

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 April 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 06 May** 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 01 April 2025 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2022/0265/F	Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking 31a Sheridan Drive, Bangor
4.2	LA06/2023/2459/F	2No. detached dwellings with detached garages and associated car parking and landscaping Site immediately to the North of 134 Killinchy Road, Comber
4.3	LA06/2024/0230/F	Change of use from agricultural building to dwelling to include extension, detached garage and relocation of access Land 55m NE of 56 Portaferry Road, Cloughey

4.4	LA06/2023/1336/F	<p>Cohousing development consisting of 32No. dwelling units, common house to provide ancillary residential facilities, 5No. garages, community car parking), new access road and service lanes and associated works</p> <p>Lands to the north side of Cloughey Road (opposite 9-17 Cloughey Road) and to the rear of Rectory Wood and extending 130m to the rear of 8 Cloughey Road (The Rectory), Portaferry</p>
4.5	LA06/2023/2406/F	<p>Demolition of the existing dwelling, construction of a replacement, part single storey, part storey and a half, dwelling linked with a new garage via a single storey car port, a new single storey garden room and associated site works</p> <p>5 Tarawood, Holywood</p>
4.6	LA06/2022/0040/F	<p>Pool House</p> <p>Dunratho House, 42 Glen Road, Holywood</p>
4.7	LA06/2024/0912/F	<p>Single-storey rear extension</p> <p>48 Ashley Drive, Bangor</p>
4.8	LA06/2024/1011/F	<p>Erection of Commemorative War Memorial</p> <p>9m SE of Newtownards War Memorial, Castle Street, Newtownards</p>

Reports for Noting

- 5. Update on Planning Appeals (Report attached)
- 6. Third Quarter 2024/25 Statistical Bulletin (Report attached)
- 7. Uplift in Planning Fees (Report attached)
- 8. Dfl statistics - consultations issued by Planning Service 01 April - 31 December 2024 (Report attached)

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

- 9. LDP draft screening Rural Needs Impact Assessment (Report attached)
- 10. LDP draft screening Equality Impact Assessment (Report attached)

11. LDP Draft Plan Strategy Report (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)

ITEM 8.2

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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 1 April 2025 commencing at 19:05 after technical issues.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
McDowell
Smith

Councillors: Cathcart
Harbinson
Kendall
Kerr
Hennessy
McCollum

McClean
McKee (zoom)
Morgan
Smart
Wray

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Senior Professional and Technical Officer (C Rodgers) and Democratic Services Officer (S McCrea)

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

Councillor Hennessy declared an interest in Item 4.3: LA06/2022/0265F – 31a Sheridan Drive, Bangor: Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking.

Councillor Smart later declared an interest at 19:48 in Item 4.1: LA06/2024/0381/F - 110 metres south-east 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.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 04 MARCH 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

AGREED, on the proposal of Alderman Graham, seconded by Councillor Kerr, that the minutes be noted.

4. PLANNING APPLICATIONS

Please note, Item 4.3 was heard first, followed by Item 4.1.

4.3 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.

(Councillor Hennessy vacated the Chamber at 19:07 for the duration of Item 4.3 further to a Declaration of Interest.)

DEA: Bangor Central

Committee Interest: Application with 6 or more representations contrary to officer's recommendation.

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

Site Location: 31a Sheridan Drive, Bangor

Recommendation: Grant Planning Permission

The Senior Professional & Technical Officer (C Rodgers) advised Members that the application sought full planning permission to replace an existing commercial workshop with a 1.5 storey dwelling. The site was located at 31a Sheridan Drive, in the Ballyholme area of Bangor.

The application was before Committee due to the number of objections received contrary to the officer's recommendation.

The recommendation was to GRANT Planning Permission.

According to Draft BMAP, the site was within the proposed Bangor East Area of Townscape Character (ATC) with access to the site being via a private lane that connected Sheridan Drive with Lyle Road. The site contained a commercial workshop, separate W/C building and a small yard area which was open to the lane. The premises were vacant at the time of writing.

The Council had recently issued a Certificate of Lawfulness which established the lawful use of the site as a commercial workshop.

This was an important material consideration in the determination of the current application. In a set of images shown to Members, there were depictions of a dwelling and its parking area immediately west of the applications site, a dwelling fronting onto the lane immediately east of the site and the rear accesses to dwellings south of the site and on the opposite side of the lane. Existing garages and informal parking area along the lane were shown on further slides.

The surrounding area comprised a wide range of densities and house types including terrace dwellings, semi-detached and detached dwellings. As detailed in the Case Officer Report, the plot size was similar to that of other dwellings found within the wider area and two in-curtilage parking spaces could be provided.

The proposal was for a small one-bedroom dwelling finished in vertical cladding with a low overall ridge height of 5.5 metres and was just 3 metres to the eaves.

Objections had been received from eight separate addresses and the main issues related to the potential impact on the character of the area, residential amenity, traffic and parking and impact on existing sewage infrastructure. All material considerations had been considered in detail in the Case Officer Report and its Addendum.

In terms of the potential impact on the character and appearance of the area - The site was located along a lane to the rear of Sheridan Drive and was occupied by a former car repair workshop. Given the surrounding built form and small scale of the proposal, wider public views would be limited. It was considered that the proposed development would not cause harm to the character and appearance of the area or the proposed ATC designation. In regard to residential amenity, it was important to highlight that the Applicant had *significantly* amended the design of the proposed dwelling to address concerns raised by the Planning Department and by objectors.

An image was shown to Members to outline the differences between the current proposal and the original design. The overall scale and massing the development had been significantly reduced, a balcony and first floor windows had been removed.

The dwelling had been carefully designed to prevent any harm to neighbouring residential amenity. The small scale of the dwelling, its design and position relative to adjacent dwellings, the intervening boundaries and separation distances would together prevent any unacceptable adverse impacts.

The only windows at first floor would be two small Velux windows. The overall footprint of the proposed dwelling was to be smaller than that of the existing building. The ridge height of the building was only slightly taller than the existing workshop by approximately 1.25 metres.

Moreover, the proposal sought to replace a commercial workshop with a residential use which was considered to be more compatible with the adjacent dwellings.

DfI Roads had been consulted on the application and provided no objections. Taking into account the Certificate of Lawfulness for the commercial workshop use, DfI Roads considered that the proposed dwelling would not result in any intensification of use of the existing access onto the public road.

The proposal did not seek to rely on on-street parking provision, and it was considered that the proposed two in-curtilage car parking spaces were ample to serve this proposed modest one-bedroom dwelling. In terms of the potential impact on existing NI Water infrastructure, this application was originally one of a number of applications within the Borough affected by on-going NI Water network capacity issues; however, NI Water had very recently updated its consultation response and provided no objection to this application.

Objectors also expressed concern that approval of this application could establish a precedent for subdivision of adjacent residential plots. This application did not involve subdivision of a residential plot; rather it was a unique brownfield site

comprising a commercial workshop building and yard; therefore, no such precedent could be established.

To conclude, the proposal was in line with the objectives of strategic planning policy which encouraged the re-use of brownfield sites through the recycling of land and buildings. At the request of the Council, the design was significantly amended to prevent any harm to neighbouring residential amenity and the proposed new use was fully compatible with the surrounding residential use.

It was therefore RECOMMENDED that planning permission is granted.

Councillor McCollum asked for the specific date of the decision on the Certificate of Lawfulness whilst Councillor Morgan queried the ridge height differences between the current and proposed structures. The Officer advised that the Certificate was approved on 18 February 2025 whilst the proposed building would be 1.25 metres taller than the existing building.

Councillor Cathcart was concerned that a precedent could be set if other garages in the area could be demolished and/or converted to dwellings while Councillor McClean shared similar concerns on whether grounds could be subdivided to allow for further construction. The Officer explained that this application concerned a standalone commercial site outside of the curtilage of any residential dwelling on which commercial rates had been paid since the 1980s which established it as a long-use commercial site. It was also vacant and did not involve subdivision of a residential plot meaning that it could not set a precedent in the examples provided. Councillor McClean noted that NI Water had confirmed it had no objections to the application and was curious if its stance had changed due to negative conditions on the property. The Officer explained that NI Water had been reconsulted at its own request at which time it advised of having no concerns. NI Water offered a Water Impact Assessment Service outside of the planning process. It was up to developers applying to NI Water for guidance to see if its proposals could be accommodated and, in this case with no risk of environmental harm as there was a solution to disposal of wastewater, NI Water was content.

The Officer also confirmed to Alderman Graham's queries over current WC facilities on site that it did indeed mean connections for wastewater were already on site.

Alderman Smith asked if it was normal for a condition to remove permitted development rights to be applied to a decision and if an overview could be given on the acceptable parameters for overlook onto neighbouring gardens. The Officer explained the condition often applied if there was risk of extensions or alterations that could potentially cause harm to neighbouring residents. It was an additional safeguard that meant any structural changes or additions to the proposed plan would require the seeking of planning permission. In regard to overlooking, the Officer brought up a view of the overall sight location and indicated the location of the existing garage where Velux windows would face the north-west boundary and would be directed toward existing garages at the end of long rear-gardens. Planning guidance considered the first 3-4m to be the most private amenity space at the rear of any dwelling. The Velux windows in question were of a small design and with the

angle and positioning, would not be considered to cause any adverse major residential impact.

As there were no further questions to the Officer, Mr Asman Khairuddin was invited to join the meeting to speak against the proposal. The Chair (Alderman McIlveen) advised he would have five minutes to speak after which Councillors would have the opportunity to ask any questions. Mr Khairuddin was accompanied by Mrs Ann Hogg, a resident living adjacent to the site in question. Mr Khairuddin explained how the process had been lengthily to this point with numerous changes by the applicant's agents to address concerns. However, upon examining papers prior to this evening's meeting, Mr Khairuddin overlaid proposed plans with the site plan which he believed showed a significant portion of car parking sitting over the red line and queried if an ownership declaration certificate should have been filled in as the overlap concerned was over a right of way that the objector had for her own driveway, leading to constrained space and manoeuvrability issues for access.

In relation to proposed car parking spaces, he cited Creating Places within which it was advised that the car parking space dimensions should be 5.3 metre by 5.3 metres whilst that listed within proposals was 4.8 metres by 4.8 metres which he suggested would be too small. There would also be issues of manoeuvring vehicles due to the aforementioned red line overlap which would be in contravention of the Department for Infrastructure's acceptable parameters regarding access to a parking space without traversing through party lands.

The proposal layout would also likely mean any car accessing car parking would have to partially use land owned by 107 Groomsport Road. As this area was a one-way system that was already congested and with the potential for a future buyer to own a larger than average car, there could be an even bigger impact on traffic flow.

Mr Khairuddin explained that overlook from the proposed dwelling, because of the standard roof height in the area, would not meet requirements, with views extending further than that which had been surmised in the Officer's report.

Members were invited to ask any questions of clarification. Councillor Cathcart asked if the workshop site was still active. Mr Khairuddin suggested the site could be called anything if rates were still paid, however, Mrs Hogg was able to explain that the site had not been used since the beginning of the C-19 pandemic and had since been advertised for use as storage. There had been tenants who had used it for other purposes. Councillor Cathcart, based on the response, suggested that it was indeed betterment for the area if the planning application succeeded and asked if there had been any traffic or noise issues when the workshop was active. Mr Khairuddin did not dispute the proposal providing betterment. If a mechanic used an air compressor or other tools of the trade, there could have been noise complaints.

However, in looking at the change from the current structure to the proposed, he suggested there were issues that could go against the argument of betterment. A mechanic may use the toilets rarely throughout a working day whilst a family would not only use toilets but also showers which would create greater strain on infrastructure. The issue of overlooking with two roof windows would also be a counter argument. From the site plans, a future resident could see into the garden

opposite at the back end of 170 Groomsport Road whilst on the other side, facing Mrs Hogg's neighbour, there would be a view beyond one of the garages into the private area of another garden. Mr Khairuddin referred to planning policy stating a 20m rule from window to window between dwellings but believed in this instance, that would drop to 16m from the back bedroom window.

Councillor Wray asked for clarification on the red line issue as he had not noted its mention in Mr Khairuddin's speaking notes and questioned manoeuvring issues. Mr Khairuddin advised that he had only noticed the red line overlap prior to the meeting. The red line overlap would mean that part of the proposed car parking space would reach beyond the red line into a right of way which would lead to difficulties of Mrs Hogg and potentially others manoeuvring the area because a parked vehicle may impede access.

Alderman McIlveen presumed there was a right of way to allow for access to garages in the area and asked the speaker if this would not exist, to which Mr Khairuddin explained that if any car stopped on the right of way, it would block access to garages. In this instance, a parked car's dimensions could stop another from using the right of way. In the past, the site in question did not have space for parked cars as a shed used to exist at its boundary that precluded parking. Alderman McIlveen was concerned given the application had previously been taken off the schedule due to a late objection and that the same could happen this evening with additional information being provided at such a late hour.

Councillor McCollum asked for clarification on an aerial photograph and the red line superimposed upon it. The Officer advised that this image had been prepared by the Case Officer to assist Members in identifying the site but that the official and correct red line was that which was on another image. Councillor McCollum asked by what distance the speaker believed the red line to intrude upon a right of way. Mr Khairuddin explained that when he had earlier overlaid images, up to one quarter of the parking space was outside of the red line, intruding onto the area which Mrs Hogg parks her own car. As he believed the development extended beyond the red line, it would cause problems for other residents in adjacent lands.

Alderman McIlveen advised Members that the subject of the red line had been raised at a very late stage and would cause difficulty for anyone making a decision until Officers had a chance to review the new information.

Proposed by Councillor Kendall, seconded by Councillor Cathcart, that the Item be deferred to allow Officers an opportunity to investigate the boundary line.

Alderman Graham queried if it was possible to make a decision this evening that was subject to the outcome of any investigations. Alderman McIlveen advised that it would be inappropriate for the Committee to do so given the suggested impact on neighbouring properties, manoeuvring issues and access.

Councillor Smart said that the Planning Committee did not normally assess and judge boundaries on ownership and asked if they would be judging solely on the adjacent property having vehicle access. The Head Of Planning advised that the

information had been provided at such a late stage and Officers would have to investigate the matter further to see if notice needed to be served on other parties.

At 19:47, Mr Khairuddin returned to the public gallery.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Cathcart, that the Item be deferred to allow Officers an opportunity to investigate the boundary line.

(Councillor Hennessy returned to the Chamber at 19:47.)

4.1 LA06/2024/0381/F - 110 metres south-east 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.

PREVIOUSLY CIRCULATED:- Case Officer's report, addendum report and note of site meeting.

(Councillor Smart declared an interest and vacated the Chamber at 19:48.)

DEA: Bangor Central

Committee Interest: A local development application 'called-in' to the Planning Committee by a member of that Committee.

Proposal: 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.

Site Location: 110 metres south-east of No 73 Green Road, Bangor

Recommendation: Refuse Planning Permission

The Head of Planning explained that Planning application LA06/2024/0381/F was for '*Retrospective subdivision and part change of use of storage unit, elevational alterations, and extension, providing unit used as a gym. Retention of associated car parking.*'

Members were asked to note that the description had slightly changed from the description on the planning schedule, as noted above.

The proposal was changed slightly to reflect the fact that the proposed subdivision and part change of use of the existing storage unit to the gym had since taken place. When the application was submitted it was described as proposed works as it hadn't yet taken place. A revised P1 with an amended description had been submitted taking account that works had since taken place. This was considered to be a minor issue and did not alter the determination of the application.

The application would be re-advertised on 10th April to reflect the change in description and also cover the additional supporting information that was submitted by the agent which had been detailed in both Addendums to the Case Officer Report. Neighbour notification letters had also been issued to reflect the updated description.

Any decision could be held and issued once the expiry date had passed for Neighbourhood Notification and advertising.

The application appeared before Members due to a call in by Councillor Wray from the delegated list.

Members were asked to note the application was originally to be presented at the February Planning Committee meeting but following the submission of additional information which required additional consideration, the application was removed from the schedule. During the intervening period, seven additional letters of support were submitted - all from current users and employees of the gym facility known as HQFit.

Those in support stated the convenient location for those living nearby in Ardvanagh and high quality of the facilities. These were not material planning considerations for the assessment of the proposal.

A second statement of supporting information was submitted for consideration following the application appearing on the schedule for April which had been considered and a second addendum prepared.

The recommendation was to refuse planning permission.

The site was located 110 metres south-east of No 73 Green Road, Bangor. The site could be accessed off Green Road, via a laneway which travelled south-west towards a group of agricultural buildings surrounded by concrete hard standing. The wider area consisted of agricultural fields to the east, south and west of the site. The site and surrounding area were of a generally flat topography. The buildings on site were finished in corrugated green metal and the most southern building was used as a gym. With regard to the area plan, the site was located within the Countryside as designated within North Down & Ards Area Plan 1984-1995 and Draft Belfast Metropolitan Area Plan 2015.

There was planning history associated with the site – this application was submitted as a result of an alleged unauthorised erection of building and subsequent use as a gym under planning enforcement reference LA06/2024/0012/CA. On site a new unit had been constructed onto the end of two existing units which had planning permission for use as class B4 (storage/distribution). On the day of the site visit, the unit which had been constructed was being used as a gym, filled with gym equipment and there were approximately four people present. Six cars were parked in the area which had been concreted. At the time of the Case Officer's site visit, the unit to which the gym was attached to was separate and not internally accessible.

The applicant had constructed a new unit without permission and used this unit as a commercial gym. This new unit was to be extended into the existing unit it was physically joined to. The existing unit had permission for use as light industry (Class B2) and storage (Class B4) with ancillary parking as per planning permission W/2011/0469/F.

The SPPS sought to secure a 'town centres first' approach for future retailing and other main town centre uses. It stated that applications for retail and main town centre uses would adopt a sequential approach when decision making.

For clarification and the benefit of Members, despite assertions made by the planning agent, PPS 4 was not a policy consideration in this case it specified that it did not, *'provide for leisure policy, the appeal proposal is not one of the 'other' sui generis employment uses that the PPS 4 policy approach would assist in assessing.'*

This was supported by Appeal reference 2021/A0046 from which the following extract was stated.

"For the purposes of PPS 4, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO). It is stated in PPS 4 that, except for a limited number of specific policy references, mainly relating to acceptable alternative uses, the PPS does not provide policy for other stated uses including leisure, which are dealt with in other policies. A gymnasium is a sui generis leisure use and is not defined in Part B of the UCO. It is therefore not an economic development use for the purposes of PPS 4. It is stated in PPS 4 that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses. However, as PPS 4 specifies that it does not provide leisure policy, the appeal proposal is not one of the 'other' sui generis employment uses that the PPS 4 policy approach would assist in assessing. I conclude therefore that the provisions of PPS 4 including Policy PED 3 are not material to consideration of the proposal and provide no support to it."

The applicant had constructed a new unit without permission and used this unit as a commercial gym. This new unit was to be extended into the existing unit it was physically joined to. The existing unit had permission for use as light industry (Class B2) and storage (Class B4) with ancillary parking as per planning permission W/2011/0469/F.

The Strategic Planning Policy Statement (SPPS) sought to secure town centres as the first approach for future retailing and other main town centre uses. It stated that applications for retail and main town centre uses would adopt a sequential approach when decision making.

Again, the Head of Planning stated, for the avoidance of any doubt - the definition of a main town centre use as set out in the SPPS included leisure, therefore as the gym was a leisure use, it would fall to be considered under the SPPS's requirement for a 'town centre first' approach for the location of future retailing and other main town centre uses.

As the development was located within the countryside – PPS 21 – Sustainable Development in the Countryside also had to be considered in the assessment. Policy CTY1 of PPS 21 identified a range of types of development which in principle were considered to be acceptable in the countryside and which would contribute to the aims of sustainable development.

Policy CTY1 makes provision for outdoor sport and recreation uses in accordance with PPS 8 – Open Space, Sport and Outdoor Recreation. Policy OS3 of PPS8 provided for outdoor recreational use in the countryside subject to several criteria. The development under consideration was not for outdoor use as the development was for the use of a unit to be used as an indoor gym.

As the gym use was not covered by any of the ranges of development acceptable in principle in the countryside, the next step would be to consider if there are any other overriding reasons why the development was essential and could not be located in a settlement.

The SPPS stated that a sequential test should be applied to planning applications for main town centre uses that were not in an existing centre and were not in accordance with an up-to date LDP. Where it was established that an alternative sequentially preferable site or sites existed within a proposal's whole catchment, an application which proposed development on a less sequentially preferred site should be refused.

The application was contrary to this policy as the site was located within the Countryside and fell outside the settlement limit and Primary Retail Core. It had not been demonstrated by the agent that there were no alternative suitable sites within the Bangor's Primary Retail Core to accommodate the business.

The applicant had failed to submit a sequential test or any evidence or supporting information to demonstrate how the proposal had met the requirements of the SPPS. However, it was considered that there were numerous vacant retail units located within Bangor settlement limit, including the Primary Retail Core, which could be used as an alternative to the application site. As such, the application site was considered less sequentially preferred and contrary to policy. As set out in policy, an application which proposed development on a less sequentially preferred site should be refused.

Members were reminded of the two additional addendums prepared in response to additional information submitted by the agent citing the Planning Appeals Commission (PAC) decisions and interpretation of policy which was not accepted by the Planning Department.

Members would have been aware that should the recommendation to refuse planning permission be agreed this evening the applicant would still have the option to appeal the decision to gain the PAC's interpretation on policy.

Mr Dermot Monaghan, speaking on behalf of MBA Planning, was invited forward to speak AGAINST the recommendation to refuse and was reminded that he would have five minutes to speak.

Mr Monaghan explained that the storage unit had been subdivided and altered with PPS4 allowing partial redevelopment of sites and extensions. PPS4 did not set a threshold on the number of jobs required to be classed as employment use, with the gym sustaining 24 full and part time staff. Mr Monaghan referred to a gym receiving

planning permission in a Newtownards industrial estate under PPS4 and referenced the SPPS principle of improving health and wellbeing. Furthermore, it was important that local residents had access to local health and fitness facilities of which no traditional gyms in Bangor existed south of the Rathgael and Balloo roads. As the proposal was not a main town-centre use, the sequential test did not apply.

There had been no objections and seven letters of support. He advised that the Planning Department had accepted that in the appeal cases referenced by Mr Monaghan (2018/A0231, 2020/A0161), the PAC had confirmed that a gym and swimming pool were sui generis employment under PPS4. Planning had argued these were considered under PED7 which provided for leisure uses which he maintained was the wrong argument.

HQ Fit served local need and as such, the sequential test should not be applied. The proposal was sustainable, complied with Planning policy, had 24 jobs in place and had no adverse environmental impacts.

The Chair invited questions from Members to the objector. Alderman McDowell suggested that gyms required large spaces and to be directed to town centres where there was little space seemed illogical. There were already many gyms in industrial areas. He asked if there had been a viable town centre location when taking into consideration any costs involved. Mr Monaghan advised that the key issue was to provide a gym in the area and it was not sensible to close the existing business with 24 jobs to move to a town centre where there was potentially no space. Gyms provided an opportunity for health and wellbeing which was encouraging for the local area.

Councillor Kendall would have been more sympathetic to the proposal had the applicant not continued onward with building to make any decision this evening a retrospective one. She asked why the extension and use of new building had not been explored with the Planning Department. Mr Monaghan was unsure as to why but assumed the developer had thought as it was an existing industrial area, there should be no issues as there had been similar areas with gyms across the country. The first Case Officer Report had confirmed there were no objections on visual amenity, road safety or environmental issues and no complaints from local residents.

Councillor Cathcart asked when the gym had opened and if there were any business connections on site. Mr Monaghan advised that it had been open for 18 months with no local business links.

Councillor McCollum referenced the many policies and PAC decisions, asking about the economic development of a leisure facility in an industrial area. Mr Monaghan explained that a key issue on the policy area stated that if there was an established economic use and established use in the countryside, the policy allowed for redevelopment for sites of employment, and in this case, it being of sui generis employment. Members, which numbered circa 700, pay monthly subscriptions as well as an option for ad hoc visits from the general public. Councillor McCollum asked for clarity of the reference to Policy PED2. Mr Monaghan advised that PED2 was a general policy for economic development which referred to other policies in PPS4 including PED 3-4.

Councillor Morgan referenced sustainable development and the duty of minimising the use of vehicles, asking if many walked to the gym's location. Mr Monaghan advised that very few did due to its location but that not many walked to gyms across the country.

Alderman Smith queried the quoted 14% increase on square meterage as the report had stated 50%. With Policy PED4 stating a need for proportionate increases, Alderman Smith wanted clarity on the scale and addition. Mr Monaghan in reference to W/2011/0469 advised the site area measured 3298 metres excluding the access lane. The extension to the site area was 350 square metres, or 13.6% rounded to 14%. The red line was larger than that due to a grass area which was excluded from their calculations.

Mr Monaghan returned to the public gallery at 20:14.

Members were invited to ask any questions of clarification from the Planning Officer.

Councillor McCollum noted the leisure and business use with a commercial gym of 700 members qualifying as business use. With that being the case, she was curious if there was any case knowledge guidance that provided precedent in similar situations. The Head of Planning suggested that misdirection had perhaps occurred as Policy PED4 was for *redevelopment* of existing sites whilst in this instance, a separate unit was constructed on site. It was not re-use of what was already there and there was no internal pathway to reach the unauthorised unit that was built. Since the last site visit, the location had been altered with a unit converted that had planning permission for storage and distribution. It had been presented as if merely the existing unit has been expanded upon. It was clear that the current use was now a gym leisure facility. Approved gym sites had also been presented to the applicant in town-centre areas.

Councillor McCollum asked if the two buildings had since been amalgamated and if that was the case, if it would be an extension of economic development in the countryside. The Head of Planning advised that the buildings had been amalgamated but the latter question was hypothetical. There were exceptional circumstances in this instance with a whole unit built on its own extending into an existing unit which turned the sequence of events around to make the situation fit Policy PED4.

Councillor McCollum appreciated the argument of a town-centre gym but, for the likes of Bangor city, there was a lack of parking on the main streets which would cause difficulty in making the gym accessible. The availability of parking was an attractive quality, especially for commuters with gym users being known generally as economically active. The Head of Planning referenced Figure 2 in the addendum supplied, Item 4.1a. There were seven gyms south of the ring road toward Conlig and the majority did not require vehicular use. Councillor McCollum asked if the sequential test had been applied to the gym appeal. The Head of Planning confirmed, but explained that they had not been refused based on the sequential approach. Reference had been made to approval granted in Newtownards that did not require a sequential approach but this was a different scenario.

Councillor Wray sympathised with the applicant, however, he did cite the need for essential use and queried what the threshold was to meet that requirement. The Head of Planning advised that by virtue of a countryside location, PPS21 was applied and gyms were not listed within acceptable uses under Policy CTY1 . PPS21 referred to houses, dwellings and farms in the countryside. The Department had considered that it was not essential use in a countryside location especially with other facilities nearby.

Councillor Wray asked how other gyms had come to exist in the countryside and if there was a clear threshold on when a sequential test be carried out. The Head of Planning was unaware of other sites he referred to in the countryside but advised that such sites may not have planning permission. The policy was clear and though the applicant may have community support and no letters of objection, the policy existed for particular developments. Irrespective of a retrospective element, Officers looked at an application to see if it was policy compliant or not. This application was to be before Committee in February but late supporting documentation had been provided and again, last week, information was submitted raising more points. She again directed Members' attention to Policy PED4 which showed no relevance of being situated in the countryside or of the speaking notes and how any requirements fulfilled that of PPS21.

