485: 2015 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings'.

Reason: Protection of human health.

11. On completion of the works required under condition 10 and prior to the occupation of the dwellings within Zone A, a Verification Report shall be submitted to and agreed in writing by the Council. This report shall demonstrate that all remedial measures required by Condition 10 above have been implemented. This report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use and that the identified pollutant linkages have been broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency and include as a minimum:

- Final designs of building gas protection measures
- Details of any specific products used
- CQA records from the installation process including photographic records of:
 - the installation of any under-floor void and venting
 - the construction of the concrete floor
 - membrane installation works
- Records of inspection of installed gas protection measures.

Reason: Protection of human health

12. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination, and its management shall be submitted to and agreed in writing by the Council and shall be subsequently implemented and verified to the satisfaction of the Council. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

13. In the event that piling is required, no development or piling work shall commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. All piling methods shall be in accordance with the agreed risk assessment.

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

14. Prior to the construction of the drainage network, a Final Drainage Assessment, compliant with FLD 3 and Annex D of PPS 15, shall be submitted to be agreed in writing with the Council. The Final Drainage Assessment shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The drainage network for the development hereby approved shall be in accordance with the approved details.

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

15. All hard and soft landscaping works shall be carried out in accordance with the approved details on Drawing No. 33B. 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.

16. Prior to the occupation of any dwelling, details of the proposed phased implementation of hard and soft landscaping works must be submitted to and agreed in writing by the Council. The hard and soft landscaping works shall be implemented in accordance with the details and timings agreed in the approved phasing plan.

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

17. No more than 20 of the dwellings hereby approved shall be occupied on site until the areas of communal open space as indicated on Drawing No. 33B have been provided in accordance with the details shown on the plan. The open space areas shall be permanently retained and shall not be used for any purpose other than as open space.

Reason: To ensure the provision and maintenance of public open space within the site.

18. The Landscape Management and Maintenance Plan dated December 2021 shall be permanently carried out in accordance with the approved details during

the operational phase of the development to the reasonable satisfaction of the Council.

Reason: To ensure the provision and maintenance of public open space within the site.

19. A final Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council prior to the commencement of development or, ground preparation or vegetation clearance. The CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Council. The CEMP shall include details of:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Environmental Emergency Plan.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

20. No development activity, including ground preparation or vegetation clearance, shall take place until a Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Council. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Council. As a minimum the BMP shall include the following:

- a) Details of updated surveys for badgers;
- b) Provision of 25m buffers between all development activity and all retained badger setts;
- c) Details of wildlife corridors to allow movement of badgers to and from setts and/or foraging areas;
- d) Details of appropriate fencing to protect badgers and their setts/wildlife corridors;
- e) Details of appropriate measures to protect badgers from harm during the construction phase;
- f) Details of the appointment of a competent ecologist to oversee the implementation of badger mitigation measures during the construction phase, including their roles, responsibilities and timing of visits.

Reason: To protect badgers and their setts

21. The long-term management and maintenance of the open space, as indicated on Drawing No. 33B, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, shall be submitted to and agreed in writing with the Council prior to the occupation of any dwelling hereby approved.

Reason: To ensure the provision and maintenance of public open space within the site.

22. The first-floor gable windows as annotated by 'OG' on the approved elevational drawings, shall be finished with obscure glass and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be installed prior to the occupation of each dwelling unit and permanently retained thereafter.

Reason: In order to preserve the amenity of the adjoining properties.

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.

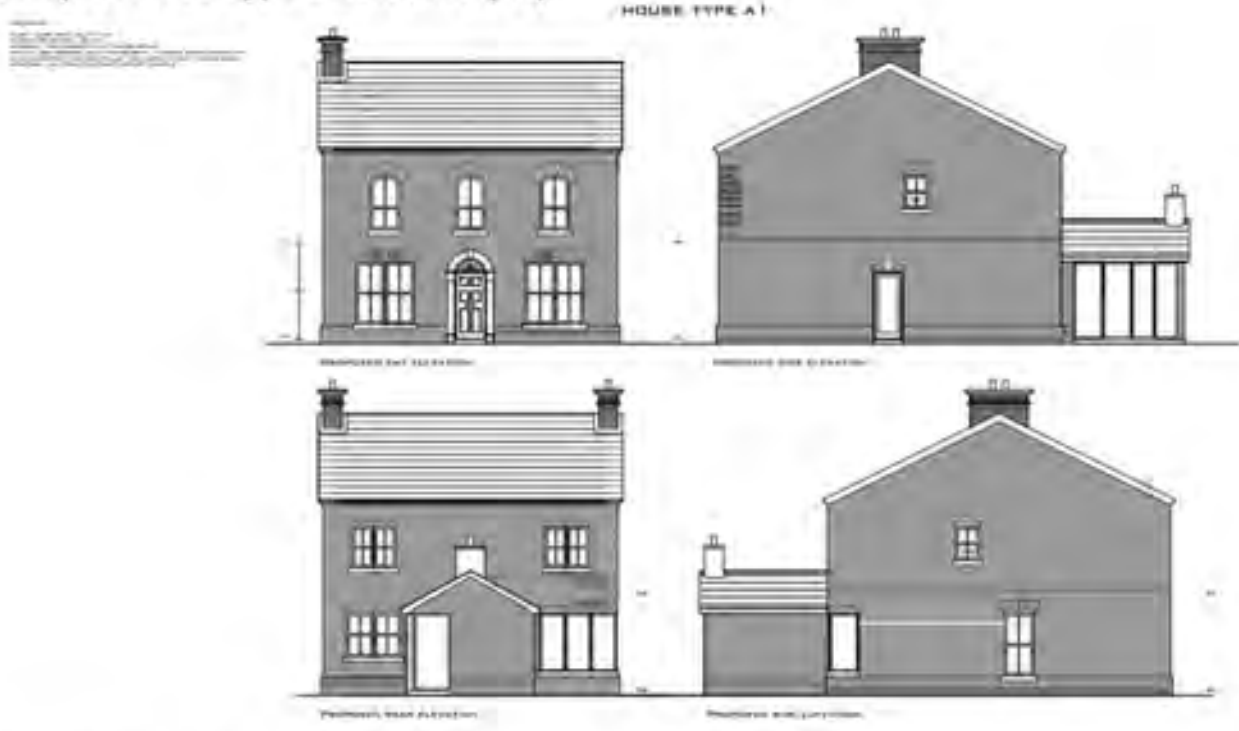
Site location



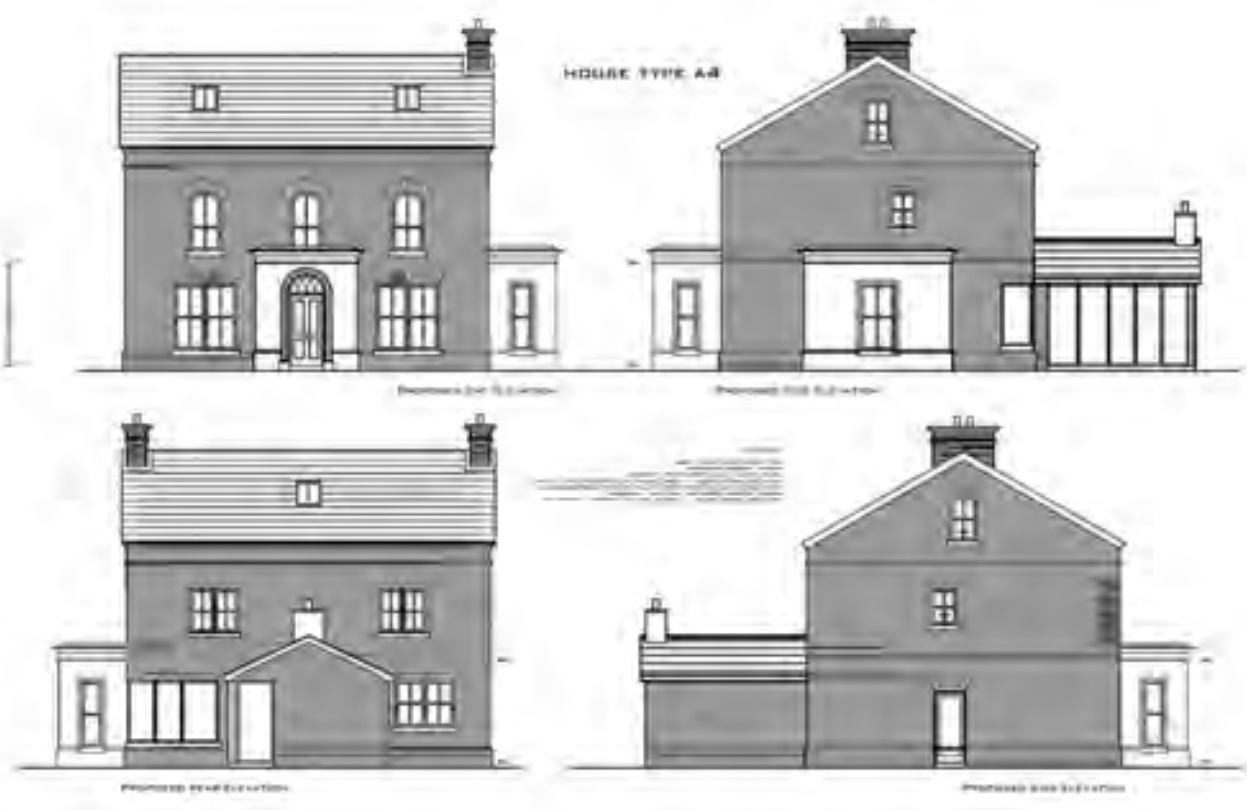
Proposed Layout (including landscaping)



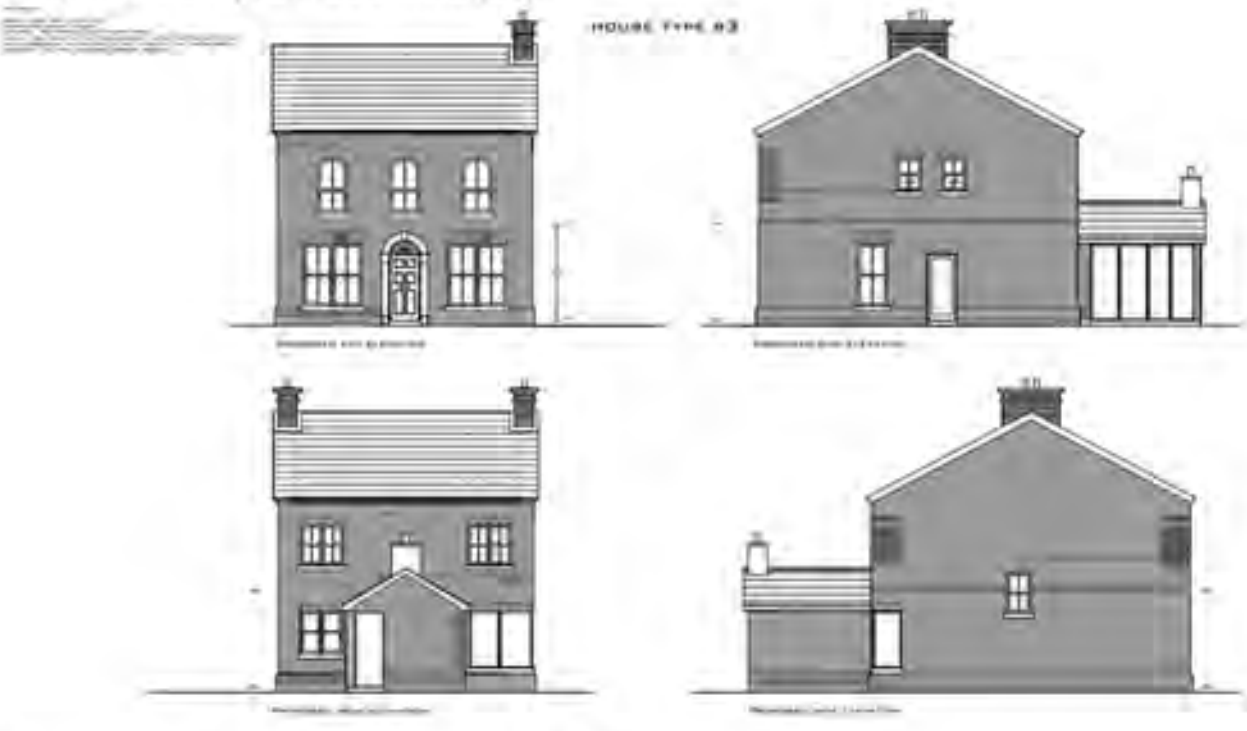
Sample House Type – Detached (A1)



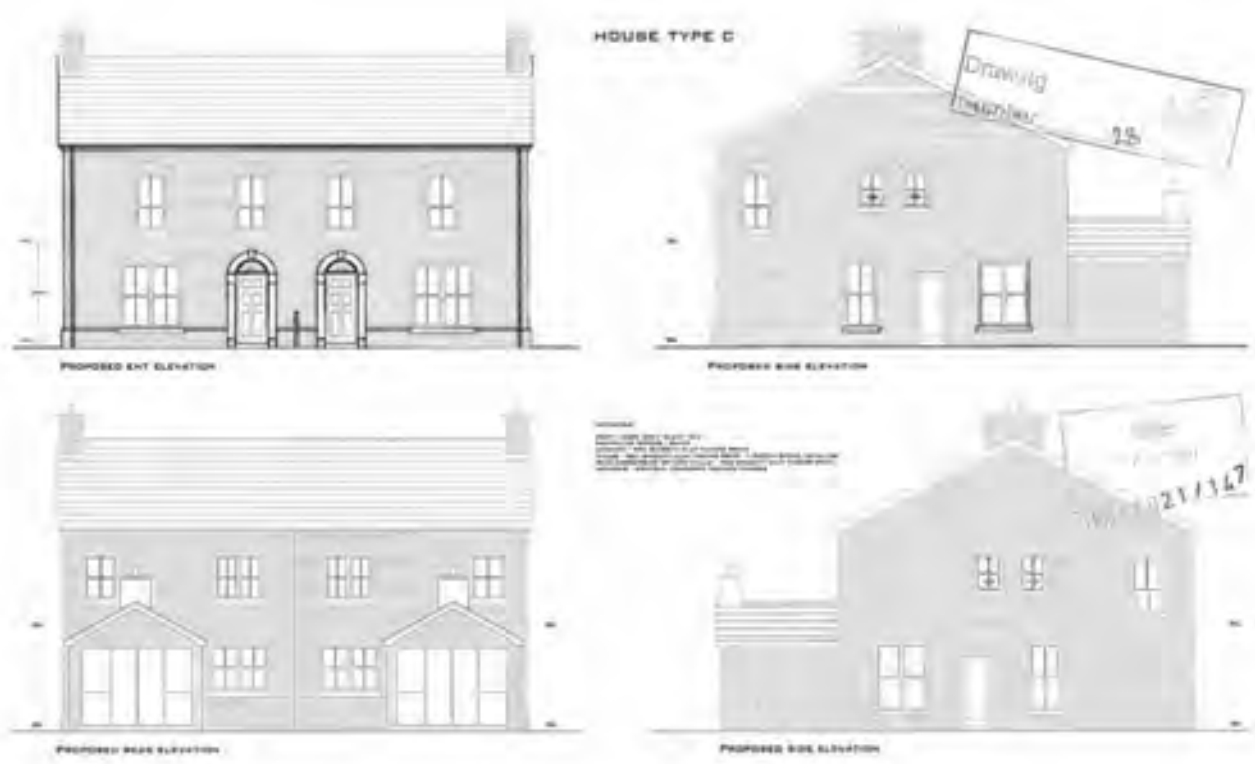
Sample House Type – Detached (A4)



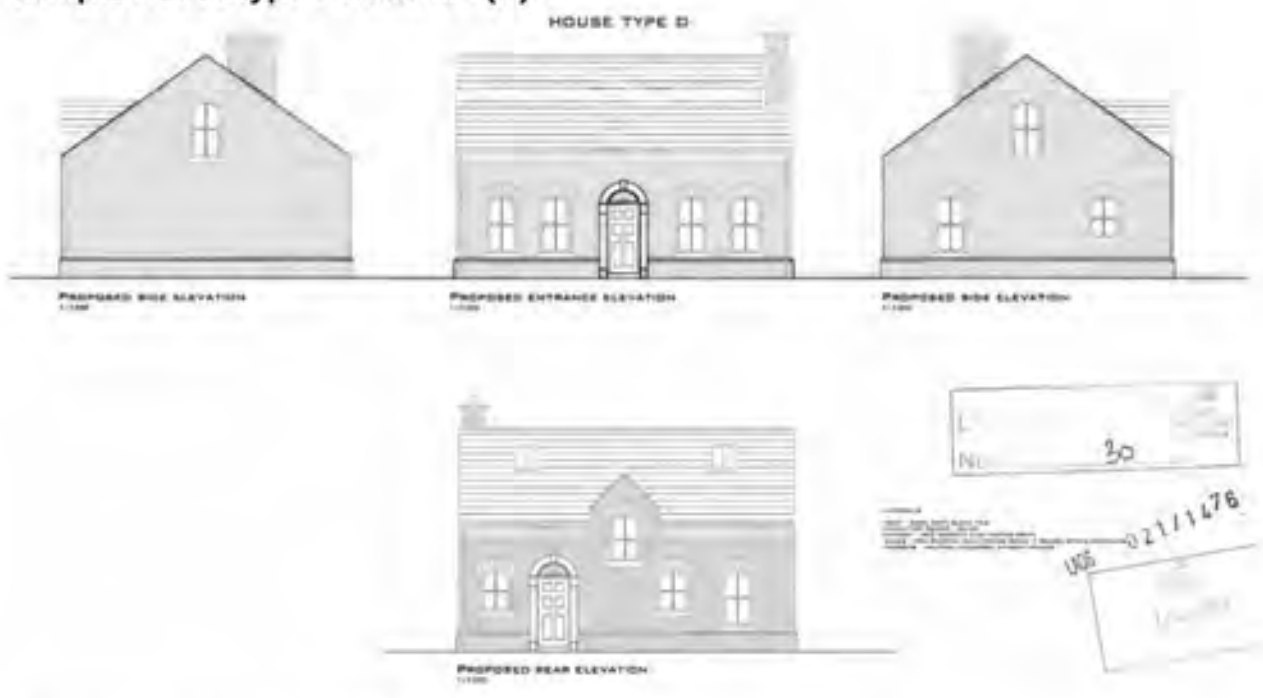
Sample House type – Detached (B3)



Sample House Type – Semi-detached (C)



Sample House type - Detached (D)




Approved layout LA06/2018/0589/F



ITEM 4.6

Ards and North Down Borough Council

Application Ref	LA06/2023/2471/O
Proposal	1 No. Single Storey Detached Dwelling with detached garage
Location	Site immediately adjacent to the rear boundary of 14 Dixon Road, Bangor DEA: Bangor East and Donaghadee
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to the case officer's report.
Validated	05/12/2023:
Summary	<ul style="list-style-type: none"> • Outline application therefore principle of development being considered with detail to be submitted as part of Reserved Matters application • Within development limit therefore presumption in favour of development • Previous applications of similar development are a material consideration despite their vintage (two being DOE approvals) • Proposal was originally for two dwellings- considered to be overdevelopment of the site therefore scheme amended to one dwelling • 10 objections from 6 addresses – all material matters raised fully considered in case officer report • Removal of permitted development rights to be conditioned to prevent any further development of the site
Recommendation	Grant Planning Permission
Attachment	Item 4.6a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/2471/O	DEA: Bangor East & Donaghadee	
Proposal:	1 No. Single Storey Detached Dwelling with detached garage		
Location:	Site immediately adjacent to the rear boundary of 14 Dixon Road, Bangor		
Applicant:	Uel Kennedy		
Date valid:	05/12/2023	EIA Screening Required:	No
Date last advertised:	29/02/2024	Date last neighbour notified:	12/12/2024
Letters of Support: 0	Letters of Objection: 10 (from 6 separate addresses)	Petitions: 0	
Consultations – Synopsis of Responses:			
DFI Roads		No objection.	
NI Water (NIW)		Refusal – negative condition	
North Down and Ards Borough Council – Environmental Health		No objection.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development. • Design, Visual Impact and Impact on Character of the Area • Impact on Residential Amenity • Access and Car Parking 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
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 to the rear of No. 14 Dixon Road, Bangor. Dixon Road is accessed off East Circular Road and is situated on the eastern side of Bangor. The application site is accessed adjacent to the east boundary of number 14 Dixon Road. The main part of the site measures approximately 18m wide and 36.5m long. The application site itself is overgrown, including the access. The topography of the site falls from the rear boundary of the dwelling at number 14 to the south of the application site.

The site is within the settlement development of Bangor as designated by dBMAP 2015. Neighbouring houses on Dixon Road are detached single storey dwellings with a number having dormer windows and accommodation at first floor. There is a development of townhouses to the east of the application site and a pair of semi-detached dwellings (Towerview Gardens) and the dwellings are all two storeys in height. Immediately to the south of the application site is a church/church hall. To the west of the site there is a single storey detached dwelling, known as 12A (to the rear of 12 Dixon Road).



Figure 1: Application site and number 14 Dixon Road

2. Site Location Plan



Figure 2: Site Location and orthophotography of application site

3. Relevant Planning History

Application Site:
No relevant planning history.

Surrounding area:

W/1982/0425/F – 10A Dixon Road – Erection of bungalow – Permission Granted

W/2003/0573/F – 10 Dixon Road – Erection of replacement dwelling – Permission Granted – 16/09/03

W/2014/0472/F – 12 Dixon Road – Erection of dwelling to rear of 12 Dixon Road – Permission Granted.

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)
- Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas (Addendum to PPS7)
- Planning Policy Statement 12: Housing in Settlements (PPS12)

Relevant supplementary planning guidance for this application is as follows:

- Creating Places
- DCAN8 – Housing in Existing Urban Areas

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 PPS3, PPS7, PPS7A and PPS12; therefore, these remain the applicable policy documents to consider the proposal under.