Alderman Smith queried the 14% to 50% differences he had asked earlier, asking for clarification from the Officer. The Head of Planning advised that the application site was that which lay within the red line taking account of the second addendum that clarified the proposal incorporated a partial change of one of the two units. The proposal had an entirely new use unit with a 50% increase on floorspace along with the site area increase.

With sui generis employment and 24 jobs and in reports it being identified that this did not apply to leisure facilities or gyms, Alderman Smith asked if Officers could clarify if Mr Monaghan's statements of creating employment were acceptable to related policies. The Head of Planning advised that just because a unit could create employment did not mean it was acceptable in policy terms. The Planning Department did not consider this as sui generis as it was not listed.

Alderman McIlveen asked what that meant in terms of business use for those purposes. The Head of Planning stated that if a unit was existing and looking to build an extension, that would fall under Policy PED4 but in this instance, an unauthorised separate unit was built as a gym then incorporated into a unit did not fulfil the policy requirements.

Councillor Kendall asked how long locals had had to make comment on whether the application was essential or needed. The Head of Planning explained that any planning application had to be advertised with notification to local residents and as such, they had the opportunity to respond since the application's submission.

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

Councillor Morgan stated that the application was in the countryside and that it was in contravention with referenced policies. In addition the SPPS retailing policy existed to protect cities and town centres which the site location did not meet which she worried may set precedent for more businesses moving out of these centre locations. If looking at the application before the site was built, members and staff would not have been factors and as Members would have been aware, when judging an application retrospectively, it should be looked at as if it had not yet been approved or built. Councillor Hennessy shared his colleague's sentiments. Though he appreciated growth in gyms and the appeals given the member number, officers had applied relevant policy which is what mattered in situations such as this.

Alderman McDowell could not support the recommendation as he did not believe the gym could have been sited in any town or city centre as the required space did not exist. That, coupled with higher rates costs would have created more difficulties. With no letters of objection and the site already being located in an industrial location, he saw no harm in its existence. In accepting the recommendation, 24 individuals would find themselves redundant as well as 700 customers having to find alternative facilities.

Councillor Cathcart believed there was no harm in the application, believing Members should not take the decision to remove the business.

Councillor McCollum also could not support the recommendation as she was satisfied it was classed as redevelopment for economic use with sui generis employment. She suspected more than 700 members used the gym.

Alderman Graham could see both points of view and though not a random gym in a greenfield site, he also took the Officer's points on policies.

Alderman Smith also had difficulties, stating that the application should have been approved by Council first. One issue was the idea of proportionate increase and what exists being on scale with the existing development area and as such, he had to reject the proposal.

Councillor Morgan advised Members that this would be classed as unsustainable development and it was the job of Councillors to stop such from happening. There were leisure centres in the towns and cities with parking and although the Council always welcomed jobs, this application took away from industrial use and any decision opposing the recommendation would not be using policies to protect towns and cities.

On being put to the meeting, with voting 5 FOR, 7 AGAINST, 2 ABSTAINING and 1 ABSENT, the proposal was FELL. The vote resulted as follows:

FOR (5)
Aldermen

AGAINST (7)
Alderman
McDowell
McIlveen
Smith

ABSTAINED (2) **ABSENT (1)**
Alderman
Graham

Councillors

Harbinson
Hennessy
McClellan
McKee
Morgan

Councillors

Cathcart
Kerr
McCollum
Wray

Councillors

Kendall

Councillors

McBurney

Proposed by Alderman McDowell, seconded by Alderman P Smith, that the recommendation be rejected and planning permission be granted.

Alderman McDowell explained that as the business was already in existence and in an industrial location, it was causing no harm whilst Alderman Smith advised he could see no issues and that his only queries had been in relation to the proportionality of development.

Alderman Graham still had reservations with granting planning permission given the countryside location and advised he would have to abstain from the decision.

On being put to the meeting, with voting 7 FOR, 5 AGAINST, 2 ABSTAINING and 1 ABSENT, the proposal PASSED. The vote resulted as follows:

FOR (7)

Aldermen
McDowell
McIlveen
Smith

AGAINST (5)

Alderman

ABSTAINED (2)

Alderman
Graham

ABSENT (2)

Councillors

Cathcart
Kerr
McCollum
Wray

Councillors

Harbinson
Hennessy
McClellan
McKee
Morgan

Councillors

Kendall

Councillors

McBurney
Smart

RESOLVED, on the proposal of Alderman McDowell, seconded by Alderman Smith, and in a VOTE of 7 FOR, 5 AGAINST, 2 ABSTENTIONS and 2 ABSENT that the recommendation be rejected and planning permission be granted.

(Councillor Smart returned to the Chamber at 20:49.)

4.2 LA06/2023/2406/F - 5 Tarawood, Holywood: Demolition of the existing dwelling, construction of a replacement, part single storey, part storey and a half dwelling linked with a new garage via a single storey car port, a new single storey garden room and associated site works

ITEM WAS WITHDRAWN FROM THE SCHEDULE PRIOR TO THE PLANNING COMMITTEE MEETING.

(In accordance with Standing Orders, the Planning Committee entered recess at 20:50, recommencing at 21:04.)

4.4 LA06/2021/1477/F- Royal Hotel and Windsor Bar, Nos. 22-28 Quay Street, Bangor: Demolition of Royal Hotel and Windsor Bar to accommodate a mixed-use development comprising of 35No. apartments, 2No. restaurant units, and 1No. retail unit, car parking and associated site and access works

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: Development subject to legal agreement.

Proposal: Demolition of Royal Hotel and Windsor Bar to accommodate a mixed-use development comprising of 35No. apartments, 2No. restaurant units, and 1No. retail unit, car parking and associated site and access works.

Site Location: Royal Hotel and Windsor Bar, Nos. 22-28 Quay Street, Bangor

Recommendation: Grant Planning Permission.

The Head of Planning advised that the site was located at Nos. 22-28 Quay Street within Bangor City Centre.

There were no objections to the proposed development from statutory consultations or any objections from members of the public with one letter of support submitted. The representation in support stated that the proposed redevelopment was an opportunity to see the rebirth of an iconic seafront building with the proposal consolidating the levels of the former Windsor and Royal buildings. The new build would greatly improve the internal functionality of the space and would help inspire others moving forward, restoring confidence in the seaside city. The application was before Members as it was an application subject to a legal agreement. The recommendation was to grant planning permission

With regard to the development plan context, the site was within the settlement of Bangor and was located within the proposed Bangor Central Area of Townscape Character (BR 42) and an Area of Archaeological Potential for Bangor in the draft Belfast Metropolitan Area Plan 2015. The site was shown as whiteland in the plan. The 'Victorian, Edwardian and inter-war buildings in Quay Street including the former Bank, Windsor Bar and Royal Hotel' were noted as key features of the proposed Area of Townscape Character, which must be taken into account when assessing development proposals.

The potential impact of the appeal development on the proposed ATC remained a material consideration and could be objectively assessed and this had been endorsed by the PAC.

With regard to the actual site, the existing buildings on the application site comprised the vacant Royal Hotel and Windsor Bar. This was a 5 storey rendered building along the frontage of Quay Street with 6 bays and 6 storey turrets at the corner and giant pilasters with Art Deco ornamentation between each bay. The building steps down to 3-storeys in height along Crosby Street. The hotel was originally established

in 1841; however, the present building dated from 1931 and continued to operate as a hotel until its closure in 2014. The building was not listed.

The surrounding area was characterised by a variety of town centre uses including the adjoining hotel, nearby bars and restaurants, tourism, retail and residential. The proposed restaurant and retail units would complement the existing retail provision within the City centre and would contribute to the evening economy.

The planning history to the site was a material consideration. In 2008 permission was granted for Demolition of existing Royal Hotel and Windsor Bar and erection of replacement 52 room hotel with bar / restaurant, roof top restaurant, 33 apartments, viewing terrace, car parking, amenity space and ancillary accommodation. Members were shown the design of what was approved on the site.

The Officer advised that Members would have been more familiar with more recent permission granted in 2018 under planning ref LA06/2017/1039/F for a mixed-use development of 21 no. apartment units, comprising 12 no. apartments as part of the partial conversion and retention of the Royal Hotel and Windsor Bar building, partial demolition and 9 no. new build apartments within rear extension to Crosby Street, change of use of ground floor from hotel and public house to 4 no. new restaurant/café units, site access, car parking and all associated site works – Permission granted 12/10/2018.

The reason for the current application being submitted was that, following investigations since the previous approval for the retention of the façade, structural surveys revealed that the condition of the façade included severe corrosion to steel columns supporting the building meaning the building had deteriorated so much that retention would not be possible.

As the design of the current building on the site was so iconic to Bangor and its history, planning officers were concerned that if total demolition were permitted there would be no base line should a change of design be submitted given the permissions previously granted which are a material consideration.

Through discussion with the agent and applicant, the Planning Department put forward its position on the matter and requested that, in order to secure the design in any permission, a legal agreement would be entered into the purpose of which would be to ensure that there could be no variation of condition for the design for a minimum of 5 years from the date of any permission. This was to ensure that any future applications lodged with respect to the site must seek approval or retention of a building which encompassed and mirrored the approved façade. This gave the Council assurance that the design of any future building on this site would replicate the façade currently fronting onto Quay Street.

The applicant was content to enter into this arrangement as at that time they were in negotiations with various consultees including NI Water which was going to take some time to resolve.

The current design replicated the original design with some alterations. It was of high quality and was sympathetic to the original design. Whilst the proposal now

involved the demolition of the existing Royal Hotel and Windsor Bar, the front and side facades were to be rebuilt on a like for like basis to match the existing with a palette of colours and materials that complement the adjacent buildings with the front and side facades rendered in white with white windows. The ground floor would be rendered in black. The apartments fronting onto Quay Street were dual aspect and new windows along Crosby Street would provide views of the Marina.

The side elevation along Crosby Street stepped down in height from Quay Street to the eastern boundary of the application site to respect the neighbouring development and it was notable that no objections had been received from residents in the vicinity. As the site was located within a proposed ATC, a Design and Access Statement was submitted. This document explained the design principles and concepts applied to the development, the steps taken to appraise the context of the site and how the design takes the context into account as well as the access to the site, disabled access and environmental sustainability.

The site layout included a storage area at the ground floor for the apartment bins and a separate area for the storage of the bins associated with the restaurant units. Due to the proximity of the site to the waterfront and town centre parks there would be open space available within walking distance which negated the requirement for private amenity space under this application. An area was also set aside at ground floor level for cycle storage.

The proposed elevation along Crosby Street extended approximately 8 metres closer to the Salvation Army building at 6-10 Crosby Street was considered to be acceptable and there was no unacceptable adverse impact on the existing residential properties on Crosby Street in terms of over-looking.

The main living areas of the proposed apartments along Crosby Street had projecting oriel windows with views directed towards the eastern end of Crosby Street and towards Quay Street.

In regard to car parking requirements, it had been acknowledged that at 25 car parking spaces were being provided within the curtilage of the site for 35 apartments which would present a shortfall of 10 spaces. Members would have been aware that a balance of material planning considerations was a requirement in the assessment of any proposal. With regard to this application, the proposal was located within a city centre in an accessible location close to facilities with the bus and train stations with walking and cycling opportunities.

A Travel Plan had been submitted in support of the application and included measures to promote sustainable travel. In addition, similar to the Queen's Parade permission agreed with Members, the legal agreement alleviated the impact of any loss of car parking through the provision of a free travel card to the first occupant of 10 apartments for a period of three years.

DfI Roads considered the proposal and offered no objections subject to conditions. The proposal was therefore not considered to prejudice road safety or significantly inconvenience the flow of traffic.

In terms of Biodiversity Natural Environment Division (NED) had assessed the building from online mapping software and was content on this occasion to accept the present surveys as the building appeared to contain a low Bat Roost Potential . No bats were observed to emerge from the building and, therefore, NED had no concerns regarding the proposed development having a significant impact on bats. NED was content that the proposal was unlikely to have a significant impact on the local swift population from the proposed development.

A Drainage Assessment and Addendum was submitted and the consultation response from NI Water confirmed there was capacity for the development in its foul sewer within 20 metres of the site and the design and construction of a suitable drainage network was feasible.

Following completion of a risk evaluation for potential pollutant linkages, it had been concluded that there was low risk from onsite and offsite sources and no further assessment was required. Both NIEA Regulation Unit and the Council's Environmental Health Department requested conditions to be added to the decision notice for the submission of further site investigations and Quantitative Risk Assessment following demolition and site clearance works which had been conditioned accordingly.

In summary, this application marked one piece of the jigsaw, as it were, in the regeneration of Bangor Seafront with no objections received from either consultees or through the advertising and neighbour notification process. The quality of the design was of a high standard and would be secured through a legal agreement. A mixed use scheme such as this which included residential, retailing and restaurants would assist in bringing life back into the City Centre.

RECOMMENDED to grant planning permission with delegated powers to allow for the completion the legal agreement prior to issuing the decision notice.

Councillor Cathcart acknowledged the quality design and recalled a previous approval in the Royal Hotel site's history in 2018. With guidelines to pass major applications within 30 weeks and this spelling the 169th week, he understood there had been complications with NI Water and the ability to implement negative conditions but queried the delayed timeframe. The Head of Planning noted that the delayed timeframe had been widely reported and explained that each application had to be assessed afresh and as such, the application for complete demolition had required reassessment with additional surveys and independent consultants advice. Officers also had to ensure that once permission was granted for demolition and the site cleared that designs for a future build met a high quality level. There were also issues regarding traffic surveys for which DfI Roads was not content and with such reliance on third parties, there can be delays of a year or more awaiting information to be received and collated and assessed. There were resourcing issues amongst statutory consultees and meetings had occurred with NI Water asking for an estimated time of substantive response. Officers had also put forth a legal agreement to ensure the high quality design replicated the façade of the current building. All these elements had taken time and the agents had worked well with Officers.

Councillor Morgan queried what the legal agreement did for Council. The Head of Planning advised that Officers had delegated powers to work with the legal team to pull the agreement together with the applicants. The agreement secured a standard for the design of the building. If it had been a normal approval, the applicants could demolish the building and submit a standard design of lower quality on a blank site whilst now, conditions were attached that could not be varied. This also included the agreement that, due to the shortfall of car parking spaces for the proposed building, travel cards would be provided to placate those that had no space. Councillor Morgan queried if there was any possibility once knocked down that another application could be placed to overwrite that which was before Members this evening. The Head of Planning advised that the application would have to be assessed from the beginning but the legal agreement did state that any future design had to be of high quality. If the Planning Department had granted permission without backup, there was more risk to lose the quality of design element.

Councillor McCollum spoke of some local residents being alarmed at the façade being demolished and understood the reasoning behind any delays due to a complete investigation being undertaken. She was curious as to how long the applicant was bound to the legal agreement and what would happen upon its expiry. The Head of Planning explained that the agreement was binding for five years and if a new application was submitted, a new agreement would be entered into, but a precedent for a high quality design had been set by the current legal agreement.

Mr Tom Stokes (TSA Planning) was joined by Daniel McConkey (Expedia Capital Ltd) and Chris Lumsden (Design ID) to speak in support of the application. Mr Stokes advised Members that there had been a few false starts since initial approval that had been granted in 2011 under the DoE for different renditions for the site. Expedia Capital acquired the site in 2016 and had engaged in advanced proposals for an alternate 21 apartment, café and restaurant plan that was approved in 2018 which saw retention of the façade. Plans had always been to demolish the rear portion of the building with the applicant appointing designs, but it was not until 2020 that the discovery had been made of the poor condition of steels beams within the building façade which led to the realisation of an inability to retain it. This prompted the applicant to propose its complete destruction and in the interest of public safety, the applicant secured the building with hoarding and netting. Instead of reverting to a modern design, the applicant had continued to see merit in maintaining the building's iconic art deco look in any reinstatement of the façade. The plans before Members were of a high quality design with future hopes to activate the streetscape.

Councillor Cathcart thanked the applicant for working with Officers and being accepting of the legal agreement and asked if there was any estimation on delivery. Mr Stokes advised that works could begin as early as 2026 with a detailed design and consents to be secured. Part of the delay had been due to NI Water's difficult nature with regard to foul and storm drains.

Councillor Hennessy asked how recipients of the free three-year travel cards would be decided upon versus those apartments that would be allocated spaces and if there were yet any ideas as to the occupiers of restaurant and café facilities. Mr Stokes advised that this would be on a first-come, first-served basis but that the

travel card plans would feed into sustainable travel and benefits of city centre living. In relation to café/restaurant space, it was too early to say.

Alderman Graham commented on a good case for using modern day specifications in building a replica of a building that is in jeopardy of collapse. Mr Lumsden explained that from a long-term durability standpoint, there was encouragement to protect and preserve buildings through redevelopment which had been the initial approach of the applicant until discovering the corrosion. In seeking advice from structural experts, McFarland Consulting, the plans of retention had to change given the façade was so far gone at that point.

As there were no further queries from Members the speakers were returned to the public gallery.

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

Councillor Cathcart spoke of frustrations on the length of time many had felt in the Royal Hotel plans to reach this stage but was understanding given the many issues as well as those presented by other external parties. Councillor McClean shared similar thoughts to his colleague, adding that he hoped it would increase footfall in the area upon completion. Councillor Harbinson was delighted with the outcome and sympathetic design to the original structure whilst Councillor Kendall advised that it had been a stellar example of how an agent and Council could work together.

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

5. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity outlining appeal decisions as follows;

1. The following appeal was dismissed on 28 February 2025.

PAC Ref	2024/A0057
Council Ref	LA06/2022/1258/F
Appellant	Mr Peter Kelly
Subject of Appeal	Refusal of planning permission for Farm shed for the storage of fodder and machinery (retrospective)
Location	2B Ballyblack Road, Portaferry, BT22 1PY

The above application was refused by the Council on 16 May 2024 for the following reasons:

- a) The proposal was contrary to the SPPS (para 6.73), Policy CTY 1 and Policy CTY 12 of PPS 21 – Sustainable Development in the Countryside in that there were no overriding reasons why the development was essential at this location.

- b) The proposal was contrary to SPPS (para 6.73) and Policy CTY 12 of PPS 21 – Sustainable Development in the Countryside in that:
- It had not been demonstrated that the shed is necessary for the efficient use of the agricultural holding;
 - It had not been demonstrated that there are no suitable existing buildings on the holding that can be used;
 - The shed would not be sited beside existing farm buildings;
 - It did not merit being considered as an exceptional case as it had not been demonstrated that there were no other sites available at another group of buildings on the holding, health and safety reasons existed to justify an alternative site away from existing farm buildings or that the alternative site away from the existing farm buildings was essential for the efficient functioning of the business.
- c) The proposal was contrary to the SPPS and Policy CTY 12 of PPS 21 – Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of existing residential properties outside of the holding by reason of noise, smell and pollution.



There was no dispute between the parties that the appeal site related to an active and established agricultural holding and that No. 2B Ballyblack Road, was the Appellant's farm dwelling.

Policy CTY12 requires that the proposal was sited beside existing farm buildings. However, the Commissioner found that there was only one qualifying building, for the purposes of the Policy, at the appeal site, that being the dwelling at 2B Ballyblack Road, whereas the applicant was relying on his domestic garage to count towards the 'farm buildings', which the Commissioner did not accept.

At the accompanied site visit the Appellant sought to also rely on another building which did not have planning permission or a Certificate of Lawfulness.

The Appellant argued that the proposed farm shed was sited beside existing farm buildings which included the dwelling and an outbuilding at No. 2B Ballyblack Road. During the site visit the appellant pointed to an agricultural building found directly southwest of the proposed farm shed, within the southeastern corner of a separate field to that of the appeal site. The Council advised that this structure was not raised by the Appellant within his evidence as submitted to the appeal. The Council also advised that the structure was not lawful and does not benefit from a lawful development certificate (LDC). The Appellant informed that, following an inspection by the Council, an application for an LDC had been submitted recently but was yet to be decided.

The Commissioner did not accept that the building within the domestic curtilage formed an agricultural building, rather it was a domestic garage. Given that the unauthorised building could not count, alongside the fact that the Commissioner found that the other building was not agricultural, there were no buildings (plural) for the proposed building to be sited beside, as required by policy.

The appellant contended that the retention of the proposed farm shed was essential to allow for efficient use of the agricultural holding. The Commissioner was not provided with evidence of why the assortment of agricultural buildings within the holding could not be utilised, or why a new farm shed could not be accommodated on those lands.

Whilst recognising that the location of the farm shed was convenient to the Appellant's dwelling at No. 2B Ballyblack Road, and that the location of the proposed farm shed may result in a reduction of agricultural traffic movements between the two locations, the Commissioner was not persuaded that agricultural machinery, and fodder could not be transported efficiently across this distance to and from the farmlands associated with the appeal site. As such, it was not considered that the location of the shed was essential for the function of the business.

The appeal was dismissed, and the report is attached to this report.

The above appeal decision was noteworthy in respect of comments raised by Members at March's Planning Committee meeting in respect of LA06/2024/0438/O for Erection of shed for the storage and maintenance of agricultural machinery, yard and re-location of access at Ballymaleddy Road, Comber, which was refused.

2. The following appeal was dismissed on 11 March 2025:

PAC Ref	2024/A0019
Council Ref	LA06/2019/0722/O
Appellant	Mr Michael Cleland
Subject of Appeal	Refusal of planning permission for erection of 2no. dwellings
Location	Between 31 and 39 Florida Road, Ballymacashen, Killinchy

The above planning application was refused by the Council on X for the following reasons:

- a) The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.
- b) The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal did not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the creation of ribbon development along Florida Road.
- c) The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted be a prominent feature in the landscape and would rely on additional landscaping to integrate into the surrounding landscape.
- d) The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

The Commissioner upheld Council's refusal reasons a), b) and d).

It was established that there was a substantial and continuously built up frontage, thus fulfilling the first part of the policy exception. However, paragraph 5.34 of Policy CTY8 indicated that it was the gap between buildings that should be considered. Taking account of the average plot sizes, more than two plots of similar sizes could be accommodated within the 96 metre gap between buildings, and consequently, the proposal would result in a more dispersed layout and settlement pattern than that exhibited within the local area. As such the appeal site did not represent an exception under Policy CTY8.

In rejecting refusal reason c), the Commissioner considered that if the appeal development were restricted to single storey and sited adjacent to the roadside, which could be secured by condition in the event of an approval, the landform rising to the rear of the site and beyond would provide sufficient backdrop to ensure that the appeal development would not appear as prominent in the local landscape.



The appeal was dismissed, and the report attached to this report.

New Appeals Lodged

3. The following appeal was lodged on 11 March 2025.

PAC Ref	2024/E0049
Council Ref	LA06/2023/0607/CA
Appellant	Claire Kelly
Subject of Appeal	Alleged unauthorised pigeon loft
Location	12 Island View Gardens, Greyabbey

Performance over 2024/2025

As set out in the table below, at the date of this report, the Council had attained 100% success in appeals lodged against:

- Refusal of Planning Permission
- Enforcement Notices
- Refusal of Certificate of Lawfulness of Proposed Use/Development

PAC Ref	Policy Engaged	Appeal Type	PAC Decision	Decsn Date
2022/E0044		Enforcement Notice	EN Upheld	10/04/2024
2022/A0161	CTY 10 - Dwelling on a Farm	Refusal of PP	Dismissed	12/04/2024

2023/A0056	CTY 8 - Ribbon Development & NH 6 - AONB	Refusal of PP	Dismissed	24/04/2024
2023/E0018		Enforcement Notice	EN Upheld	20/05/2024
2023/E0006		Enforcement Notice	EN Upheld	22/05/2024
2022/A0192	CTY 8 - Ribbon Development	Refusal of PP	Dismissed	25/06/2024
2023/L0012		CLOPUD Refusal	Dismissed	09/08/2024
2024/A0001	CTY 6 - Personal and Domestic Circumstances & CTY 8 - Ribbon Development	Refusal of PP	Dismissed	17/09/2024
2022/A0073	CTY 8 - Ribbon Development	Refusal of PP	Dismissed	15/10/2024
2023/L0007		CLOPUD Refusal	Dismissed	22/01/2025
2023/A0109	CTY 8 - Ribbon Development	Refusal of PP	Dismissed	11/02/2025
2024/A0057	CTY 12 - Agriculture & Forestry Development	Refusal of PP	Dismissed	27/02/2025
2024/A0019	CTY 8 - Ribbon Development	Refusal of PP	Dismissed	11/03/2025

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

RECOMMENDED that Council notes the report and attachments.

The Head of Planning summarised the report to Members, advising that two appeals had been dismissed whilst an appeal had been lodged. She was pleased to report that performance over the last year had led to a 100% success rate in appeals lodged against refusal or enforcement by the PAC and Refusal of Certificate of Lawfulness of Proposed Use/Development.

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

6. STATUTORY CONSULTATIONS ANNUAL PERFORMANCE REPORT- RESPONSE FROM DFI

(Appendices XV, XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity explaining that

1. Members would have recalled the paper presented on 01 October meeting (attached Item 6d) informing members of the annual performance report prepared by the Department for Infrastructure (Dfi) which sets out the performance of statutory consultees in the planning process.
2. The report detailed of the volume of statutory consultation that had taken place during 2023/34 with comparative information for earlier years and was the first annual report to be produced for statutory consultation since introduction of both Planning Portals (that was for Mid Ulster, and that was for the remaining 11

planning authorities, which includes DFI). Members were made aware that the figures contained in the report should not be considered as official statistics and therefore should not be quoted as such.

3. Given that the statistics presented for Ards and North Down did not reflect the performance of Divisional Offices which were known to be experiencing resourcing issues members voted for correspondence to be issued to DFI.
4. By way of summary, the response from DFI explained that:
 - the Department was not yet in a position to provide the specific information requested but was keen to enhance the statistical information available and was continuing to work with statisticians in that regard.
 - a 'deep dive' of information was taking place and would be shared when Council officials met with DFI representatives (DFI currently visiting Council offices to gain an insight and to discuss planning matters)
 - the performance and number of on-time consultee responses for major applications had been and remained an area of focus for the Planning Statutory Consultee Forum
 - DFI Roads colleagues had advised that the Southern Division (which includes Craigavon as well as the Downpatrick office) received more consultation requests (local and major) than any other Divisional office.
 - performance had been affected by the level of vacancies.
 - the number and quality of applications and consultations received was impacting their response times.
 - legislation was now in place to enable the introduction of statutory local validation checklists, which should improve the quality of applications entering the development management system.
 - steps to improve performance included, overtime working, a bid to the Interim Public Sector Transformation Board which included proposals to support and enhance the Department's statutory consultees.
5. Members were made aware that recently DFI Roads had taken a positive step and had reorganised their resources to provide a dedicated team to deal solely with Ards and North Down Council applications and meet with planning officials monthly to discuss applications.

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

The Head of Planning summarised the report to Members, explaining that following on from the annual performance report from DFI, additional information had been requested by Members in relation to statistics on statutory consultees. A response had been received that explained DFI was not in the position to provide specific information but was keen to enhance statistical information which would be shared with Council officials. DFI Roads had advised the Southern Division received more consultation requests than any other office and that the level of vacancies affected its ability whilst the quality of applications impacted its response times. However, legislation was now in place introducing statutory local validation checklists which it was hoped would improve the quality of applications.