The application site is within the settlement limit of Bangor as defined in both the North Down and Ards Area Plan (NDAAP) 1984-1995 and the Draft Belfast Metropolitan Area Plan (dBMAP) 2015. NDAAP currently acts as the Local Development Plan (LDP) for this area, despite its end date, 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 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.

Initially the application proposed 2 No. 2 storey dwelling houses on this site. Following initial assessment this was considered to be overdevelopment and would have an adverse impact on the residential amenity of neighbouring properties. An amended scheme reducing the development to a single dwelling was submitted and this is considered in the following assessment.



Figure 3: Concept Plan for Original Proposal

Design, Visual Impact and Impact on the Character of the Established Residential Area.

Paragraph 4.26 of the SPPS states that design is an important material consideration in the assessment of all proposals:

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. Criterion (a) of Policy QD1 of PPS7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion

(g) requires that the design of the development draws upon the best local traditions of form, materials and detailing. The provisions of this policy must also be considered in conjunction with policy LC1 of PPS7 Addendum – Safeguarding the Character of Established Residential Areas. The addendum provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

Policy LC1 sets out that in established residential areas, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD1 of PPS7, and a list of additional criteria are met relating to density, pattern of development and dwelling size. This is to ensure the protection of local character, environmental quality and residential amenity.

Paragraph 4.27 of the SPPS states that where the design of proposed development is consistent with relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. It goes on to state that planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.

A Design and Access Statement has been submitted setting out the design principles and how the proposed dwelling will respect the established built form of the area. As the application is for outline permission there are no detailed design drawings. The proposed dwelling and garage are shown to be situated to the rear of number 14 Dixon Road. The site context includes a mix of detached single storey, 1.5-storey and 2 storey residential properties. The character of the area includes a mix of form, materials and detailing in both the immediate and surrounding area and includes red brick/rendered walls, PVC windows doors and pitched and hipped roofs. The D&AS proposes render or brick finishes to walls with slate or tiles on the roof. These finishes will be in keeping with the character of the surrounding area. The finishes can be conditioned on any subsequent planning approval.



Figure 4: Proposed Site Layout

The proposed dwelling will not be readily visible from Dixon Road but will be visible from the rear of dwellings in Towerview Gardens, the church hall, 2 Alandale Mews and 12A Dixon Road.

The proposed dwelling would have a FFL of 26.0 as indicated on the submitted site layout plan and sections (reduced from a previous FFL of 26.5). Although the site is at a higher level than the dwellings at 10 Dixon Road, 2 Alandale Mews and 3/5 Towerview Gardens, the ridge height indicated of the proposed dwelling is comparable to the existing dwelling at 12A (see section in Figure 3 below). Ground levels are proposed to be raised by approx. 0.5m. I do not consider that the proposed changes in ground level are significant or will have a detrimental impact on the character of the area given the location to the rear of 14 Dixon Road.



Figure 5: Proposed site section

This is an outline application meaning if an approval is forthcoming the design details of the proposal will be assessed in greater detail at Reserved Matters stage in terms of the design, size and layout. I consider that an appropriately conditioned residential dwelling could be integrated into the locality.

A history search of the surrounding area has highlighted a planning approval for a dwelling to the rear of number 12 Dixon Road (12A) and to the rear of 10 Dixon Road (10A). The proposal is comparable to plot sizes in the surrounding area including 10A and 12A.

I consider that the proposed dwelling will continue to respect the established pattern of development within the existing residential area. A carefully conditioned dwelling is considered to be sympathetic to the established built form and an appropriately designed dwelling is acceptable at this location.

Density/ Plot Size

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.

I have calculated the density of the area in orange below as 56 dwellings/2.95 ha = 19dph, the density of the proposed is 1 dwelling/0.08ha = 12.5dph, therefore the density of the proposal is comparable with the average density within the immediate context of the site. A dwelling on this site is not considered overdevelopment, nor cramming. The application site is comparable in size and scale of number 10A to the west.



Figure 6: Area used for approx. density calculation

Impact on Existing Trees/ Landscaping

The application site is currently overgrown with a number of trees and shrubs. As the site is not within a conservation area and is not subject to a TPO the current landscaping on the site can be removed at any time without consent. The proposal will involve removal of trees and shrubs, particularly in the rear portion. Visually, the trees make no material contribution to the overall appearance of the area, therefore I would have no objection to their removal. However, I do consider that the boundary hedges along the sides and rear should be conditioned to be retained to maintain screening to existing adjoining properties. Removal of this planting has been raised in a number of representations along with requests for tree surveys with the potential for a Tree Preservation Order. The Council do not consider these trees to be worthy of retention given the minimal contribution they make to the area. References have also been made to the Council's Tree and Woodland Strategy. However, I consider that a condition to retain the vegetation along the rear of the application site and requiring the submission of detailed landscaping and boundary treatments to be formally considered at Reserved Matters stage.

Public Open Space

Not applicable for a scheme of this scale.

Private Amenity Space

Adequate provision is made for private amenity space to the rear of the dwelling (76sqm approx.) within its proposed curtilage. The proposed boundary treatments will be conditioned to be 2 metres in height to ensure the private amenity space remains private. Existing private amenity space for the dwelling at number 14 will be unaffected by the development.

Impact on Residential Amenity

The proposed dwelling is located adjacent to the rear of dwellings within Towerview. The separation distance from the rear of the existing dwellings to the gable of the proposed dwelling is approx. 10.8m. The 25-degree light test has been used as a tool to assess the potential dominant impact and loss of light to the rear windows of these dwellings, as shown in Figure 6. When considering a dwelling approximately 6 metres in height, the green line indicating the 25 degrees and taken from the ground floor windows of the existing dwellings, does not dissect the proposed dwelling. Therefore, it can be concluded that there will be no unacceptable impact on the rear windows of these dwellings. A condition ensuring the proposal is positioned on the application site in conformity with the submitted conceptual site layout plan would be included on any planning approval.

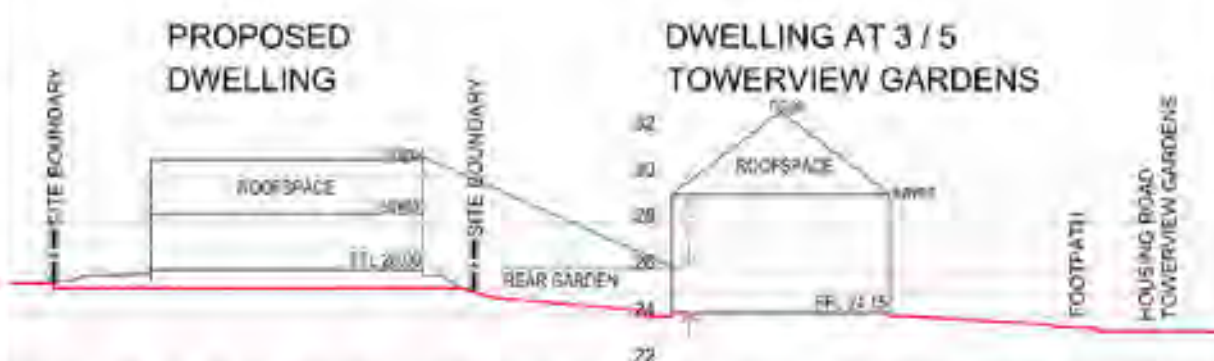


Figure 7: 25 degree light test from rear of properties within Towerview Gardens

No 2 Alandale Mews sits at an oblique angle to the application site (see Figure 7 below). Although it is recognised there is a level change between this and the application site of approximately 1.8m, the separation distance of approximately 17m to the corner of the application site, 18.5m to the corner of the proposed garage and 27 m to the corner of the proposed dwelling ensure there will be no unacceptable impact by way of dominance, loss of light or loss of privacy.



Figure 8: Proposed Dwelling Location in Context of adjacent dwellings

As demonstrated in the section in Figure 8 below, the proposed dwelling will be single storey and the ridge height will sit only 0.9m approx. above that of the dwelling at No. 2 Alandale Mews which is not considered to be significant given the separation distance. It is however appropriate that a condition regarding rear first floor windows and removal of permitted development rights on this site is included in any subsequent approval to ensure no overlooking or subsequent loss of privacy towards the rear windows or the private amenity space of no. 2 Alandale Mews and also the dwellings at Towerview Gardens.



Figure 9: Proposed site sections

A representation raised a concern of disturbance from vehicles entering the site via the proposed driveway. A 2-metre-high boundary treatment along the side of the driveway will help to alleviate any disturbance in the form of headlights. As this is a proposal for one additional dwelling house in a residential location any potential impact from vehicles to and from the application site would not be excessive in this location.

I am satisfied that a carefully designed dwelling including window placement will ensure there shall be no unacceptable impact on neighbouring dwellings in terms of dominance, loss of daylight, overlooking and subsequent loss of privacy.

Security from Crime

I am satisfied that the development can be designed to deter crime and promote personal safety. Amenity areas to the rear will be enclosed and windows to the front elevation overlook the access serving the proposed dwelling.

Local Neighbourhood Facilities

Not applicable for a scheme of this scale.

Dwelling Unit Size

The proposed site can accommodate a dwelling built to a size not less than those set out in Annex A.

There are no concerns with regards to proposed density, pattern of development or dwelling size. I consider that the proposal has been appropriately designed for this residential area.

Access, Road Safety and Parking

There is adequate space within the application site for the parking and manoeuvring of vehicles within the site for both the existing dwelling at No. 14 and the proposed dwelling.

DFI Roads have raised no objection and provided no conditions therefore the proposal is not considered to prejudice road safety or significantly inconvenience the flow of traffic.

Designated Sites/ Other Natural Heritage Interests

Policy NH1 of PPS2 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

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.

Policy NH2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. 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.

Sewage and Drainage Infrastructure

The applicant has indicated on the submitted P1 form that surface water and foul sewage will be disposed of via public mains.

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) 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

10 objections have been received from 6 separate addresses.

The main concerns raised are summarised below. The majority of the representations (seven) were received in relation to the original submission for 2no. two storey dwellings. These have not been formally withdrawn.

Representations relating to original Plans for 2no. two storey dwellings.

- Over development
- Removal of coppice
- One single storey dwelling is more than enough
- 2 no. Two storey dwellings would lead to overlooking and loss of amenity
- 2 no two storey dwellings not in accordance with PPS 7.

- Removal of trees with application site which offer high public visibility and amenity
- Reference to Ards and North Down Tree and Woodland Strategy.
- Loss of sunlight
- Devalue property
- Render garden in shade all summer
- Two storey will be out of character and an eyesore
- Noise and disturbance from driveway running parallel to the rear garden and disturbance of peace

Following re advertisement and re neighbour notification of the amended scheme, two representors responded to the amended scheme— see points below.

Amended plans – 1 No. single storey dwelling and garage

- Request that condition 6 of W/2014/0472/F be repeated on any subsequent approval
- Request for tree survey
- Concerns regarding structural integrity of retaining wall.
- Loss of light and shading of rear garden
- Privacy
- Safety issue from driveway
- Resale value of property
- Inaccuracy of levels submitted

The majority of the above issues have already been considered in detail in the above report and the remaining points are considered below.

Concerns regarding devaluation of an existing property cannot be considered as material to this application.

With regard to the structural integrity of the existing retaining wall at the boundary at the rear of the dwellings at Towerview Gardens, the plans indicate the side of the proposed dwelling is 1.9m from this boundary retaining wall with the minor increase in ground level proposed to slope upwards away from the wall. It is not considered that the minor increase in ground level proposed would be likely to result in any adverse impact on the existing wall, however the onus is on the applicant to ensure that any potential impact on retaining structures is appropriately assessed by a suitably qualified professional and any necessary mitigation measures set out in the Reserved Matters application. Any damage caused to party boundary walls or fences during the course of construction would be a civil issue to be resolved between the two parties outside of the Planning system.

In relation to the rear boundary, A section has been provided from the agent showing the side wall of the proposed garage will serve as a retaining wall. Detailed drawings of this would be submitted for consideration as part of the Reserved Matters application.

Regarding inaccuracies in levels submitted, the Council's Planning Enforcement team were asked to check these on site. The results are similar to those submitted and have been shown in the image below.



Figure 10: Existing site levels as per council's planning enforcement

6. Recommendation

Grant Planning Permission

7. Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development hereby permitted, shall be begun by whichever is the later of the following dates:

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the dwelling hereby approved, the means of access thereto and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained from the Council in writing before any development is commenced.

Reason: This is Outline permission only and these matters have been reserved for the subsequent detailed consideration and approval of the Council.

3. The development hereby approved shall have a layout which is in conformity with site layout plan drawing No 03B hereby approved.

Reason: In the interests of the visual amenity of the surrounding area and the residential amenity of adjacent properties.

4. The proposed dwelling shall have a maximum ridge height of 4.8 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the surrounding area.

5. The finished floor levels of the proposed dwelling in relation to existing and proposed ground levels of the site shall be in accordance with details shown in approved Drawings Nos 3B.

Reason: To ensure the dwelling integrates into the landform.

6. No dormer windows are permitted on the rear (southern elevation) roof area and no first floor windows are permitted on the side elevations (eastern and western elevations) of the dwelling with the exception of non-opening obscure glazed bathroom or hall/landing windows.

Reason: To ensure the provision of amenity of neighbouring properties.

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors or openings shall be formed without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

9. A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained along with details of the site preparation, planting methods, species, size at time of planting, location, spacing and numbers of all trees and shrubs to be planted. The landscaping shall be carried out in accordance with the approved plans during the first available planting season following occupation of the dwelling and garage hereby approved.

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

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

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

11. The existing hedgerows shaded GREEN on approved drawing no. 03B shall be retained. The existing hedges shall be retained at a minimum height of 1.8m, 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 interests of visual amenity and to ensure the retention of screening between the site and existing residential properties.

12. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed prior to commencement of development in accordance with the attached form RS1.

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

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

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

14. 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.

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

15. Retaining walls shall be designed and constructed in accordance with the relevant British Standard 8002:2015 'Code of Practice for Earth Retaining Structures'. Any such design shall be certified by an appropriately qualified structural engineer, evidence of which shall be submitted in writing to the Council for approval at reserved matters stage.

Reason: To ensure the stability of adjacent lands and the proposed works.

16. Prior to the occupation of the dwelling a 1.8 metre high close boarded fence shall be erected as indicated in blue on the approved plan 03B.

Reason: In the interest of residential amenity.

Informative

1. 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.

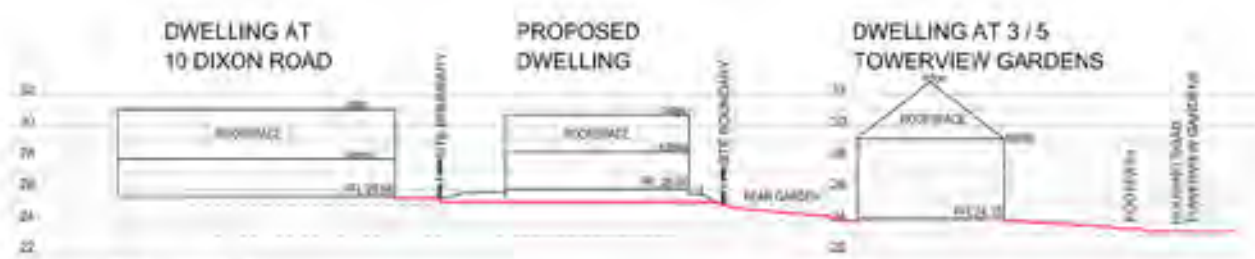
Appendix 1 – Plans under consideration



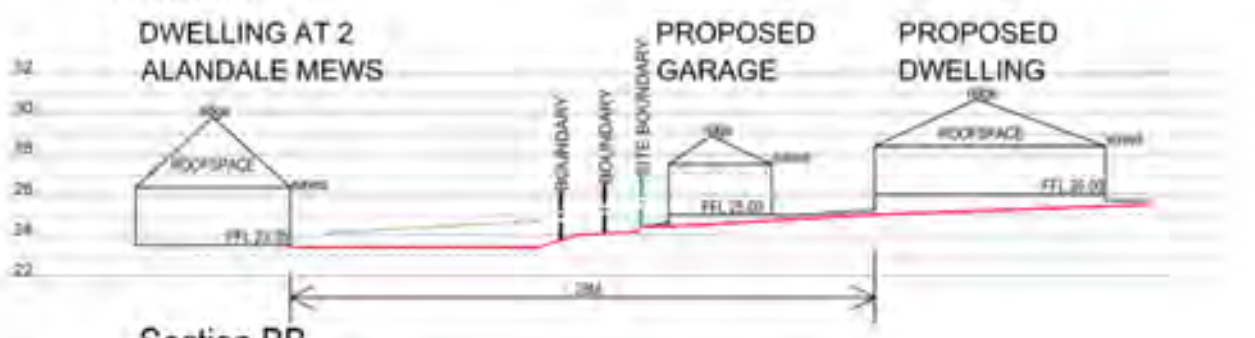
Site location plan



Proposed site layout plan

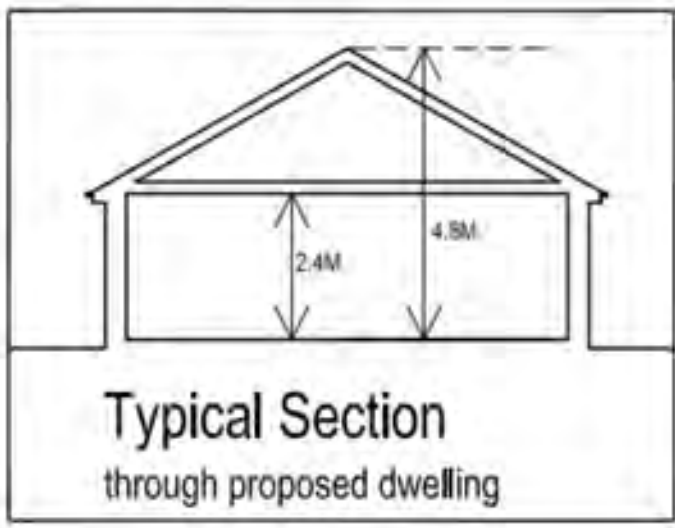


Section AA

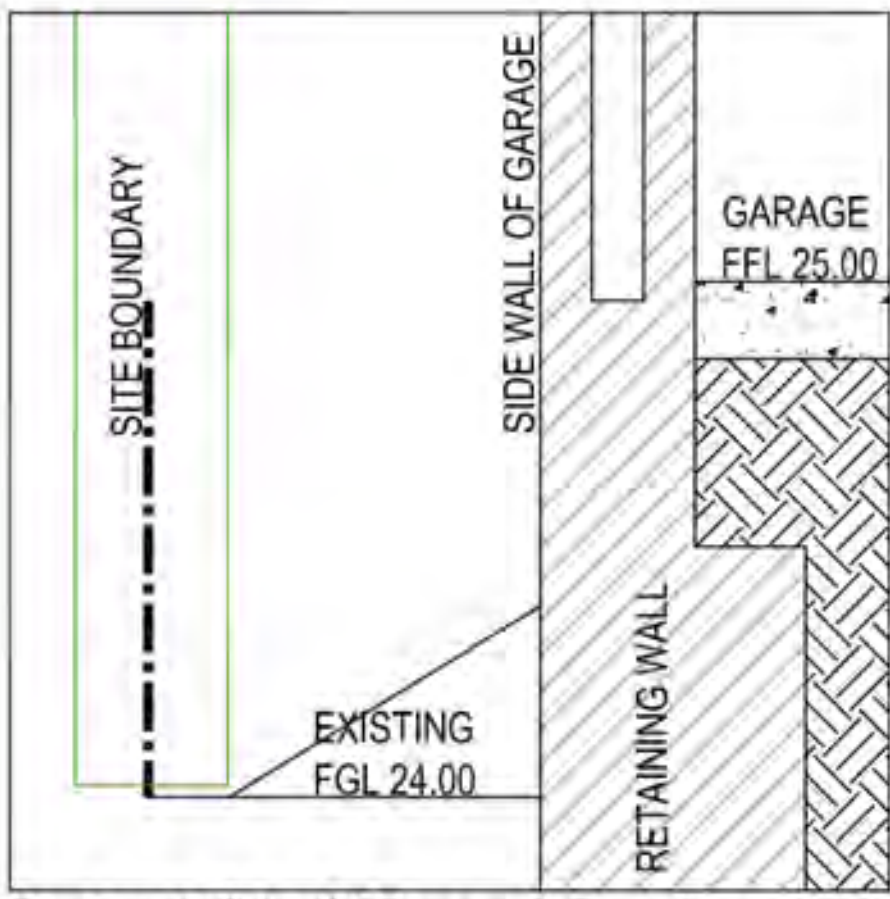


Section BB

Proposed sections



Section through building



Section At Side Of Garage & Boundary NTS

Section at side of garage

Appendix 2 – Photographs



Application site showing boundaries, fallen trees and rear of Towerview Gardens



Application site.



14 Dixon Road, Bangor



Application site from rear garden of 14 Dixon Road



Rear Garden 2 Alandale Mews



Rear of church hall, roof of 2 Alandale Mews and application site



View towards application site from rear of church hall



View towards site from church hall carport showing Towerview Gardens



View towards site from side of Towerview Gardens



View towards site from church carpark showing roofline of 12A Dixon Road.

Addendum to Planning Committee report

Reference: LA06/2023/2471/F

Address: Site immediately adjacent to the rear boundary of 14 Dixon Road, Bangor, BT19 6AU

Proposal: 1 No. Single Storey Detached Dwelling with detached garage

The purpose of this addendum is to address one additional objection received after publication of the case officer report. The objection is from a neighbour at 7 Towerview Gardens. An objection was previously received from this address however the name differs from previous.

The main points of the objection have been summarised below.