Proposed by Councillor Kendall, seconded by Alderman Graham, that the recommendation be adopted and the report be noted.

Councillor Kendall was curious if there had been any noted improvement with the addition of a dedicated team. The Head of Planning advised that it had been helpful to have face to face meetings once per month but there was still the issue of backfilling posts for the Department.

Councillor Morgan believed things were moving in the right direction and wanted to know if responses were being returned more accurately or expediently. The Head of Planning had noted improvement recently, but encouragement was still required from the Council as she explained that consultees still had to advise on a response which led to Officers negotiating with DfI to direct it in relation to what was specifically being requested to provide comment on. There were some large applications that would require work with the DfI due to incorrect information being presented to the Council. However, some personnel changes had occurred in the primary tiers of the organisational hierarchy which would hopefully lead to further improvement.

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

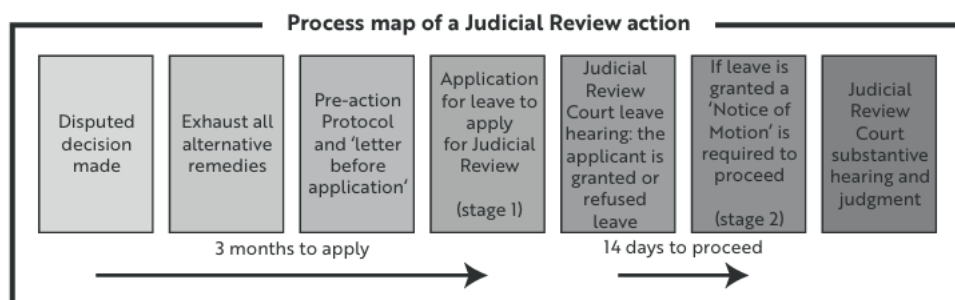
7. COURT JUDGEMENTS

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that whilst Members had been provided with updates on planning appeal decisions on a monthly basis, it was considered appropriate to bring to the Committee's attention relevant Court judgments pertaining to planning.

Background

Members were aware that there was, at the time of writing, no third party right of appeal in Northern Ireland. Should someone be aggrieved by a planning decision, that decision could either be appealed to the Planning Appeals Commission by the applicant (against imposition of a planning condition or against refusal of planning permission), whereas a third party could only apply to the Court for leave to judicially review on a point of law.

A judicial review examined the legality of how a body arrived at its decision or action, not the merits of the actual decision or action itself. The legal process involved two stages, an application for leave to apply for judicial review (stage 1) and, upon being granted leave by the court, an application for judicial review (stage 2; the substantive hearing). They could range from issues specific to one individual to issues on a departmental policy or project that impact on the wider public.



Source: Based on the process map in *Judicial Review in Northern Ireland: A guide for non-governmental organisations*, The Public Interest Litigation Support Project, 2012.

The Council’s regulatory planning framework defined its remit and duties as well as the limits of its powers, how it would make decisions and take actions. The Council also had a complaints framework setting out the process for the dissatisfied member of the public. Complainants, dissatisfied with the outcome of the complaints process, may wish to take their complaint further through an application to the NI Public Services Ombudsman or through a statutory right of appeal.

Where the complaint was about the legality of the process underpinning the Council’s decision or action, the complainant could, as a remedy of last resort, apply to have it examined by the Judicial Review Court, a specialist court within the Northern Ireland High Court.

As a specialist type of litigation, judicial review was the subject of a Practice Direction (No. 3/2018) that set out the practice and procedures of the Judicial Review Court and which complemented the relevant provisions of the Rules of the Court of Judicature (NI) 1980 (the Rules of Judicature). All parties to a judicial review had a responsibility to be aware of, and comply with, these rules and procedures.

A judicial review was not an appeal of the merits of a decision or action, nor a means of appealing the decision of another Court. It was a legal challenge based on the grounds that the Council had acted improperly in coming to its decision or action. Acting improperly mainly refers to the following:

- Illegality – e.g. by making a mistake in applying the law or by not doing something required by law.
- Irrationality – e.g. the decision is so illogical that no reasonable person could have arrived at such a decision.
- Procedural unfairness – e.g. by failing to comply with established or agreed procedures.

The process of Judicial Review had been set out at Item 7a.

Judgments Attached

Item 7b - Neutral Citation No: [2024] NICA 42 re Glassdrumman Road decision

The above Court of Appeal judgment reviewed was in relation to a challenge brought against the grant of planning permission by Newry, Mourne and Down District Council for erection of two dwellings, considered under Policy CTY 8 (Ribbon Development) of PPS 21 – Sustainable Development in the Countryside.

The original judge only issued declaratory relief as opposed to quashing the permission ([2024] NIKB 31- see Item 7c)

The planning application was presented to and decided by the Council on the basis that it came within the infill 'small gap' housing exception within Policy CTY 8.

The appellant had asserted that the Council's decision was:

- contrary to planning policy in Northern Ireland (NI); and
- Policy CTY 8 considered ribbon development in rural areas to be damaging and unacceptable in principle, and that it required planning applications which would cause or add to ribbon development to be rejected *unless* they come within the very limited exceptions described within the policies themselves.

When leave was granted, there were three grounds of challenge to be addressed:

- i. illegality;
- ii. the leaving out of account of material considerations; and
- iii. irrationality

At paragraph 6 therein, in referring to the original judgment (para 96), it was explained that

“the primary focus of Policy CTY8 is on avoiding ribbon development, save where one of the two exceptions is engaged. Since Policy CTY8 is referred to in Policy CTY1 of PPS21 as being one of those policies pursuant to which development may in principle be acceptable in the countryside, there may be a temptation to view it primarily as a permissive policy.” Also, “unlike the other policies, CTY8 does not begin by setting out that planning permission “will be granted” for a certain type of development. On the contrary, CTY8 begins by explaining that planning permission “will be refused” where it results in or adds to ribbon development. This is an inherently restrictive policy such that, unless the exception is made out, planning permission must be refused.” (emphasis added)

Paragraphs 52 and 53 therein was useful for Members who had previously raised queries about how Policy CTY 8 should be interpreted, in the context of ascertaining 'a small gap site'.

[52] We agree that the guidance in policy documents should not be used as a scientific formula designed to produce a firm result. However, the mathematical indicators provided in the guidance do have value because they seek to focus attention on the relative proportions of the visual elements within a rural landscape and to clarify how these proportions relate to each other to produce the visual

impression that a landscape is continuously developed in a way that suits an urban place or is less developed as is appropriate for rural landscapes.

[53] In short, the foundational planning policies and the supplementary guidance, complete with its numerical guidelines, should be viewed as a toolkit to help planners identify where pre-existing ribbon development is present and where it is absent. The guidance is intended to help them correctly identify the ‘small gap’ sites within the areas of pre-existing ribbon development which can be developed as infill sites without substantially adding to the visual damage that has already been done in such cases. They are also designed to help planners identify and preserve the undeveloped truly ‘rural’ landscapes which the policy strives to maintain, so that the acknowledged damaging effects of ribbon development do not spread to new and presently uncontaminated places.”

Aerial Overview of site



The Court of Appeal:

- Was critical of the Council’s Planning officers not drawing the Committee’s attention to particular policy regarding priority habitats (Policy NH5 of PPS 2 in relation to proposed removal of hedgerow);
- did not consider that the Committee had acted unlawfully in not carrying out a site visit;
- Policy CTY 8 was an inherently restrictive policy such that, unless the exception had been made out, planning permission must be refused;
- The concept of “otherwise substantial and continuously built up frontage” should be interpreted and applied strictly, rather than generously.

And ordered the decision quashed.

Item 7d - Neutral Citation No: [2025] NICA 8

The above was a Court of Appeal judgment in relation to a case brought by Gordon Duff against Causeway Coast and Glens Borough Council whereby it had granted planning permission for a dwelling on site between 51 and 53 East Road, Drumsurn, dated 26 August 2021. The previous judgment referred to is attached as Item 7e ([2024] NIKB 31).

The original case was brought against the Council for granting permission under Policy CTY 8 of PPS 21.

The Court of Appeal decision addressed the matter of 'standing' of Gordon Duff in bringing the application, amongst other matters.

Planning permission had previously been applied for twice before this particular case and had been recommended for REFUSAL by the planning officers.

This third application (subject to the judicial review) was also recommended for refusal; however, planning permission was granted contrary to the planning officer's recommendation.

The Court of Appeal focused on the basis of the findings of both the NI Audit Office and the Public Accounts Committee in relation to approval of dwellings in the countryside contrary to officer recommendation (see paragraph 18 therein).

The judgment found against the previous Judge's findings in relation to a number of matters – see paragraphs 31 and 32, particularly where it is found that:

(b) The judge failed to properly consider the significant impact on good administration and proper application of the planning policies on rural development which would ensue if a planning decision, which was clearly unlawful, should nonetheless be allowed to proceed as a permissible windfall. This would set a dangerous precedent.

(d) Furthermore, the judge's conclusion is inconsistent with his analysis of systemic issues highlighted by previous judicial review cases and NIAO and PAC as regards rural development and the "cautionary words" he provided at the end of his judgment.

Keegan LCJ and Treacy LJ concluded that this case "exposed many issues in relation to rural development not least the danger if elected representatives proceed against the recommendations of experienced planning officials and planning officer's reports without good reason."



Item 7f - Neutral Citation No: [2017] NIQB 133

The above judgment, whilst older, addressed a case brought against Lisburn and Castlereagh City Council, whereby planning permission had been granted for removal of holiday occupancy condition holiday home development comprising 58 apartments (approved as part of a wider scheme for a hotel and golf course) in Hillsborough.

The application, to remove the occupancy condition, was recommended for refusal on the basis that, if allowed, would set an unwelcome precedent for the development of unfettered housing in the countryside and result in development that is contrary to the Local Development Plan. The Case Officer's Report also set out the supporting evidence submitted with the original application as to the fact that those proposed luxury holiday lodges were chosen for their proximity close to the proposed golf course, and furthermore that their compact nature would allow for efficient site management in terms of both maintenance and site management,

This decision was taken contrary to the recommendation of the Planning Department and after a pre-determination heard by the Department for Infrastructure.

In this case the then Chief Executive of the Council sought to judicially review the Council's own decision on the basis of breach of protocol whereby two members of the Planning Committee had not declared an interest, despite having submitted letters of support for the application (however, her application was made out of time).

This judgment was delivered in November 2017, and the application was withdrawn in October 2018.

RECOMMENDED that the Council notes this report and attachments.

The Director of Prosperity summarised each of the three cases outlined in the report to Members, advising that further summaries of cases could be brought before Members if they so desired.

As there were many cases that could have been brought to the attention of Members, Councillor Morgan was curious why these specific cases had been chosen and if the Council had any recent Judicial Reviews.

The Director of Prosperity explained that one of the cases was of interest as some queries had been raised by Members around the CTY8 policy in recent times which gave relevancy. There had been one recent Judicial Review instigated by the Director when she was Head of Planning two years ago. There had been one example proffered where the Council had conceded to the quashing of a decision on the basis of the scheme of delegation whereby the Judge had raised it as a particular issue where he considered Council should count objections from statutory consultees as one of the numbers that prompted referral to the Committee. There had been a number of pre-action protocol letters regarding a particular enforcement case, but none of which had ever proceeded to a full JR. These reviews were expensive to defend and time consuming, but the Director could provide links for Members to review in future.

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

8. RESPONSE FROM NI WATER

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that Members were presented with a report (Item 7) at its meeting of 04 February 2025

detailing correspondence dated 15 January from NI Water in relation to Kinnegar Wastewater Treatment Works project deferral.

At that meeting Members agreed an alternative proposal to noting as follows:

“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”*

Further to the Director sending a letter dated 6 March, the Council had received a response dated 26 March from Sara Venning, Chief Executive of NI Water, attached for Members’ information.

RECOMMENDED that Council notes the response from NI Water as attached.

The Director of Prosperity explained that Item 8 had been a late addition but one that was felt appropriate given the Chief Executive of NI Water was providing responses to queries raised by Members at February’s meetings.

Councillor McCollum expected the nature of the response and was awaiting outcome of Alderman Smith’s request at last month’s Council meeting. The Director of Prosperity quoted Alderman P Smith,

“Council seeks a meeting with the new Minister for Infrastructure to highlight the ongoing issues in the borough relating to water, infrastructure, roads, funding and greenways. That a delegation be appointed to attend a meeting with the Mayor, Group Leaders of DUP, Alliance and UUP with a nominee or representative from smaller parties/Independents plus appropriate Officers.”

The Minister’s private secretary had responded, advising the Minister was pleased to accept the invitation with arrangements being made at the time of the meeting.

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


Councillor Kendal expressed dismay at NI Water having not received funding from the Executive in order to upgrade infrastructure. The Director of Prosperity advised Members of a consultation on the Department for Infrastructure website under the consultations section regarding its equality impact assessment on the draft budget

which set out details on what monies were being given and where. It was worth Members' attention and was due to close in June. Though positive regarding revenue, it was not the same case with capital but a draft response would be brought to Council. Another consultation was due from the Minister regarding Developer Contributions to help with the water system and again, a draft response would be brought before Council.

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

TERMINATION OF MEETING

The meeting terminated at 21:55.

Development Management Case Officer Report			
Reference:	LA06/2022/0265/F	DEA: Bangor Central	
Proposal:	Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking.		
Location:	31a Sheridan Drive, Bangor		
Applicant:	Robert Foreman		
Date valid:	15/03/2022	EIA Screening Required:	No
Date last advertised:	02/03/2023	Date last neighbour notified:	21/03/2023
Letters of Support: 0	Letters of Objection: 9 (from 6 separate addresses)	Petitions: 0	
Consultations – synopsis of responses:			
NI Water		Advice & guidance	
DFI Roads		No Objections	
Environmental Health		No Objections subject to conditions	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Parking and Access • Impact on Residential Amenity • Visual impact • Impact on Biodiversity • Impact on ATC • Sewage Infrastructure 			
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 at 31a Sheridan Drive, Bangor. The site consists of a small plot with an existing workshop building as seen below. The building has a pitched iron corrugated roof and has a painted blue roller door. Other finishes include hardwood windows, pvc rainwater goods and roughcast rendered walls. There is a small yard/car parking area to the front elevation, which is open to the laneway. Access to the site is via Sheridan Court which is a private laneway off Sheridan Drive.



The immediate area is predominantly characterised by residential dwellings and apartments. There are a range of house finishes and architectural styles within this area of Ballyholme.

2. Site Location Plan



3. Relevant Planning History

The existing building has no planning history associated with it; therefore, the workshop use is not lawful. However, Google Maps images indicate that the building has been used a vehicle repair workshop.

4. Planning Assessment

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

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

Planning Guidance:

- Creating Places
- Parking Standards

Principle of Development

The site described is located within the development limit of Bangor as defined in Draft BMAP and the North Down and Ards Area Plan 1984-1995 (NDAAP). The site lies within the proposed Bangor East Area of Townscape Character.

The SPPS states that proposals in an Area of Townscape Character will be assessed against key design criteria including building height, density, landscape quality, uniformity of design/layout, townscape quality/detailing and historic buildings. A design and access statement has been submitted with the application.

Para 6.137 of the SPPS states that *'the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms.'* As this application is for the redevelopment of an existing brownfield site, it is in line with the aims of SPPS.

Design, Visual Impact and Impact on Character of the proposed ATC

Recent planning appeal decisions have clarified that the policies within PPS6 and PPS7 relating to ATCs apply to designated ATCs and not proposed ATCs. Nevertheless, the impact on the proposed ATC remains a material planning consideration and can be objectively assessed.

The proposal is for the demolition of the existing building on site, which will be replaced with a one-and-a-half storey dwelling. The existing workshop is no longer used for a car repair workshop. The Applicant has advised that the use ceased in 2021 and has provided evidence to show that commercial rates for the building are still being paid.

The site is accessed from a laneway which links Sheridan Drive to Lyle Road, providing both pedestrian and vehicular access to the rear of the dwellings that front Sheridan Drive, Sandhurst Park and Groomsport Road. The access also provides exclusive access to No. 33 Sheridan Drive which is a bungalow. As the site is to the rear of Sheridan Drive, there will be limited public views of the proposed dwelling. The view from Sheridan Drive can be viewed in Image 1. I do not consider a dwelling in this position would appear dominant in the context of the surrounding area.



Image 1: View of site from Sheridan Drive

The proposed dwelling will have a slighter smaller footprint than the existing building, as can be viewed in Figures 1 and 2 below. The total floorspace over two floors will amount to approximately 70sqm which will accommodate an open plan kitchen/living area and bathroom on the ground floor, along with a loft bedroom to the first floor. This meets the space standards set out in Annex A on Addendum to PPS7.

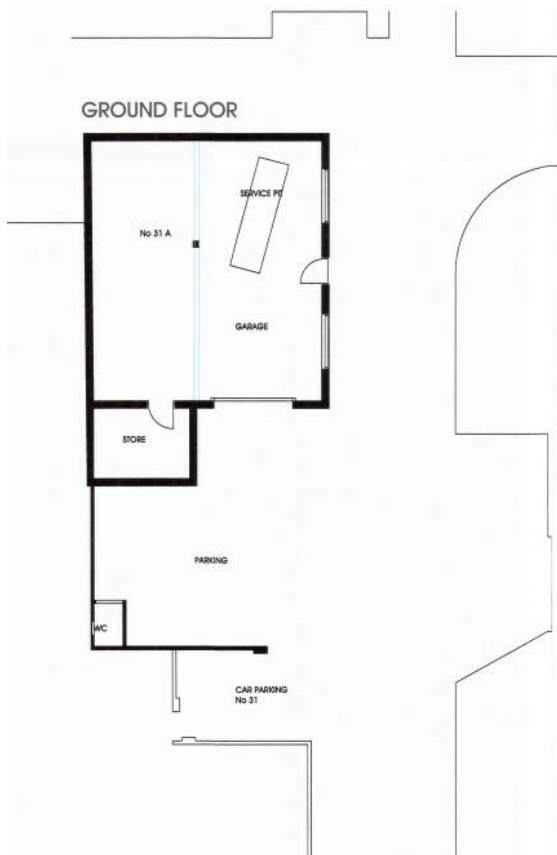


Figure 1: Existing Site/Floor Plan

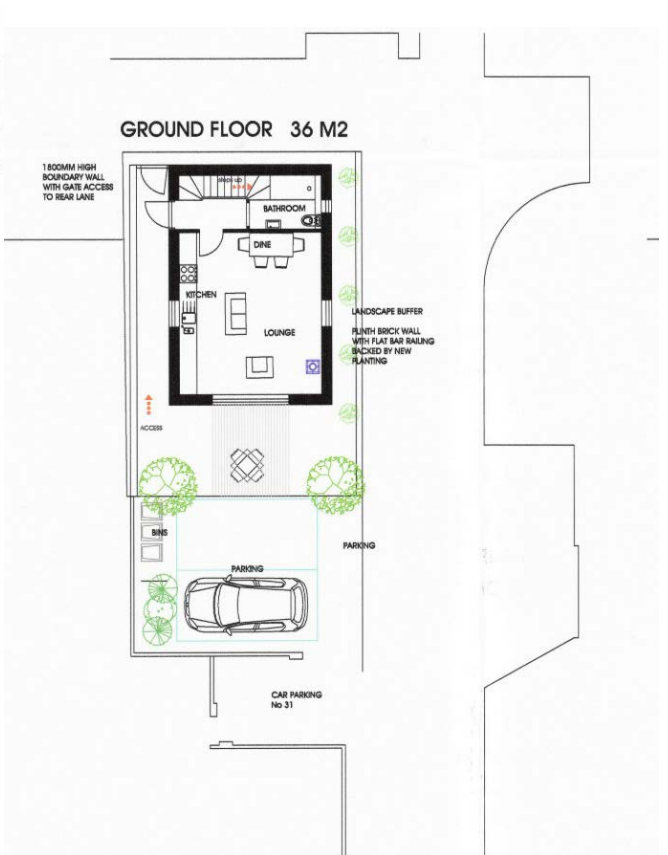


Figure 2: Proposed Site/Floor Plan

The proposed footprint of the dwelling would be smaller than the surrounding dwellings. Whilst the plot size is additionally quite small in nature, the built form to open space ratio of the site will be comparable to several others within the surrounding area including the apartments within Sheridan Court and 1A and 1B Sandhurst Park 9 (as viewed in Figure 3).



Figure 3: Comparable Plot Sizes

The proposed site is approximately 0.01 hectares, measuring roughly 8.4m in width and 20m in depth. The density of the proposed development will be 100 dwellings per hectare. Whilst there is a lower density in the surrounding area, there are numerous examples of other dwellings within the immediate area which have a similar or higher density than this. These include the following examples:

- 1A & 1B Sandhurst Park – 67dph
- 4, 5, 6 & 7 Sheridan Court – 134 dph

The proposal involves the demolition of this existing building to the rear of Sheridan Drive. As the site is to the rear of Sheridan Drive, there are limited public views of the building. It is a single-storey building with a pitched metal roof and finished in rough-cast render. I am of the opinion that the building makes no material contribution to the distinctive character of the proposed ATC therefore its demolition is considered acceptable.

It is recognised that there are a number of dwellings that have been erected or converted within rear garden spaces of Ballyholme e.g. Lyle Road and Sandhurst Drive. It is stated within para 4.8 of Policy QD1 that *'proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or over development.'* The proposed dwelling is replacing an existing building which adds no character to the surrounding area. The existing building is not within the established curtilage of any existing dwelling. It's replacement with a single

dwelling is viewed as a betterment in terms of its visual impact. Moreover, the proposed residential use is compatible with surrounding residential development.

The proposed dwelling will have a pitched roof design, with its ridge height measuring approximately 5.55m. The agent stated that the design of the dwelling is based around a contemporary Mews dwelling, with a limited pallet of materials including vertical cladding, standing seam profiled roofing and colour coated aluminium window frames. Please see Figure 4 which shows the proposed elevations of the dwelling.

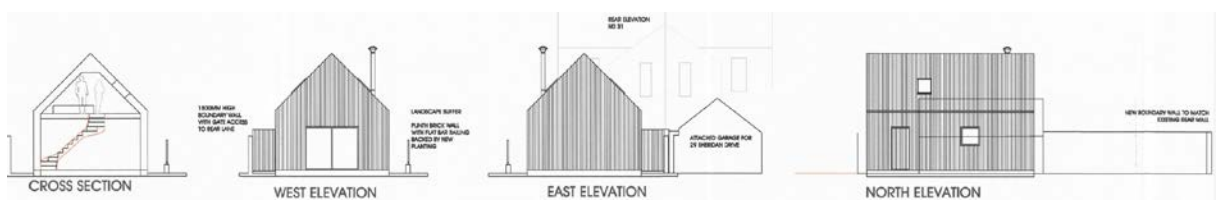


Figure 1: Proposed Elevations

Draft BMAP sets out the key features of the proposed ATC to be taken into account when assessing development proposals. Bangor East ATC is a large designation covering the Ballyholme Area. A number of the features listed which are located within this area include ‘*Good quality pre-First World War and inter-war two-storey semi-detached and detached housing along the roads leading from Ballyholme Esplanade to Groomsport Road*’. The proposed dwelling will largely be hidden from public views therefore it will have a limited material impact upon local street scenes and frontages within this proposed ATC.

The design of the dwelling respects the design of the surrounding built form including the rear detached garages/domestic outbuildings located along this laneway. Please see the images below of other buildings with similar designs and finishes.



Images 2 & 3: Garages/outbuildings located along the laneway

Residential Amenity

As the proposed dwelling is replacing an existing building, it is important to compare the size and height of both buildings. The new dwelling has a smaller footprint however the ridge height measures approximately 1.25m higher than the existing ridge height of the workshop. I do not consider that this increase in height will have any significant impact on dominance or overshadowing in relation to the surrounding

properties. As the proposed dwelling is stepped in from the boundary, it will be 0.46m further away from No. 33 Sheridan Drive. I am therefore content there will be no increase in loss of light/overshadowing caused to this property.

In relation to overlooking, there are no first-floor windows proposed to the front and rear elevations. On each gable side, one roof light will provide views from the 1st floor bedroom. The window along the north elevation will be directed towards the rear portions of the gardens of the adjacent properties. The guidance in PPS 7 Addendum (Residential Extensions and Alterations) states that the *'overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house*. Given the orientation and position of the proposed dwelling, the window will not provide any direct overlooking of any windows to the rear of these properties, nor the first 3-4m of these private gardens. There is over 20m of separation distance between the window along the southern elevation and the rear elevations of Nos 107, 109 & 111 Groomsport Road. I am therefore satisfied that there will be no unacceptable overlooking or loss of privacy.

As the application site is within close proximity to other dwellings, a condition will also be required to remove permitted development rights to prevent the erection of any extension or alteration to either to the proposed converted dwelling or its roof without the benefit of planning permission. This is to ensure no first-floor windows, extensions or roof level windows are added at a future stage without a planning application having to be submitted which may harm the amenity of the neighbouring properties. Any noise will be during the construction phase only.

The dwelling will overlook the existing shared access, and I am satisfied that the development is designed to deter crime and promote personal safety.

Private Amenity Space

Creating Places guidance states that on-greenfield sites an in lower density developments all houses should have an area of private open space behind the building line (minimum 40sqm). The proposal is for a small one-bedroom dwelling on a brown field site within an urban area which includes medium-to high density development. Creating Places guidance states that in the case of 1- and 2-bedroom houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, court yards or roof gardens and that these should range from a minimum of 10sqm per unit to around 30sqm per unit. An area to the sides and front of the dwelling will accommodate a garden area. New 1.8m high boundary walls will be provided to the side and rear boundaries, along with a new 1.6m approximately high brick plinth wall with railing along much of Sheridan Drive. A landscape buffer will be planted to the rear of this wall/railing to provide screening for the site. The total area amounts to just over 40sqm of amenity space. Whilst there may be some potential for public views towards the side amenity space from the shared laneway, it is considered that the proposed landscape buffer will still provide a degree of privacy for future occupants. The site in close proximity to Ballyholme Beach and other public parks. Therefore, having weighed all material considerations, it is considered that the level of proposed amenity space is adequate to serve the proposed one-bedroom dwelling.

Access and Roads Safety

Access to the site is via a private laneway off Sheridan Drive. A total of 2 in-curtilage spaces are provided for the proposed dwelling. DFI Roads was consulted and offered no objections to the proposal subject to there being not intensification of the access.

The agent was therefore asked to consider intensification of use of the access.



Image 4: Google Image from July 2012



Google Image from May 2019

The agent submitted photo evidence and stated that 21 properties would potentially use the access, with wide gates, garage doors and parking spaces to the rear/front of their properties. It was therefore determined that the addition of 2 parking spaces would not lead to any intensification of this access. In DCAN 15 it is stated that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more. With the additional unit, the overall increase would amount to 4.8% when calculating the existing units.

The laneway can be accessed from both Sheridan Drive and Lyle Road but there are no physical restrictions to prevent access from either side. Whilst the laneway is narrow in nature, cars can freely move in both directions to access the garages, gardens and properties along it.

There is no planning history or Certificate of Lawful development associated with the existing building or its use. In accordance with the 2011 Planning Act, no enforcement action may be taken beyond a period of 5 years. Given the passage of time, it is clear the building itself would be immune from planning enforcement action. A google image from July 2012 shows the workshop in operation with two cars parked on site, along with a further car parked in the workshop (Image 4). A Google Streetview image from May 2019 shows a vehicle within the building and a second vehicle in the yard area. Signage associated with the previous workshop use is evident on the building in both images. Records relating to the opening hours and name of the vehicular workshop business at this address are available to view online. Based on the evidence, on balance, I am satisfied that the building had operated as a vehicle workshop in excess of 5 years. The building is currently not in use as a workshop; whilst the sign is not currently displayed on the building, no other physical deterioration of the building is evident. The Applicant has submitted information to demonstrate that commercial rates and water charges continue to be paid for this building. It appears that the period of non-use has been for a relatively short duration of time and the building does not appear to have been used for any other purpose within the intervening time period. On this basis I consider that existing immune use rights have not been lost. Given the Applicant continues to pay commercial rates, I consider that there is a realistic prospect that the previous use of this building could come back into operation.

Taking into account the definition of intensification provided in DCAN 15, given the existing use of the access and the fall-back position associated with the previous use of the building, it is considered that its replacement with a modest one-bedroom dwelling would not result in any intensification of the existing access.

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.

Contamination

A Contamination Assessment Report was submitted to the Council as the proposal includes the demolition of an existing workshop building. Environmental Health was consulted on the report and provided the summary of the findings:

'Following the initial PRA, it was considered that the anticipated presence of made ground (of unknown quality) and the former on-site vehicle repair garage (including inspection / maintenance could potentially pose a risk at the site. Intrusive works comprised the drilling of 3 boreholes (BH1-BH3) each to a depth of 5.0mbgl. Soil samples were retrieved from all boreholes. In addition, representative groundwater samples were retrieved from BH1 and BH3. Gas monitoring was undertaken at the installed boreholes (BH1-BH3) 6 occasions over 3 months.

The concentrations of all of the potential contaminants within the 3 soil samples analysed fell below the relevant GAC. It is therefore considered that soils at the site are not of reduced quality with regard to the proposed residential with homegrown produce end use. In addition, none of the potentially volatile contaminants of concern were detected in the samples of groundwater retrieved and was therefore considered that groundwater at the site does not pose an unacceptable risk to future site residents through the release and subsequent inhalation of vapours.

The ground gas regime across the site is categorised as Characteristic Situation (CS) 1 – Very low risk. Although a marginally elevated concentration of carbon dioxide was recorded on one occasion at one of the boreholes (BH2), this Service accepts that considering of all lines of evidence, gas at the site does not pose any unacceptable risks to future site residents and no gas protection measures are required.

Environmental Health has no objections subject to conditions which will be included below.

5. Representations

A total of 9 objections were received from 6 addresses - 23, 27, 29 & 31 Sheridan Drive, along with 109 & 111 Groomspout Road. Those material planning matters raised in submitted representations are summarised below:

Design, Visual Impact and Impact on Character of the Area

- It was stated that the proposed dwelling will be out of proportion with the surrounding buildings, with its proposed height adversely dominating the skyline with the building having little in common with the visual characteristics, proportion, aspect and orientation of surrounding buildings and local setting.
- One neighbour stated that the visual impact is not in keeping with the character of the local setting and at odds with the local historic street pattern, in particular to the row of 10 terrace houses, over 100 years old, running from 13 -31 Sheridan Drive.
- It was stated that the size of the building plot is small relative to the size and height of the proposed dwelling.

Response

- These matters have been addressed above under 'Design, Visual Impact and Impact on Character of the proposed ATC'. Whilst it is considered that the proposed plot is small in nature and the proposed design is not in-keeping with the existing dwellings along Sheridan Drive, the replacement of the existing building is viewed as a betterment in terms of its visual impact.

Impact on Residential Amenity:

- It was stated by various objectors that the proposed dwelling will overlook several properties along Sheridan Drive and properties along Groomsport Road. Specific mention was made in relation to the first-floor windows overlooking rear garden and patio areas.
- In addition, it was stated that the new build is considerably higher than the existing building therefore would appear dominant and increase 'intrusion'.

Response

- The above matters have been addressed in detail under 'Residential Amenity' within the main assessment. I do not consider there will be any unacceptable overlooking from the two 1st floor windows given the separation distances and angle at which these sit in relation to neighbouring properties. The increase in the overall height is minimal, therefore I do not believe there will be any detrimental impact in relation to dominance, loss of light or overshadowing.

Private Amenity Space

- One objector stated that the proposed private amenity space is inadequate and further pointed out, that the introduction of the buffer zone with low railings and walls would not provide usable amenity space and would impact upon car parking on the site.

Response

- The above matters have been addressed in detail under 'Private Amenity Space' within the main assessment. It is considered that this is a unique site and that the proposed landscape buffer of laurel hedging would help offer a degree of privacy for the outdoor amenity space of future residents. It must be noted that this is a private laneway which provides access to one dwelling along with access to the rear garages of the properties along Sheridan Drive. DFI Roads offered no objections to the parking. The area to the front of the car parking spaces will be left open to the laneway.

Traffic & Parking

- It was stated that on street parking nearby is increasingly difficult due to proximity to shops and is currently insufficient to meet the needs of existing householders. As a result, householders have to access secondary parking at the rear of their houses via the lane between 31 Sheridan Drive and Sheridan Court. It was further stated that it is highly probable that the proposed dwelling would exacerbate this situation and give rise to increased car traffic in the lane.
- One neighbour stated that as the site proposes to have 2 car parking spaces, this will result in the blocking of the lane and more pressure on on-street parking on Sheridan Drive.
- One objection compared the current and proposed parking and traffic, stating that the commercial garage workshop consisted of a sole trader mechanic with one or two customers per day. It was further elaborated that it was open only during office hours, Monday to Friday, so generated no vehicular use in the evenings, weekends or holidays. The objector stated that it ceased trading as a workshop in March 2020 therefore they believe the proposed dwelling would be highly likely to generate more traffic than the workshop did.
- It was mentioned that the statement submitted that the properties on Sheridan Drive and Sandhurst Park only use the Lyle Road entrance.

Response

- These matters have been addressed above under 'Access & Road Safety'. It is not considered that the proposal for a small one-bedroom dwelling would result in any intensification of the use of the existing access. I am satisfied that adequate in-curtilage parking will be provided in accordance with current standards. DFI Roads was consulted on the proposal and offered no concerns in relation to road safety or parking provision.
- The existing site has two car parking spaces therefore there will be no additional spaces provided within this proposal.
- The Council appreciate vehicles can travel in both directions along this private laneway. The garages/access points along this laneway can therefore be accessed when travelling in both directions. The agent submitted a map showing the properties with rear access points (including garages) which can be seen below:



It must be noted that a further 5 access points were counted in addition to the 16 shown above.

Sewage and water

- One objector stated that the proposal would put additional strain on sewage/water services and the construction/occupation of the dwelling could have an adverse impact on No. 31 in particular. It was further stated significant issues with the existing sewage system have been experienced by residents of the Sheridan Drive terrace.

Response

- Consultation has been carried out with NI Water. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. A condition is

recommended to prevent commencement of development until a solution is formally agreed. This condition will prevent any harm arising.

Construction & Demolition

- One objector stated that the feasibility of achieving demolition and construction on the space available, without significant disruption to access in and out of the lane for neighbouring users, is contested.
- It was further stated that there is no capacity for short term parking of service/supply vehicles in the lane during demolition, construction or beyond.
- An objector stated that the proposed application site is opposite their rear access and are concerned at the effect building works in this area will cause them.

Response

- Any traffic, noise or dust associated with this proposed development will be temporary. It is the responsibility of the developer to ensure there are no safety issues during construction and to ensure the laneway isn't blocked for residents.

Precedent

- The issue of the development setting a precedent was highlighted by objectors, with it stated that the site in question has been in its current form and use for over 50 years and as such is a settled part of the local built environment. It was further stated that there is no comparable development off the comparable neighbourhood streets which run at right angles to the Esplanade, namely Sheridan Drive, Sandringham Drive, Godfrey Avenue and Waverley Drive, therefore, to allow this one would create an undesirable precedent and intensify the residential density in a saturated area.
- It was also stated that the design and access statement is misleading as the illustrations described as a similar pattern of development are all accessed via Lyle Road which is not a relevant comparison. It was highlighted that Lyle Road, running parallel to the Esplanade, is a fully adopted road with greater width, two-way traffic, proper signage, road markings, street lights and tarmac surface. Therefore, it was mentioned that this is not equivalent to the access conditions or characteristics relevant to this application.

Response

- It is not considered that, if this proposed development were to be permitted, it would set any precedent for back land development within this area. This is a unique site in that the proposed dwelling is replacing an existing building which adds no character to the surrounding area. The redevelopment of this site is considered as a betterment in terms of the overall visual impact and the residential use. This proposal is not for a subdivision of an existing plot therefore it will not create any precedent in relation to this.

Other Points Made

- One objector stated that the proposed accommodation is highly unlikely to be suitable for disabled or elderly people. Within the design and access statement the agent has stated that there will be level access to the principal elevation therefore this has been considered.

- Points were made in relation to the existing laneway not being maintained. This is a private laneway which is not adopted therefore it is the responsibility of the landowner/s to maintain this laneway.
- One objector stated that the roof of the property to be demolished is asbestos and asked how it would be correctly and safely disposed of. This matter cannot be afforded material weight and can be managed outside of the planning process.
- The neighbour at No. 29 Sheridan Drive stated that the plans make reference to the to the demolition and replacement of a boundary wall at their property. As the existing workshop building runs along this boundary, this exterior wall will be removed and replaced with a new boundary wall as shown below. Any issues relating to land ownership, boundary disputes or access to third party land are civil matters to be dealt with by the relevant parties outside of the planning process.



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. 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.

3. 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 enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof shall be carried out without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

4. All hard and soft landscape works shall be carried out in accordance with DRG 02B: Proposed Plans & Elevations. The works shall be carried out during the first available planting season after the occupation of any part of the dwelling.

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

5. The 2m high new boundary wall as shown in orange on DRG 02B: Proposed Plans & Elevations shall be permanently retained.

Reason: In the interests of privacy and amenity.

6. The proposed laurel hedging as shown in DRG 02B: Proposed Plans & Elevations shall be allowed to grow to a minimum height of 1 metre and shall be retained thereafter at minimum height of 1 metre.

Reason: In the interests of privacy and amenity.

7. 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.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately.

This new contamination shall be fully investigated in accordance with the UK technical framework as outlined in the Land Contamination: Risk Management (LCRM) guidance available at <http://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed by the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of public health to ensure the site is suitable for use.

9. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report must be submitted to and agreed in writing by Council. This report shall be completed by competent persons in accordance with the UK technical framework as outlined in the Land Contamination: Risk Management (LCRM) guidance. The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of public health to ensure the site is suitable for use.

10. 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.

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

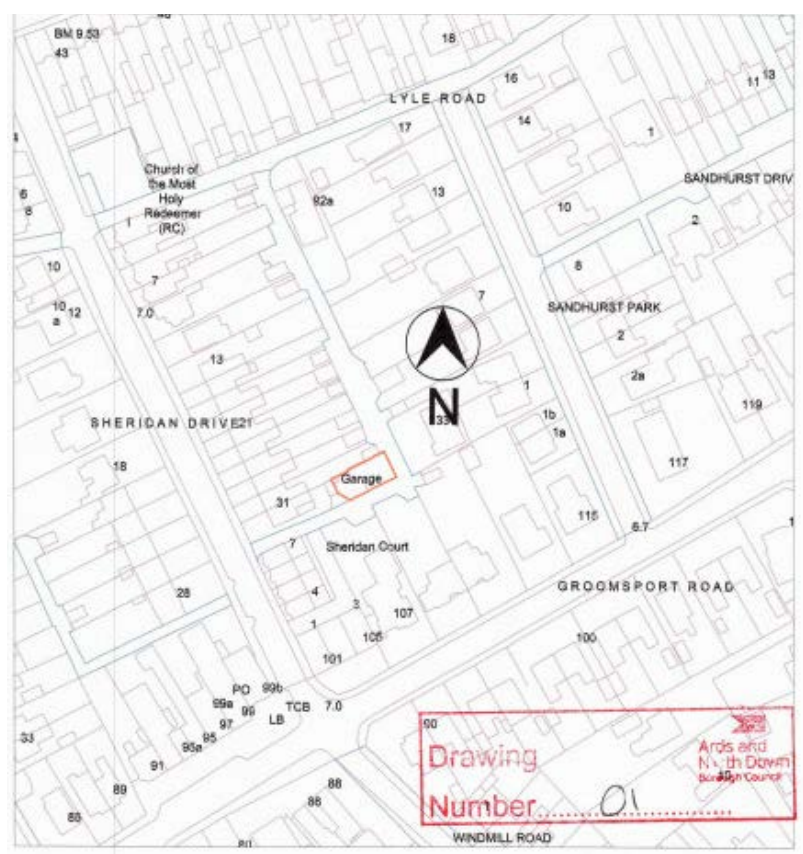


Figure 1: Site Location Plan

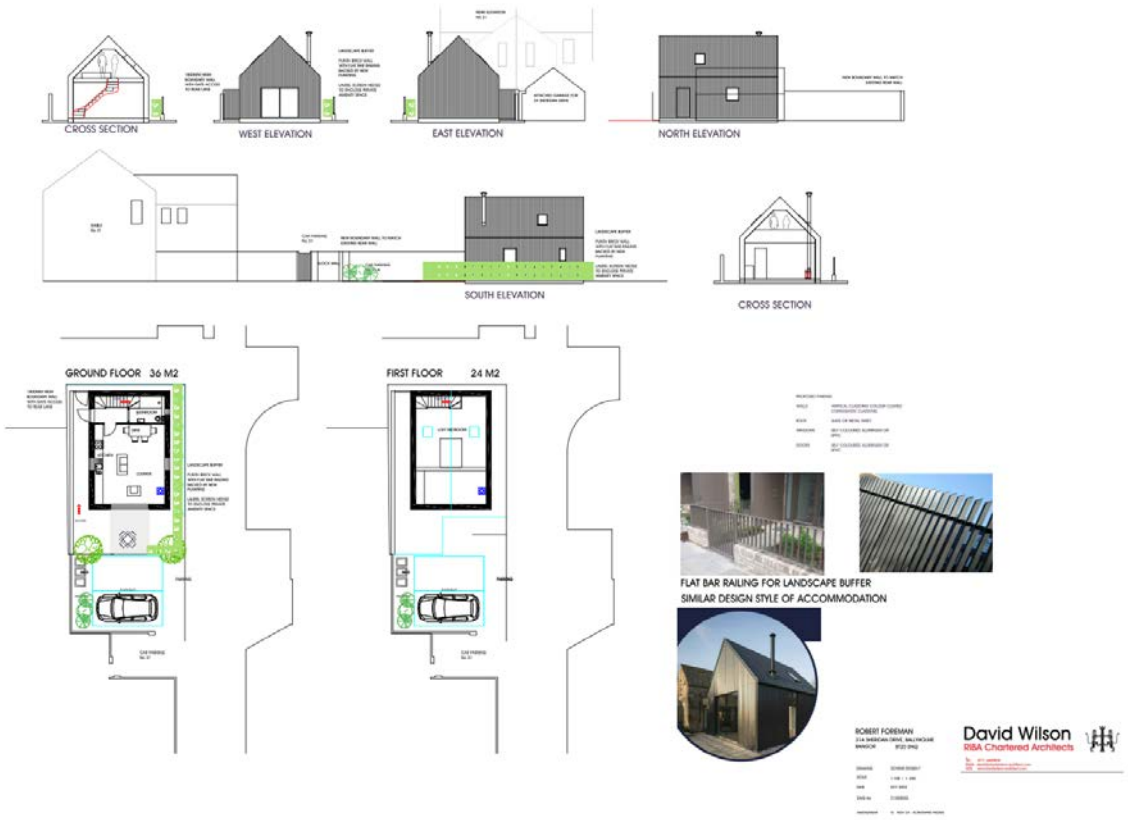


Figure 2: Proposed Plans

Appendix 2: Photographs



Images 1 and 2: Views of the site from Sheridan Drive



Images 3 and 4: Workshop Building and yard area to front



Image 5 and 6: Views of laneway from both directions



Item 4.1b

Addendum to Case Officer Report

Application Reference: LA06/2022/0265/F

Date 13/03/2025.

This Addendum has been prepared to address issues raised in a late objection to the application received 3 February 2025 and should be read in conjunction with the main Case Officer Report (COR). Matters raised relate to NI Water capacity issues; the established use of the site; and the intensification of use of the existing access.

NI Water Capacity Issues

This application was one of a large number of planning applications that has been affected by the on-going NI Water network capacity issues within the Ards and North Down Council area. A consultation response from NI Water (NIW) dated 12 May 2022 stated that whilst there is available capacity at the receiving Wastewater Treatment Works, a high-level assessment indicated that the site has the potential to be affected by network capacity issues.

The Council's Planning Department previously liaised with its legal representatives in relation to NI Water capacity issues affecting development in the borough. In order to achieve a pragmatic way forward and to prevent the environmental harm that may arise in the absence of a solution to the NI Water capacity issues, it is considered that any approval of planning applications affected by NI Water capacity issues should be subject to the following condition.

No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

As outlined in the original Case Officer Report (COR) the recommendation to approve this application was subject to the above condition. Given the negative construction of the condition, it provides the appropriate safeguards to avoid environmental harm that could be caused if the development was simply allowed to proceed without restriction. Absent a satisfactory solution, development cannot lawfully commence.

Since the publication of the COR, NIW has updated its consultation response providing no objection to the application (30 January 2025). I am satisfied that a suitable solution to the disposal and treatment of wastewater can be achieved and that the proposed development will not cause any environmental harm.

Existing Use of the Building

Since the publication of the COR, the Council received an application to certify the lawful use of the existing building as a commercial garage workshop under ref. LA06/2025/0106/CLUED. The Certificate of Existing Lawful Use and Development (CLEUD) was approved on 18 February. See extract from report below:

'Taking all the evidence into consideration the Council is satisfied that the building and the use of the commercial garage workshop has been ongoing for a period exceeding five years. The Council is content that adequate evidence has been provided to demonstrate that this would now be immune from any enforcement proceedings in line with Section 132 of the Planning Act (Northern Ireland) 2011 and as such it is recommended that the CLEUD is granted.'

Intensification of Use of Existing Access

The objection letter expressed concern that the proposed development could result in the intensification of use of the existing access when considering the number of existing properties that can obtain vehicular access via the laneway.

Guidance within Development Control Advice Note (DCAN) 15 states that intensification of an access is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.

It has been established, through the CLEUD, that the use of the existing commercial vehicular repair workshop building on-site is lawful. The vehicular repair workshop represents a valid fallback position for the Applicant if planning permission is refused for the proposed one-bedroom dwelling. Given its nature, the fall-back for commercial vehicular repair workshop use has the potential to generate a greater number of trips than that of the proposed one-bedroom dwelling.

DFI Roads has been re-consulted following approval of the CLEUD. The consultation response from DFI Roads states the following: *'in the absence of any information to the contrary, DFI Roads would consider that the extra unit would not cause a greater intensification than an existing established commercial garage workshop and would therefore consider it to create less than 5% intensification over that already existing.'*

The COR states that the lane provides vehicular access to 21 properties. The objector contends that this number should be 17. Having conducted a further site visit, I acknowledge that a number of the previously counted accesses have been blocked up and are no longer accessible. Nevertheless, I am satisfied that this lane does provide access to 18 properties (not including the application site). Even taking into account the lower figure suggested by the objector, I am satisfied that the existing use of the access to serve other residential properties along this laneway would further reduce the potential for intensification of the access to occur as a result of the proposal.

Recommendation

The issues raised within the objection have been considered and the recommendation to approve the proposal remains.



Figure 1: Properties with vehicular access along laneway (not including existing commercial workshop building) Site Visit conducted March 2025

Addendum to Case Officer Report

Application Reference: LA06/2022/0265/F

Date 09/04/2024

This application was presented to Planning Committee at its meeting on 1 April 2025. Members deferred consideration of the application to allow the Planning Department an opportunity to explore new matters raised at the meeting by an objector speaking against the Planning Department's recommendation to grant planning permission.

This 2nd Addendum has been prepared to address the issues raised by the objector at the Planning Committee meeting and within a subsequent late objection letter received on 7 April 2025. The Addendum should be read in conjunction with the main Case Officer Report (COR) and 1st Addendum. Matters raised relate to land ownership, parking, access, residential amenity and provision of private amenity space.

Land Ownership

The objector (occupant of No.31 Sheridan Drive) queried the ownership of a small triangular portion of land beyond the south-west boundary of the site. The objector does not claim ownership of this land, rather it is stated that this area is used by the objector to manoeuvre into a car parking space associated with their property.

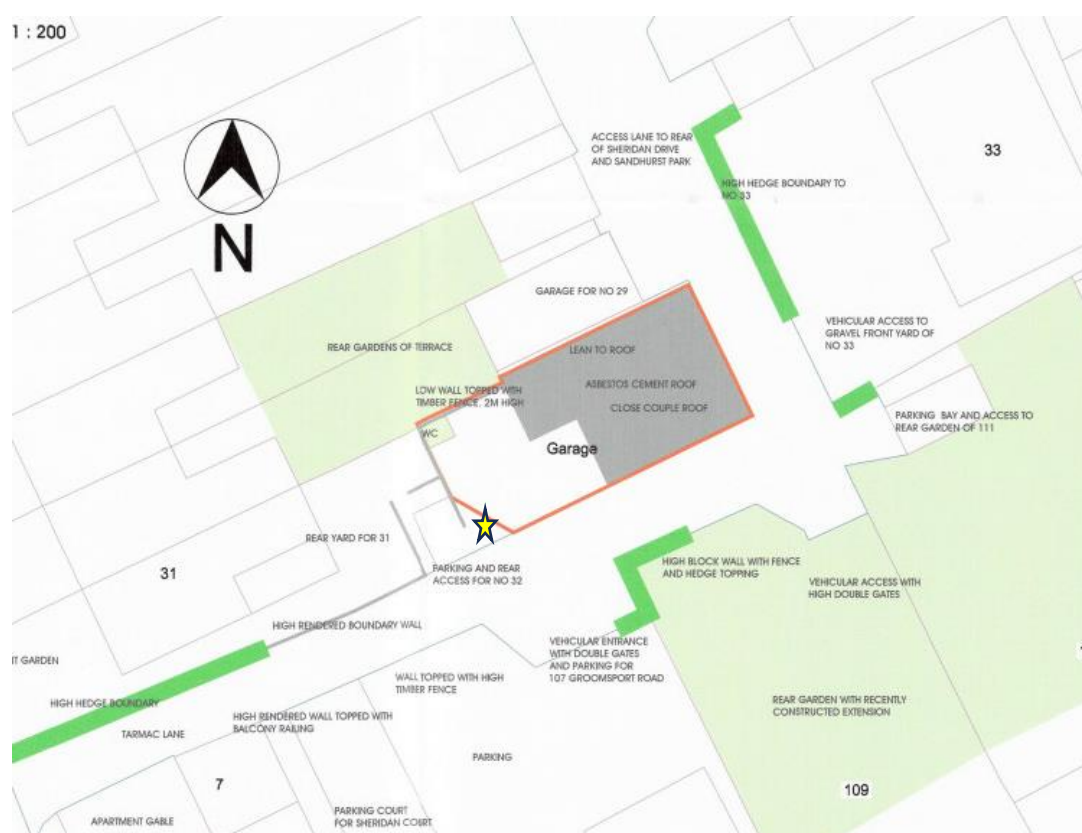


Figure 1: Original Site Location Plan

★ Area referenced by objector

An extract of the lease map for the existing commercial property was submitted by the Applicant. The map indicates that the land referred to by the objector is a right of way.

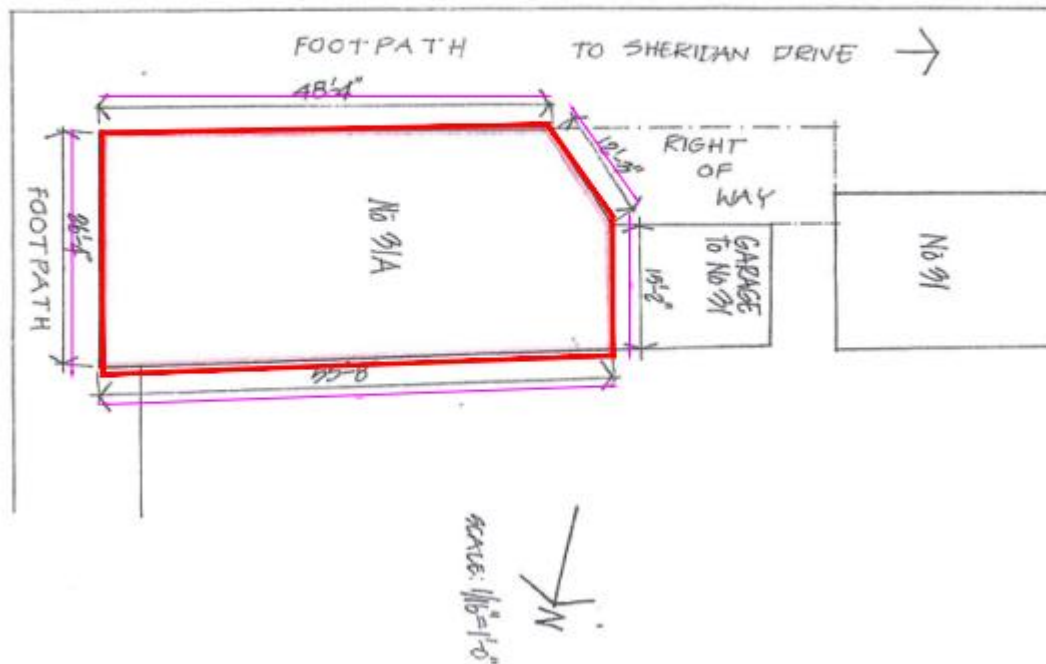


Figure 2: Lease Map submitted by Applicant

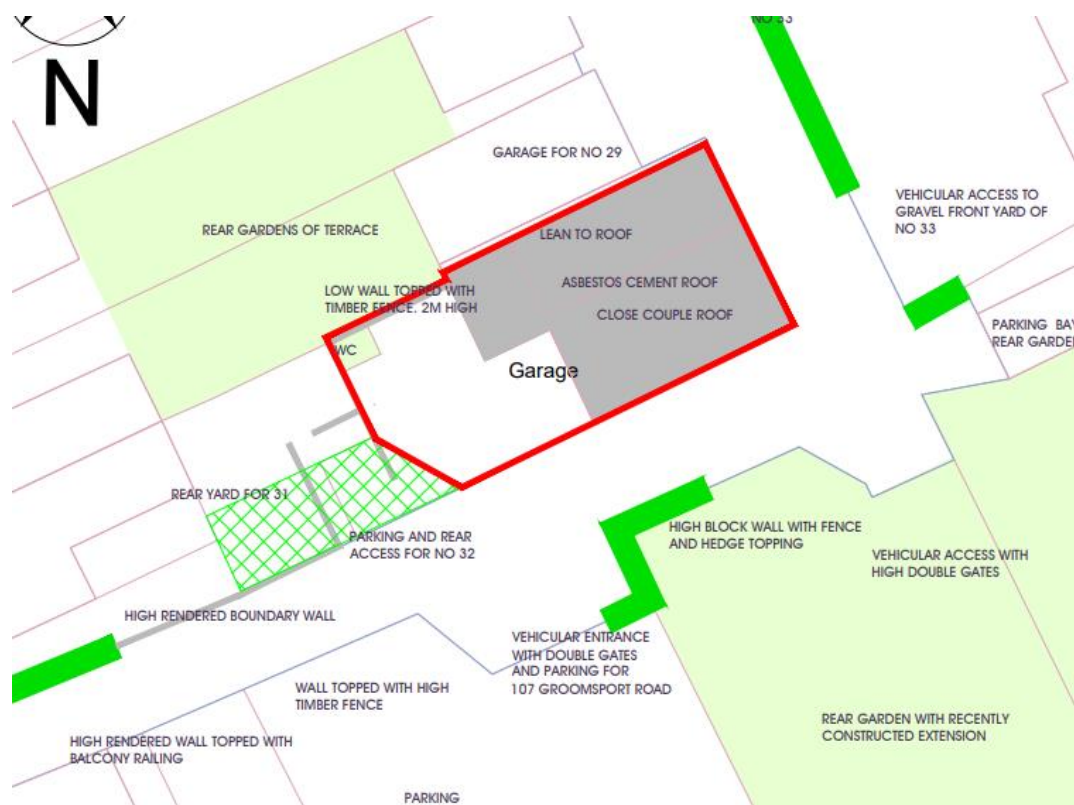


Figure 3: Amended Site Location Plan - right of way to the southwest and outside the application site hatched in green

The Applicant’s Planning Agent has pointed out that development associated with the objector’s property has taken place on the land hatched in green. Nevertheless, it is clear that this potential right of way is situated beyond the redline boundary of the application site.