- positioning and scale will have a profoundly overbearing impact on the residents of the four townhouses
- overwhelming sense of enclosure, significantly detracting from the enjoyment and usability of our outdoor spaces
- The proposed design situates the building sideways to the gardens, which exacerbates the perception of overdevelopment and creates an imposing structure that dominates the rear outlook for multiple households
- Loss of natural light, sunlight and daylight and overshadowing of small rear gardens
- Loss of privacy
- Unacceptable intrusion into the private lives for residents of adjacent properties.
- 'hemming in'
- Contravenes the Planning Act by creating a cramped and oppressive environment for residents
- Site contains native trees which contribute to the visual and ecological value of the area which may qualify for a TPO.
- Overdevelopment of the area
- Cumulative impact
- Proposal not proportionate or sympathetic to the area


The above points have already been addressed in the published planning report and the proposal complies with the development plan and relevant planning policy. I am satisfied that no new material considerations have been raised in this further representation that require consideration. There have been no concerns raised by statutory consultees and the recommendation remains that this proposal is granted planning permission.

11/23/2025

ITEM 4.7

Ards and North Down Borough Council

Application Ref	LA06/2024/0665/F
Proposal	Proposed Upgrade to Existing Wastewater Pumping Station (WwPS), Including Extension of Existing Underground Chamber, Addition of Screen to Emergency Overflow, New Access Points and Path to Roof, and Boulders, Sand and Grass Banking
Location	Lands at Existing NI Water Clanbrassil WwPS, Farmhill Road, Holywood, BT18 0AD (circa 40metres Southwest of No.1a Clanbrassil Terrace, Holywood) DEA, Holywood and Clandeboye
Committee Interest	Application relating to land in which the Council has an interest.
Validated	30/07/2024
Summary	<ul style="list-style-type: none"> • Members will be fully aware of recent reports being presented regarding NIW therefore this application is particularly timely and welcome • NI Water applicant stated works required to improve NI Water's operations at this facility and increase the storage capacity to reduce the risk of pollution to Belfast Lough • Works are required to upgrade existing Wastewater Pumping Station (WwPS) – will include extension of existing underground chamber, additional screen to emergency overflow, new access points and path to roof, and boulders, sand, and grass banking • No objections received from 3rd parties • Upgrades will be concealed within the existing underground WwPS chamber and the extension, which is minor in nature, will be contained underground upon completion • SES advised the project would not have an adverse effect on the integrity of any European site • Environmental Health recommend hours of operation for proposed works to be carried out
Recommendation	Grant Planning Permission
Attachment	Item 4.7a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0665/F	DEA: Holywood & Clandeboye	
Proposal:	Proposed Upgrade to Existing Wastewater Pumping Station (WwPS), Including Extension of Existing Underground Chamber, Addition of Screen to Emergency Overflow, New Access Points and Path to Roof, and Boulders, Sand and Grass Banking		
Location:	Lands at Existing NI Water Clanbrassil WwPS, Farmhill Road, Holywood, BT18 0AD (circa 40metres South West of No.1a Clanbrassil Terrace, Holywood)		
Applicant:	Northern Ireland Water		
Date valid:	30/07/2024	EIA Screening Required:	Yes
Date last advertised:	09/08/2024	Date last neighbour notified:	22/08/2024
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	
Consultations – synopsis of responses:			
NI Water	No objection		
Environmental Health (Ards and North Down Borough Council)	No objection subj to conditions		
NIEA: NED	No objection		
NIEA:WMU	No objection		
SES	No objection subj to conditions		
DFI Rivers	No objection		
HED	No objection subj to conditions		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Visual Impact • Impact on residential amenity 			

- Impact on the environment and biodiversity
- Impact on setting of Listed Building
- Flooding

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

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 site is located at the end of Farmhill Road adjacent to the shore of Belfast Lough. The site is located within Seapark (an area of open space), with the site containing grass areas, tarmac paths and sand adjacent to the shore. The site itself comprises of an underground tank within an existing area of open space.

The agent stated that the tank is accessed via a metal opening located in the East facing slope and via manhole covers in the roof chamber. The existing pumping station is designed to integrate into the existing topography. There is an existing path to the top of the dome, with the dome being covered in grass to minimise its appearance. The grass continues around either side, with only the West side (shoreline side) clad in stone for protection against storms.



Farmhill Road forms the boundary of Seapark, beyond which is the Listed Clanbrassil Terrace which is located at a higher level. At the end of the lane the coastal path continues along the shore to the East and follows a narrow path with a small strip of sand leading to the water. To the East and South, the area adjacent to the site is a large expanse of open space with various stands of planted trees, and various formal paths which cross this area of public open space. The site is bounded to the West by the coastal path that runs adjacent to the shoreline of Belfast Lough.

The area surrounding the site is residential in nature with nearby dwellings sited within large mature plots.

2. Site Location



Figure 1: Extract from Site Location Plan



Figure 2: Aerial Photograph of the Application Site

3. Relevant Planning History

W/2013/0332/F: Farmhill Road Holywood: Proposed upgrade to existing Wastewater pumping station (WwPS) and addition of a control kiosk. Proposal includes conversion of existing dry well to a wet well, screening to emergency overflow, new access points on the roof, closure of existing access and new path to the roof. Permission Granted 18/06/2014

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 (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology & The Built Heritage
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- Planning Policy Statement 11: Planning & Waste Management

Principle of Development

The area is within the development limits of Holywood as stated in the North Down and Ards Area Plan 1984-1995 and the Draft Belfast Metropolitan Area Plan 2015. Within the draft BMAP the site is within the proposed Cultra, Marino and Craigavad Area of Townscape Character (HD 12). Part of the site is also located the Belfast Metropolitan Area Coastal Area and is within an area of land zoned for Open Space. It is also within a Local Landscape Policy Area (HD 20).

This proposed development involves an upgrade to this existing Wastewater Pumping Station (WwPS), including extension of existing underground chamber, additional screen to emergency overflow, new access points and path to roof, and boulders, sand, and grass banking. NI Water have stated that the works are required to improve NI Water's operations at this facility and increase the storage capacity to reduce the risk of pollution to Belfast Lough. Please see Figures 1 and 2 showing the proposed site layout and plans/sections.

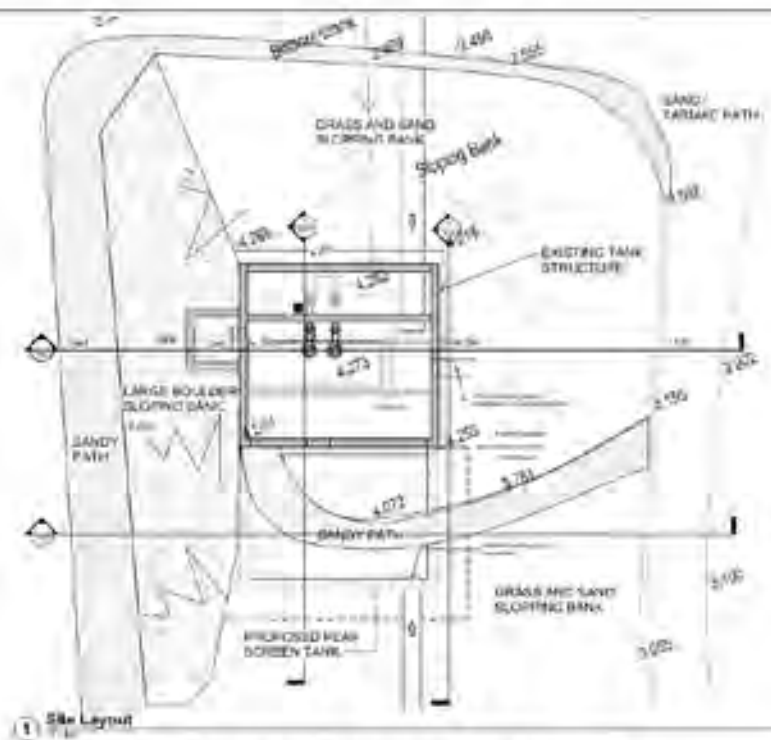


Figure 1: Proposed Site Layout

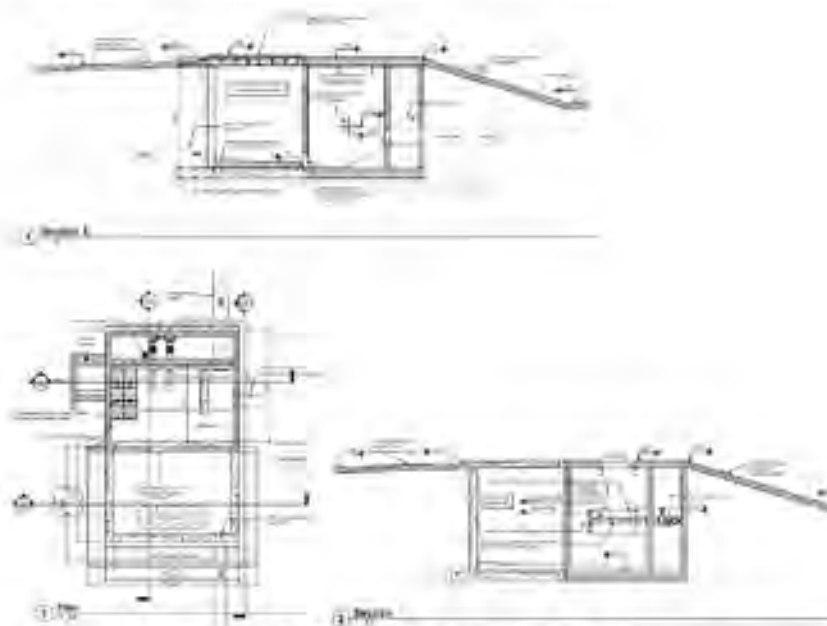


Figure 2: Proposed Plan & Sections

A temporary construction compound, along with temporary pedestrian path, will be provided during the construction phase to ensure that all works are contained within the site, whilst also protecting accessibility for users of the surrounding open space area and coastal path. The location of the temporary construction compound/working area and temporary path are shown in Figure 3 below. The agent has confirmed that following completion of the works the original path will be reinstated and the temporary path removed.



Figure 3: Proposed Site Plan

Given that the WwPS already exists and will only be subject to minor changes to provide upgrades and a small extension to it, the principle of development has already been established at this location.

Visual Impact and Impact on the Character of the Area

The upgrades will be concealed within the existing underground WwPS chamber and the extension, which is minor in nature, will be contained underground upon completion.

The proposal also involves the regrading and reprofiling of the ground above the proposed extension chamber to be sloped to match the existing adjacent ground profile thereby concealing the extension from view. Overall, these works will help integrate the development into the landscape and will also assist in maintaining the character, whilst also respecting the built form of the area. I am therefore satisfied that the proposal will cause no harm to the character and appearance of the proposed ATC.

Under Policy ENV 3 Local Landscape Policy Areas (LLPAs) planning permission will not be granted for development that would be liable to adversely affect those features or combination of features that contribute to its environmental quality, integrity or character.

In this instance the proposed development site is located within the Seapark area and is of local amenity importance. Given that the proposed development involves upgrades to underground equipment, it is considered that it will have a minimal impact on the LLPA. The temporary construction compound and pedestrian path will be conditioned to be removed upon completion of the works.

Protection of Open Space

PPS8 Policy OS1 states that the Council will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.

The proposed development provides internal upgrades to the existing underground WwPS, alongside a minor extension which will be contained underground. The land will be graded to match the existing ground profile thereby fully concealing the extension and limiting visual impact. Any loss of open space will be temporary to facilitate construction of this essential infrastructure. Once completed, there will be no loss of the existing open space as a result of the development. The area will remain part of the wider publicly accessible area of open space.

Environmental Impact of a Waste Management Facility

Policy WM1 of PPS11 deals with 'Environmental Impact of a Waste Management Facility' and sets out a number of criteria that must be met:

- **the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;**
- **the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**

The application site is located within an area of open space and adjacent the protected coastline. NIEA, WMU and SES were consulted on the proposal and offered no objections to the upgrade works subject to conditions.

NIEA WMU stated that under the terms of the Water (Northern Ireland) Order 1999, NIW will be required to apply to Water Management Unit for NIEA discharge consent for any discharges from the WwPS. This consent can be acquired outside of the planning process.

Following an Appropriate Assessment in accordance with the Habitat Regulations and having considered the nature, scale, timing, duration and location of the project, SES advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to a condition requiring the subsequent agreement and implementation of a Construction Environmental Management Plan (CEMP).

Environmental Health was consulted on the proposal and offered no objection stating the following within their response:

'It is noted that residential accommodation is located in close proximity (Clanbrassil Terrace), and there is the possibility that nearby neighbours may be disturbed by noise during the construction period. The developer will be expected to take all reasonable

steps to minimise disturbance and this Service would request that the following condition is attached to any planning permission granted:

There shall be no construction activity or deliveries to or from the site on Sundays, Bank holidays or outside the hours of 08:00hrs-18:00 hrs Monday to Friday and 09:00hrs-13:00 hrs on Saturday.'

- **the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;**
- **the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**

The proposed works are for the upgrade and extension of an existing wastewater pumping station, with the development concealed underground. The site will be restored with sand and grass banking, and once completed, the proposed works will not significantly alter the appearance of the existing WwPs.

- **the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;**
- **the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;**
- **adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;**
- **wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;**

The proposed development does not involve any works or alteration to a vehicular access, nor will it result in any intensification of use of the existing underground NI Water WwPS facility from vehicular traffic. There will be no change to, or impact upon, the traffic network or existing parking.

- **the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests;**

The site is within close proximity to B2 Listed Clanbrassil Terrace (Listing references: HB23/18/026 A, HB23/18/026 B, and HB23/18/026 C) which is a row of 3 No. 3 storey terraces which are protected by Section 80 of the Planning Act (NI) 2011.

HED (Historic Buildings) was consulted and stated that the proposal shall exert no greater demonstrable harm on the setting of the listed building than the existing arrangement subject to a condition to ensure that the site is fully restored to its original condition following completion of the works. condition:

- **the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;**

- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;
- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

The site lies within the 1 in 200-year coastal flood plain therefore the agent was asked to submit a Flood Risk Assessment. An FRA was received from Tetra Tech Consulting on the 14th November 2024. DFI Rivers was consulted and stated it had no concerns and had no reason to disagree with the conclusions of the FRA. It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors.

The proposal will not result in the loss of the best and most versatile agricultural land. Any alteration to the topography of the land will be very minor and it is recommended that any approval of the application is subject to a condition to ensure that the site is restored in accordance with the approved details.

PPS 11 Policy WM2 provides the relevant context for proposals for a waste collection or treatment facility. NI Water, the statutory undertaker for water and sewerage services has identified the need for the proposed upgrade of the existing wastewater pumping station to extend the capacity of the underground chamber. Given there is an existing facility in this location, I am satisfied that this proposal represents the best environmental option to prevent the risk of pollution through overflow of the existing chamber. The development will be maintained by the statutory provider and as stated elsewhere in this report, I am also satisfied that the proposal will cause no unacceptable visual or environmental impact.

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. The site is located to the East of Belfast Lough Ramsar Site and Area of Special Scientific Interest. No works are proposed within either of these designations. The existing facility comprises a WWPS with emergency storage and a high-level overflow to the sea. SES was consulted on the proposal and advised that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In terms of protected and priority species, NED reviewed the CEMP submitted and stated the following within its response:

'The site is adjacent to a sand and shingle beach and is separated from the beach by a public footpath and amenity grassland. The works are confined to the amenity grassland area. No species protected by law were identified. As such, the proposed development will not have any impact upon protected species and is therefore compliant with Policy NH2 of PPS2. It is unlikely to have an adverse effect on the integrity of Sites of Nature Conservation Importance - National, i.e., Belfast Lough ASSI and is therefore compliant with Policy NH3 of PPS2.'

Other Material Considerations

Policy COU 3: BMA Coastal Area

Within the BMA Coastal Area planning permission will only be granted to development proposals which meet the following criteria:

- The proposed development is of such a national or regional importance as to outweigh any potential detrimental impact on the coastal environment.
- It can be demonstrated that any proposal will improve the quality of the coastal landscape, or improve accessibility for recreation while still protecting nature conservation value; and
- It will not adversely affect the special interests of natural heritage significance, particularly those identified by national or international designations.

It will not adversely affect the special interests of natural heritage significance, particularly those identified by national or international designations. The proposed development is considered to be essential infrastructure which will reduce the risk of pollution to Belfast Lough by increasing the storage capacity of the existing WwPS. I am therefore satisfied that the proposal represents a benefit to the coastal environment and will not cause harm to its associated designations/natural heritage features. As previously stated, once operational, the proposal will not impact the recreational value of the site or wider area.

5. Representations

No letters of representations are received.

6. Recommendation

Grant Planning Permission

7. Conditions & Informatives

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. A final Construction Environmental Management Plan (CEMP) must be submitted to and agreed in writing by the Council, prior to the commencement of the development hereby approved. The CEMP must include potential pollution sources and pathways and all pollution prevention measures detailed in the Outline CEMP (AG Wilson – Aug 2023) and incorporate the recommendations of WMU in its consultation response dated 25/10/24. The

approved final CEMP shall be adhered in full, unless otherwise agreed in writing by the Council.

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

3. The temporary pathway shall be put in place in accordance with DRG 02: Site Layout Plan prior the commencement of development hereby approved.

Reason: To maintain accessibility for users of the wider area of open space during the construction period.

4. Within 3 months of operation of the extended underground chamber the temporary path shall be removed and all the land within the site shall be fully restored in accordance with DRG 02 and DRG 04.

Reason: In the interests of visual amenity and to ensure the restoration of the site ensure the essential character of the setting of the asset is retained and its features of special interest remain intact and unimpaired

5. There shall be no construction activity or deliveries to or from the site on Sundays, Bank holidays or outside the hours of 08:00hrs-18:00 hrs Monday to Friday and 09:00hrs-13:00 hrs on Saturday.

Reason: To protect the amenity of the occupants of nearby residential premises

Informative

1. 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: Existing & Proposed Plans