As previously stated, the objector does not claim to own the small triangular area of land to the southwest of the application site (indicated on Figure 1).

The redline boundary of the planning application site corresponds to the redline boundary shown on the lease map. The Planning Agent has confirmed that the Certificate of Ownership is correct and that all land within the application site is owned by the Applicant.

A small discrepancy was identified between the site location plan and the site layout plan in that a small corner of a proposed parking space extended beyond the redline boundary of the site

The site layout plan has been amended to ensure the parking space is contained entirely within the redline (see image below).

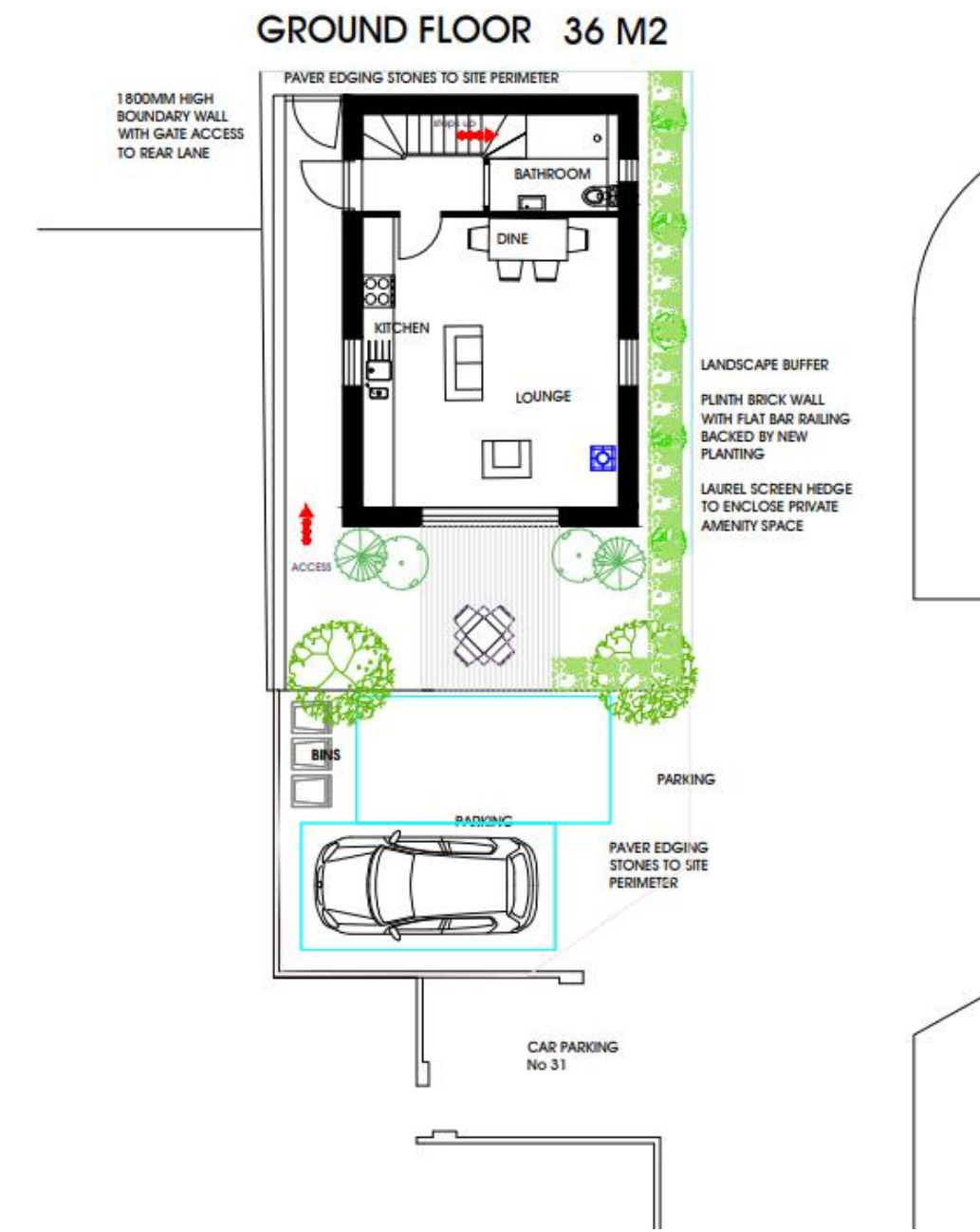


Figure 4: Amended Site Layout Plan

For the purposes of the planning application, I am satisfied that due process has been adhered to and any remaining dispute regarding any potential right of way is of a civil nature and beyond the remit of prevailing policy and the overall planning process.

Parking and Access

The objector has stated that the driveway shown on the layout plan is sub-standard and does not meet the criteria set out in the guidance document *Creating Places*. The objector has suggested that the two in-curtilage spaces should measure 5.3m x 5.3m with 6m manoeuvring space to the rear. It was further stated that the owner of No. 107 Groomsport Road should be served notice of the application as it was suggested that third-party land may be required for manoeuvring vehicles into the proposed parking spaces.

It must be noted that the objector has a parking space to the rear of their site which is smaller than those proposed as part of this development. It is also noted that the combined depth of the objector's parking space and the laneway is shorter than the combined depth of the proposed parking space within the application site and the lane.

The historical use of the site as a commercial workshop is a material consideration as cars associated with the business parked within the area now proposed as a parking area for the proposed dwelling. Google Streetview Images below show the site over three different years. Sometime after 2012 the garage associated with No. 31 was demolished and a new rear boundary wall was built between the application site and the objector's property.

The existing WC building within the application site shown in the images below will be demolished and this will increase the depth of the proposed residential parking area.



Image 1: Google Streetview May 2022



Image 2: Google Streetview July 2012

Image 3: Google Streetview May 2019

Additional photographs showing parking capacity within the site have been supplied by the Planning Agent and are appended to this report.

The Site Layout Plan shows two parking spaces each measuring 4.8m long x 2.4m wide. Creating Places states that in-curtilage driveways should be a minimum of 6m long and 3.2m wide. This document is guidance that is used along with other material planning considerations to inform decision making. It is not planning policy.

An extract from Parking Standards NI included below shows basic parking space dimensions. I am satisfied that the proposed parking spaces on site meet these basic requirements.

10. The following are standard space requirements of some typical vehicles. These may be used as basic minimum reference values but different layouts such as parallel, herringbone and in-line, have slightly different overall space requirements and detailed layout of parking spaces will be site specific.

Car	2.4 metres x 4.8 metres
Light Vans	2.4 metres x 5.5 metres
Rigid Vehicles	3.5 metres x 14.0 metres
Articulated Vehicles	3.5 metres x 18.5 metres
Coaches (60 seats)	3.5 metres x 14.0 metres

These dimensions refer to standing space only and do not take account of access, manoeuvring space or space required for loading/unloading.

Figure 5: Parking Standards NI

This is a unique brownfield site which is accessed off a private laneway. Several properties have informal parking spaces along this laneway which do not meet the standards provided in Creating Places.

It is acknowledged that greater care is often required when manoeuvring a vehicle on a private lane/road which does not meet DFI Roads adoptable standards. However, I am satisfied the existing established use of this site is a material consideration in relation to this matter.

The Council's Planning Department asked DFI Roads to consider the issues raised by the objector in relation to access and parking. DFI Roads has provided no objection to the application. The response from DFI Roads states:

"I would advise that, considering the previous use and the traffic generated by a commercial garage, this would not present any issues regarding road safety."

As the layout is a scale drawing, DFI Roads were able to ascertain the dimensions, but I have also checked the area using our GIS and it appear to be acceptable. The lane is private.

Anyone exiting the site can go either left or right either reversing or travelling in a forward direction and there should not be a manoeuvrability issue any more than the previous use had.”

As previously stated, the Applicant’s Planning Agent, has confirmed that the certificate of ownership is correct and that all land within the redline boundary of the application site is owned by the Applicant. Therefore, there is no requirement for the Applicant to serve notice of the application on No. 107 Groomsport Road under Section 42 of the 2011 Planning Act. In any case, the Council has issued a neighbour notification letter to this property under standard procedures.

Residential Amenity

The objector has stated that there will be unacceptable overlooking from two Velux windows on the first floor.

The potential impact on existing residential amenity as a result of the proposed Velux windows has been considered in detail within the main Case Officer Report (COR). Given the angle of these windows, their small scale, and position in relation to surrounding residential dwellings, I am satisfied that they would not result in any unacceptable adverse impact on existing residential amenity.

In addition, the objector has expressed concern in relation to the 16m separation distance between the rear elevation of No. 31 Sheridan Drive and a proposed ground floor window on the front (western) elevation of the proposed dwelling.

Except in the most isolated rural locations, few houses can claim not to be overlooked to some degree. Creating Places guidance states that ‘***On greenfield sites and low-density development, a separation distance of around 20m is generally considered to be acceptable between opposing rear first floor windows.***’ (my emphasis)

This is not a greenfield site, and medium to higher density development is characteristic of the immediate area. In terms of separation distances, Creating Places guidance offers greater flexibility for urban infill sites or higher density developments.

In any case, the proposed ground floor window on the western elevation does not directly oppose the Applicant’s first floor window. Given, the difference in levels the potential for views from the ground floor window into the upper floor of No.31 is likely to be limited and would not result in an unacceptably adverse impact on existing residential amenity. The use of the site as a commercial workshop has been recently certified by a Certificate of Lawful Development. The proposed window is in a similar location to the main opening of the existing workshop building.

It is considered that this separation distance is also adequate to prevent any unacceptable adverse harm to the residential amenity of future occupants of the proposed dwelling.

Private Amenity Space

The objector has stated that the usable amenity space amounts to 22sqm, stating that it falls below the standards in Creating Places. The objector submitted the image shown in Figure 6. The quantity of amenity space identified within the main COR included land to the side of the dwelling. However, it is agreed that **useable** amenity space within this site would amount to 22sqm.



Figure 6: Objector's annotated site plan

As stated in the main COR, Creating Places guidance states that in the case of 1 and 2 bedroom houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, court yards or roof gardens and that these should range from a minimum of 10sqm per unit to around 30sqm per unit. It is considered that the amenity space provided is adequate to serve a small one-bedroom dwelling.

As also stated within the main COR, the site is within walking distances to public amenity areas including Ballyholme Beach. It must also be highlighted that the level of private amenity space is similar to or greater than other dwellings in the locality including townhouses along Sheridan Drive (4-7 Sheridan Court) and 1A/1B Sandhurst Park.

Conclusion

The issues raised within the objection have been considered and the recommendation to approve the proposal remains.

The following conditions are recommended if the planning application is approved:

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. 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.

3. 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 enlargement, improvement or other alteration of a dwellinghouse consisting of an addition or alteration to its roof shall be carried out without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

4. All hard and soft landscape works shall be carried out in accordance with DRG 02D: Proposed Plans & Elevations. The works shall be carried out during the first available planting season after the occupation of any part of the dwelling.

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

5. The 2m high new boundary wall as shown in orange on DRG 02D: Proposed Plans & Elevations shall be permanently retained.

Reason: In the interests of privacy and amenity.

6. The proposed laurel hedging as shown in DRG 02D: Proposed Plans & Elevations shall be allowed to grow to a minimum height of 1 metre and shall be retained thereafter at minimum height of 1 metre.

Reason: In the interests of privacy and amenity.

7. 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.

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately.

This new contamination shall be fully investigated in accordance with the UK technical framework as outlined in the Land Contamination: Risk Management (LCRM) guidance available at <http://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed by the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of public health to ensure the site is suitable for use.

9. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report must be submitted to and agreed in writing by Council. This report shall be completed by competent persons in accordance with the UK technical framework as outlined in the Land Contamination: Risk Management (LCRM) guidance. The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of public health to ensure the site is suitable for use.

10. 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.

11. Prior to the commencement of development, the WC building to the rear of the proposed parking area, as shown in orange in DRG 01, shall be demolished with all rubble and foundations removed.

Reason: To ensure the site has the capacity to accommodate adequate in-curtilage parking.

Appendix 1 – Images supplied by Applicant’s Planning Agent



TOP IMAGES IN EXISTING GARAGE CARPARK EVENING OF PLANNING COMMITTEE MEETING 1ST APRIL 2025



BOTTOM IMAGES PARKING FOR NO 31 SHERIDAN DRIVE MORNING OFF 2ND APRIL 2025

EXISTING GARAGE UNIT
31A SHERIDAN DRIVE BANGOR

David Wilson
RIBA Chartered Architects




CARS PARKED ON MORNING OFF 8ND APRIL 2025

EXISTING GARAGE UNIT
31A SHERIDAN DRIVE BANGOR

David Wilson
RIBA Chartered Architects



Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/2459/F	DEA: Comber	
Proposal:	2No. detached dwellings with detached garages and associated car parking and landscaping.		
Location:	Site immediately to the North of 134 Killinchy Road, Comber BT23 5NE		
Applicant:	Jonathan Kelly		
Date valid:	05.12.2023	EIA Screening Required:	Yes 0.62
Date last advertised:	14.12.2023	Date last neighbour notified:	11.01.2024
Letters of Support: 0		Letters of Objection: 1	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		No objection	
Ards and North Down Environmental Health		No Objection	
NI Water		No objection	
NIEA Water Management Unit		Refer to standing advice	
NIEA Natural environment Division		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, integration and impact on rural character • Access and parking • Impact on natural heritage • Impact on AONB 			
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 https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The roadside site is located lands between 126 and 134 Killinchy Road Comber, which is a protected route. The site slopes downwards from the road towards the rear boundary. There is a field entrance directly from the Killinchy road. A laneway runs adjacent to the eastern boundary of the site serving 126 and 128 Killinchy Road. An opening on to this laneway has been created from the application site allowing access to the site. The application site is part of a larger agricultural field.

Hedging currently denotes the boundary with the road, a post and wire fence separated the proposed site from the remainder of the field and the side boundaries are also hedging, some of which is sparse.

The area is within the countryside as defined within the Ards and Down Area Plan 2015 and also within Lecale Area of Outstanding Natural Beauty,



Figure 1: Site photographs

2. Site Location Plan

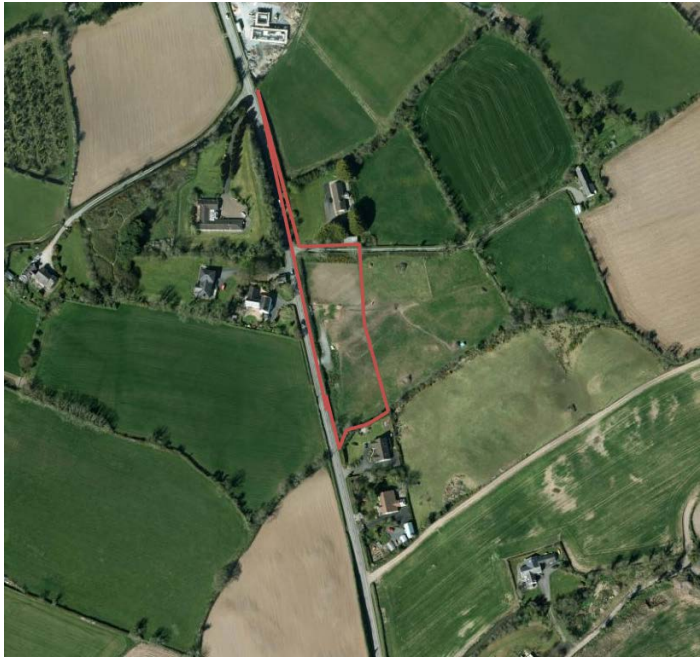
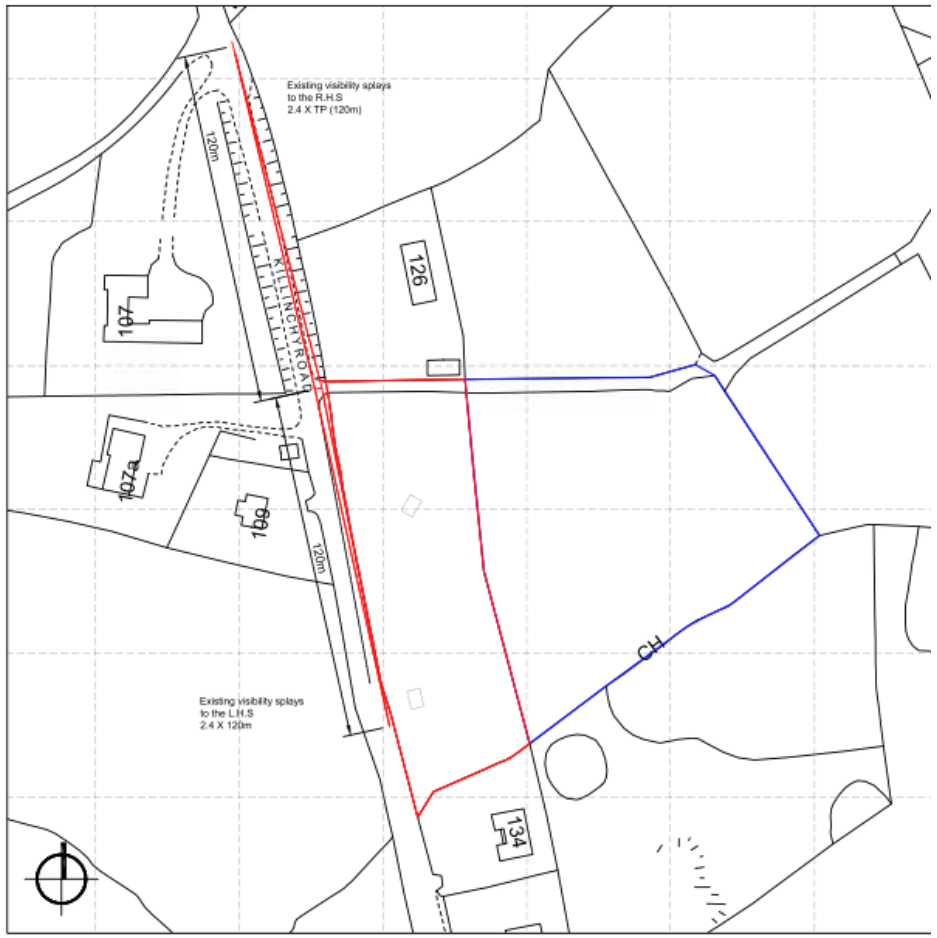


Figure 2: Orthophotography of site

3. Relevant Planning History

Reference Number: LA06/2024/0092/CA

Address: Site immediately to the North of 134 Killinchy Road

Proposal: Alleged unauthorised entrance with stone walls and unauthorised hardstanding

Decision: Pending

Planning Reference: LA06/2024/0011/CA

Location: 117m South of 126 Killinchy Road, Comber

Proposal: Alleged unauthorised construction of access into field from protected route, hardstanding, shipping container and BBQ hut

Decision: Closed

Surrounding site history (shown in purple below)

Planning reference: LA06/2021/0144/O

Location: Lands between 122 and 126 Killinchy Road, Comber

Proposal: Two infill dwellings and new access

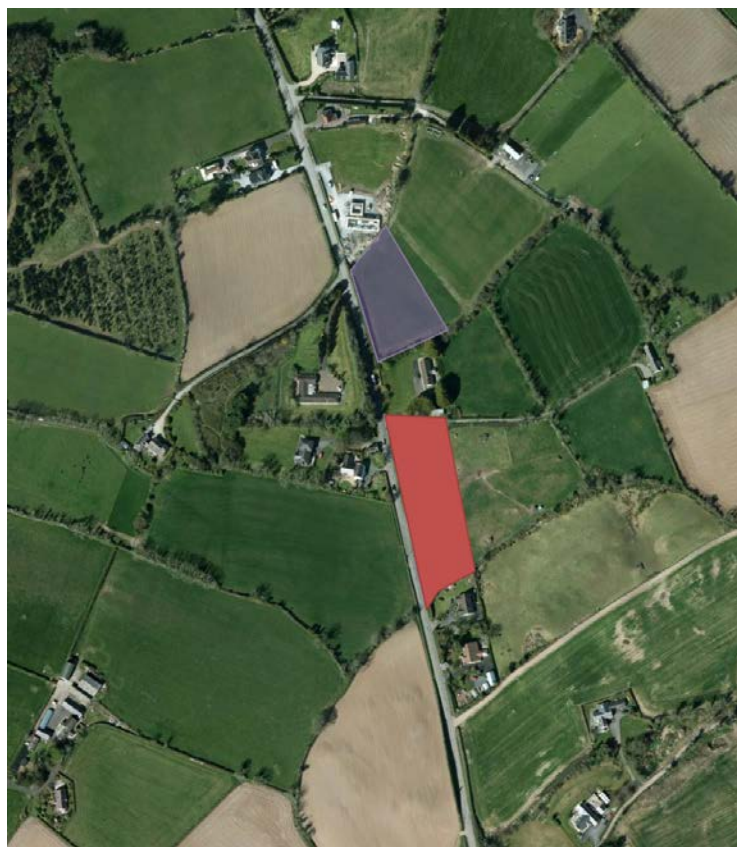
Decision: Approval

Planning reference: LA06/2023/2145/F

Location: Lands between 122 and 126 Killinchy Road, Comber, Newtownards, BT23

Proposal: 2 dwellings with garages

Decision: Pending



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 and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Guidance:

- Building on Tradition: A Sustainable Design Guide for the NI Countryside

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is within the countryside as designated within the Ards and Down Area Plan 2015.

The Plan contains no material policies for the type of development proposed, therefore the proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists 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. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. The relevant criteria will be considered in the assessment below.

Under Policy CTY 1 other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

At this location along Killinchy Road, there is a row of buildings that have frontage to the road. Travelling in a southerly direction there is a dwelling and garage at No. 126, a lane way/access, an agricultural field (the application site), a dwelling at No. 134 then a dwelling and outbuilding at No. 136 Killinchy Road. It is therefore considered that as there are more than three buildings along the frontage that this represents a substantial and continuously built-up frontage under Policy CTY 8 of PPS 21.

To meet the exception under Policy CTY 8 it states that development of a small gap site sufficient only to accommodate up to a maximum of two houses will be permitted 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.

It is considered that the gap between the built-up frontage at this location on Killinchy Road is too large and could accommodate more than the permitted maximum of two dwellings. The frontage width of the proposed gap site is approx. 154.6m and the gap between the existing buildings at No. 126 and No. 134 Killinchy Road is approx. 154.2m. (See figure 3 below)

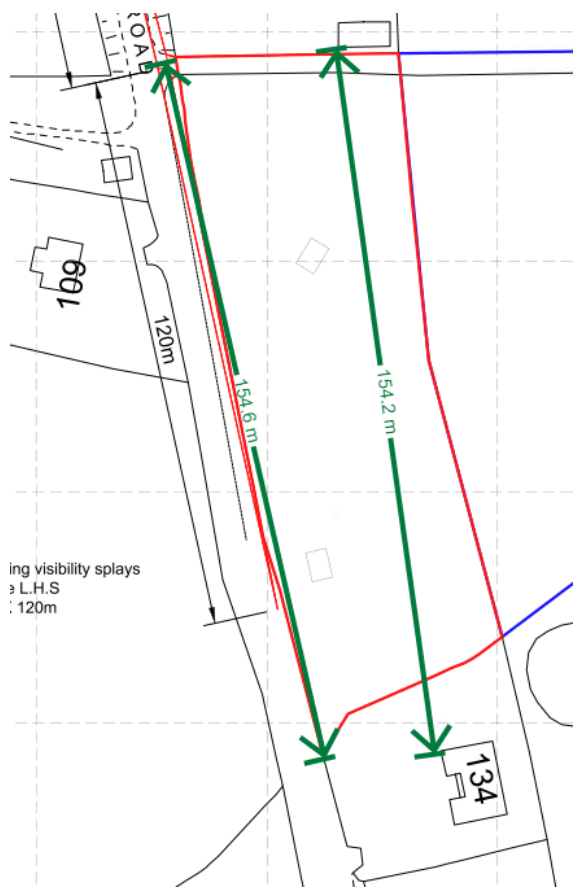


Figure 3: Proposed site location plan showing measurements of road frontage and 'gap' between buildings. This is measured using the Mastergov system.

The table below shows average width, depth and plot area measurements.

	Width (m)	Depth (m)	Plot area (ha)
126 Killinchy Road	61.9	49.5	0.31
134 Killinchy Road	40.4	42.9	0.17
136 Killinchy Road	60.2	41.2	0.28
Average	54.1	44.53	0.25

Given the gap between the buildings measures 154m it could effectively accommodate 2 dwellings with a frontage of 77.7m. This is close to 1.5 times the width of the average plot width of 54.1m. Furthermore, I consider that a gap of 154m could accommodate close to three dwellings each with a plot width of just over 50m in line with the average. This demonstrates that the gap site is too large for two dwellings and three dwellings could fit within the gap that respects the existing pattern of development along the frontage.

The agent has highlighted planning appeal decision 2019-A0027 which states that ‘*while a measure such as average frontage width can inform assessment of the existing frontage development pattern, the policy does not necessitate duplication of such a mathematical factor*’. Based on this, the agent has taken a more general approach looking at the overall plot widths and sizes rather than just frontage widths of existing dwellings and is of the opinion that the proposed plot widths of the two dwellings would be 68.5m and 68.2m which would be comparable to the plot widths of two of the existing dwellings, Nos. 136 and 126 at 62m and 60m respectively. However, equally three dwellings within the gap each with a plot width of 44m would be comparable to the plot width of the existing dwelling at 134 which is 41m. It is for this reason that it is important that the overall average plot width is considered rather than picking individual plots as a comparison to the proposed development.

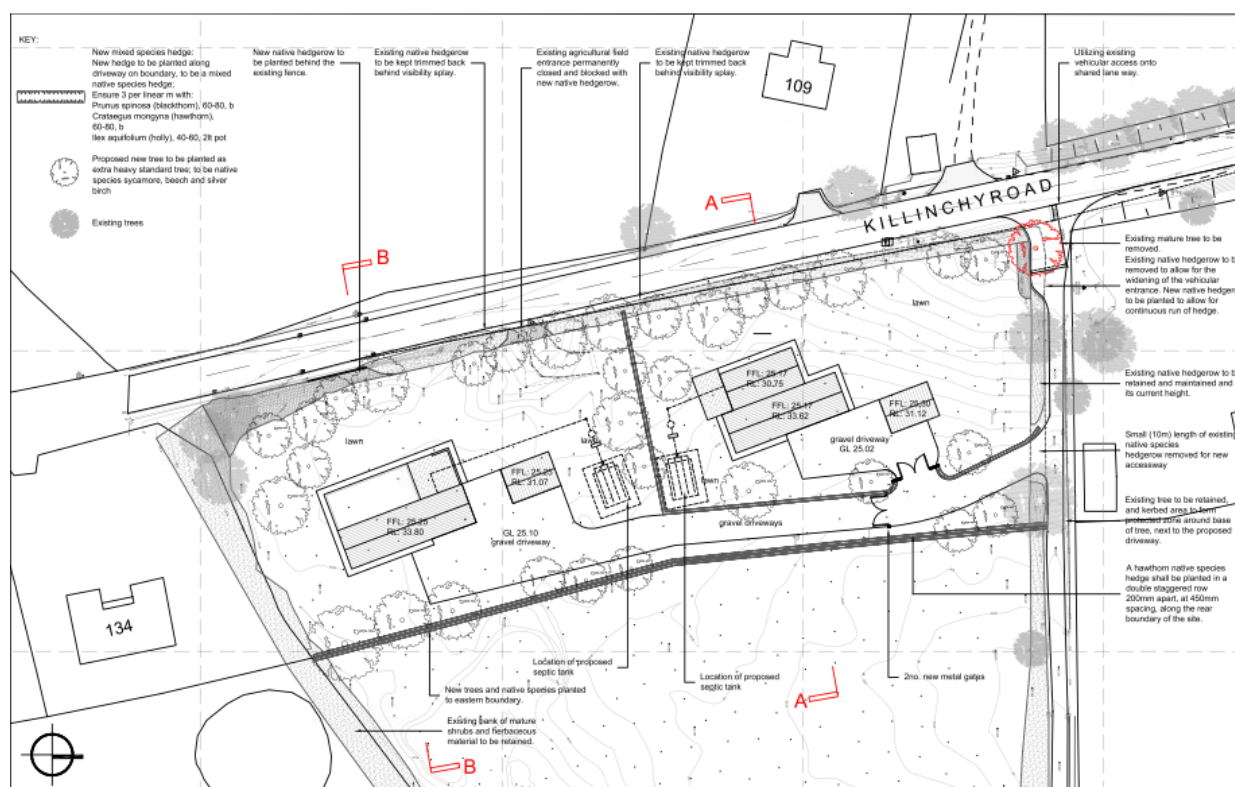


Figure 4: Proposed site plan

The council have taken the approach of looking at the overall average frontage width, which is calculated as 54m. This approach of looking at frontage widths was taken in Planning appeal (2021/A0144).



Figure 5: Planning appeal site Ballycreely Road, LA06/2019/0609/O

Para 12 of this appeal states, 'The appellant considered that the plot sizes of the two proposed dwellings accorded with those of the adjacent dwellings at nos. 10 and 12. Whilst this may be so when looking at them in isolation, those are only two of a number of plots along the frontage and not representative of the character and disposition of development as a whole along the frontage.' The agent contends that the pattern of development in the appeal cases was more closely built up, comprising a much greater number of buildings with a greater number of narrower plot widths than the appeal development plots and much fewer number of wider plots. They consider the proposed development to be 'wholly representative of the pattern of development'.

Policy CTY 8 states that 'in considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.' It is considered that the block plan helps demonstrate that the plots are too large in comparison to the adjacent plots along the frontage.

As shown in figure 3, the gap between buildings is 154m, three buildings each with a frontage width of 51.3m could be accommodated within the gap. While this is slightly less than the average plot width of 54m, it could be argued that three dwellings with this plot width would still be reflective of the existing pattern of development. Guidance contained in Building on Tradition advises that '*When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots*'. There have also been a number of appeals where the PAC have accepted that three dwellings with a slightly smaller plot width than the average could be accommodated within a gap and still reflect the established pattern of development.

A conceptual block plan was submitted by the agent regarding 3 dwellings within the application site, shown below. It is their view that 3 dwellings would not wholly reflect the existing pattern of development along the road frontage.



Figure 6: Conceptual block plans

Duff v Newry Mourne and Down JR considers visual gaps, para 59 states, ‘*The determination of whether a site offers a visual break of such significance is a matter of assessment for the decision-maker. This decision should be made with full understanding of the fundamentally prohibitive nature of the applicable policy and following due inquiry.*’

The existing dwellings along the frontage are intervisible at certain points along the road with the two dwellings on the opposite side of the road when travelling south, however the mature trees along the southern boundary of no. 126 and the location of the dwelling towards the rear of the site, means the existing dwellings are not visually linked when travelling north to south.

The ‘gap’ is also considered to represent an important visual break. With regards to this, the agent highlights an approved planning application LA06/2020/0406/F Ballygowan Road, Moneyreagh. In this instance the site was not considered to be an important visual break in the countryside. The agent argues that as the approved application on Ballygowan Road has a gap between buildings in excess of 180m then the proposed site cannot be considered as a visual break as it is significantly smaller. The PAC have previously advised that councils are not bound to take account of decisions that have been made in other council areas. In any case, the test is visual as to whether the gap represents an important visual break meaning that each case is not directly comparable and must be considered on its own merits and individual set of circumstances.

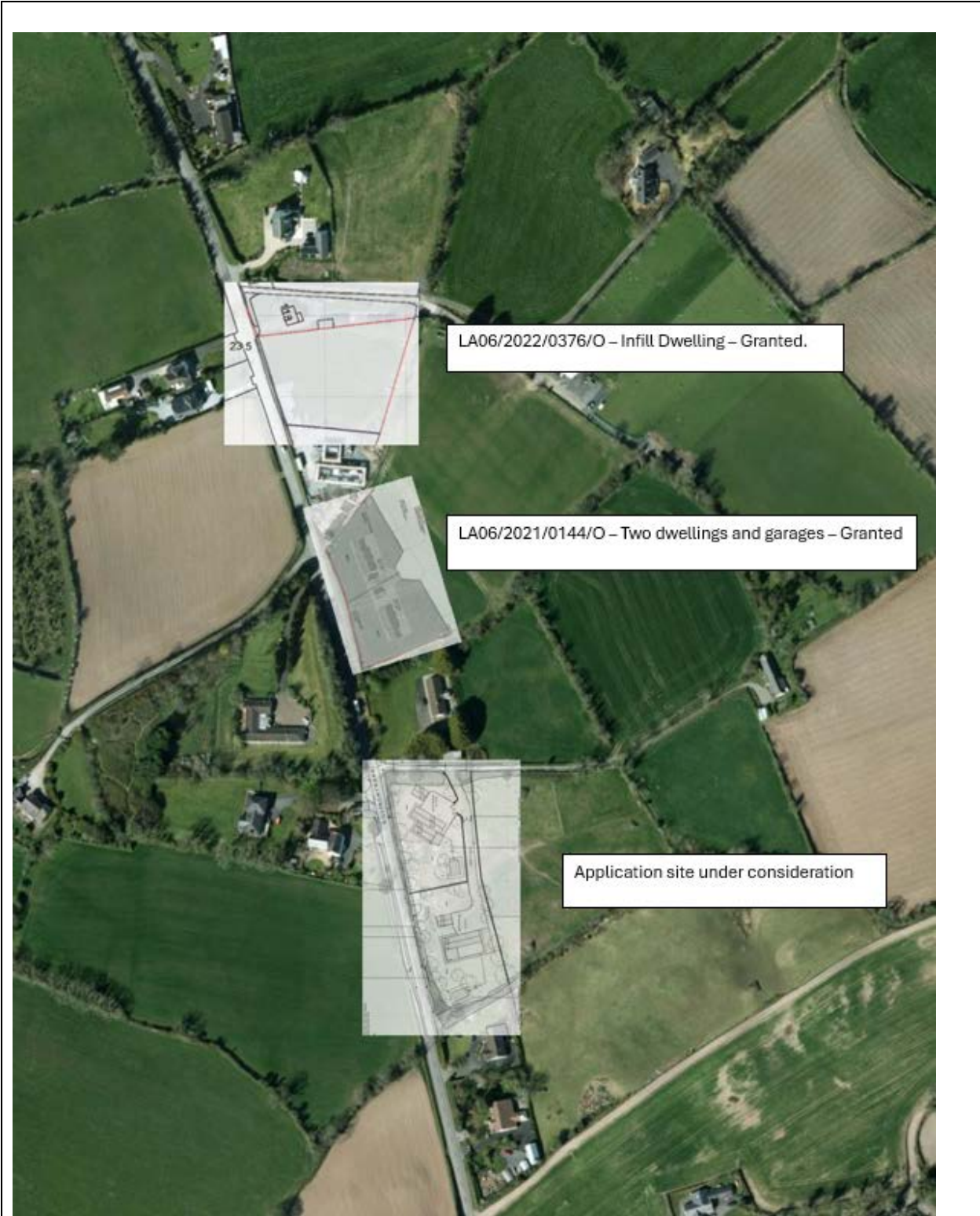


Figure 7: Map showing previously approved infill dwellings to the north of the application site.

The above image illustrates that when the proposal is considered alongside the existing and approved dwellings it will add to an existing ribbon of development which would span over a distance of approx. 750m from No 96 to the north and no 136 to the south.

The proposal is therefore considered as contrary to Policy CTY 8 of PPS 21 as there is no small gap site within a substantial and continuously built-up frontage sufficient only to accommodate up to a maximum of two houses and the plot sizes do not respect the pattern of development along the frontage.

Policy CTY 1 lists a range of types of other housing developments which, in principle, are considered to be acceptable in the countryside. There is no evidence to suggest that the proposal falls into any of the other types of development that are acceptable in principle in the countryside under Policy CTY1.

The principle of development for two dwellings on this site is therefore not considered as acceptable as it does not comply with the SPPS, Policies CTY 1 and CTY 8 of PPS 21. No reasons have been put forward of why this development is essential at this location and the land is not allocated for housing in the Ards and Down Area Plan 2015.

Integration and Impact on Rural Character



Fig 8: House type 1 elevations and floor plans



Fig 9: House type 2 elevations and floor plans

Proposed elevations and floor plans of house 1 and 2 are shown in Fig 8 and 9 above. The proposed dwellings are two storey and contemporary in design. Walls are proposed to be finished with white, smooth render to ground floor and an untreated timber boarding/untreated cedar shingle to the first floor. Glazing is aluminium grey coloured and the pitched roof with be finishes with slate, incorporating PV slates to southerly aspects.

Number 134 Killinchy Road is a 1.5 storey property (with lower level living and garage). It has a pitched roof and render finish, it sits on a higher level than the application site

whilst number 128 is a pitched roof, rendered bungalow. Set slightly below the level of the road.



Figure 10: 134 Killinchy Road



Figure 11: 128 Killinchy road

Although the design is considered to be contemporary, the levels of the proposed application site mean the proposed dwelling will sit below the level of the road.

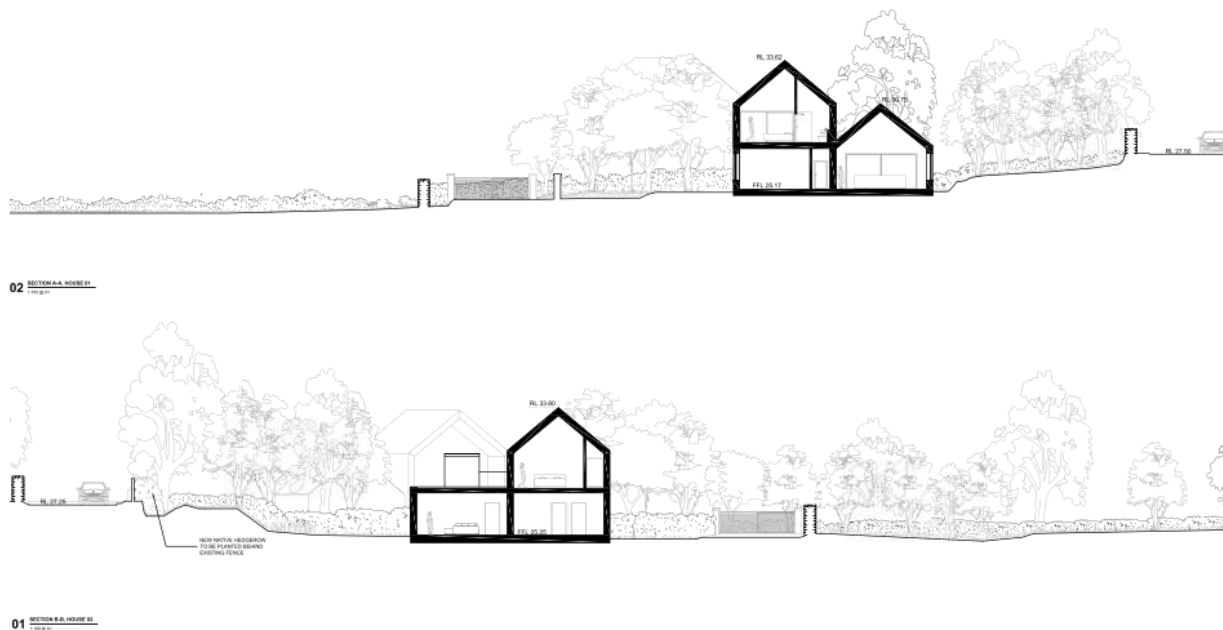


Fig 12: Proposed site section

The dwellings are both orientated to face towards the Killinchy Road, to be accessed using a shared gravel driveway to the rear of the sites and have lawned area to the front and sides of the dwellings. They are positioned relatively central on their sites.



Figure 13: Replacement dwelling No. 122 Killinchy Road



Figure 14: Two storey dwelling located opposite the application site (no.109 Killinchy Road).

There are examples of two storey dwellings in the vicinity of the application site and No 122 is an example of contemporary design.

It is considered that as the dwellings will sit at a lower level than the road, and there are relatively well defined boundary treatments, dwellings on this site could integrate into the surrounding landscape and would not be a prominent feature.

The existing natural boundaries of the site would also be conditioned in any approval to be retained where possible to aid integration and maintain the character of the area. The proposed site plan shows new native hedging to be planted behind the existing fence at the roadside boundary and retention of existing banks of mature shrubs and herbaceous material along the front and side boundaries. New 'extra heavy standard' trees are proposed adjacent to the roadside boundary and within the application site.

However, if two dwellings were approved on this site, it would result in the creation of ribbon development along this part of Killinchy Road by adding to the ribbon of development. As it has already been considered previously in the report that the gap site within the frontage is too large to accommodate the maximum two dwellings.

Creation of and adding to ribbon development is considered unacceptable under Policy CTY 14 and would have a detrimental impact on the character of the rural area.

It is therefore considered that the proposal does not comply with Policy CTY 14 of PPS 21 as it will result in a ribbon of development which will cause a detrimental change to the rural character of the area.

Sewerage Disposal

Locations of the proposed septic tanks are shown on the site plan, these are towards the centre of the site. NIEA Water management unit have no objections and it is considered that the size of the site is sufficient to ensure sewerage proposals can be provided without any adverse impacts on the amenity of the area.

Residential Amenity

Proposed dwelling 2 is located approx. 13.5m from the boundary with 134 Killinchy Road and approx. 29m from the gable wall. These separation distances mean there will be no unacceptable impact on the residential amenity of number 134 Killinchy Road in terms of overlooking or subsequent loss of privacy. In order to further protect the private amenity of the neighbouring dwelling a condition requiring a 1.8m high opaque glazed screen along the side of the balcony facing number 134 could be added to any approval.

Proposed dwelling 1 is located approx. 35m from the side boundary. This separation distance will ensure there are no unacceptable detrimental impacts on the residential amenity of the neighbouring dwelling 128 Killinchy Road.

The separation distance of approx. 40m between house 1 and house 2 ensure they will have no detrimental impact on each other in terms of overlooking or subsequent loss of privacy.

Access and Roads Safety

The proposal will use an existing access off the Killinchy Road which is a protected route. This laneway currently serves 2 dwellings at 128 and 132 Killinchy Road. A new portion of laneway would be constructed to run to the rear of the proposed dwellings.

Following initial consultation with DFI Roads, amended plans were submitted showing the removal of an existing mature tree and hedgerow to allow for widening of the vehicular entrance.

DFI Roads were re consulted and stated that they have no objections in principle to the proposal however stated that the Killinchy Road is a protected traffic route and the Council would have to be satisfied that this application falls within the exceptions listed in the policy relating to accesses onto protected traffic routes.

Within PPS 3, Access, Movement and Parking, Policy AMP 3, examples are given to what can be considered exceptions to the Protected Routes Policy. Under (d) 'Other Categories of Development', it is stated that approval may be justified in particular cases for other development where access cannot reasonably be obtained from an

adjacent minor road'. Given the proposal is to utilise an existing access from the Killinchy Road, and the proposal is for 2 new dwellings, I do not consider this to result in an unacceptable intensification of use of the existing access and laneway. Ample parking will be provided in accordance with Creating Places standard

DFI included planning conditions in their response relating to visibility spays and access gradient.

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

Designated Sites and Natural Heritage

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

Using the Biodiversity checklist, it is considered unlikely that the proposal will have any adverse impacts on protected species or priority species or habitats. Conditions can be added to any approval to ensure existing hedging is retained where possible and compensatory planting is added throughout the site to maintain biodiversity.

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

5. Representations

One objection has been received. The main issues of concern are:

- Previously informed there would be no development, and the ground was for agricultural use only
- If 2 properties are approved the remainder of the site will be developed which would be overdevelopment of the area.
- Additional traffic and road safety.

The council must consider the application before it and whether other land may be developed around the application site is not a material planning consideration. DfI Roads offer no objections from a road safety perspective

One comment has been received regarding the application. The comment considered that that originally submitted plans were more suitable in terms of character rather than the repositioning and re orientation of the dwellings on the site. Solar gain and shadowing due to the proposed trees on the proposed dwellings was raised as well as the applicants creating of the new access already created.


The council must consider the plans submitted and cannot insist that dwellings are designed to take account of solar gain. Landscape is proposed to aid with integration and additional planting of application sites it not unusual and is welcomed.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the extension of ribbon development along the Killinchy Road
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and extend a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

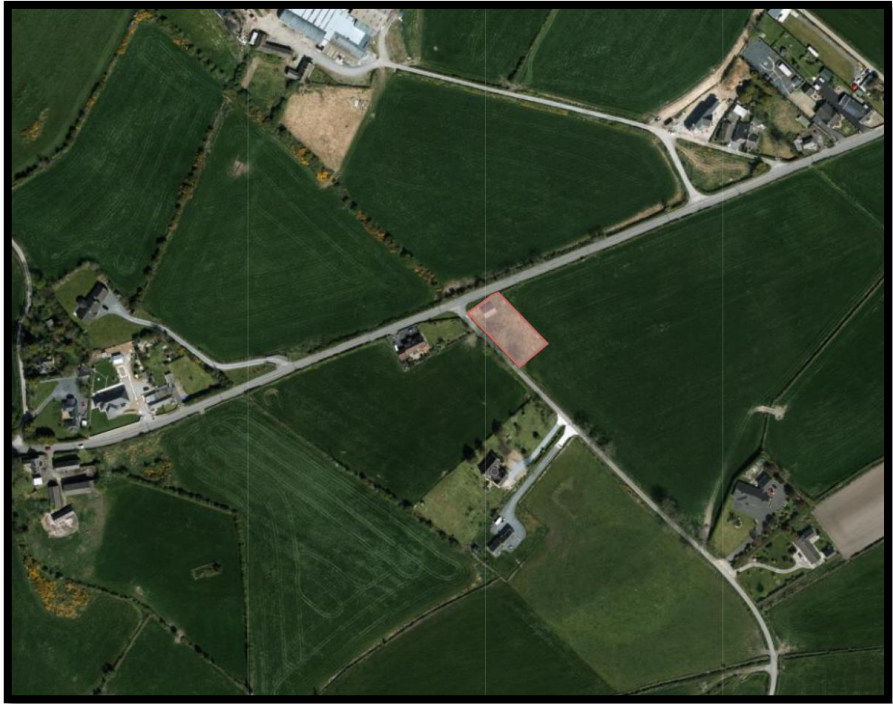
Development Management Case Officer Report			 Ards and North Down Borough Council CTY4		
Reference:	LA06/2024/0230/F	DEA: Ards Peninsula			
Proposal:	Change of use from agricultural building to dwelling to include extension, detached garage and relocation of access	Location:	Land 55m NE of 56 Portaferry Road, Cloughey		
Applicant:	Mark McKeown				
Date valid:	12/03/2024	EIA Screening Required:	No		
Date last advertised:	28/03/2024	Date last neighbour notified:	07/06/2024		
Consultations – synopsis of responses:					
NI Water		No objection			
DFI Roads		No objection			
DAERA		No objection			
Letters of Support	0	Letters of Objection	0	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Compliance with the local development plan • Compliance with the relevant policy • Residential and visual amenity • Access, movement and parking • Biodiversity 					
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) using Public Access					

1. Site and Surrounding Area

The application site is located in the countryside outside any settlement designated in the ADAP 2015. The site comprises lands 55m northeast of 56 Portaferry Road, which lies to the southwest of Cloughey within a rural area. The application building is a single-story stone vernacular building which is adjacent to the public road and occupies a corner plot on the junction between Portaferry Road and Drumarden Road. The boundaries of the site include a wooden post fence and low 0.5m hedge to the northwest, a post and wire fence to the east and southeast, and a further low hedge to the with staggered trees to the southwest. The site is grassed and slopes downwards slightly to the southeast. The existing access is taken from the southwest onto Drumarden Road. The surrounding area is rural and is characterized by agricultural fields and a scattering of rural properties, agricultural buildings, and farmyards.



2. Site Location Plan



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3. Relevant Planning History

Planning Reference: LA06/2020/0973/F
 Address: Land 55m NE of 56 Portaferry Road Cloughey
 Proposal: Change of use from agricultural building to dwelling to include extension and relocation of access.
 Decision: Permission Granted (21.10.2021) expires – 20.10.2026

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 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary planning

- Building on Tradition

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. However, until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the Department of the Environment's Development Plans, the Strategic Planning Policy Statement for Northern Ireland (SPSS) and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

Ards and Down Area Plan 2015 (ADAP)

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) 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. The site is within the countryside of as designated within the Ards and Down Area Plan 2015.

Proposal

The proposal seeks Full planning permission for a change of use from agricultural building to dwelling to include extension of the building and a relocation of the existing access. Detailed drawings including a site plan and proposed access, floor plans and elevations have been included in the application. The vehicular access to the site is to be taken onto Drumarden Road and will be relocated from its existing position.

Principle of Development

The SPPS sets out the transitional arrangements that will operate until a Local Development Plan is adopted for the Council area. The SPPS retains certain existing Planning Policy Statements (PPS) including PPS 21, Sustainable Development in the Countryside.

Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building as a single dwelling. This goes further than Policy CTY 4 of PPS 21, which refers only to a 'suitable building'.

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications. As such, the term 'locally important building' should take precedence over 'suitable building' from PPS 21 Policy CTY 4.

The application building is a barn located on a corner plot of the junction of Portaferry Road and Drumarden Road. The building is set back 3 to 4 metres from Portaferry Road with extensive views of the site from the public road. The existing stone vernacular building has a pitched clay tiled roof is gable ended onto the public road. It has a 0.13ha curtilage which is defined by fencing and hedging.

The rectangular barn comprises one single section/room and has 2 door openings (one wider than the other) and 2 window openings along its southern elevation (side). There are no openings on the rear wall.

After carrying out a site inspection, it is evident that no significant repair has been carried out on the stone walls but one of the original door openings has been filled in with old stone to prevent vandals from entering. The roof is also intact. While no structural survey has been submitted to support the application, given the good condition of the building it is likely to be suitable for conversion.

The building displays some architectural merits given its form which is that of a stone vernacular building. With regard to historic features supporting information has been provided under the previous permission to demonstrate that the building has been present for almost 200 years (OSNI 1846 to 1862).

The building has a prominent and very visible position within the locality at the junction of the two roads. The surrounding land is flat and there would have been longstanding views of the building on approach from both sides from a considerable distance.

Given the location, the building displays some attributes of being a locally important building when the age of the building is taken into consideration. I consider that a building of this age, at this location, could be retained and sympathetically converted and adapted as previously granted permission.

The planning history for the site shows that permission was granted for the conversion of this building which included a small extension under application LA06/2020/0973/F. With all things considered it is my planning judgement that in principle the proposal meets the criteria to allow assessment.

Impact on Character of the area

As the planning history for this site sets the basis for the principle of development under this policy, I have considered that which was granted permission. The previous planning permission allowed for the conversion of the building with a small extension as seen below (existing building footprint outlined green and proposed extension outlined Blue). Permitted development rights were also removed from this permission to prevent further development on the site creating an adverse visual impact.



Previous Approval

The previous extension measured approx. 6.6m by 3.9m giving a total floorspace of approx. 26sqm. The extension was less than half the length of the existing building. Its height was set to match the existing ridge height of the building.

With regard to the policy criteria of CTY4, it states that **the building must be of permanent construction**, which it is. The criteria then goes on to state that **the reuse or conversion would maintain or enhance the form, character or architectural features, design and setting of the existing building and not have any adverse effect on the character or appearance of the locality**. It also states that **any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building**.

The proposed extension to the building varies in height, width and length due to the levels of the site which the extension is to flow over. The extension is to be at its highest 5.5m, at its widest 10m and at its longest 11.7m. There is to be a wall around an outdoor seating area which extends 6.2m long and 1.8m high. There will be approximately 180sqm of additional space to the original building of 62sqm of floorspace, a significant increase in size.



Proposed elevations



Proposed elevations

The building is located on a roadside plot along the main feeder road between Cloughey and Portaferry. There are long distance views of the site when travelling southwest along the Portaferry road, see below.



Travelling south west along Portaferry Road

Given the overall proposed size of the extension is not considered to be a sympathetic extension to the existing building in relation to its scale and massing, as required by policy CTY4. The extension will appear as almost an entirely separate building to the original building, bearing no resemblance whatsoever to its original simple vernacular character. The extension will dominate the original building being a full two storeys in height. Due to the extremely open site and long-distance views the proposed development as a whole including the detached garage, would not visually integrate into the surrounding landscape and would be intrusive, see photographs and site layout below. The existing trees will also need to be removed to accommodate the access, which will open up the site even more with the site no longer benefitting from a backdrop when viewed on approach along the main road.