Figure 1: Site Location Plan



Figure 2: Proposed Plans

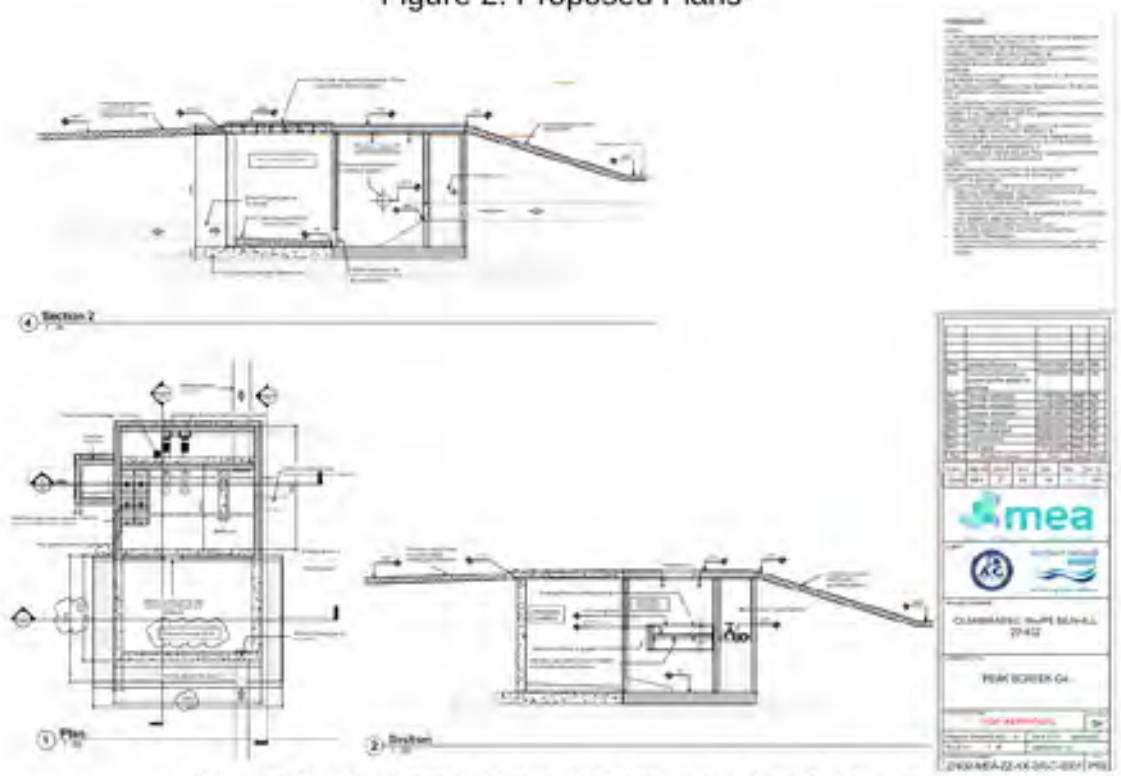


Figure 3: Proposed Plans & Sections - Peak Screen

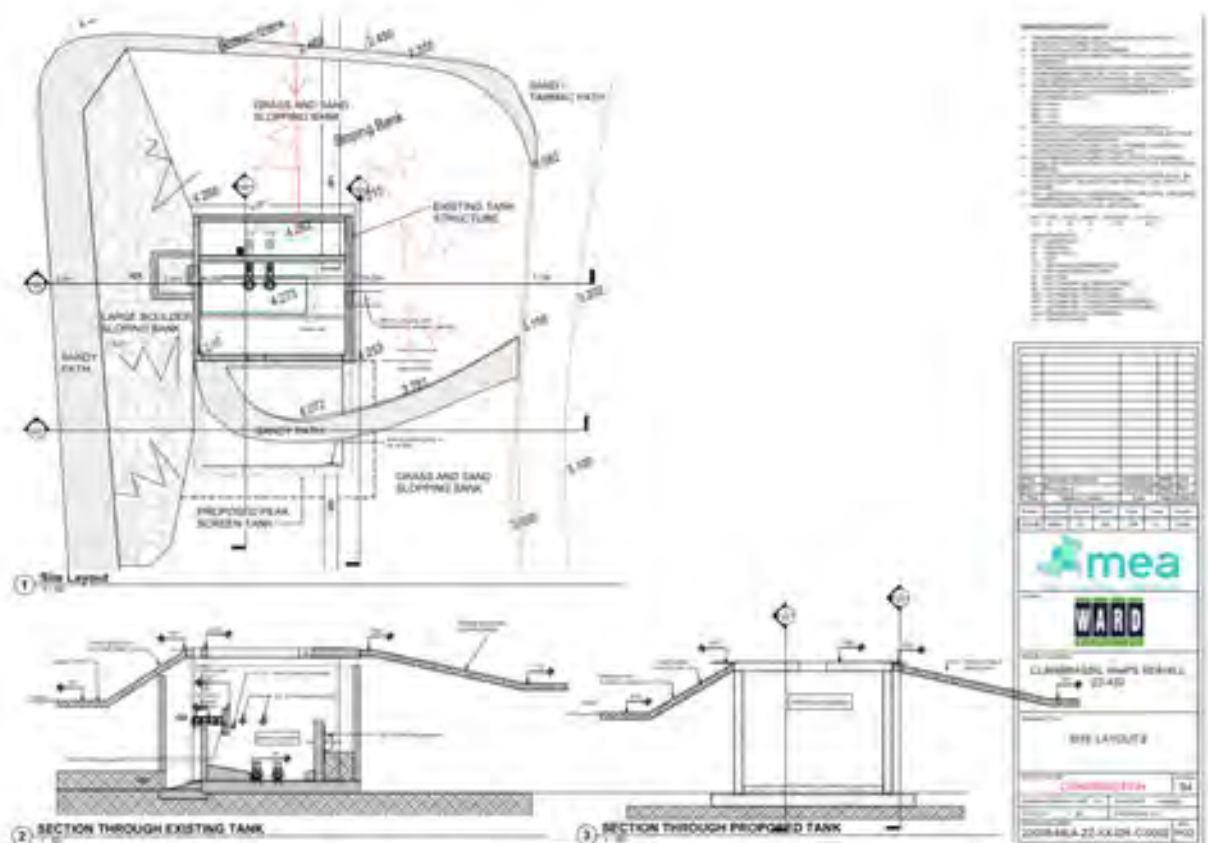


Figure 4: Existing & Proposed Tank Plans



Figure 5: Topographical Survey

Appendix Two: Site Photographs



Path Leading to Application Site/ Area of Open Space known as Seapark



Existing Pumping Station Concealed underground



Existing Paths around underground WwPS



Surrounding Area – Recreational Space




B2 Listed Clanbrassil Terrace

ITEM 4.8

Ards and North Down Borough Council

Application Ref	LA06/2024/0913/F
Proposal	Proposed 1-year temporary car park for public use (scheme composed of 97 new car parking spaces, 6 of which are disabled parking spaces & 20 motorcycle spaces)
Location	Land between 12-35 Queen's Parade, Bangor DEA. Bangor Central
Committee Interest	An application made by the Council
Validated	25/10/2024
Summary	<ul style="list-style-type: none"> • Site located on land formerly occupied by Project 24/The Hub, and has extant planning approval for the Queen's Parade redevelopment • Proposal to utilise the land for a temporary period to provide additional car parking whilst Marine Gardens is being redeveloped as Phase 1 of the Queen's Parade redevelopment project • Being funded by DfC via the Urban Regeneration Programme budget • Parking will assist supporting the City Centre during construction works • No objections from consultees • One objection – matters addressed within Case Officer Report
Recommendation	Approve Planning Permission
Attachment	Item 4.8a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0913/F	DEA: Bangor Central	
Proposal:	Land between 12-35 Queen's Parade, Bangor, BT20 3BJ		
Location:	Proposed 1 year temporary car park for public use (scheme composed of 97 new car parking spaces, 6 of which are disabled parking spaces & 20 motorcycle spaces)		
Applicant:	Brendan George		
Date valid:	25/10/2024	EIA Screening Required:	No
Date last advertised:	20/02/2025	Date last neighbour notified:	13/02/2025
Letters of Support : 0		Letters of Objection: 1	
Petitions: 0			
Consultations – synopsis of responses:			
DFI Roads	No objection		
NIEA - Marine	No objection		
HED	No objection		
DFI Rivers	No objection		
Summary of main issues considered:			
The main issues to consider in the determination of this application are:			
<ul style="list-style-type: none"> • Principle of Development; • Design and appearance; • Impact on Character and Appearance, re Proposed Bangor Central Area of Townscape Character; • Conflict with adjacent land uses; • Parking, Access and Road Safety; • Residential amenity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
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 https://submissions.planningsystemni.gov.uk/app/applications			

1. Site and Surrounding Area

Situated on the former site of the Winston Hotel, which was demolished a number of years ago, the site is located on vacant lands between Nos. 12 and 35 Queen's Parade, Bangor. The site was previously occupied by the temporary meanwhile use of 'Project 24' and The Hub which comprised a number of shipping containers used by independent retailers and small businesses, and an event space.

The site is currently vacant ground located in the centre of Bangor close to the Marine Gardens car park. The site is generally flat and overgrown with grass. It is surrounded by floodlight-style lamp posts and there are a number of boulders along the northern boundary. To the south of the site is an existing car park which is laid in rough hardcore. Separating the site from Marine Gardens to the north is Queen's Parade.

2. Site Location



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Figure 1 – Site Location

3. Relevant Planning History

The site sits within a larger area which has received planning permission for the overall regeneration scheme – known as the 'Queen's Parade' project, a scheme which has been developed in partnership with Bangor Marine Ltd, the Department for Communities and the Council.

The most up-to-date planning history for the overall Queen's Parade site is LA06/2024/0559/F which was approved 25 November 2024 and details the major mixed use of the site – the details of which can be viewed on the Planning Portal.

This particular site (subject of this planning application for a temporary car park) is located on the area of the overall approval proposed for built development consisting of the undercroft car park with The Market Place above, and part of the apartment block development fronting Queen's Parade.

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: Planning, Archaeology and the Built Heritage

Supplementary Planning Guidance

- Living Places
- Parking Standards

Proposal

It is proposed to provide a temporary car park on this area of vacant land. The car park has two access points that link to the existing car park south of the site, which uses King Street and Southwell Road. Existing lighting is to be retained and reused.

Supporting information submitted alongside the proposal sets out the following:-

"An external consultant led review of existing, interim, and after Queen's Parade redevelopment vehicle parking pressures has been completed and clearly evidences the needed for temporary car park provision during the closure of the Queen's Parade Car park with circa. 200 spaces. This temporary car park is a collaborative project between Council and external funders and is focused on supporting the residents, visitors, and retailers of Bangor, providing essential vehicle parking capacity during the redevelopment of Queen's Parade. The temporary car park site is strategically located near the city centre and within very close proximity to the existing Queen's Parade car park."

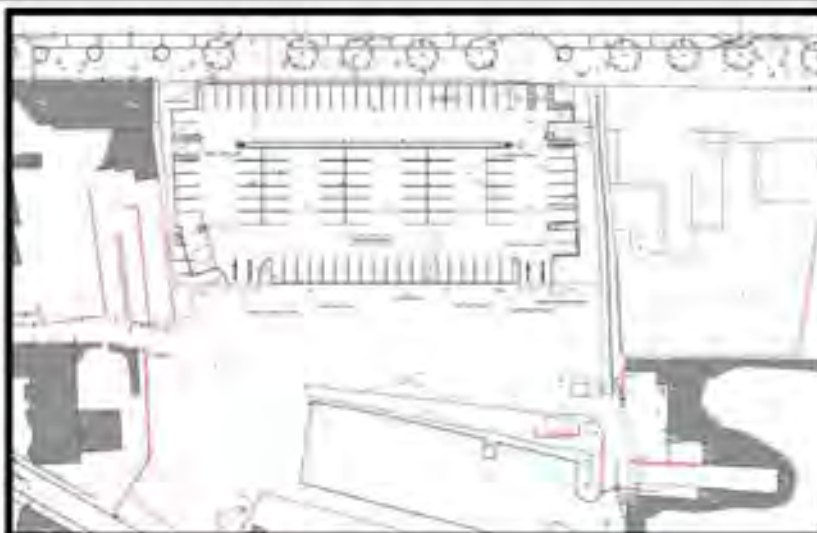


Figure 2 – Proposed Car Park Layout



Figure 3 – Aerial view with proposed car park overlaid

Principle of Development

The Planning Act (NI) 2011 ('the Act') is the principal piece of planning legislation. Section 45 (1) of the Act requires in dealing with a planning application regard to be had to the Local Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of this Act states that where regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Regional planning policies 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.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the Department of the Environment's Development Plans and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The application site is within the settlement limit of Bangor in both the extant and draft Plan. NDAAP currently acts as the Local Development Plan (LDP) for this area, with dBMAP remaining a material consideration.



Figure 2 - Draft Belfast Metropolitan Area Plan 2015 (Bangor)



Figure 3 - Draft Belfast Metropolitan Area Plan 2015 (Bangor town centre)

The site is within the proposed Bangor Central Area of Townscape Character (ATC), Bangor Town Centre, Bangor's Primary Retail Core and an area of Parking Restraint.

This application seeks approval for the temporary use of the site for car parking, recognising the site's eventual transformation as part of the Queen's Parade redevelopment scheme. The car park is proposed as temporary in nature, with the intention that it will be replaced by the comprehensive, mixed-use development approved on site. Given that it is the Marine Gardens element that forms the first Phase of the approval to be developed, this proposed temporary use will assist in providing spaces for visitors during construction allowing the city centre to remain accessible while work on the Queen's Parade scheme progresses.

Given that the proposal is temporary in nature, and wholly related to the existing approval for the overall redevelopment scheme on the wider site, it is not considered necessary to assess the proposal against the development plan policies.

The potential impact of the development on the proposed ATC is considered below.

Visual Impact on the character of the area and the proposed ATC

The Planning Appeals Commission considered a general objection to all proposed ATC designations within the then North Down district in its report on the BMAP public inquiry. The Commission recommended no change to the plan. It is therefore likely, if, and when BMAP is lawfully adopted, a Bangor Central ATC designation will be included. The proposed ATC designation is therefore a material consideration. The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. The Commission recommended that Policy UE3 be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would therefore be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Bangor Central ATC will be repeated.

As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP. Furthermore, the policies within APPS6 and the related provisions of the SPPS refer to ATCs. No reference is made to proposed ATCs, which do not have the same status or legal standing as a designated ATC. Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS are therefore not applicable to the consideration of the development. However, regardless of the lack of a policy context, the impact of the development on the overall appearance of the proposed ATC remains a material consideration and can still be objectively assessed.

The site is currently vacant and overgrown (see photos in Figures 4 and 5 below). It is not considered that the proposed temporary car park would result in any unacceptable adverse impact on the overall appearance of the immediate area or wider proposed ATC, beyond its current state. The car park will be surfaced in bitmac and enclosed with a 1m high timber fence. Given the temporary meanwhile use as a car park, pending redevelopment of the site, there would be no adverse visual impact.



Figure 4 – View of Site from Queen's Parade



Figure 5 – View of site from existing adjacent car park

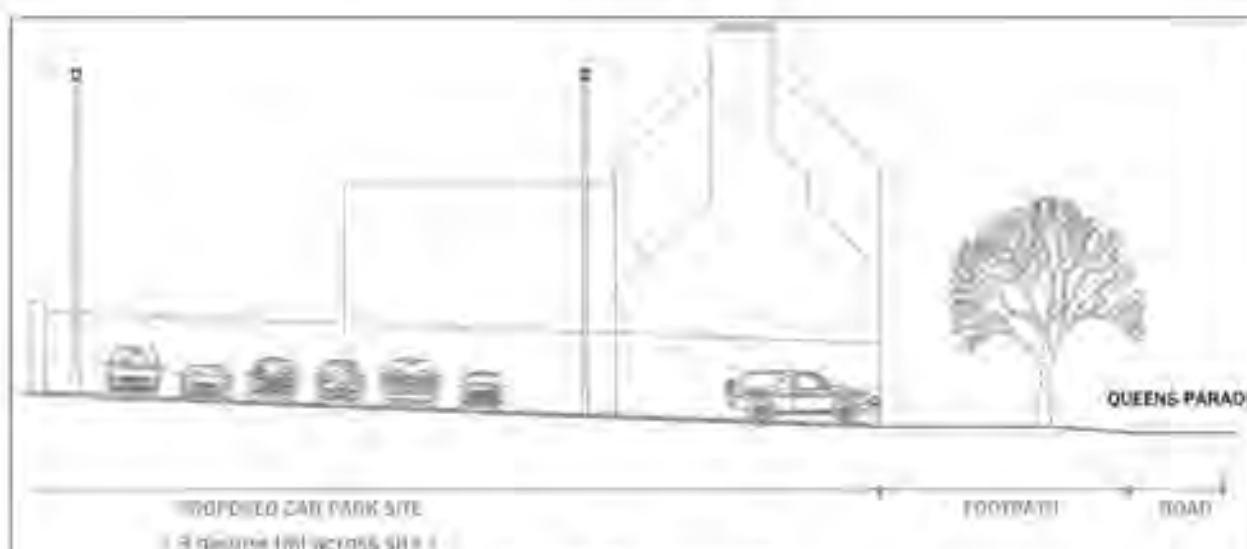


Figure 6 – Section

Impact on Residential Amenity and Neighbouring Land Uses

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The proposed development will have no impact on any domestic properties in the local area of which there are few. Given the nature of the proposed development and its temporary nature, no detrimental impact is envisaged.

Access, Movement and Parking

DFI Roads has been consulted and has no objections to the proposed development. The site will be accessed and egressed from the south as existing.

Designated Sites and Natural Heritage

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 conservation objectives/features of Belfast Lough SAC/SPA/Ramsar or any other European site.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species. In this instance it has indicated that there is not a reasonable likelihood of there being

protected species present and therefore further investigation is not considered necessary.

NIEA's Marine and Fisheries unit was consulted on the application given the proximity of the site to the Lough – and it returned no objections to the proposal.

Flooding

DFI Rivers has been consulted and has no objection to the proposed development, in the context that planning permission for the larger Queen's Parade redevelopment site remains extant.

Impact on the setting of Archaeological areas of importance

The application site is within the Area of Archaeological Potential for Bangor. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site. HED initially indicated that it would only be satisfied with the proposal in relation to SPPS and PPS 6 archaeological policy requirements if it did not involve any ground disturbance.

A second consultation response, indicated no objection as the site is within an area of previous disturbance, reducing the archaeological potential of the proposed works.

5. Representations

One letter of objection has been received raising the following concerns:

- a. The introduction of a temporary car park risks delaying the works of the Queen's Parade Development.
- b. The temporary car park proposal overlooks the availability of existing underused parking facilities in the city centre, such as those at Mills Road and Central Avenue. Redirecting parking demand to these locations would negate the need for a temporary facility and avoid unnecessary disruption to the redevelopment schedule.
- c. Creating a temporary facility that will cease to exist post-redevelopment is both impractical and short-sighted, particularly when future demand for parking in the area is expected to increase.
- d. It is crucial that the site remains clear to allow for potential adjustments to construction phasing or rescheduling. Introducing a temporary car park unnecessarily complicates the site's management and jeopardises the pace of redevelopment.
- e. Rather than disrupting progress on Queens Parade, efforts should focus on encouraging the use of existing car parking facilities.

Response:

Members shall be aware that it is Bangor Marine Ltd that is developing the overall Queen's Parade site, and its planning permission and related Development Agreement set out the phasing order for the development. Marine Gardens public realm is the first phase of the redevelopment, and whilst other phases can commence concurrently, the introduction of this temporary car park on the site proposed is not considered to impact on development of those other elements or timelines.

The temporary nature of the proposal is to facilitate parking for visitors to the city centre and assist in alleviating immediate pressure once Marine Gardens is closed to parking. It is not a long term solution, and the planning approval and further studies indicate sufficient parking availability in the wider area, and which will be subject to appropriate way-finding before Queen's Parade redevelopment is completed.

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 development hereby permitted is for a temporary period of 1 year only from the date of commencement of operation.

Reason: The development has been granted temporary permission because the site forms part of a wider redevelopment site.

3. Immediately upon the expiration of the 1 year period outlined in condition 2 above, the use hereby permitted shall cease and the land shall be restored to its former condition unless otherwise agreed in writing with the Council.

Reason: The development has been granted temporary permission because the site forms part of a wider redevelopment site.

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.

Site photos – 22.11.2024
From southeast corner of the site



From south of the site



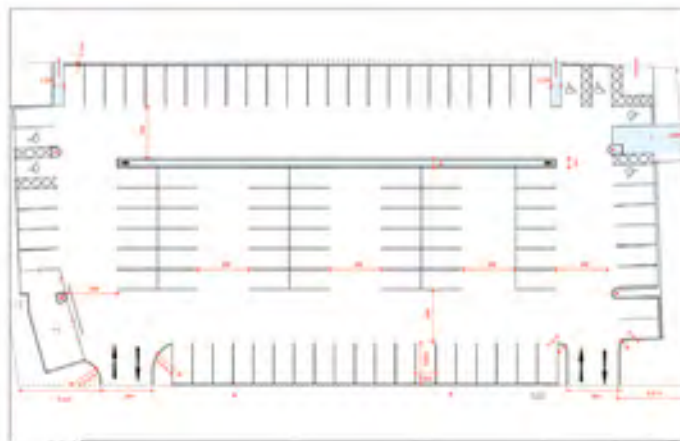
From southeast corner of the site facing west



From northeast corner facing south



From east to west




Block Plan

ITEM 4.9

Ards and North Down Borough Council

Application Ref	LA06/2024/0960/A
Proposal	Village Sign
Location	Land 27m south of 7 Portaferry Rd, Cloughey DEA: Ards Peninsula
Committee Interest	Council Application
Validated	26/11/2024
Summary	<ul style="list-style-type: none"> • Signage one of a series of previous consents for council village signs presented to Planning Committee • Signage reflects colour and logo used throughout the Borough while reflecting local identity of the locale • Signage complies with relevant planning policy • No objections from DFI Roads
Recommendation	Consent
Attachment	Item 4.9a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2024/0960/A	DEA: Ards Peninsula	
Proposal:	Village Sign.		
Location:	Land 27m south of 7 Portaferry Rd, Cloughey		
Applicant:	Brendan George		
Date valid:	26/11/2024	EIA Screening Required:	No
Date last advertised:	N/A	Date last neighbour notified:	N/A
Letters of Support : 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		No objection.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of a sign at this location; • Road safety; • Impact of the proposal on the character of the area. 			
Recommendation: Grant Consent			
Report Agreed by Authorised Officer			
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: https://submissions.planningsystemni.gov.uk/app/applications .			

1. Site and Surrounding Area

The application site is located approx. 27m south of No. 7 Portaferry Rd, approx. 9m south of the designated settlement limit of Cloughey as per the Ards and Down Area Plan 2015.

The application site is on the southern side of the Portaferry Road, on the grass verge adjacent to an agricultural field, with the proposal approx. 70m east of the existing road traffic signs demarcating the 30mph speed on entrance to the village of Cloughey.



Figure 1: Application site (looking towards the west towards the 30mph road signs)



Figure 2: Application site (looking towards the east)

There are residential dwellings on the opposite side of the Portaferry Road including Nos. 5, 7 and 9, with Nos. 22, 26 and 28 Portaferry Road to the west. To the south of the application site is an agricultural field, with commercial properties to the east of the site.





Figure 3: Residential properties and commercial properties within close proximity of the application site

2. Site Location Plan



Figure 4: Site Location Plan



Figure 5: Site plan

3. Relevant Planning History

There is no history on the application site that is integral to the assessment of this application.

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,
- Strategic Planning Policy Statement for Northern Ireland (SPPS),
- Planning Policy Statement 2: Natural Heritage,
- Planning Policy Statement 3: Access, Movement & Parking,
- Planning Policy Statement 17: Control of Outdoor Advertisements:
Policy AD 1: Amenity and Public Safety.

Planning Guidance:

- DCAN 15 Vehicular Access Standards.

Development Plan

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. Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Ards and Down Area Plan 2015 currently acts as the LDP for this area. The site is located approx. 9m south of the designated settlement limit of Cloughey as per the Ards and Down Area Plan 2015, with the settlement limit on the opposite side of the Portaferry Road. The site is located beyond the designated Area of Outstanding Natural Beauty.



Figure 6: Application site is located beyond the designated settlement of Cloughey as designated within Ards and Down Area Plan 2015 (Map No. 2/010a – Cloughey)

With reference to the above designations, it is considered the proposed development is in general conformity with the Plan subject to the specific policy considerations detailed below.

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.

This policy sets out the guiding principle relating to the granting/refusal of development contained within Paragraph 3.8. This 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 interest of acknowledged importance.

The SPPS sets the context for the control of outdoor advertisements (6.52). Advertising can contribute to a vibrant and competitive economy. The strategic policy recognises the potential impact of outdoor advertising on amenity. It therefore states that there is a need to balance the business need with protection of the character and appearance of our settlements.

At a strategic level, objectives for the control of advertisements are to ensure they respect amenity and do not prejudice public safety (including road safety), and second, help everyone involved in the display of adverts contribute positively to the appearance of a well-cared-for and attractive environment, with advertising a familiar feature of our environment that can contribute to a vibrant and competitive economy.

Until the Council has adopted the complete Plan Strategy, existing planning policies along with SPPS are to be applied. Due to the site-specific context and nature of the application the provisions of PPS 2, PPS 3 and PPS 17 are retained and are therefore material to this assessment.

The policy statement supplements the above context and sets out the main considerations to be taken into account in assessing applications of this nature.

Principle of Signage

The principle of signage at this location is considered acceptable. Whilst the application site is located beyond the designated development limit of Cloughey, the proposed signage is considered acceptable as it is located to mark the entrance to the settlement, with the site on the opposite side of the Portaferry Road from the settlement limit. The proposed signage is consistent in terms of signs to demarcate the entrance to settlements throughout Ards and North Down Borough Council in terms of markings, colour, branding and scale.

There is an existing road traffic sign within close proximity of the application site that demarcates the entrance of Cloughey Village, specifically the start of the 30mph speed limit. Given the application site is located within close proximity of the road sign and shall be visually read with it when approaching Cloughey travelling east, it is deemed that the proposed signage will not contribute to visual clutter or have a detrimental impact upon the character of the wider area.

Holistically considered the principle of signage is deemed to be acceptable.

Amenity, Design and Appearance

Policy AD1 states that consent will be given for the display of an advertisement where it respects the amenity of the area when assessed in the context of the general characteristics of the locality. In relation to an advertisement this is usually understood to mean a number of matters are taken into account:

- 1) The effect on the general characteristics of the area
- 2) The scale and size of the proposed signage in relation to the building
- 3) Cumulative impact
- 4) The size, scale and dominance in relation to the surrounding area
- 5) Design and materials
- 6) In the case of a free standing sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located
- 7) The impact on the amenities of people living nearby and the potential for light pollution.

The proposed signage marks the settlement of Cloughey. The non-illuminated aluminium sign on aluminium tubes shall be 2.5m tall and 1m wide. The sign shall state 'Welcome to Cloughey', include imagery of Cloughey Bay Beach and shall be finished in the branding and marketing colours of Ards and North Down Borough Council.



Figure 7: Proposed signage

There is no proliferation of advertising signage within close proximity of the application signage, with the proposed aesthetics of the sign considered to be acceptable as part of the settlement branding that is prevalent throughout the Ards and North Down Borough Council area. The signage shall have no detrimental impact upon the character and appearance of the surrounding area and shall not result in cluttering of signage or signage that will be overly dominant within the street scene, with the only signage within close proximity of the application site being the road sign that demarcates the start of the 30mph speed limit within the village settlement of Cloughey and the signage associated with the commercial properties to the east/south east of the application site.

The proposed signage is not considered to result in visible cluttering, with the proposal having no detrimental impact upon the amenity, design and appearance of the wider area.

Residential Amenity

The fixed sign has no illumination and the closest neighbouring property of No. 7 Portaferry Rd is located in excess of 27m north of the site. Consequently, it is deemed that there shall be no detrimental impact upon residential amenity as a consequence of this application.

Scale and Design

The design and scale of the signage is considered appropriate, with no detrimental impact upon the location site or surrounding area.

Access, Movement and Parking

The proposed signage will have no illumination, and as per the consultation response from DFI Roads, there are no objections to the proposed signage.

Natural Heritage

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

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.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species, with it noted that the signage does not include any illumination. In this instance it has indicated that there is not a reasonable likelihood of there being protected species present for an application of this nature and therefore further investigation is not considered necessary.

5. Representations

No letters of representation pertaining to the signage have been received.

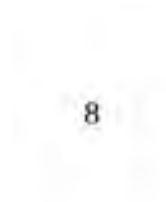
6. Recommendation

Grant Consent

7. Conditions

1. The signage hereby approved shall not be erected or retained anywhere other than in the position shown on approved plan Drawing No. 01A.

Reason: In the interest of local amenity and public safety.



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 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 February 2025
File Reference	
Legislation	Local Government Act 2014
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	Service Unit Plan
Attachments	Planning Service Plan 2025/26 for approval

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlines the approach to the Performance Planning and Management process as:

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

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

Not Applicable

Attached is the 2025-26 Service Plan for Planning in accordance with the Council's Performance Management Policy and Handbook.

Plans are intended to:

- Encourage compliance with the new legal, audit and operational context.
- Provide focus on direction.
- Facilitate alignment between Corporate, Service and individual plans and activities.
- Motivate and develop staff.
- Promote performance improvement, encourage innovation and share good practice.
- Encourage transparency of performance outcomes.
- Better enable us to recognise success and address underperformance.

The attached Plan:

- Has been developed to align with the objectives of the Big Plan (2017 – 2032) and the Corporate Plan 2024 – 2028 and has been developed in conjunction with staff, officers and management, and in consultation with key stakeholders where relevant.
- Sets out the objectives for the Service for 2025-26 and identifies the key performance indicators used to illustrate the level of achievement of each objective, and the targets that the Service will try to attain along with key actions required to do so.
- Is based on the agreed budget. It should be noted that, should there be significant changes in-year (e.g. due to Council decisions, budget revisions or changes to the PIP), the Plan may need to be revised.
- Will be reported to Committee on a six-monthly basis as undernoted.

Reference	Period	Reporting Month
Quarter 1 and Q2	April – September	December
Q3 and Q4	October – March	June

RECOMMENDATION

It is recommended that Council approves the attached Service Plan for Planning.

PLANNING SERVICE

(Draft) Service Plan: 01 April 2025 – 31 March 2026



**Ards and
North Down**
Borough Council

APPROVALS

Prepared By	Peer Reviewed By	Approved By Director
Leona Maginn, Clare Barker, Chris Blair, Gail Kerr	Claire Jackson	Ann McCullough
Principal Planning Officers and Head of Service	Head of Communications & Marketing	Director of Prosperity
17/11/2024	18/02/2025	19/02/2025

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1. Introduction to Service

Name of Service	Planning
Directorate	Prosperity

**Introduction
and
Reflection****The NI Planning System**

The planning system makes sure that the right things are built in the right places, be it houses, shops, parks, community centres or energy plants. It provides the ability to shape and change the character, look and feel of the places where we live, work or visit. Responsibility for planning in Northern Ireland is shared between the 11 local councils and the Department for Infrastructure (the Department).

Role of the Council

The Council is responsible for, in the main:

- Local development planning – creating a plan which will set out a clear vision of how the council area should look in the future by deciding what type and scale of development should be encouraged and where it should be located;
- Development management – determining the vast majority of planning applications;
- Planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

The Planning Service

The Planning Service sits within the Prosperity Directorate alongside Economic Development and Tourism.

The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland.

The Council, as a planning authority, is required to simultaneously pursue social and economic priorities alongside the careful management of our historic and natural environment for the overall benefit of our society. The Service provides statutory duties as set out under the Planning Act (Northern Ireland) 2011 and the mission is aligned with the Corporate Vision as set out in the Corporate Plan 2024-2028.



As a service we provide the statutory duties set out under The Planning Act (Northern Ireland) 2011 on behalf of the Council.

Development Management Service Unit

Responsible for assessing and determining planning applications with Statutory Performance Indicators as follows:

- **Major development** applications – process from date valid to decision within average processing time of 30 weeks
- **Local development** applications – process from date valid to decision within average processing time of 15 weeks

Considerable additional work is undertaken within the section which is non-fee attracting but for which substantial resource is required – such as assessment of non-material changes to planning approvals, discharge of conditions attached to planning approvals, processing of applications for Certificates of Lawfulness of Proposed Use or Development, preparation of Statements of Case for planning appeals, and duty planner services.

Factors affecting efficiency and effectiveness of Unit:

- Resource and expertise within statutory consultees
- Volume and detail of objections received to proposals

- Servicing of Planning Committee
- Increase in environmental governance

Development Plan & Policy Service Unit

Responsible for preparing a Local Development Plan (LDP) which will guide the future use of land within the Borough and inform developers, members of the public, communities, government, public bodies, representative organisations and other interested parties of the policy framework that will be used to determine planning applications. (Part 2 - Planning Act Northern Ireland 2011)

Also provided within this Service Unit is access to a Conservation Area Officer providing advice to Development Management colleagues in respect of applications within or affecting the setting of any of the three designated conservation areas of Donaghadee, Holywood or Portaferry. Within this area also sits the Planning GIS Officer who contributes to development of interactive mapping solutions for the Planning pages of the Council website, alongside mapping of LDP information and analysis and assistance, where required, to other service units.

Factors affecting efficiency and effectiveness of Unit:

- Overall effectiveness of new system transferred by central government in 2015
- Garnering support from elected members on policy direction
- Ensuring substantial evidence base is 'sound' to support policy proposals
- Aligning with other Council strategies and aspirations
- Aligning with continually emerging government policies and guidance
- Cost of securing specialist consultant advice/studies on thematic areas

Planning Enforcement and Trees Service Unit

Effective enforcement of breaches of planning control is essential to ensure the credibility of the planning system is not undermined.

Under The Planning Act (NI) 2011 the Council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations.

Officers also process applications for Certificates of Lawfulness for Existing Use or Development.

Within this Service Unit sits the Tree Officer, who assesses requests for new Tree Preservation Orders (TPOs), as well as processing of applications for consent to carry out works to protected trees and notifications of proposed works to trees within conservation areas. Planning also has access to a Biodiversity Officer on a part time basis, shared between Planning and Parks.

who assists the Tree Officer and provides advice to Development Management staff in relation to biodiversity issues affecting planning applications.

Factors affecting efficiency and effectiveness of Unit:

- Only fee attracting where retrospective planning applications are submitted further to breaches being identified;
- Cost of legal support for summons actions/prosecutions especially in relation to advertising breaches
- Increase in number of complaints regarding potential breaches reported requiring investigation
- Number of requests for new TPOs and applications seeking consent for works to protected trees
- Number of and legality of legacy TPOs transferred from previous planning authority
- Land Registry Charges

Planning Business Support

The Business Support team provides essential support to the three Service Units in addition to ably carrying out a range of other duties, as follows:

- Processing of c300 Property Certificates per month
- Data cleansing in relation to migrated historic planning applications (1973-2000)
- Data cleansing in relation to migrated historic Enforcement cases
- Processing of copy document requests from public
- Processing of Statutory Charges
- Data cleansing re archived physical copies in storage
- Weekly updating of Planning website re delegated lists, advertising lists, Planning Committee schedules
- Responding to walk-in queries from customers unable to access/view online applications at home
- Maintenance of Correspondence, FoI and Complaints folders and spreadsheet
- Updating of the Planning Register
- Updating of repository of all Planning Appeals Commission decisions
- Fielding of all emails and phone-calls 9am to 4pm to Planning re duty planner queries as well as case-specific queries

Planning Performance

2024-2025 (Quarters 1 & 2)

	No. of applications received / No. of complaints received re	No. of application determined / No. Of enforcement cases concluded	Average processing time (wks) / Target

	breaches of planning control		conclusion time (Targets in brackets)
Majors	3	2	81.2 (30)
Locals	354	375	16.4 (15)
Enforcement	127	193	53.9% (70% concluded within 39 weeks)
Certificates of Lawfulness	31	25	9.6 (n/a)
Discharge of Conditions	34	31	11.1 (n/a)
Non-Material Changes	23	22	5.8 (n/a)
TPO Requests / Works to Protected Trees / Trees within Conservation Areas	25	25	15.8 (n/a)

Key successes and Learning

- *Statutory Performance Indicator was just missed on the processing of local applications (average of 15 weeks)*
- *Recommendation 10 from the [Public Accounts Committee Report on Planning](#) (published March 2022) states:
‘The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.’ This was prompted given variation on decision making in Councils.
To deliver on this recommendation, the Planning Committee has had a report presented by officers on a range of detail on past decisions, both delegated and Planning Committee, implemented and unimplemented, and includes applications which were called in to Committee on basis of number of objections, or whereby the Council received complaints from objectors as to the decisions made.
The Planning Service has also provided the report to the Department for Infrastructure as appropriate.*
- *Successful prosecutions have been progressed in relation to estate agent signage in the Borough.*
- *Successful defence of planning decisions at Planning Appeals Commission. In 2024 to date, 6 out of 8 appeals have been dismissed (that is that the Council’s decision stands) These relate to 3 Development Management and 3 Enforcement appeals.*
- *Processing of Planning applications enabling the delivery of Council projects including Portaferry Public Realm and Queen’s Parade – variation of conditions.*
- *LDP continuing progress on refinement to an agreed draft Plan Strategy with Elected Members for publication and public consultation.*
- *Planning Service continues to assist with Elected Member development. Workshops and capacity building on key planning topics have been delivered by officers. This has supported the upskilling and capacity building with elected members and collaborative working relationships with officers. The participation in Member Development has also assisted with Council gaining of the NILGA accreditation (in 2018) and the enhancement to charter plus status in 2024 with an officer from Planning Service contributing to the consideration panel from NILGA.*
- *Digital transformation of Planning Service has been facilitated by the implementation of the new Planning Portal and Planning administrative staff able to streamline issuing of decision notices in digital form.*
- *Planning administrative officers are facilitating digital transformation by implementing retention and disposal schedule and reviewing potential financial efficiencies with the physical storage of files.*
- *Planning has transformed with reduction in overall use of paper and thus a lower carbon budget. The implementation by Planning Service staff of the digital-first approach to planning files which has been enabled by the new Planning Portal contributing to environmental management and measures for climate adaptation.*
- *In order to reduce the timeframe to meet the statutory target for processing ‘Major’ category of planning applications to a conclusion, the setting up of a dedicated team is proposed.*
- *Better working relationships with Statutory Consultees – specifically DFI Roads in order to improve the quality and timeliness of response to assist with meeting Statutory Performance targets*

2. Context, Challenges and Key Assumptions

<p>Political</p>	<p>The Council's Planning Committee consists of 16 elected members and is responsible for determining planning applications upon which officers have made a professional recommendation. Continued professional development and training and adherence to the Code of Conduct is essential in ensuring openness and transparency and maintaining confidence in decision making, and Local Development Plan making. Elected members require:</p> <ul style="list-style-type: none"> • <i>Timely and professional planning recommendations on planning proposals</i> • <i>Preparation of a Local Development Plan for the Borough to guide future use of land and inform developers, members of the general public, communities, government, public bodies, representative organisations; and other interested parties of the policy framework that is used to determine development proposals.</i> • <i>Effective enforcement of breaches of planning control so that integrity of the planning system is not undermined.</i> <p>Externally - at central government level, key statutory consultees such as DFI Roads and NI Environment Agency are often not able to provide responses to planning application consultations in a timely fashion. NI Water of which is served by DFI as a sponsoring body continues to have implications for delivery of planning across Northern Ireland by way of the status of the infrastructure. Council has written several times to DFI and DFI minister in relation to same seeking that the needs are addressed.</p> <p>The Planning Improvement Programme should bring about opportunities to continue to address with Central Government and in particular the DFI Minister to assist Local Government Planning Authorities in proper reform of Planning in Northern Ireland.</p>
<p>Economical</p>	<p>Planning must act as an enabler for economic development, and provide certainty for developers, members of the public, communities, government, public bodies, and other interested parties in relation to the policy framework that will be used to determine development proposals which support the prosperity of the borough. Business sectors require a proactive Planning Service which reacts positively and in a timely fashion enabling sustainable development for the benefit of the borough. Prioritisation of Major planning applications through a new team and also prioritisation of 'Local' planning applications which support the economy.</p>
<p>Social</p>	<p>Residents require:</p> <ul style="list-style-type: none"> • <i>Positive place making that is not detrimental to socio, economic and environmental factors;</i> • <i>Quality decisions on planning applications in a timely fashion aligned with statutory performance targets, including householder development applications within internal target of 8 weeks;</i> • <i>Delivery of a Local Development Plan to provide for the needs of the Borough over the next 15 years;</i> • <i>Effective enforcement of breaches of planning control so that the integrity of the planning system is not undermined.</i> • <i>Positive relationships and collaboration with other Service Units in meeting outcomes for projects</i>

<p>Technological</p>	<ul style="list-style-type: none"> • <i>Appropriate responses to queries and timeliness of correspondence.</i> <p>Planning Service continues to streamline processes across Development Management, Enforcement and Trees in relation to the Planning Portal.</p> <p>There are opportunities for utilising an updated consultation platform of 'Go Vocal' for the Draft Plan Strategy public consultation. The Planning Service shall work collaboratively with Business Technology to optimise public engagement in plan making.</p> <p>The LDP team and Planning GIS officer has worked collaboratively with the Corporate GIS officer in enhancing web-based solutions for monitoring employment land and housing.</p> <p>Reduction in the storage of hard copy files via digitalisation of files and only electronic retention presents opportunities to reduce storage costs.</p>
<p>Legal</p>	<p>Keeping abreast of legal judgments and Planning Appeals Commission decisions is essential in maintaining best practice and application of planning policy to ensure planning decisions are robust and defensible, but with Council prepared to challenge irrationality in appeal outcomes and own decisions, where considered appropriate.</p>
<p>Environmental</p>	<p>Sustainable development includes conservation and enhancement of our archaeology, built and natural heritage so Council must ensure its Local Development Plan policies engender environmental protection and adaptation where appropriate. Council is committed to investigating and taking action against unauthorised development where it causes demonstrable harm to our environment.</p> <p>Context of wider targets for addressing climate change.</p> <p>Externally there are large scale implications regarding the infrastructure available (NI Water) to facilitate planning commitments and future growth.</p>

Strengths	Weaknesses
<ul style="list-style-type: none"> • High quality service which contributes to the objectives of the draft Corporate Plan and facilitates achievement of the Big Plan outcomes. • Well-educated, trained, professional and empathetic workforce. Officers have project management skills over a broad spectrum of functions, and a proven record regarding internal and external partnership working, including influencing and negotiation. • Regional and sub-regional collaboration for the service via a range of professional officer working groups, leading to consistency of approach and commitment to continuous improvement. • Good communications across the service internally and across wider Council. • Staff encourage collaborative working at the beginning of Council-led projects to ensure expectations can be managed appropriately and outcomes achieved and support throughout. • Planning Portal system now enabling online submissions of applications and digital issuing of decision notices, enforcement complaints and requests for tree works also now digitally received. • Support for cross-council projects to assist in delivery of the ITRDS and Bangor Waterfront redevelopment including Queen's Parade redevelopment • Facilitation and attraction of investment into the Borough through timely processing of economically significant applications and preparation of Local Development Plan providing certainty for investors 	<ul style="list-style-type: none"> • Lack of resource/appropriate staffing of statutory consultees – impact on application processing times; • Unsustainable planning fee structure set by central government despite recent increase which doesn't reflect the resource attributed to processing of planning applications despite being highlighted by Public Accounts Committee; furthermore, there is an inability to recoup by way of charges for the work involved for other parts of the planning process – discharge of conditions and non-material changes which are time consuming. • Having to apply negative conditions in circumstances whereupon the discharge of the condition and associated work will not attract a fee. • Staff retention and recruitment – ability to recruit appropriately qualified and experienced staff to backfill vacancies, especially where other councils offer enhanced pay, and terms and conditions (including payment of professional fees); • Quality of applications at validation stage and inability to reject due to current legislation – leading to delays in processing. New Statutory Rule enabling Councils to introduce Validation Check Lists. • Ability of consultees to provide Planning Service with timely and quality advice which has implications for meeting statutory targets (DFI Roads not engaging with PADs due to resourcing issues). • Potential costs of change requests to have a Planning Portal which can deal with Development Plan monitoring • Ongoing limitations of NI Water not having fit for purpose infrastructure to deal with commitments and future growth.
Opportunities	Threats

<ul style="list-style-type: none"> • The NI Planning Improvement Programme (PIP) – stemming from recommendations made by Public Accounts Committee in March 2022 – various workstreams to address processes. • Continued support for cross-council service units in provision of planning advice at early stages in project development and throughout, and in delivering BRCD projects – breaking down silos across service units through attendance at project boards and working groups; • To review and update all existing Tree Preservation Orders and improve processes and procedures in line with recommendations set out in NIPSO 'Strengthening Our Roots' Report of Oct 2023; • Reorganisation Design – potential opportunities to realign other services with Planning to achieve further efficiencies • Efficiencies can be made in file storage. Planning Admin Team monitor and review files and implement the retention and disposal schedule for the Service. Physical file storage can be reduced, and costs of storage can be eliminated in the forthcoming financial year. 	<ul style="list-style-type: none"> • Legal challenges against planning decisions which are irrational or unsound due to incorrect application of planning policy or lack of adherence to proper process; • Lack of pace on PIP and lack of focus by DFI and Minister on strategic and fundamental reform of the planning process in NI; • Lack of dedicated resource within Council's Planning Service to progress PIP workstreams; • 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, and apathy of DFI to instigate alternative measures; • Delivering on actions committed to within both the Roadmap to Sustainability and Local Biodiversity Action Plan in respect of climate change targets in absence of further resource; • Ongoing NIW sewerage infrastructure issues due to long-term lack of under-investment and resultant impact on planning proposals; • Managing statutory performance targets in context of stretched resources and fiscal challenges
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3. Strategic Objectives and Collaboration

The table below reflects the key projects that will be undertaken by our Service over the next 12 months, and the key Services that will be collaborated with as part of the process.

Strategic Objective	Collaboration Required
Objective 1	
Growing the non-domestic rates base <ul style="list-style-type: none"> • NIE site; • Vacant to Vibrant scheme. 	Regeneration, Finance, Economic Development and Strategic Capital Development.
Objective 2	
Representation on Project Boards for: <ul style="list-style-type: none"> • Pickle, Marina, & Court House projects as part of Bangor Waterfront redevelopment; • Whitespots Country Park; • Civic Office & Administration; • Estates; providing planning advice on current Local Development Plan designations, prevailing policy framework and parameters for future development	Strategic Capital Development , Economic Development, Tourism and Regeneration.
Objective 3	
Delivery towards Corporate Plan Outcome 4 – ‘A vibrant, attractive, sustainable Borough for citizens, visitors, businesses and investors’ Delivery of a public consultation document – Draft Plan Strategy first formal document in the LDP.	Business Technology Corporate Communications and Marketing Corporate Services Community Planning
Objective 4	
Engaging on Council’s Green Economy Working Group to advise on planning matters	Regeneration, Finance, Property & Assets, Strategic Capital Development

4. Service Improvement

Service development/ improvement 2025/26?	Which of the specified aspects will this improve?	Rationale	Responsible Officer(s)	Who do we need to help us? (Internal and/ or External partners) Please specify
<p>The Development Management Service Unit deals with processing of a planning applications. The future improvement will include an internal reorganisation to form a 'Majors' team to deal specifically with major applications and those which promote economic development. There shall be subsequent realignment of other officers into teams dealing with 'Householder' applications and 'Locals.'</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Strategic Effectiveness <input checked="" type="checkbox"/> Service Quality <input checked="" type="checkbox"/> Service Availability <input type="checkbox"/> Fairness <input checked="" type="checkbox"/> Sustainability <input checked="" type="checkbox"/> Efficiency <input type="checkbox"/> Innovation 	<p>To contribute to the Corporate Plan's vision of 'A Sustainable Borough' and the Corporate priority of increasing economic growth by attracting more business and jobs through timely processing of applications in the major category of development and prioritisation of those in the local category of development which will contribute to growing the non-domestic rates base.</p>	<p>Head of Planning</p> <p>Principal Planning Officer – Development Management</p>	<p>Internal – HR - Finance</p>

5. Service Risk Register

The Service Risk Register aligns with the Corporate Risk Management Strategy.