View travelling north along Drumardan Road



Proposed site layout



Views of site travelling southwest



Long distance views from Drumardan Road

The proposal is also considered to be contrary to the policy requirements of CTY13 – ‘Integration and Design of Buildings in the Countryside’ and CTY14 – ‘Rural Character’.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (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; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY 14 – Rural Character

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.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

If approved, the proposed extension would be highly visible and prominent within the surrounding flat and open landscape due to the overall scale and massing, the topography of the site and the surrounding land. Therefore, it is considered that the proposed development would have a negative impact on the character of the area.

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

The proposed extension is considered unacceptable as it will be a prominent feature in the landscape. The site currently has limited natural boundaries and due to the site's roadside location, an extension of this scale will appear as prominent over long distances when approaching from all directions.

Although a planting scheme has been submitted along with this proposal this would not overcome the prominence of the proposed extension and the subsequent dwelling as a whole. Furthermore, CTY13 states that a proposal should not rely primarily on the use of new landscaping for integration.

The ancillary works include a garage which is to be located to the south of the converted and extended building. Although, smaller in scale than the proposed extension, the proposed garage combined with the proposed extension, will further erode the character of the surrounding area. As previously noted, the previous approval had the permitted development rights removed, this was to ensure that there was no further development on the site that would negatively impact on the character of the area. The proposed increase in size of the extension and the inclusion of a garage is considered to be unacceptable and would be of detriment to the landscape.

Residential Impact

The Council considers it important that the amenity of all residents is protected from 'unneighbourly' extensions which may cause problems through overshadowing/loss of light, dominance and loss of privacy. The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments.

CTY4 states - The reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings. The only neighbour within 90m is No.56 Portaferry Road, which is approx. 38m southwest. The proposal would not have any impacts on its amenities, or the amenities of other dwellings located along the laneway. The adjoining land use is agricultural, and the proposal would not adversely affect this. The site has defined boundaries to the north and south, which provide a physical separation to the adjacent residential properties and the agricultural use to the north, south, and east. There are no adjoining buildings.

Access, Movement and Parking

The proposal involves creating a new access onto the Drumarden Road from the site and includes parking spaces both within the site and in the proposed garage. DFI Roads have been consulted and have no objection to the proposal along with conditions.

Development Relying on Non-Mains Sewerage

This policy states that the permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

It also states that sufficient information on the means of sewerage should be submitted to allow a proper assessment of such proposals to be made. Finally, it states that in those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

The proposed development has a mains connection to the water supply, surface water will be disposed of via soakaways and a septic tank will dispose of foul sewage. Both NI Water and DAERA Water Management Unit were consulted on this application. The consultation responses did not raise any objections to the submitted proposals and the site and surrounding area are not identified as having a pollution risk.

5. Representations
No letters of objection have been received.
6. Recommendation
Refuse Planning Permission
7. Refusal reasons
<ol style="list-style-type: none">1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it would fail to maintain or enhance the form, character, design and setting of the existing building, would have an adverse effect on the character and appearance of the locality and the proposed extension is not sympathetic to the scale, massing and architectural style and finishes of the existing building.2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a), (b), (c), (d), (e) and (f) of Policy CTY13 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would, if permitted, result in a prominent feature in the landscape; lack long established natural boundaries and be unable to provide a suitable degree of enclosure for the building to integrate into the landscape; rely primarily on the use of new landscaping for integration; result in ancillary works which do not integrate with the surroundings; result in a building design that is inappropriate for the site and its locality and fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a) of Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would, if permitted, be unduly prominent in the landscape.

Item4.3a

Addendum to Case Officer Report

LA06/2024/0230/F - Change of use from agricultural building to dwelling to include extension, detached garage and relocation of access, Land 55m NE of 56 Portaferry Road, Cloughey.

Background

This planning application was initially recommended for refusal and included on the list of delegated applications issued to members of the Planning Committee on 3 June 2024. The proposal was considered to be contrary to the policy requirements of CTY4 in that the proposed extension was not considered to be sympathetic to the scale and massing of the existing building. The proposal was also considered to be contrary to policies CTY13 and CTY14 of PPS21 due to prominence and lack of integration. Following this, amended plans were submitted by the agent for consideration on 5 June 2024 and again on 29 November 2024 however, the Planning Department was of the opinion that these amendments did not address the concerns raised regarding the scale of the proposal and its visual impact. The application was therefore recommended for refusal again and included on the delegated list of 7 April 2025.

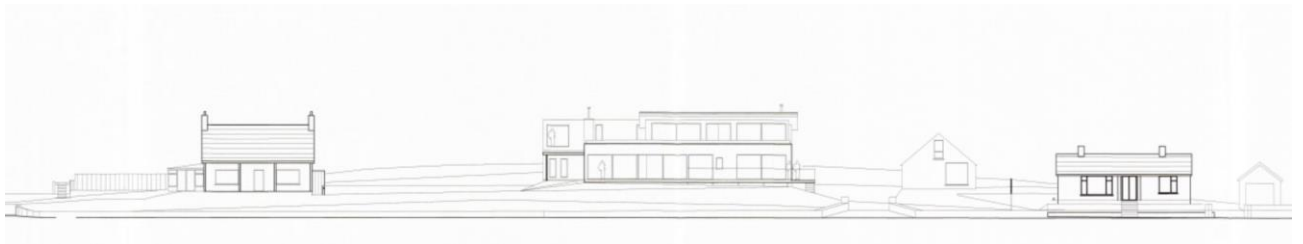
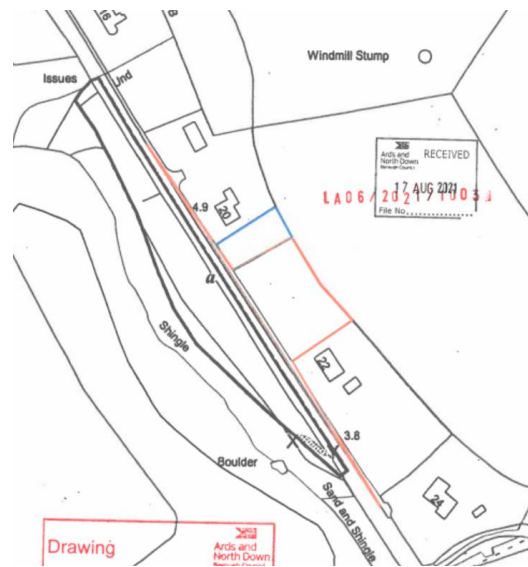
Following the publication of the case officer report and inclusion in the list of delegated applications on 7 April 2025, further correspondence was submitted from the agent on 8 April 2025 for consideration. A call-in request for the application to be considered by Planning Committee was also received from Cllr. Kerr and agreed by the Chair of Planning Committee. This addendum considers the agent's correspondence of 8 April.

Consideration of Correspondence form agent dated 8 April 2025

In his letter dated 8 April, the agent, Stephen Dickson, has complained that Chris Blair (Acting Principal) had agreed to review the amended submission of 29 November 2024 and advise if acceptable, however he never received any feedback. Senior Planning Officer, Andrea Todd, contacted Mr Dickson on 9 April to advise that Mr Blair had been on leave since the start of the new year and the Planning Department was not aware of any discussions that had taken place with Mr Blair. Mrs Todd advised that in Mr Blair's absence, she had considered the amended plans of 29 November and discussed the proposal with Senior Planning Officer Clare Rodgers and Head of Planning Gail Kerr, and it was agreed that the amendments made to reduce the overall scale of the proposal were negligible and that the opinion to refuse planning permission would still stand (full consideration of proposal is set out in the case officer's report).

In his correspondence, Mr Dickson has cited two planning approvals in recent years which he considers to be comparable to his current proposal. These are considered in turn as follows:

LA06/2021/1003/F - Erection of dwelling and detached garage (change of house type from Planning Approval LA06/2019/0525/RM between 20 and 22 Portaferry Road, Greyabbey



This application was originally granted planning permission as an infill dwelling in 2016. The application was considered under a different policy (CTY8) than the current application for the conversion of an existing building (CTY4) and therefore the two applications are not directly comparable. CTY4 specifically requires that any extensions must be sympathetic to the scale and massing of the existing building.

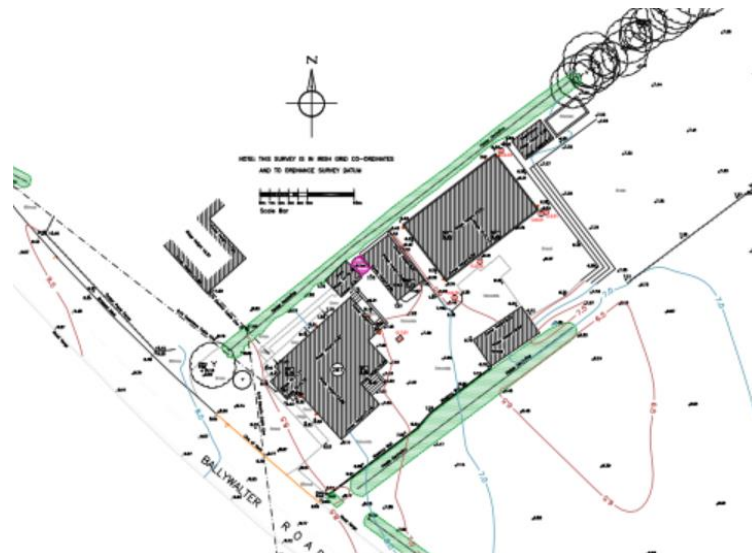


Google Street view Image March 2023 showing approved dwelling under construction.



The above images above show the approved dwelling under construction. Its height and scale is sympathetic to the adjacent existing dwelling, and it also benefits from a backdrop. The dwelling is not visible over any long, sustained views and is considered to meet the policy requirements of CTY13 and 14. The context and setting of this site is completely different to the current site under consideration. The dwelling is clustered with existing development and given the backdrop of rising land to the rear; it does not appear prominent in the landscape. As outlined above, I do not consider this case to be directly comparable to the current proposal for conversion under consideration.

LA06/2023/2417/F - Replacement dwelling, 267 Ballywalter Road, Millisle



Existing Site Plan



Proposed Site Plan



South-West Elevation



South-East Elevation



Google Streetview image March 2023



Google Streetview image March 2023

This Application is also not considered to be directly comparable to the current proposal. This application was also granted planning permission under a different policy (CTY3) as a replacement dwelling. The requirement of policy CTY3 is that the replacement dwelling should not have a significantly greater visual impact than the existing dwelling. As demonstrated in the existing and proposed site plans above, the overall footprint of built development proposed is not significantly greater. While the proposal is larger and contains more accommodation than the existing small bungalow, the overall form of the building remains compact, and the height has been kept low. This proposal complies with the policy requirements of CTY3, 13 and 14 with the design, scale and siting considered to be sympathetic to its setting, resulting in no significantly greater visual impact.

Conclusion

Having considered the further supporting information submitted, and the above planning approvals referred to by Mr Dickson, the Planning Department's recommendation to refuse planning permission remains unchanged. The policy test of CTY4 requires that proposed extensions must be sympathetic to the scale and massing of the existing building. The scale of the extension proposed for this conversion is considered to be excessive and the overall visual impact of the development would result in a prominent feature and harm the rural character of the area on this extremely open and exposed site. The Planning Department has provided the agent and applicant with ample opportunities to amend the proposal to provide a much-reduced scheme more in line with the original approval granted on the site. It is therefore recommended that planning permission should be **refused** for the stated reasons in the case officer report.



Existing building to be converted.



PROPOSED SOUTH WEST ELEVATION TO DRUMARDEN ROAD



Proposed development

Proposed Finishes:
 Roof: Flat profile tile or stone - blue/ grey/ black colour as existing
 Rainwater Goods: Heritage range aluminium - black colour
 Walls: All existing stone work to be retained
 New build walls to have smooth render finish, painted white
 Windows & Doors: Hardwood timber frame windows & door throughout - stained or painted

GRANTED
 Subject to Conditions (if any) as set out on LA06/2020/0973
 Decision form No. 21 OCT 2021

Drawing Number 03/A

04 OCT 2021


PROPOSED FINISHES
 SITE AT JUNCTION OF DRUMARDEN ROAD AND FORTWICKERY ROAD, NEWTOWNARDS

OPTION B PLANS, ELEVATIONS, SLICK PLAN & SITE PHOTOS

MAJOR ARCHITECTS

Original approval with sympathetic extension

09/04/2025

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/1336/F	DEA: Ards Peninsula	
Proposal:	Cohousing development consisting of 32No. dwelling units, common house to provide ancillary residential facilities, 5No. garages, community car parking, new access road and service lanes and associated works		
Location:	Lands to the north side of Cloughey Road (opposite 9-17 Cloughey Road) and to the rear of Rectory Wood and extending 130m to the rear of 8 Cloughey Road (The Rectory), Portaferry		
Applicant:	Tyrone Currie		
Date valid:	06.01.2023	EIA Screening Required:	Yes.
Date last advertised:	20.02.2025	Date last neighbour notified:	07.02.2025
Letters of Support: 8	Letters of Objection: 6 from 6 separate addresses	Petitions: 0	
Consultations – synopsis of responses:			
Dfl Roads	No objections.		
NI Water	Refusal. Subject to successful discussions and outcomes regarding issues highlighted, NI Water may reconsider its recommendation. A negative condition can be included.		
Environmental Health Department	No objections.		
Dfl Rivers	No objections.		
DAERA NED	No objections.		
DAERA Regulation Unit	No objections.		
DAERA WMU	If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal		
SES	Advice and guidance provided.		
HED	No objections.		

Summary of main issues considered:

- Principle of development
- Planning history of the site and surrounding area
- Impacts on residential amenity
- Natural heritage impacts and the potential effects on European Sites
- Impact on the character and appearance of the area
- Access and parking requirements
- Impacts on existing infrastructure and sewerage requirements for the proposed dwellings

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 Northern Ireland Planning Portal.

1. Site and Surrounding Area

The site is located on the northern side of Cloughey Road within the settlement limit of Portaferry as per the extant Ards and Down Area Plan 2015. The site is within zoned lands for housing (HPA4), only part of HPA4 and not the entire zoned area. It consists of agricultural lands.

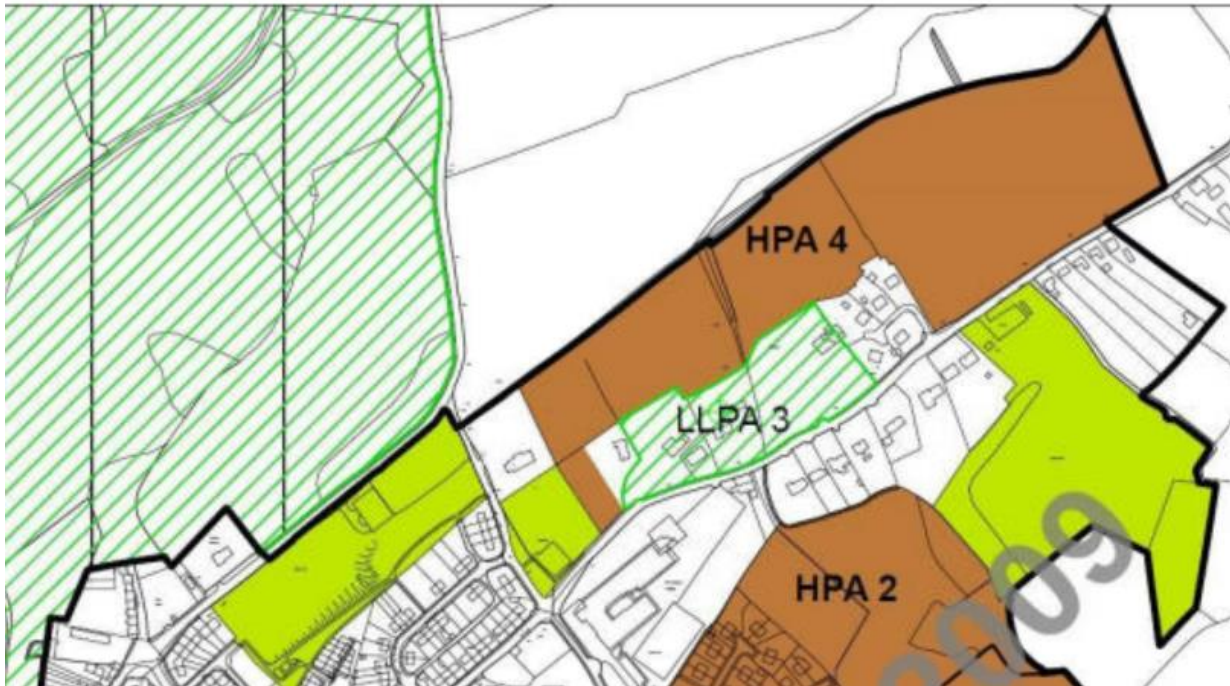


Figure 1 Extract from Ards and Down Area Plan 2015, showing HPA4 for housing.

2. Site Location Plan



Figure 2 Site location plan

3. Relevant Planning History

On site

LA06/2018/0916/PAD – Co-housing.

LA06/2021/1345/PAN - 17 units (mixed detached and semi-detached houses) alongside a 32no. unit co-housing development (detached, semi-detached and terraced, a common house consisting of a kitchen, function/dining room, two bedrooms & office with extensive common green spaces).

Adjacent to the site

LA06/2023/1341/F - Residential development consisting of 19No. detached and semi-detached units – Decision pending. This application was submitted at the same time as the current application by the same applicant. This will be conventional housing units to be sold to a private developer and will help to fund the cohousing scheme.

4. Planning Assessment

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

- Ards and North Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage

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

Planning Guidance:

- Creating Places
- DCAN 8 Housing in Existing Urban Areas
- Parking Standards

Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) 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. The site is within the settlement limit for Portaferry with the site on lands identified as zoned lands for housing in the Ards and Down Area Plan 2015, so the principle of development in this case is acceptable.

The proposal

The proposal has been set out very clearly in the Supporting Planning Statement. The core principles for cohousing are set out below, taken from the Planning Statement:

1.2 The core principles for cohousing are:

1. The members of the project participate in both its physical design and in how they are going to live together.
2. It includes private residences and communal facilities. Most cohousing communities have a common house, with shared facilities such as cooking and dining spaces, meeting and playing areas, laundries and guest rooms. This may mean that the private dwellings are smaller as residents also have the benefit of the common facilities. Shared outside space for gardens, childrens' play, parties and food growing often feature in a cohousing project. Car parking is generally on the edge of the site to improve the quality of the living environment and to promote interaction between the residents.
3. The size is appropriate for communal dynamics, usually 12-35 households. Smaller than that and it lacks a sufficient body of people, plus there is a risk to the project if some do not get along. Larger than that and there are too many people for everyone to work closely together and to have full meetings where everybody can attend and be heard.
4. Residents manage their own community looking after maintenance, finances, gardening and organising shared activities. The community is governed in a non-hierarchical way, using consensus decision making.
5. Cohousing communities are inclusive and part of the wider community, they look to engage with their neighbours and the wider world.

A description of the proposal is set out below, also taken from the Planning Statement:

Cohousing is an intentional community in which residents have private homes, but also share common facilities such as dining rooms, laundries, and recreational spaces. Members of a cohousing community typically participate in the design and decision-

making processes for the development and management of the community. The goal of cohousing is to create a more interconnected and sustainable way of living, while still maintaining the independence of individual households. It will be the first of its kind in Northern Ireland and in terms of precedent, the examples of sheltered accommodation and retirement villages are more applicable to this model. As a pedestrianised development, Portaferry Cohousing (PC) will encourage and facilitate active transport, where cars are minimised in importance and people-movements are prioritised.

The Cohousing site is designed and arranged to accommodate 32 dwellings positioned around a central common house and social space, placing the communal provisions and community life in the core of the development. The 32 dwellings are to be a mix of semi-detached and detached units situated along the natural contours of the site. The proposed arrangement of dwellings consists of 5 house types of different scales designed to accommodate the various needs and household sizes of the cohousing communities' members. Additional amenity space providing communal gardens including space for a polytunnel and growing space for vegetables and other food crops is provided to the north of the site. A large portion of the site to the east is to be set aside for rewilding to provide and reclaim natural habitats for local and native ecosystems.

The ambition of the cohousing development and community members is to reduce the presence of cars within the site by providing and promoting communal car sharing therefore reducing the need for additional service road infrastructure and individual private driveways. A new adopted access junction will provide both vehicle and pedestrian access to the site from the Cloughey Road. The development will have a lower flow of traffic to, from and within the site, compared to that of a standard housing development, due to a reduced number of private cars within the cohousing community. However, the proposal includes a centralised communal car parking area close to the proposed new access road, the common house and community garages. The site has included and positioned ,garages/stores designed with greenhouses to the southern side (with a 'lean to' design), this will enable the growing of plants year round and will also visually screen the car park (and there will be additional green landscaping on the car park periphery) from both the road and the houses to the south and north of the car park.

Pedestrianised service roads within the site will be accessed off the main site access road and act as service lanes to provide the opportunity for temporary/short-time vehicle movement to houses for emergencies or convenience/deliveries. These service lanes intend to act as private drives for the residents. There is a pedestrian access to the site located separately from the main vehicular access. This 2m wide pathway is placed closer to Portaferry town and connects to the existing pedestrian footpath along Cloughey Road. This pedestrian access will therefore be used by the majority of people accessing the development on foot or on bicycle. As the internal service lanes will not be adoptable, Portaferry Cohousing (PC) will provide and maintain lighting throughout the site. The intention is to use solar powered low-level bollard-lighting and minimise unnecessary light pollution – friendly to wildlife and yet protective for people and children moving around the site.

Cohousing Common House

The common house is at the core of the cohousing development for the enjoyment of the cohousing community members. It is a primary characteristic of cohousing and is designed to provide additional ancillary resources and residential utility facilities. The common house acts as an extension to the dwellings within the development and provides a shared space for community members to meet, eat, socialise and plan together. The common house consists of a multifunctional hall for community dining, a large kitchen with food store, a space for children to play, a shared office space for working from home, guest accommodation, laundry facilities and entrance lobby/lounge space with a central postal delivery space. The design and form of the common house is similar to that of the cohousing house types to maintain/create a sense of continuity within the development distinct to its character. The design of the common house will provide sustainable and efficient accommodation through the incorporation of renewable technologies including but not limited to an air source heat pump, PV solar panels for heating water and producing energy, and will incorporate water collation barrels for the flushing of toilets etc.

Cohousing house types

The dwellings are a mix of single storey and one and a half storey semi-detached, detached and terraced units to provide a wide variety of house types to meet the needs of the cohousing community members ranging from 1 bed to 5 bed dwellings. The common house presents centralised, shared community space and facilities meaning that individual residential houses do not need to provide everything needed by a conventional household (such as spare rooms, washer/dryers, storage of tools, or a home office). This means that houses can have both smaller rooms, and a lower number of rooms. This is the reason that PC has more 1-2 bedroom houses than would be usual in a traditional housing development. The dwellings are designed to be orientated north and south. Bedrooms are allocated to the north of the plan with open plan kitchen, dining and living spaces to the south to benefit from passive solar gains. The dwellings lack utility facilities as these functions are provided by the common house. The design intention is to improve community relations by sharing communal utilities. The cohousing house types are designed as an archetype to promote a shared sense of identity through a contemporary form informed by local and historic domestic cottage style frontages and proportions. The cohousing house types are designed to reflect aspects of traditional Irish cottage frontages and proportions in a contemporary style.

The north facades feature small windows to reduce heat loss. While southern facades prioritise glazing to maximise passive solar thermal gains and natural day light into the primary daytime living spaces. The primary archetypal feature shared by each house type is a south facing roof pitch to accommodate the dwellings solar energy capture comprised of solar PV panels to produce energy and solar thermal panels to provide hot water. The low pitch allows for a longer roof span to the south facing section of the roof while also reducing the creation of any unnecessary loft space that would require additional consumption of material and finishing. Materials and finishes have been selected to reflect the aesthetics of the local context through the use of white render and dark roofing material and feature cladding systems that are sympathetic in

appearance to the context yet characterful in appearance, sustainably sourced, manufactured, long-lasting, easily repairable, replaceable and or recyclable/compostable. The house types are to be timber frame in structure and thus will help to minimise the embodied energy/carbon of the dwelling. The characteristics of the cohousing house type typology are shared by the common house at the heart of the scheme.

Ards and Down Area Plan 2015 (ADAP)

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is within the settlement limit of Portaferry as designated within the Ards and Down Area Plan 2015 and is zoned for housing – ‘HPA4 – Land to the west of Cloughey Road’.

HPA 4 Land to the west of Cloughey Road
<ul style="list-style-type: none"> » provision of a satisfactory sited access onto the Cloughey Road to include the provision of a right turn facility; » design of development layout and access details to ensure that houses front onto Cloughey Road and proposed public access roads; » the retention of existing vegetation and the provision of a 8-10 metre planted landscape buffer using appropriate indigenous species on all boundaries to ensure a definite edge to the settlement adjacent to the Countryside; » consideration of all views to the site, particularly from the A21 and Cloughey Road; » provision of a pedestrian link to connect housing to schools and playground at the junction of Demesne View, High Street, Cloughey Road and Ballyphilip Road; and » interim sewage disposal measures may be necessary until such time as the required upgrade to the Waste Water Treatment Works for Portaferry is complete and fully operational.

Figure 3: HPA4 from the Ards and North Down Area Plan 2015

There are a number of Key Design Considerations set out under this designation as set out above.

The proposal has a vehicular access onto Cloughey Road, however it does not include the provision of a right turn facility. The applicant has stated that due to the low vehicle numbers it will not require a right turn facility. Access to individual dwellings will be made available through hard surface private roads, pedestrianized service lanes laid in gravel or a similar permeable surface to allow the natural attenuation of rainwater to occur, and private driveways. The access routes such as the pathways and service lanes will not be adoptable with only the junction onto the main road being adopted. The Private Street Drawing below shows the part of the proposal to be adopted by DfI Roads, shown in red. The remainder of the site will be managed and maintained by PC. DfI Roads has been consulted and has no objections clearly stating that the internal roads within the development will never be adopted by DfI Roads. The requirement for a right turning facility is therefore not required.



Figure 4: PSD layout

The proposed masterplan below shows that the proposed dwellings will not front towards Cloughey Road, and the applicant advises that this is 'to ensure that the internal character of the cohousing site and arrangements are achieved.....it is not deemed appropriate to have a road-facing frontage onto Cloughey Road on this portion as it would disturb the dwelling relationships within the site arrangements and there is no desire to have a service road inside the splays'.