In completing this Service Plan the current Service Risk Register has been reviewed and updated as appropriate.

6. Key Activities (KPIs) for 2025/26

KPIs align to the Seven Outcomes of the Corporate Plan 2024-2028, detailed below:

1	An engaged Borough with citizens and businesses who have opportunities to influence the delivery of services, plans and investment
2	An environmentally sustainable and resilient Council and Borough meeting our net zero carbon targets
3	A thriving and sustainable economy
4	A vibrant, attractive, sustainable Borough for citizens, visitors, businesses and investors
5	Safe, welcoming and inclusive communities that are flourishing
6	Opportunities for people to be active and healthy
7	Ards and North Down Borough Council is a high performing organisation

In addition, KPIs align with one of the three **Corporate Priorities** of the **Corporate Plan**, detailed below:

Corporate Priority 1	Economic	Increasing economic growth by attracting more businesses and more jobs.	<ul style="list-style-type: none"> • Business Support • Attracting Investment • Rural Regeneration • Labour Market Partnership • Sustainable Tourism • Town and City Regeneration • Vacant to Vibrant Scheme • Innovation Hub
Corporate Priority 2	Environmental	Reducing carbon emissions as we transition to net zero	<ul style="list-style-type: none"> • Waste Management • Digital and Physical Infrastructure • Estate Management • Tree Planting Strategy • Management of Outdoor Spaces • Local Development Plan • Litter Control and Enforcement • Sustainable Waste Resources Strategy • Sustainable Energy Management Strategy
Corporate Priority 3	Social	Improving wellbeing through social inclusion and reducing inequality	<ul style="list-style-type: none"> • Sport, leisure and outdoor recreation • Active travel • Environmental Health • Community Development • Neighbourhood Environment • Good Relations • Leisure Strategy • Placemaking

Existing KPI Number	Performance Measures Should include improvement actions outlined in Section 4 and relevant measures both existing and new.	Is the KPI Mandatory / Statutory / Service-led	Reporting frequency (6 Monthly/ Year-end)	Outcome	Corporate Priority	KPI to be included in Performance Improvement Plan	2025/26 Reporting						
							2023/24 Actual	2024/25 Target	2024/25 YTD End of Q3	2025/26 Target	Reporting end of Q2 Target	Reporting end of Q4 Target	Cumulative / Fixed
EC.07.PL.01	% Spend against budget	Mandatory	6 Monthly	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input type="checkbox"/> Environment <input type="checkbox"/> Social	No	110.7%	100%	99.4%	100%	0%	100%	Fixed
EC.07.PL.02	% Staff attendance	Mandatory	6 Monthly	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input type="checkbox"/> Environment <input type="checkbox"/> Social	No	89.37%	95%	TBC	95%	%	%	Fixed
EC.01.PL.03	% of completed Employee Appraisals	Mandatory	Year end	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input type="checkbox"/> Environment <input type="checkbox"/> Social	No	-	100%	80%	100%	-	100%	Fixed
EC.01.P L.04	Process major development applications with target performance time of 30 weeks	Statutory	6 Monthly	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input checked="" type="checkbox"/> Social	No	84.7 weeks	30 weeks	58.1 weeks	30 weeks			Cumulative
EC.01.P L.05	Process local development applications with target performance time of 15 weeks	Statutory	6 monthly	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input checked="" type="checkbox"/> Social	No	16 weeks	15 weeks	17.6 weeks	15 weeks			Cumulative
EC.01.P L.06	Process householder development applications within 8 weeks	Service Led	6 monthly	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5	<input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input checked="" type="checkbox"/> Social	No	67%	65% determined in 8 weeks	50.6%	8 weeks			Cumulative

Existing KPI Number	Performance Measures Should include improvement actions outlined in Section 4 and relevant measures both existing and new.	Is the KPI Mandatory / Statutory/ Service-led	Reporting frequency (6 Monthly/ Year-end)	Outcome	Corporate Priority	KPI to be included in Performance Improvement Plan	2025/26 Reporting						
							2023/24 Actual	2024/25 Target	2024/25 YTD End of Q3	2025/26 Target	Reporting end of Q2 Target	Reporting end of Q4 Target	Cumulative / Fixed
				<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7				(this is an annual internal target)					
EN.04.P L.07	Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	Statutory	6 Monthly	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input checked="" type="checkbox"/> Social	No	Not available due to new Planning Portal, enforcement data not available	Conclude 70% of cases within 39 weeks	52.9%	conclude 70% of cases within 39 weeks		70%	Cumulative
EN.04.P L.08	Implementing recommendations within NIPSO Report – Strengthening Our Roots: Prepare and publish a guidance document on Trees and Development in the Borough.	Mandatory And Service Led	Year end	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7	<input type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input type="checkbox"/> Social	Yes		Complete by year end	n/a	n/a	n/a	n/a	Fixed
EC.01.P L.10	LDP –publication of Draft Plan Strategy	Statutory	Year - end	<input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input checked="" type="checkbox"/> 6 <input checked="" type="checkbox"/> 7	<input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Environment <input checked="" type="checkbox"/> Social	No		The preparation of a document agreed by Elected Members for public consultation	-	-	-	-	Fixed

7. What Services/ Activities will be stopped

Please add detail of KPI's that have previously been monitored that will no longer be reported on for 2025/26.

N/A

8. Reporting, Monitoring and Review

Provide detail below how this plan will be monitored and reviewed.

Monitoring Method	Frequency	Responsible Officer
Team Meeting	Monthly	HoST/ SUMs/ Line Managers
HoST	Quarterly	HoST
Standing Committee	6 Monthly	Directors and HoST
Performance Improvement Plan	Annually (30 th June)	Transformation Manager
Self-Assessment Report	Annually (30 th September)	Transformation Manager
Other		

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 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	07 February 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	Item 6a Appeal decision - 2023/L0007 Item 6b Appeal decision - 2023/A0109

Appeal Decisions

- The following appeal was dismissed on 22 January 2025.

PAC Ref	2023/L0007
Council Ref	LA06/2022/1295/CLOPUD
Appellant	Dr Stephen Glover
Subject of Appeal	Erection of Shed
Location	40 Ballymacreely Road, Killinchy

The Council refused the above application for a Certificate of Lawfulness of a Proposed Use or Development on 3 August 2023 in relation to a proposed shed as it was not considered to meet the requirements of The Planning (General Permitted Development) Order (NI) 2015 – i.e. development not requiring express planning permission.

Not Applicable

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The main issue in this appeal related to whether the proposed shed would be lawful.

Section 170 of the Planning Act (Northern Ireland) 2011 makes provision for the issuing of a certificate of lawfulness for a proposed use or development. Section 170(1) states that if any person wishes to ascertain whether any proposed use of buildings or other land or any operations proposed to be carried out in, on, over or under land, would be lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use or operations in question.

Part 1 of the Schedule to the Order relates to development within a residential curtilage with Class D making provision for any building for a purpose incidental to the enjoyment of the dwelling house.

The Council considered that the development would not meet Class D criterion (b) which states that development is not permitted if any part of the building is situated on land forward of a wall which (i) faces into a road; and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse

Claims were made of contradictions in the Council's approach to the CLOPUD application; however, the Commissioner determined that the submitted statement of case is taken as the Council's final position on the matter.

There was no concern in relation to the height of the proposed building and the impact of the appellant's proposed shed on visual amenity.

Information regarding the surveillance system and pergola on the appellant's property were outside the remit of the appeal and any reference to Scottish and English planning system's permitted development rights, Scotland's Guidance on Householder Permitted Development Rights raised by the appellant, including any reference to claims in relation to support for the proposal by other councils within this jurisdiction, did not have determining weight in this case. A letter to the appellant from DfI dated 6th March 2023 was not official guidance with no such considerations contained within the legislation.

The side elevation of the appellant's dwellinghouse faces onto Ballymacreeley Road with the proposed shed forward of this wall. Given that the proposed building would be forward of a wall which faces into a road and forms a side elevation of the original dwelling house it therefore sits outside the provisions of Part 1 Class D(b) of the GDPO and therefore is not permitted development.

The appeal was dismissed, and the report is attached to this report.

Not Applicable

308

2. The following appeal was dismissed on 11 February 2025

PAC Ref	2023/A0109
Council Ref	LA06/2023/2156/O
Appellant	Mr Gareth Horner
Subject of Appeal	Refusal of planning permission for 2no. dwellings
Location	Between No. 2A and No. 4 Coach Road, Comber

The above planning application was refused on 01 March 2024 for the following reasons:

- The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Coach Road.
- The proposal is contrary to Policy CTY 1 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.
- The proposal is contrary to Policy CTY 14 of Planning Policy 21 – Sustainable Development in the Countryside in that the dwellings would, if permitted, result in a detrimental change to the rural character of the countryside by creating a ribbon of development.

Whilst the Commissioner agreed with the Council that there was a substantial and continuously built up frontage (consisting of three or more buildings), the gap site would be suitable to accommodate more than two dwellings. As such the appeal site does not represent an exception under Policy CTY8.



The appellant's reference to Building on Tradition Guidance and other gap site frontages which were deemed acceptable within the Council district was not considered to assist their case given the policy requirement for the proposal to respect the existing development pattern along the frontage (emphasis added). It follows that what is acceptable on one frontage may not be acceptable on another and in any event each proposal must be assessed on its individual merits.

Not Applicable

The Council's reasons for refusal were upheld, with the exception of concerns regarding removal of hedgerow to facilitate sight splays which the Commissioner considered could be conditioned on any approval.

New Appeals Lodged

3. The following appeal against an Enforcement Notice was lodged on 04 February 2025.

PAC Ref	2024/E0044
Council Ref	LA06/2021/0144/CA
Appellant	Mr William & Mrs Helen Wylie
Subject of Appeal	Alleged unauthorised: <ul style="list-style-type: none"> • ancillary building; • wooden pergola; • extension of domestic curtilage which includes concrete path; • building; • building; • shelter; • laying of hardstanding laneway.
Location	Lands at 107 Comber Road, Newtownards

4. The following appeal was lodged on 28 January 2025.

PAC Ref	2024/A0114
Council Ref	LA06/2023/2149/O
Appellant	Alexis Clarke
Subject of Appeal	Refusal of planning permission for 2 No. in-fill dwellings with domestic garages
Location	2 No. in-fill dwellings with domestic garages

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDATION

It is recommended that Council notes the report and attachments.



Appeal Decision

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Appeal Reference:	2023/L0007
Appeal by:	Dr Stephen Glover
Appeal against:	Refusal of a Certificate of Lawfulness of Proposed Use or Development
Development:	Erection of shed
Location:	40 Ballymacreelly Road, Killinchy
Planning Authority:	Ards and Down Borough Council
Application Reference:	LA06/2022/1295/CLOPUD
Procedure:	Written representations and Commissioner's site visit on 17 th January 2025
Decision by:	Commissioner Diane O'Neill, dated 22 nd January 2025

Decision

1. The appeal is dismissed and a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is refused.

Reasons

2. The main issue in this appeal relates to whether the proposed shed would be lawful.
3. Section 170 of the Planning Act (Northern Ireland) 2011 makes provision for the issuing of a certificate of lawfulness for a proposed use or development. Section 170(1) states that if any person wishes to ascertain whether any proposed use of buildings or other land or any operations proposed to be carried out in, on, over or under land, would be lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use or operations in question. The application was made in accordance with Section 170 of the Act and was refused on 3rd August 2023. This appeal was made under Section 173 of the 2011 Act.
4. The Planning (General Permitted Development) Order (Northern Ireland) 2015 (the GPDO) is the relevant legislation for determining permitted development rights. Part 1 of the Schedule to the Order relates to development within a residential curtilage. Class D makes provision for any building for a purpose incidental to the enjoyment of the dwelling house. The Council consider that the development would not meet Class D criterion (b) which states that development is not permitted if any part of the building is situated on land forward of a wall which (i) faces into a road; and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.

5. Claims were made of contradictions in the Council's approach to the CLOPUD application however the Council's statement of case is taken as their final position on the matter. No concern was raised by the Council in relation to the height of the proposed building. The appellant stated that other properties have significant visible enclosures including garages within the Mount Eden development as well as there being a large shed at No.37 Ballymacreeilly Road. However, the impact of the appellant's proposed shed on visual amenity is not a consideration when determining if the proposal would meet Class D of the GPDO. The full details of the alluded to examples were not provided by the appellant and some were said to have been granted planning permission or located to the rear of dwellings.
6. Issues in relation to the appellant's surveillance system and pergola, including whether they are permitted development, damage and threats to the appellant and his property and claims in relation to a neighbouring development not complying with its granted planning permission are outside the remit of this appeal. The Scottish and English planning system's permitted development rights, Scotland's Guidance on Householder Permitted Development Rights and claims in relation to support for the proposal by other councils within NI do not have determining weight in this case. The letter to the appellant from DfI dated 6th March 2023 is not official guidance and no such considerations are contained within the legislation. The appellant also referred to 1982 case law however a copy of this was not provided.
7. Irrespective of its orientation, setback and intervening planting, the side elevation of the appellant's dwellinghouse faces into the Ballymacreeilly Road. The proposed shed would be forward of this wall. Given that the proposed building would be forward of a wall which faces into a road and forms a side elevation of the original dwelling house at No.40 Ballycreelly Road, it therefore sits outside the provisions of Part 1 Class D(b) of the GPDO. As a consequence, it is not permitted development.
8. I am satisfied that the Council's refusal of this CLOPUD application was well founded. The appeal is therefore dismissed.

This decision is based on Drawing No. P101 1:2500 Site location map, 1:500 block plan and 1:50 proposed elevations submitted with the appellant's statement of case.

COMMISSIONER DIANE O'NEILL

2023/L0007

List of Documents

Planning Authority
(Ards and Down Borough Council Council):-

Statement of Case PA 1
Rebuttal PA 2

Appellant:-

Statement of Case A 1
Rebuttal A 2



Appeal Decision

Planning Appeals Commission
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92 Ann Street
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BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2023/A0109
Appeal by:	Mr Gareth Horner
Appeal against:	The refusal of outline permission.
Proposed Development:	Two No. Dwellings.
Location:	Between No. 2A and No. 4 Coach Road, Ballyloughan, Comber, BT23 5JW.
Planning Authority:	Ards and North Down Borough Council.
Application Reference:	LA06/2023/2156/O
Procedure:	Written representations and Commissioner's site visit on 4 th February 2025.
Decision by:	Commissioner Jacqueline McParland, dated 11 th February 2025.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its statement of case, the Council sought to expand its third reason for refusal by referencing the proposed removal of a part of the roadside hedge. It states that the proposal would contribute to the cumulative impact of hedgerow loss which would be detrimental visually to the rural landscape character and would be detrimental to biodiversity, contrary to policy CTY14 'Rural Character' of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) as well as policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage (PPS2).
3. Whilst the Council did not notify the appellant of this amendment prior to statements of case being submitted, the appellant was given the opportunity to comment on this matter in their rebuttal. Accordingly, no prejudice has arisen.

Reasons

4. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would be detrimental to the rural character.
5. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires the Commission when dealing with an appeal to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that where regard is to be had to the

- LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area wherein the appeal site is located. In the ADAP, the appeal site is in the countryside. The LDP directs that the final PPS21 will take precedence over the plan with regards to single houses in the countryside. Therefore, the rural policies of the LDP are outdated and no determining weight can be given to them.
 7. Transitional arrangements are set out in the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS). Those arrangements are in operation until a Plan Strategy (PS) for each of the Council areas is adopted. As there is no adopted PS for this area, the SPPS retains certain Planning Policy Statements (PPSs) including PPS21 and PPS2. There is no conflict or change in policy direction between the provisions of the SPPS, PPS21 and PPS2 insofar as they relate to the issues that arise in this appeal. In accordance with the transitional arrangements, the retained policies provide the policy context for assessing the proposal. Supplementary planning guidance is contained in 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' (BoT).
 8. Policy CTY1 of PPS21 is entitled 'Development in the Countryside'. It sets out a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8 'Ribbon Development' is one of those types of development. The appeal is made under this particular policy and underpins my consideration of the proposal as set out below.
 9. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Notwithstanding the presumption against ribbon development, the policy permits under the exception test, 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. The policy defines a substantial and built-up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.
 10. The appeal site is rectangular in shape and comprises of the roadside portion of a larger agricultural field. It has a 2 metre hedgerow along the boundary adjoining the Coach Road. Its southwestern boundary is demarcated by a 1 metre post and wire fence, whilst its northeastern boundary is defined by mature trees approximately 8 metres in height. The appeal site is undefined to the remainder of the agricultural field to the south.
 11. To the southwest of the appeal site lie Nos. 4 and 6 Coach Road. No. 4 comprises of a dwelling and a detached garage sited to the side of the dwelling. It has a narrow frontage of approximately 24 metres to the Coach Road. No. 6 Coach Road is sited immediately adjacent and to the south of No. 4. It comprises of a

- detached dwelling with a detached garage located to the rear. It also has frontage to the Coach Road.
12. To the northeast of the appeal site lies two further dwellings at No. 2 and 2A Coach Road. No. 2 is a flag shaped site, with its dwelling, outbuildings and curtilage sited around 57 metres back from the Coach Road. Only its access abuts the Coach Road. This access point is shared by No. 2A, which is a dwelling and attached garage which has a large curtilage including a tennis court fronting onto the Coach Road and the A22. Whilst the tennis courts are surrounded by ball stop fences, access to it is limited to the curtilage of No. 2A and I note this land is included in its original red line of planning permission granted by X/2000/0577/O. As such I consider that it forms part of its curtilage and is not a separate planning unit. Accordingly, given my consideration above only the buildings at No. 2A and Nos. 4 and 6 have frontage onto Coach Road. Therefore, the appeal site constitutes a gap between a line of 3 or more buildings with frontage onto Coach Road.
 13. The second element of the infill exception is that there is a small gap site, sufficient only to accommodate up to a maximum of two houses. Paragraph 5.34 of Policy CTY8 indicates that it is the gap between buildings that should be considered. From the corner of the attached garage of No. 2A to the dwelling at No. 4 Coach Road is around 152 metres. Both parties agree that the average plot width is around 50 metres and the largest plot frontage is no more than 70 metres. Accordingly, the gap site would be suitable to accommodate more than two dwellings. As such the appeal site does not represent an exception under Policy CTY8.
 14. The appellant's reference to BoT and other gap site frontages which were deemed acceptable within the Council district does not assist their case given the policy requirement for the proposal to respect *the existing development pattern along the frontage* (my emphasis). It follows that what is acceptable on one frontage may not be acceptable on another and in any event each proposal must be assessed on its individual merits.
 15. The Council considered that the appeal development would result in the creation of ribbon development along Coach Road when read with the development at Nos. 4 and 6 Coach Road. PPS21 does not provide a comprehensive definition of ribbon development, however paragraph 5.33 of policy CTY8 indicates that it does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. The appeal proposal would read as visually linking with Nos. 4 and 6 Coach Road creating a ribbon of development when viewed on approach from the southwest. I also agree with the appellant that on approach from the northeast along Coach Road you would be aware of the dwellings of Nos. 2 and 2A, sited back from the road, the appeal development and Nos. 4 and 6 Coach Road which would create a ribbon of development. The proposal is therefore contrary to CTY8 of PPS21. The Council's first reason for refusal and the third parties' concerns relating to Policy CTY8 are upheld.

16. Policy CTY14 of PPS21 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. I have already found that the proposal would create a ribbon of development, thus the appeal development does not meet criterion (d) of Policy CTY14. The proposal would also lead to a suburban style of built-up development as it would be read together with Nos. 2, 2A, 4 and 6 Coach Road contrary to criterion (b) of Policy CTY14.
17. Policy NH5 of PPS2 indicates that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species and features of the landscape which are important for wild flora and fauna. Whilst the Department of Infrastructure (DfI) Roads have indicated that splays of 2 metres by 60 metres would be required to provide a safe access, the Council have not explicitly stated how much of the roadside hedge would have to be removed. The field gates and hedge along the roadside boundary are sited around 1 metre back from the roadside. I agree with the appellant that given the hedge is wide and set back from the road that minimal hedgerow would have to be removed, which I estimate to be approximately 20 metres with the remaining hedge required to be trimmed back to accommodate these standards. A condition could be attached in the event of an approval to require a hedgerow to be planted behind the visibility splays which would be suitable compensation. As such the proposal would not result in an unacceptable adverse impact on, or damage to known priority habitats, species or other features of natural heritage importance, nor would the removal of a short length of hedgerow have a detrimental impact on the rural character of the locality. Accordingly, the Council have sustained its third refusal reason in so far as it relates to criteria (d) and (b) of Policy CTY14, but not in respect to Policy NH5 of PPS2.
18. In letters to the Council, the third parties raised concerns in relation to roads safety and drainage. As discussed above, DfI Roads have raised no concerns in relation to roads safety provided that appropriate visibility splays of 2 metres by 60 metres are in place prior to commencement of development. I consider that these visibility splays could be conditioned in the event of an approval. Also, whilst the proposed development would increase the amount of hard standing and possibly increase run off, no evidence was submitted to demonstrate that this would result in surface water flooding. In any event, surface water run-off could also be fully considered at reserve matters stage by a condition requiring a drainage plan which limits run-off to green field run-off rates in the event of an approval. Consequently, the third parties' concerns in this regard are not upheld.
19. As I have concluded that the proposal does not represent one of the types of development that are considered to be acceptable in principle in the countryside, and no overriding reasons were presented to demonstrate how the appeal development is essential and could not be located in a settlement. It is, therefore, also contrary to Policy CTY 1 of PPS21. The Council's second reason for refusal is sustained.
20. For the reasons given above, the Council's reasons for refusal and related third party concerns have been sustained to the extent specified and are determining. The appeal must fail.

This decision is based on the following drawings:-

Drawing Number 01, Site Location Map, Scale 1:2500, date stamped 13th September 2023; and
Drawing Number 02, Site Feasibility Drawing, Scale 1:1250, date stamped 30th August 2023.

COMMISSIONER JACQUELINE MCPARLAND

List of Documents

Planning Authority:-

"A1" Statement of Case
"A2" Rebuttal

Appellant:-

"B1" Statement of Case (G.T. Design)
"B2" Rebuttal (G.T. Design)

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 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	01 February 2025
File Reference	
Legislation	The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015
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	Second Quarter 2024/25 Statistical Bulletin
Attachments	Item 7a - Statistical Bulletin

Background

The Department's Analysis, Statistics and Research Branch published provisional statistics for Planning activity on 12 December 2025 for Quarter 2 (July – September) of 2024/25.

The Statistical Bulletin is attached to this report.

Members can view the full statistical tables at :<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-july-september-2024>

Not Applicable

320

Detail**Local Applications**

The Council determined 160 residential applications in Quarter 2 of 2024/25 compared to 140 such applications in the same period of the year before. The majority of applications received in Quarter 2 were in the residential category at 68% (118 out of 174).

The average processing time for applications in the local category of development in Quarter 2 was 18.6 weeks, higher than the statutory performance indicator of 16 weeks but lower than Quarter 1 at 19 weeks.

Major Applications

Recorded in the statistics is one application determined in the major category of development with an average processing time of 85.8 weeks against the statutory performance target of 30 weeks.

This application relates to the redevelopment of the former Redburn Primary School site in Hollywood for a post-primary school with car park, bus drop-off area and playing pitches with floodlighting.

Further information on majors and locals is contained in Tables 3.1 and 4.1 respectively of the Statistical Tables.

Enforcement

The Planning Service opened 50 new enforcement cases in the second quarter of 2024/2025, whilst 121 cases were concluded resulting in a conclusion time of 53.7% against the target of 70%.

122 cases were closed with the reasons as follows:

Closure Reason	Number
Remedied/Resolved	48
Planning permission granted	3
Not expedient	24
No breach	39
Immune from enforcement action	8
Enforcement appeal upheld i.e. planning permission granted under ground (a) appeal	0

Not Applicable

Householder Applications

During Quarter 2 the Planning Service processed 111 applications within the householder category of development.

53 of these were processed within the internal performance target of 8 weeks (48%), with 83 being processed within the 15-week statutory performance indicator (75%).

Additional Activity

Additional activity details the "non-application" workload of the Planning Service, and includes Discharge of Conditions, Certificates of Lawfulness (Proposed & Existing), and applications for Non-Material Changes.

Type	No. Received	No. Processed
Discharge of Conditions	15	11
Certificates of Lawfulness (Existing/Proposed)	18	14
Non-Material Changes	11	10
Pre-Application Discussions (PADs)	4	2
Proposal of Application Notice (PANs)	3	1
Consent to carry out tree works	11	16

The Planning Service continues to work with a significant number of vacancies at a variety of levels within Development Management, for which ongoing recruitment is continuing, as well as suffering a number of long term sick absences and resultant file reallocations, which continued to have impacts on case processing times.

RECOMMENDATION

It is recommended that the Council notes the content of this report and attachment.



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

As Bliain
Bonnagair 322

Department for
Infrastructure

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NORTHERN IRELAND PLANNING STATISTICS

Second Quarter 2024/25 Statistical Bulletin

July to September 2024: Provisional Figures



Theme: People and Places
Coverage: Northern Ireland
Frequency: Quarterly
Date of Publication: 12 December 2024

Published by: Analysis, Statistics & Research
Branch
Department for Infrastructure
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2-4 Cromac Avenue, Belfast, BT7 2JA

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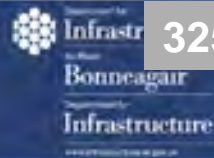
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Chapter 2: Major development	10
Chapter 3: Local development	12
Chapter 4: Enforcement activity	14

Key points

- There were 2,371 planning applications received in Northern Ireland (NI) during the second quarter of 2024/25; a decrease of six percent on the previous quarter and a similar number as the same period a year earlier. This comprised of 2,330 local and 41 major applications.
- In the second quarter of 2024/25, 2,297 planning applications were decided, a decrease of one percent from the previous quarter and down by two percent from the same period a year earlier. Decisions were issued on 2,259 local and 38 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first six months of 2024/25 was 18.8 weeks across all councils. This exceeds the 15 week target but represents a slight decrease from the average processing time reported for the same period a year earlier (19.4 weeks). Four of the 11 councils were within the 15 week target after the first six months of 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during the first six months of 2024/25 was 42.0 weeks across all councils. This exceeds the 30 week target and is an increase of six weeks compared with the same period a year earlier.
- Across councils 68.1% of enforcement cases were concluded within 39 weeks during the first six months of 2024/25. This represents a decrease from the rate recorded in 2023/24 (77.5%). Individually, six of the 11 councils were meeting the 70% target in after the first six months of 2024/25.

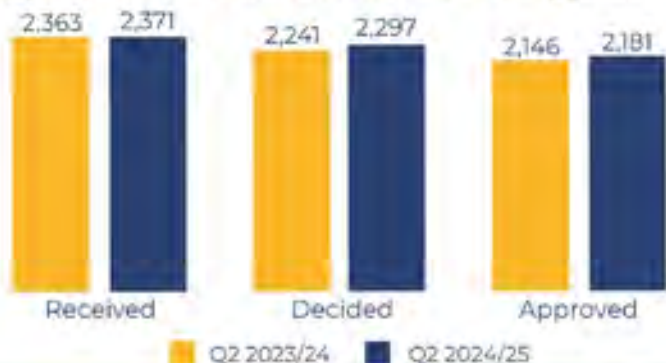


Northern Ireland Planning Statistics Q2 2024/25

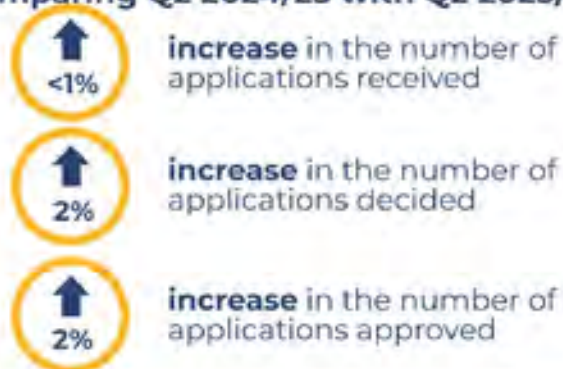


Overall planning applications

Applications received, decided & approved



Comparing Q2 2024/25 with Q2 2023/24:

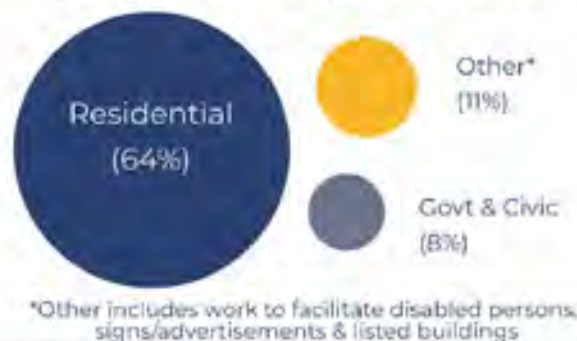


Applications received

A total of 2,371 planning applications were received during Q2 2024/25:



3 largest development types



Planning statutory targets - April to September 2023 & 2024

Average processing times (weeks) - major



Councils within major target



Average processing times (weeks) - local



Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: Second Quarter 2024/25 Statistical Bulletin

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure during the second quarter of 2024/25.

Quarterly figures for 2024/25 are provisional and will be subject to scheduled revisions ahead of finalised annual figures, to be published in July 2025.

The records of all planning applications from 1 April to 30 September 2024 were transferred in October 2024 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, a final extract was taken in November 2024.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

Future releases

The next report will be a quarterly report covering the period 1 October to 31 December 2024. This quarterly report is planned for release in March 2025. The next annual report covering 2024/25 is planned for release in July 2025. See [GOV.UK Release Calendar and upcoming statistical releases](#) on the Department's website for future publication dates.

Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods.

Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



Chapter 1:

Overall Northern Ireland planning activity

The volume of planning applications received in the second quarter of 2024/25 has decreased from the previous quarter and is similar to the level recorded in the second quarter of 2023/24. For applications processed (i.e. decided or withdrawn) the volume processed decreased over the quarter but increased from the same period a year earlier. The number of enforcement cases opened in the second quarter of 2024/25 was lower than both the previous quarter and the same period a year earlier. The number of enforcement cases closed was lower than the previous quarter but up on Q2 last year.

There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in Q2 2024/25 was 2,371; a decrease of 6.5% on the previous quarter (2,535) and like the same period a year earlier (2,363, up 0.3%) (Figure 1.1). [Refer to Tables 1.1, 1.2.](#)

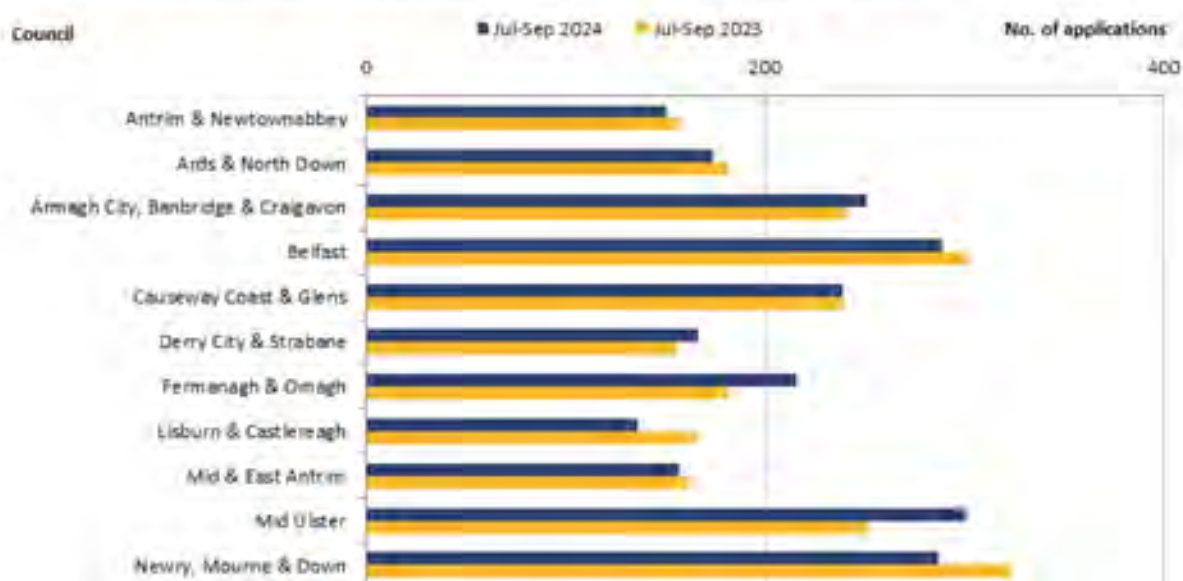
Fig 1.1 NI planning applications, quarterly, April 2014 to September 2024



Eight councils reported a decrease in the number of planning applications received in Q2 2024/25 compared with the previous quarter, with the greatest percentage decrease in Lisburn and Castlereagh (-20.5%). Three councils reported an increase over the quarter, with the increase greatest in Fermanagh and Omagh (10.8%).

Comparing Q2 in 2024/25 with the same period in 2023/24, seven of the eleven councils reported a decrease in the number of applications received, with the greatest percentage decrease reported by Lisburn and Castlereagh (-17.6%). Four councils reported an increase over the year, with the increase greatest in Mid Ulster (19.4%). See Figure 1.2

Fig 1.2 Applications received by council, July – September 2023 & 2024

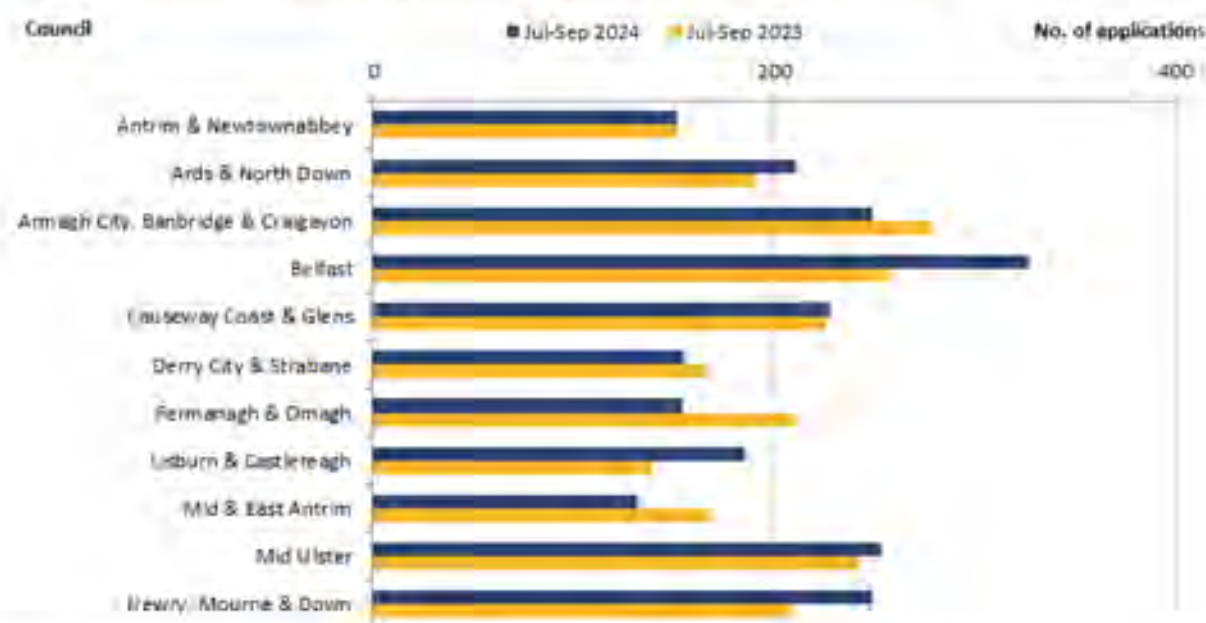


Applications decided

The number of planning decisions issued during Q2 2024/25 was 2,297; a decrease of 1.2% on Q1 2024/25 (2,324) and up by 2.5% when compared with the same period a year earlier (2,241). [Refer to Tables 1.1, 1.2.](#)

Comparing Q2 in 2024/25 with the same period in 2023/24, six of the eleven councils reported an increase in the number of applications decided, with the largest percentage increase recorded in Lisburn and Castlereagh (33.8%). Four councils reported a decrease over the year, with the greatest decrease in Fermanagh and Omagh (-27.0%). Antrim and Newtownabbey remained the same over the period with no change (Figure 1.3).

Fig 1.3 Applications decided by council, July to September 2023 & 2024



In Q2 2024/25, 151 applications were withdrawn: an increase from both the previous quarter (140) and Q2 2023/24 (123).

Approval rates

The overall Northern Ireland approval rate for all planning applications was 94.9% in Q2 2024/25. This was like the previous quarter (94.5%) and lower than the same period a year earlier (95.8%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q2 2024/25, from 89.6% in Newry, Mourne and Down to 98.8% in Mid Ulster. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2.](#)

Live applications

There were 7,740 live applications in the planning system across NI at the end of September 2024, down from the end of June 2024 (7,817), and down from the count at the end of the September 2023 (8,009).

Three out of every ten live applications at the end of September 2024 were over one year old (31.2%); an increase from the proportions reported at the end of June 2024 (30.4%) and the end of September 2023 (29.1%). [Refer to Table 1.3.](#)

Departmental activity

Three departmental applications were received in Q2 2024/25, there were none received in the previous quarter and two received during the same period last year. There was one decision in Q2 2024/25, none were decided in the previous quarter or same quarter last year. No departmental applications have been withdrawn since Q1 2022/23.

At the end of September 2024 there were 24 live Departmental applications; 17 of the 24 were in the planning system for over a year.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the five RSD applications live in the planning system at the end of September 2024, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (1,506; 63.5%) of applications received in Q2 2024/25, followed by 'Other' (266; 11.2%) and 'Government and Civic' (178; 7.5%). The top three development types decided in Q2 2024/25 were 'Residential' (1,442), 'Other' (278) and 'Government and Civic' (189). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

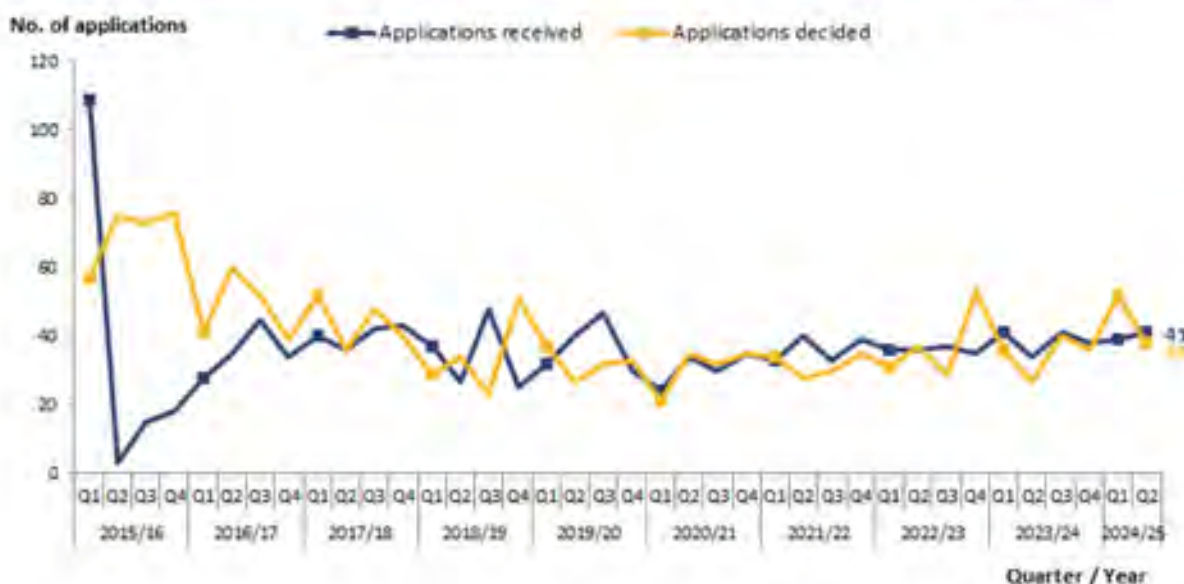
Twenty renewable energy applications were received in Q2 2024/25; down from the previous quarter (24) and like the number received during the same period last year (21). Twenty-six renewable energy applications were decided during Q2 2024/25; this compares to 27 in the previous quarter and 15 in the same period last year.



Chapter 2: Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 41 major planning applications were received in NI during Q2 2024/25, similar to the number received in the previous quarter (39) and up from the same period a year earlier (34). [Refer to Table 3.1.](#)

Fig 3.1 Major development applications, quarterly, April 2015 to September 2024



During Q2 2024/25, 38 major planning applications were decided; down from 52 decided in the previous quarter and up from the 27 received during Q2 2023/24 (Figure 3.1). The approval rate for major applications decided upon in NI during Q2 2024/25 was 100%. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target



It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during the first six months of 2024/25 was 42.0 weeks across all councils. This exceeds the 30 week target and represents an increase of 6.2 weeks compared with the same period in 2023/24 (35.8 weeks). In total, 95 major planning applications were decided or withdrawn by councils during the first six months of 2024/25, the figure for the same period last year was 69.

Fig 3.2 Major development average processing times by council, April to September 2023 & 2024



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

[Refer to Table 3.2 for further information.](#)



Chapter 3: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during Q2 2024/25 was 2,330; a decrease of 6.7% on the previous quarter (2,496) and similar to the same the same period a year earlier (2,328; up 0.1%). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, quarterly, April 2015 to September 2024



The number of local applications decided in Q2 2024/25 was 2,259; down over the quarter (2,272) by 0.6% and up by 2.0% when compared with the same period a year earlier (2,214); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 94.9% in Q2 2024/25; similar to the rate reported for the previous quarter (94.5%) and down from the rate for the same period a year earlier (95.7%).

Local planning applications statutory target

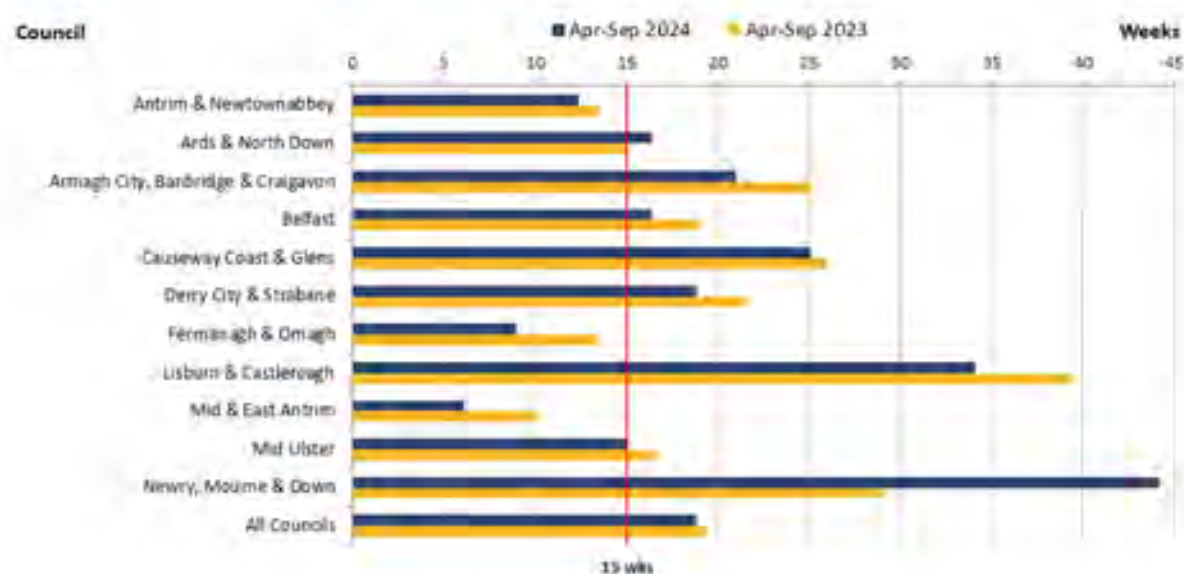


It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during the first six months of 2024/25 was 18.8 weeks; this is down when compared with the same period a year earlier (19.4 weeks). This exceeds the statutory target of 15 weeks. There were 4,816 local applications decided or withdrawn by councils during the first six months of 2024/25, the figure for the same period last year was 5,067.

Four of the 11 councils were within the 15 week target after the first six months of 2024/25: Mid and East Antrim (6.1 weeks), Fermanagh and Omagh (9.0 weeks), Antrim and Newtownabbey (12.4 weeks), and Mid Ulster (15.0 weeks), see Figure 4.1. [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to September 2023 & 2024





Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during the second quarter of 2024/25 was 624; down by 8.9% over the quarter (685) and down by 26.6% when compared to the same period a year earlier (850). The number of cases closed during Q2 2024/25 was 667; down by 7.5% from the previous quarter (721) and up by 2.1% from the same period a year earlier (653) (Figure 6.1). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2014 to September 2024



The number of enforcement cases over two years old stood at 1,573 at the end of September 2024, accounting for 39.7% of all live cases. This compared with 38.0% of live cases at the end of June 2024 and 35.5% at the end of September 2023. [Refer to Table 6.4.](#)

Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 68.1% of enforcement cases were concluded within 39 weeks during the first six months of 2024/25. This represents a decrease from the rate reported for the same period last year (77.5%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, April to September 2023 & 2024



Six of the 11 councils were individually meeting the statutory target at the end of the first six months in 2024/25.

Antrim and Newtownabbey recorded the highest percentage of cases processed within 39 weeks, with 98.6% processed within target during the first six months of 2024/25. See Figure 6.2 and [Refer to Table 6.2.](#)



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Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled '[accredited official statistics](#)'¹.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing regulation@statistics.gov.uk or via the OSR website.

¹ National Statistics are [accredited official statistics](#).

Unclassified

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ITEM 8

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Finance
Date of Report	27 January 2025
File Reference	FIN45
Legislation	Section 5 Local Government Finance 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:
Subject	Planning Service Budgetary Control Report - December 2024
Attachments	n/a

The Planning Service's Budgetary Control Report covers the 9-month period 1 April to 31 December 2024. The net cost of the Service is showing an underspend of £7k (0.6%) – box A on page 2.

Explanation of Variance

The Planning Service's budget performance is further analysed on page 2 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£183k favourable	2
Report 3	Goods & Services Expenditure	£37k favourable	2
Report 4	Income	£211k adverse	2

Not Applicable

Explanation of Variance

The Planning Service's overall variance can be summarised by the following table: -

Type	Variance £'000	Comment
Payroll	(183)	A number of vacancies due to resignations and resultant backfilling, where possible, exist – some recruitment exercises have been unsuccessful and are continuing. Agency staff employed where available to backfill lower posts.
Goods & Services	(37)	Range of small underspends (advertising, planning portal, tree services etc.)
Income	214	Mainly planning application fees. Limited major applications received to date.

REPORT 1		BUDGETARY CONTROL REPORT				
Period 9 - December 2024						
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance	
	£	£	£	£	%	
Planning						
730 Planning	1,228,339	1,235,300	(6,961)	1,740,400	(0.6)	
Total	1,228,339	1,235,300	A (6,961)	1,740,400	(0.6)	
REPORT 2		PAYROLL REPORT				
	£	£	£	£	%	
Planning - Payroll						
730 Planning	1,708,352	1,891,800	(183,448)	2,522,500	(9.7)	
Total	1,708,352	1,891,800	(183,448)	2,522,500	(9.7)	
REPORT 3		GOODS & SERVICES REPORT				
	£	£	£	£	%	
Planning - Goods & Services						
730 Planning	173,318	210,700	(37,382)	367,500	(17.7)	
Total	173,318	210,700	(37,382)	367,500	(17.7)	
REPORT 4		INCOME REPORT				
	£	£	£	£	%	
Planning - Income						
730 Planning	(653,331)	(867,200)	213,869	(1,149,600)	24.7	
Totals	(653,331)	(867,200)	213,869	(1,149,600)	24.7	

RECOMMENDATION

It is recommended that Council notes this report.

Unclassified

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ITEM 9**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	05 February 2025
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	Update on Tree Preservation Orders & Works
Attachments	N/A

Background

This report represents 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. This update provides information from 16 August 2024 (date of previous report) to 14 November 2024.

Detail

The table in Appendix 1 sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that Council notes the content of this report.

Not Applicable

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Appendix 1**Table 1 Tree Preservation Orders Served**

TPO (Full or Provisional)	Date Served	Address
1 Provisional	18 Nov 2024	Lands at Nos. 1, 2, 2a, 3, 4, 5 and 6 The Grange and Nos. 7-12 Carnesure Mews, Comber

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	1	0
Address	160 High Street, Holywood	
Conservation Area	0	0

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Detail**Works to Trees****Tree Preservation Order (TPO) Protection****160 High Street, Holywood**

- The felling of two trees and carrying out of works to 39 trees and two tree groups.
- The two trees to be felled had significant ash dieback and as these trees were located to the roadside boundary, removal was required for safety reasons.
- The remaining works were required for management and maintenance reasons. Replacement planting has been conditioned with 2 no. standard native trees at a height of 3-3.5m to be planted adjacent to the roadside boundary and carried out during the next available planting season following commencement of the works.

Unclassified

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ITEM 10

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	04 March 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 February 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	Update on Planning Improvement Programme (PIP)
Attachments	tem 10a - Correspondence from Permanent Secretary of DFI to Council Chief Executives Item 10b - Minutes of Interim Commission meeting Item 10c - Copy of presentation by PAC to the Commission

Members will be aware of the Planning Improvement Programme (PIP) following publication of a report by the Northern Ireland Audit Office on Planning in Northern Ireland and followed by the report by the Public Accounts Committee in February and March 2022, respectively.

The Permanent Secretary of DFI has written to Council Chief Executives to advise on collective progress achieved to date which includes:

- delivery of legislation to enable councils to produce local validation checklists which will improve the quality of applications and performance (reported to Committee in November 2024)

Not Applicable

- work through the Planning Statutory Consultee Forum with 80% of statutory consultations responded to within the statutory target. (Council still awaiting breakdown of statistics re DFI consultations as requested by Committee in October 2024)
- delivery of training to statutory consultees and planning staff on of Environmental Impact Assessment, as part of the Department's Environmental Governance Work Programme.

The next phase will focus on specific areas of collective action and initiatives across the 12 planning authorities to support the long-term sustainability of the system; as well as improving overall performance with the objective of reducing bureaucracy and improving efficiencies of processes

The next phase of the programme will include:

- completing a Review of the Planning (Development Management) Regulations (NI) 2015
- streamline the planning application process
- facilitating and encouraging greater participation in the process
- collaborative work and actions to improve effectiveness and efficiencies
- effective enforcement with the Department will continuing to work with councils to ensure regional compliance with environmental obligations
- working to review and improve the efficiency of the implementation of the local development plan process
- addressing financial sustainability of the system

The importance of addressing issues and weaknesses in processes is recognised while also focusing on capacity and capability to ensure that planning resources are fit for purpose and able to deliver a good planning service.

The Department will explore ways to improve the skills of staff across the 12 planning authorities through a collective training and development programme with both graduate trainee and apprentice schemes for planners and ensuring succession planning for the future.

The approach advocated by DFI is focused on outcomes, rather than actions. The achievement of this will require the establishment of a new Planning Performance & Improvement Framework (PPIF) for all 12 planning authorities (including DFI) as agreed in the initial phase of planning improvement.

For Members' information, the minutes of Interim Commission meeting and a copy of the PowerPoint presentation by PAC to the Commission are also attached.

RECOMMENDATION

It is recommended that Council notes the report and attachments.

From the Permanent Secretary
Dr Denis McMahon



Council Chief Executives

James House
2 - 4 Cromac Street
BELFAST
BT7 2JA
Telephone (028) 9054 1175
Email: perm.sec@infrastructure-ni.gov.uk

22 January 2025

Dear Colleagues,

PLANNING IMPROVEMENT PROGRAMME – UPDATE

We have previously discussed the Planning Improvement Programme (PIP) and I mentioned that we were looking at a new approach based on collaboration and honest conversations as to how we move forward. The purpose of this note is to update you and to seek your continued collaboration and support in moving forward.

Significant collective progress has already been achieved through the joint improvement programme. Not least, delivery of legislation to enable councils to produce local validation checklists which will improve the quality of applications and in turn performance. The work with statutory consultees, through the Planning Statutory Consultee Forum, is also bearing fruit. The most recent statistics show that 80% of statutory consultations were responded to within the statutory target. Training has also been delivered to statutory consultees and planning staff on the challenging and time-consuming area of Environmental Impact Assessment, as part of the Department's Environmental Governance Work Programme.

The good work will continue to be taken forward in the next phase of the programme. This will include completing a Review of the Planning (Development Management) Regulations (NI) 2015. Specifically, to ensure that the legislation is practical and appropriate; support current and future development trends; streamline the planning application process; and facilitate and encourage greater participation in the process. In addition, the collaborative work and actions to improve the effectiveness and efficiency of the Local Development Plan process also remains a key priority.

The Department, under the leadership of the Minister, is keen to build on this momentum and continued collaboration. The next phase will focus on specific areas of collective action and initiatives to support the long-term sustainability of the system; as well as improving overall performance. The objective is to reduce the burden of bureaucracy, as far as we can, and improve efficiency of processes, so that planners can concentrate on their core purpose, which is to improve our society.

This will mean collectively diagnosing issues across the 12 planning authorities (including my own Department); and addressing those issues that are generically and individually impacting performance. Departmental officials have already commenced a series of face-to-face meetings with councils, including members of the planning committees (where possible). The feedback so far has been very positive, and we sense a desire amongst colleagues to have real conversations in a safe space. Our expectations are that this process will identify the specific and practical issues that are impacting on the efficiency and effectiveness of the system; and more importantly, present opportunities for shared learning, support and best practice.

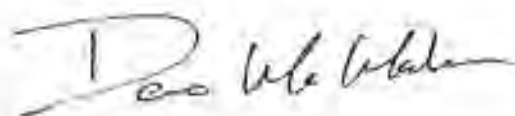
We all recognise the importance of addressing issues and weaknesses in processes. Importantly, however, we need a strong focus on capacity and capability. Specifically, to ensure that planning resources are fit for purpose and able to deliver a good planning service. With this objective in mind officials in the Department will explore ways to improve the skills of staff across the 12 planning authorities through the development of a collective training and development programme; including how best to establish graduate trainee and apprentice schemes for planners, ensuring succession planning for the future.

Effective enforcement is the backbone of a good planning system, ensuring that the credibility and integrity of the system are not undermined by unauthorised development and that appropriate action is taken to limit environmental and reputational damage. To this end, the Department will continue to work with councils to ensure regional compliance with environmental obligations in this area. Working to review and improve the efficiency of the implementation of the local development plan process with councils will also remain a key area of focus for the next phase of planning improvements. Financial sustainability of the system will also be a key part of the next phase of planning improvement.

The approach that we hope to develop with you is focused on outcomes, rather than long lists of actions. Achieving this will require the establishment of a new Planning Performance & Improvement Framework (PPIF) for all 12 planning authorities as agreed in the initial phase of planning improvement. The framework will assess and report on the systems and procedures being used to deliver planning functions. It will be based on system-wide indicators and performance measures (quantitative and qualitative). This will bring our planning system into line with other jurisdictions, improve transparency and provide a framework for identifying strategic challenges and brokering action, as well as establishing, sharing and applying good practice.

I hope this provides you with a useful update on the next phase of improvements to the planning system. We have been incredibly heartened by the engagement with you and your colleagues. In that spirit, we look forward to your continued co-operation, partnership and collaboration in delivering planning improvement for everyone.

Yours sincerely



DR DENIS McMAHON
DfI Permanent Secretary

Reference	IRPC211124
Date	21 st November 2024

Interim Regional Planning Commission

MINUTES

Present:	Rosemary Thomas (RT), Chair Kate Clifford, Rural Community Network (KC) (online) Michelle Hill, NI Environment Link (MHi) Paul Roberts, Community Places (PR) Stephen Jones, Climate NI (SJ) Diana Fitzsimons, CBI (DF) Alison McCullagh, SOLACE (AMcC) (online)
Apologies:	Dr Denis McMahon, Department for Infrastructure (DMCM) Stuart Anderson, Chamber of Commerce (SA)
In Attendance:	Judith Andrews, Department for Infrastructure (JA) Rosemary Daly, Department for Infrastructure (RD) Denise Dickson, Heads of Planning (DD) Kate Bentley, Heads of Planning (KB) Maura Fox, Heads of Planning (MF) Scott Symington, Department for Infrastructure (SS)
Secretariat:	Mark Hand, RTPI (MHa) Julie Sullivan, RTPI (JS)

1. Welcome and Apologies

Chair welcomed everyone and thanked our guest speakers for agreeing to provide their presentation.

2. Local Authority Perspective – Heads of Planning Group NI

DD introduced the presentation and gave background on planning functions starting with transfer of functions in April 2015 which (it was presented) saw no testing of new legislation and procedures, insufficient resources – not all councils had full compliment of staff, specialist units dismantled and staff without knowledge/ skills in Councils required to undertake specialist assessments e.g. Retail, Minerals and Waste and related Enforcement Cases, the promise of no extra financial costs to Councils and an increase in local democracy.

There have been a number of internal and external reviews since 2015 which have looked at collaborative working, concerns regarding performance, transparency and consistency in decision-making, overturns by Planning Committee, consistency in policies and interpretation and delay in producing LDPs.

MF went on to discuss collaborative working with Councils, stakeholders, Central Government plus others and extensive collaborative working alongside DfI on Environmental Guidance, the setting up of the Development Management Working Group (DMWG) and Environmental Officers Forum (EOF), training programme (EIAs, Enforcement EIAs, Tree Preservation Orders and best practice and key examples).

KB moved on to discuss continually reviewing performance and best practice at local authority level which includes a review of Schemes of Delegation and Protocols; New operational procedures (increased electronic processing; new PADs process; process maps and operational principles protocol; validation checklists), extensive information leaflets (guidance to members of public on various aspects of the planning process) and the development of a draft Performance Improvement Plan (work ongoing regarding LDP process; DM process; financial position; performance).

The draft performance framework looks at the services that local authorities provide, the contribution to outcomes, continuous improvement, accountability to improve the system and considering processes including peer review.

Heads of Planning Group NI key asks include financial sustainability, commitment to work towards legislative reform to address identified issues, commitment to move quickly on issues such as PAC and commitment to cultural change across all stakeholders

Chair thanked HoP NI for their presentation and opened it up to questions and discussion.

Discussion took place around legislation before the current Executive ceases in 2027. Planners working with system on the ground for the last few years and there is a need to ensure that members are fully bought in. The contribution that Planning makes in a Council provided much greater added value. We need to recognise the work that has already been done and what has been done well. RT asked why this was not already embedded into the Planning Improvement Programme, RD confirmed that it is and that PIP is a joint programme between DfI and Councils. RT said people need certainty and consistency in planning and it is important to engage local politicians. The issues with planning are not unique to Northern Ireland, as we have seen from previous presentations there are issues throughout the UK planning process. Commission agreed that the biggest issue is resources and we need to make planning more attractive as a career to attract young people into the profession.

Some brief discussion around third party appeals and judicial reviews.

KC asked if there has been any discussion around two or three councils sharing resources such as Enforcement Officers to help burden the cost. KB said that Shared Environmental Service was established but they are experts providing advice to Councils, and not decision makers. DF asked how many shared services there were and there is only one (SES) and is used by all Councils, as well as DfI.

MHa said that the messaging should be around best practice. AMcC confirmed that it is happening as part of the next steps. MHa said that RTPi are discussing a potential Conference for locally Elected Members: topics would be discussed with NILGA and AMcC agreed to provide a sounding board if helpful. AMcC said that Fermanagh & Omagh DC members would welcome more training and that it would be good to build better relationships with members before holding a Conference. AMcC said that the Minister had a Forum where he met with Heads of Planning at least 3 times per year which was useful. Discussion around performance reviews and it was suggested that we have

some engagement with Elected Members and ask them how it's going. SJ asked if there were any case studies we could look at. DF said that CBI have gathered case studies and the information should be available on the planning portal.

MHi spoke about barriers and asked if these changes are reflected in the Key Asks or are there more barriers. MF suggested a two page working document was required that can be looked at and reviewed. RD confirmed that Dfi are currently working with Councils on this.

KC asked what would HoP ask of the Commission - what can Commission do? Can they list recommendations to what is required legally or system/process changes. RD said that this is what the Planning Improvement Programme is - everything that has been discussed today is already a part of the PIP and Dfi are currently holding engagement meetings.

3. Minutes of Previous Meeting

Previous meeting minutes agreed by Commission.

RT said that the QUB list of research was very interesting. Future investment in this is important.

4. Matters Arising

KC said that she had previously asked to see the roadmap that was discussed in the early stages of IRPC. **ACTION: JA agreed that Dfi were happy to lead on this and bring to future meeting.**

DF had agreed to do call-ins on regions- **ACTION: to update at next meeting.**

5. Work Programme

The next meeting will look at an LDP stocktake. **Action: HoP to pull together a presentation**

Some discussion around pulling sessions 5 and 6 together. MHa suggested the LDP session to include PAC. Commission agreed it would be good to get PAC views, as it would be useful to have overview of what PAC are responsible for and what issues they face and ideas they have for improving the planning system.

6. Update on Statutory Validation Checklist and Planning Improvement Programme

RD provided an update on the Statutory Validation Checklist. RD said that DFI business as usual to reach out to Universities to support planning as a career. Discussion around Councils supporting students/graduates and the issues around recruitment challenges in Northern Ireland, in particular at a higher level. Discussion around whether we need a session with the Universities and it was agreed we need to get some data and then decide.

ACTION: MHa to contact Universities to get student data

RD gave update on PIP. Submission has gone to the Minister and it's going into the next phase. Agreement on reset and refocus and not losing sight of the NI Audit report. Dfi looking at what improvements can be made in the short term.

Chair asked if IRPC can help with any short term solutions. JA said that the Commission's work programme and sessions so far have been helpful by hearing from other jurisdictions and the key stakeholder views in Northern Ireland. There is value in the commission that will realign with PIP. Dfi happy to advise IRPC on the refresh and reform once they have spoken to Councils.

SJ asked where iRPC sit on PIP. IRPC don't sit on PIP. Minister is committed to improving planning system and there is a dedicated team on planning improvement.

ACTION: JA to share PIP update – resent PIP and last minutes.

ACTION: JS to set up a shared folder for iRPC commission members (all presentations, past mins etc)

7. Infrastructure Committee

Chair informed Commission that we had been invited to the Infrastructure Committee to provide an update on work programme.

Chair would like two other commission members to attend with her. Date they had given is not suitable so will look at another date.

ACTION: JA to check availability with Infrastructure Committee

8. Any Other Business

JA thanked RT for Chairing the meetings and for her time and contributions to the Commission. The Commission agreed and all thanked RT for her time and commitment in bringing the Commission together and making progress. MHi raised issue of Chair for new year. DfI meeting to discuss going forward with a new Chair.

9. Date of Next Meeting

16th January 2025

Interim Regional Planning Commission

PAC perspective on change

Andrea Kells
Pamela O'Donnell
January 2025

Introductions



Planning Appeals
Commission

Agenda

- Who we are
- What we do
- Challenges to change
- What we have achieved
- Looking forward
- Questions



Who we are

- Planning Appeals Commission
- Access Justice
- Independent arbitrator



Our Aim

The Commissions' aim to make the best possible appeal decisions and offer the best possible recommendations in a timely fashion, consistent with the evidential context within which appellate functions are exercised.



Resources

Approved complement is 20 Full Time Equivalent (FTE) Commissioners

10.7 FTE Admin Team

Budget of circa £2.6 million



What we do

Hear and Decide

- Appeal Casework

Hear and Report

- Public Inquiries/ Hearings
- Independent Examinations
- Others



Challenges to change

- Tribunal Context
- Change appetite
- Results
- External Factors



What we have achieved

People, Approach, Technology

- Get to full complement
- Stakeholder engagement
- Office Move and Hearings
- Case Management System and Customer Portal
- Performance



Performance



	Dec 2022	Dec 2023	Dec 2024
Cases in hand	399	335	178
Decisions issued	120	149	230

Pressures



- LDP Programme (assumptions)
- Referrals
- New workstreams

Make Planning Better

- **Profile of planning**
- **If it is not working, fix It**
- **Resourcing**
- **Skills and Experience**
- **Legislation**



Legislative change to bring short term benefits

- **Remove 'local' from public local inquiry**
- **Remove need to publish and consult on LDP draft timetables**
- **Direct submission of DPD to Commission for IE**





End of Slide Show