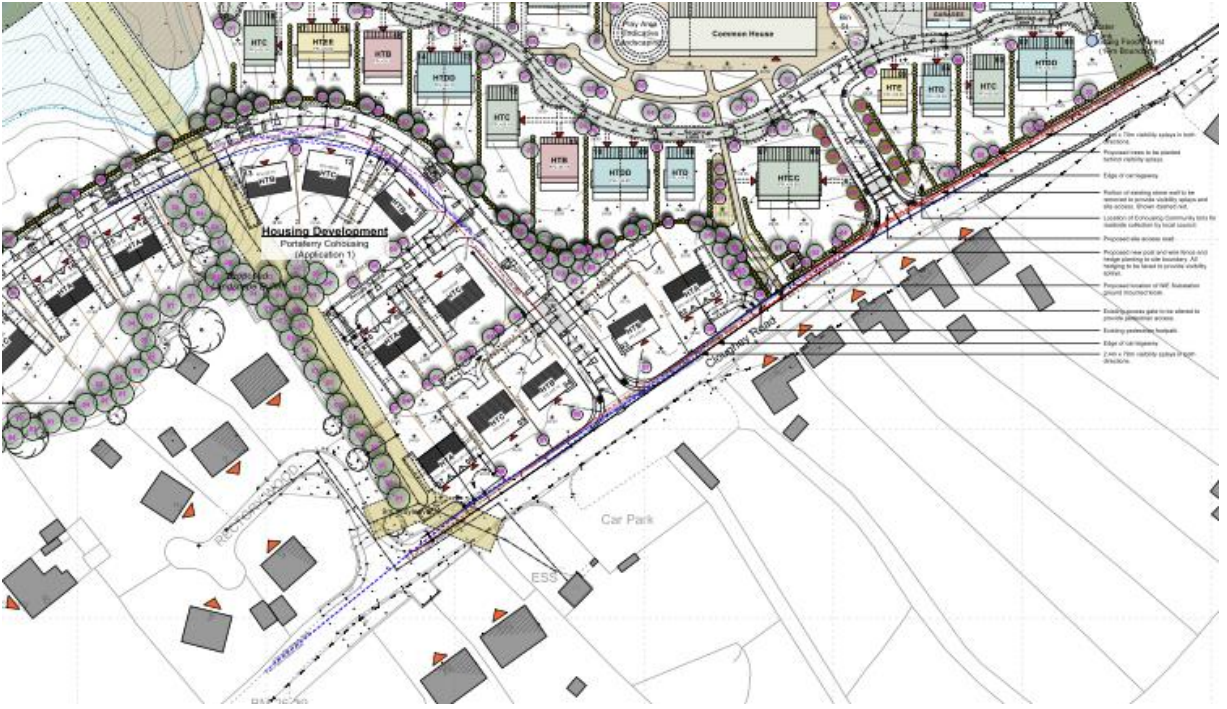


Figure 5 – Drawing 14A Proposed Masterplan

The existing dry-stone wall running along the front of the site will remain and landscaping, including native hedgerow and trees, is proposed to the rear of the wall which will provide screening to integrate and provide privacy for the dwellings. Although the dwellings are not proposed to front onto Cloughey Road it is not considered that this will have a detrimental impact on the overall streetscape as the existing dwellings

in the nearby small development, Rectory Wood, also do not front onto Cloughey Road and they have retained a dry-stone wall along the road boundary as illustrated in the streetview image below:



Figure 6 – Google Streetview image of Rectory Wood, Cloughey Road

The site in between the proposed cohousing site and Rectory Wood is subject to a pending application for housing under LA06/2023/1341/F and proposes 19No dwellings in total with 7no.dwellings proposed to front onto Cloughey Road. It is considered that the proposal will provide a quality residential environment using the cohousing concept that will provide sustainable, affordable housing without having a detrimental impact on the character of the area.

Figure 5 shows a 10m planted buffer on the northern and eastern side of the site which has already been planted on site. A 2m wide pedestrian pathway has been included in the scheme and is placed at the end of the site closest to Portaferry town and connects to the existing pedestrian footpath along Cloughey Road.

A condition can be included 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.

Given the justification made by the applicant regarding the concept for the cohousing scheme, it is considered that the proposal is justified against the plan and the principle of development is acceptable.

SPPS

Regional planning policies of relevance are set out in the SPPS and other retained policies. There is no conflict between the provisions of the SPPS and the retained policies in relation to the proposal. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material

considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposed development represents a sustainable form of development through the creation of residential units within a settlement limit and is therefore acceptable in principle subject to its compliance with the relevant planning policies as set out below.

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

The proposal is for 32no.units and therefore Policy QD1 of PPS 7 is applicable. PPS7 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 proposal will not damage the quality of the local area. The site is within the settlement limit of Portaferry, on land that is zoned in the plan for housing. The layout, scale and massing of the proposed dwellings will respect the topography of the site and the character of the area. The site gently falls towards the north and east and the layout has been designed to respect this and allow the dwellings to integrate with the existing topography. Changes to the existing levels of the site are minimal.

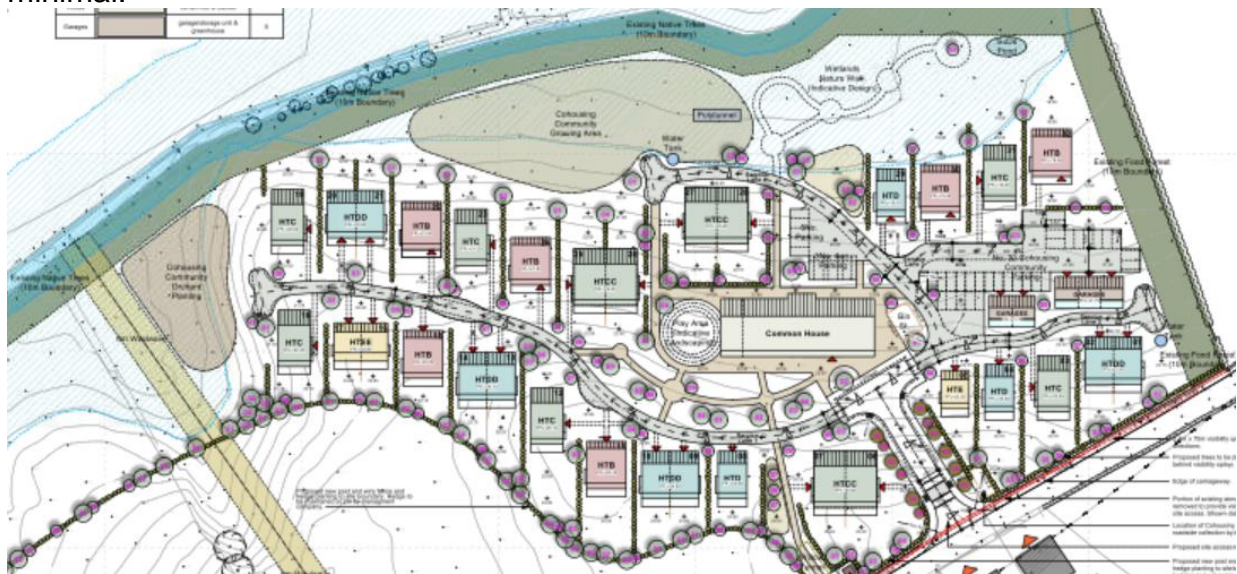
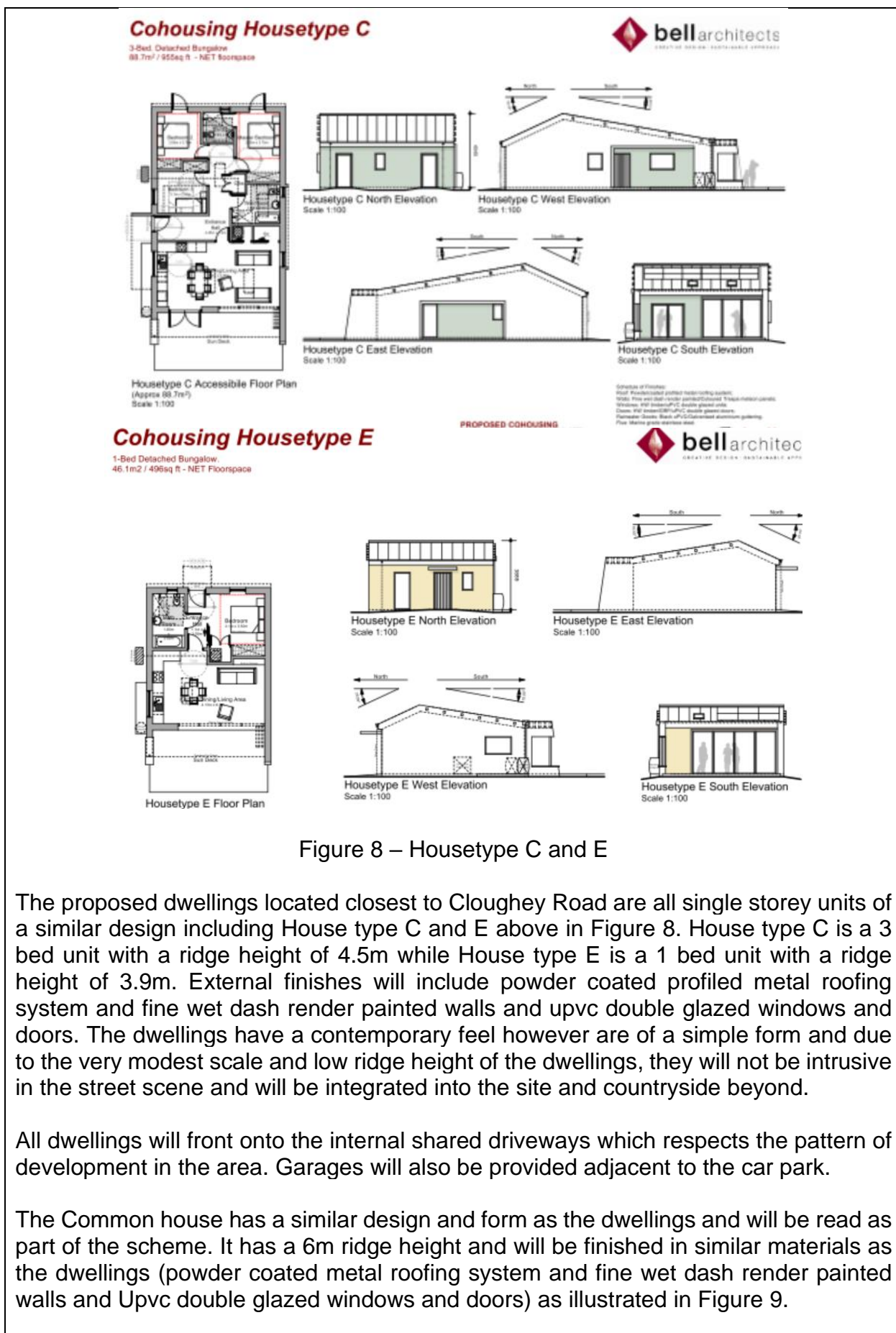


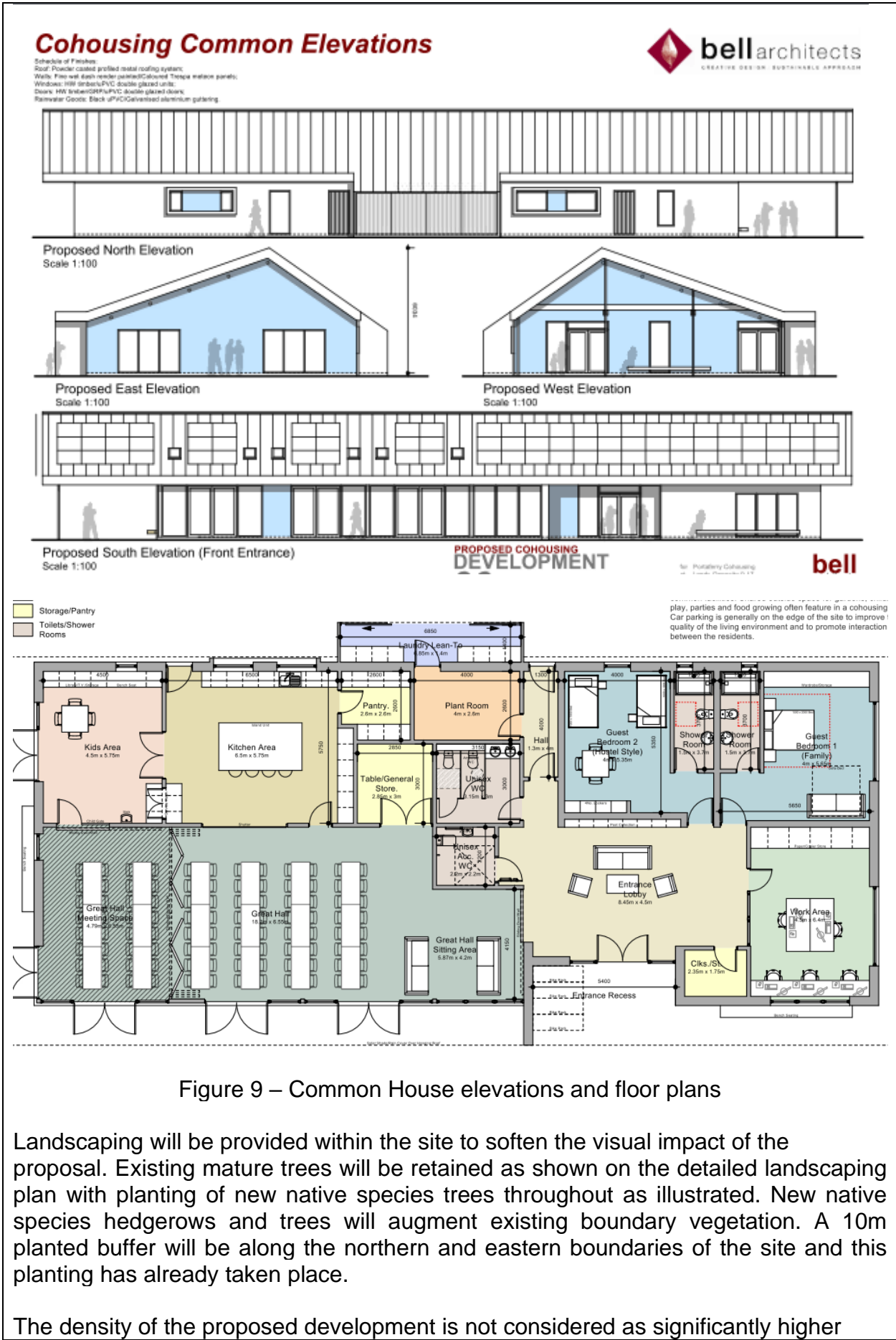
Figure 7 – Proposed site layout



The proposed dwellings located closest to Cloughey Road are all single storey units of a similar design including House type C and E above in Figure 8. House type C is a 3 bed unit with a ridge height of 4.5m while House type E is a 1 bed unit with a ridge height of 3.9m. External finishes will include powder coated profiled metal roofing system and fine wet dash render painted walls and upvc double glazed windows and doors. The dwellings have a contemporary feel however are of a simple form and due to the very modest scale and low ridge height of the dwellings, they will not be intrusive in the street scene and will be integrated into the site and countryside beyond.

All dwellings will front onto the internal shared driveways which respects the pattern of development in the area. Garages will also be provided adjacent to the car park.

The Common house has a similar design and form as the dwellings and will be read as part of the scheme. It has a 6m ridge height and will be finished in similar materials as the dwellings (powder coated metal roofing system and fine wet dash render painted walls and Upvc double glazed windows and doors) as illustrated in Figure 9.



than the surrounding residential area. The list of Key Design Considerations for the zoning does not include density specifications. The proposed density of the proposed development is approximately 7 dwellings per hectare, which is the same density as that in the local area. It is considered that the density on site will not erode the character of the area as the form, scale, massing and layout of the new development will respect that of adjacent housing and will create a quality residential environment.

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

Site Management

Portaferry Cohousing have produced a working draft (April 2024) Site Management Plan which covers the following matters:

Travel Plan,
Pedestrians and cyclists,
Vehicle management,
Arrival and visitor management,
Post and deliveries,
Management of common areas,
Refuse,
Permitted Development on individual sites,
Becoming a member of Portaferry Cohousing.

Road layout

As referred to previously in this report, the only part of the site that will be adopted by DfI Roads will be the main vehicular access onto Cloughey Road and footway. The remainder of the site, including the internal lanes, will be managed and maintained by Portaferry Cohousing. DfI Roads has been consulted and has no objections clearly stating that the internal roads within the development will never be adopted by DfI Roads. Portaferry Cohousing will provide and maintain lighting throughout the site via solar powered low-level bollard lighting.

Travel Plan, Pedestrians and cyclists, Vehicle management, Arrival and visitor management, Post and deliveries

A Travel Plan is set out in the Site Management Plan and sets out a long-term strategy to reduce the dependencies of residents and visitors on single occupancy travel by private car:

- To increase the awareness of residents and visitors of the advantages and potential for travel by more environmentally friendly modes through the provision of; and
- To introduce a package of physical and management measures that will facilitate residents and visitors to travel by modes of transport other than private cars.

It is recognised that for some resident's private vehicle use will be required for example for work purposes or transport adapted for reasons of disability.

The Travel Plan goes on to set out the bus services and the Portaferry to Strangford

ferry service.

The Travel Plan also sets out a Vehicle Management section which is to reduce the presence of cars within the site. It states that people who choose to live in PC recognise that the benefits of living on a largely car-free site. This will be facilitated in several ways:

- Car sharing: it is intended to set up a scheme for community car sharing, pooling resources to buy at least two (probably electric) cars that will be available for residents to use on a booking system. Electric car charging will be available in the car park. Residents will fully manage the car-sharing scheme.
- Centralised communal car parking: this area is in close proximity to the access road, the common house and the community garages. People arriving to the site by car will park in the car park and leave their vehicle.
- Pedestrianised service roads within the site accessed off the main site access road and act as service lanes to provide the opportunity for temporary/short-time vehicle movement to houses for emergencies or, exceptionally, convenience/deliveries.
- Proximity to services: services are available in Portaferry town accessible via active transport and public transport. The common house provides for co-working space and a large multipurpose space, further reducing the need to travel off the site.

The Travel Plan states that anyone who chooses to move into PC will likely prioritise walking, cycling and public transport as their main modes of transport. PC does not foresee the need to enforce rules about use of cars within the site. However, the community may choose to introduce a system to discourage use of cars should this become an issue in the future.

It states that at no time will an approach be made to DFI Roads for adoption of any path within the site, because that would be against their principles of pedestrianisation. A condition can be included on any permission granted to ensure that the Site Management Plan is carried out as approved.

There is a section in the Site Management Plan for 'Arrival and Visitor Management'. It states that as visitors arrive they will be sign posted to the car park for vehicles and to the entrance to the common house for pedestrians. Signage will advise visitors of parking and walking arrangements and also of the layout of the site with individual house numbers. Paths will be signposted so visitors are clear how to get to the house number they are looking for. The hammerhead is to be used for unloading only, any vehicles that are left unattended are to be parked in the car park. Pedestrianisation of the site applies to visitors in the same way as it does to residents, all residents are required to take the responsibility of advising their guests and anyone else on site accordingly.

There are three 'disabled' car parking spaces to the rear of the common house. Visitors providing essential services for residents (such as health and social care) will be met at the common house. In exceptional circumstances these visitors will use their cars to

access an individual's home.

The proposed plans indicate that a total of 30 No. car parking spaces will be provided in the communal car park and 5 No. spaces to the rear of the Common house; 5 No. car parking spaces in the proposed garages and 3 disabled car parking spaces to the rear of the Common house will be provided; providing a total of 43 No. car parking spaces on site. The proposed dwellings for the cohousing concept do not fall within any of the categories listed in the DfI Parking Standards document, so it falls to Policy AMP7 of PPS3 which states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements and that the precise amount of car parking will be determined according to the specific characteristics of the development and its location.

The concept of cohousing is very specific in that it is different to a standard housing development in that the cohousing concept involves reducing the presence of cars within the site for sustainability and environmental reasons. Policy AMP7 sets out circumstances where a reduced level of parking may be acceptable. It is considered that two of the circumstances can be applied to this proposal, namely where shared car parking is a viable option and where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

The Travel Plan states that anyone who chooses to move into PC will likely prioritise walking, cycling and public transport as their main modes of transport and will also promote communal car sharing. In light of facilitating a better quality of development, it is considered that the reduced use of cars to be within the flexibility envisaged under the fifth criterion of Policy AMP7. Considerable weight should be attached to the willingness of the cohousing scheme to promote more use of sustainable transport modes. Monitoring of the level of occupancy in the car park would be a useful requirement of the Travel Plan and could inform future adjustments if required. In light of the above considerations, it is considered that there is adequate provision for car parking for this unique scheme and that a planning condition can secure appropriate servicing arrangements. The proposal therefore complies with Policy AMP7.

The Travel Plan has a section for post and deliveries, given no delivery vehicles will be permitted to drive directly to each dwelling. All post and deliveries go to the common house where each household will have a space for post to be stored before collection. The only exception is large items of furniture, the recipients need to arrange for the delivery to be met at the hammerhead and then escort it to their house. Post and delivery vehicles can park at the hammerhead while unloading.

Suggested condition is as follows:

'The development hereby permitted shall operate in accordance with the Site Management Plan dated (insert date). Portaferry Cohousing shall review the operation of the Site Management Plan on an annual basis and shall agree any improvements in writing with the Council'.

Refuge

The overall approach for waste management is for individual households to bring their waste to the bin store adjacent to the common house. Food waste will be composted

on site for use in the communal gardens so the waste management collection area will only be utilised for general waste and materials for recycling. Members of the PC will be responsible for bringing the bins to the collection point on the bin servicing days for the Council to service the bins. The bin collection point is an enclosed area located adjacent to the junction with Cloughey Road.

Impact on Residential Amenity

Policy QD1 (h) states that the design and layout should not create 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.

Given the location of the site there would be no direct impact from the new dwellings on any existing neighbouring properties. With regards to the future residents of the co-housing development, they have been integral to the design process and any new resident will be required to sign up to the management rules and policies that the scheme adopts. However, as the Council would not wish to condition or control the use of the site for solely co-housing purposes, it needs to be satisfied that the residential development could be suitable for a more 'traditional' and standard approach where communal living might not be such a priority. Each dwelling has an outdoor area to the rear with the majority of the dwellings having a westerly patio space so that they can make use of the evening and afternoon sun. Not all rear gardens are enclosed with most of the gardens having two hedgerows to define their personal space but open ended at the end of the garden which is to allow freedom to interact with the cohousing community. As each house has their own private amenity space it is considered that residents would not be prejudiced by the layout of the development. The bin store is located adjacent to the common house and car park, away from the dwellings.

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

Amenity Space

Sufficient amenity space will be provided within the scheme. As discussed above, each dwelling has a private area to the rear of the dwelling and are bounded by hedgerow on each side, however some of the gardens are open-ended at the end of the garden to allow continuity throughout the scheme. In order to comply with Policy OS 2 of PPS 8, as the residential development is for more than 25 units, areas of useable open space have been provided including a nature walk and a growing area for vegetables and an orchard. It is considered that the areas of communal open space of the total site area are above the expected 10% provision advised in Policy OS 2. The open space has been designed as an integral part of the development. The dwellings adjacent to the open space have been designed to overlook it to provide an attractive outlook and security. The provision of public open space contributes to creating a quality residential environment. The proposal is therefore considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, Policy LC1 of the Addendum to PPS 7 and all relevant guidance.

Archaeology and Built Heritage

The application site is in close proximity to the site of the medieval church of “Feliptone” (now Ballyphilip). This may indicate that this area was a focus for medieval occupation with high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

Historic Environment Division (Historic Monuments) has considered the impacts of the proposal. HED (HM) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Conditions have been recommended to be included on any permission granted.

Security from Crime

The layout has been designed to deter crime and promote safety as all communal areas are overlooked by proposed properties. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

Local Neighbourhood Facilities

Due to the modest scale of the proposed residential provision, there is no need to provide local neighbourhood facilities as part of the development. It is therefore considered that the proposal complies with part (d) of Policy QD1 of PPS 7 and all relevant guidance.

Designated Sites and Natural Heritage

The application site is hydrologically linked to the following national, European and international designated sites:

- Strangford Lough SPA/SAC/Ramsar, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Strangford Lough Part 2 ASSI, which is declared under the Environment Order (Northern Ireland) 2002.

Due to the connection of the proposed development to these sites, there is potential for the proposal to have likely significant effects on these sites.

The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 31 March 2025. This found that the proposal would not have an adverse effect on the integrity of any European site.

A Preliminary Ecological Assessment (PEA)/ NI Biodiversity Checklist (NIBC) was submitted as part of the application. NIEA, Natural Environment Division (NED) was consulted and has considered the impacts of the proposal on natural heritage interests

and also designated sites and, on the basis of the information provided, has no concerns.

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

Potential for Contaminated Lands issues

A Preliminary Risk Assessment (PRA) has been provided by O`Sullivan MacFarlane Environmental Consulting (OSM) in support of this application. OSM conclude that there is a low risk to the water environment, that no further investigation is required. NIEA's Regulation Unit (RU) have considered the PRA report provided and support the conclusions and recommendations detailed. RU have no objection to the development provided conditions are included in any permission granted.

The Council's Environmental Health Department (EHD) has also been consulted and has stated that the PRA has demonstrated that no complete pollution linkages are present and therefore, no unacceptable risks to human health have been identified. Consequently, EHD has confirmed that this site is deemed suitable for its proposed end use.

Flood risk

Policy FLD 1 - The Strategic Flood Map (NI) indicated that a portion of the site was within the predicted 1 in 100 year fluvial flood plain. As this was the strategic flood map and not DfI Rivers detailed modelled Flood Hazard map, MCL Consulting have produced a River Model to verify the more accurate extent of the floodplain. The model demonstrates that no dwellings are located within the 1 in 100 year fluvial flood plain. The only part of the development located within the floodplain is the area designated for activities such as community growing areas and wetlands nature walk etc. The proposal complies with Policy FLD 1.

Policy FLD 2 - An undesignated watercourse is located along northern boundary of the site. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m from the top of the bank is retained and it is noted that one has been provided on the proposed site layout plan. As such the proposal complies with Policy FLD 2.

Policy FLD3 - Development and Surface Water is applicable and a drainage assessment is required as the development comprises of 10 or more residential units.

A Drainage Assessment was submitted and indicates that flood risk to and from a portion of the development will be managed using a SuDS. DfI Rivers commented that commenting on the efficacy of the proposed SuDS system is outside DfI Rivers area of knowledge and expertise. The effectiveness and function of the proposed SuDS attenuation method is reliant on the soakaways system being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.

The following condition can be attached to the decision notice if this application is approved and it will appropriately deal with this issue:

‘No development shall commence until the details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Council. The scheme shall be prepared by an expert competent in SuDs design. It shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme. The maintenance and management of the surface water drainage scheme shall be permanently carried out in accordance with the approved details.

Reason: To ensure sustainable drainage of the development. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability’.

Policy FLD4 - Artificial Modification of watercourses is not applicable based on the information provided.

Policy FLD5 - Development in Proximity to Reservoirs is not applicable based on the information provided.

Sewage Disposal

NI Water has advised there is no public foul sewer within 20m of the proposed development boundary. An assessment has indicated 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 was advised to consult directly with NI Water to ascertain whether a solution can be agreed.

Consequently, a Waste Water Impact Assessment (WwIA) ‘Stage 1’ was submitted to NI Water. The Waste Water Impact Assessment (WwIA) application was lodged in order to get a solution to provide a connection for the proposal to the foul sewer network. The report states the volume of storm removed from the foul system will more than cover the proposed residential units.

NI Water has commented on the WWIA in an email to the agent and copied to the Council, stating that the information submitted for ‘Stage 1’ has been considered by NI Water and is deemed to be suitable. Stage 2 and sign off can now be actioned.

On this basis, a negative condition can be included so that no development shall take place until the method of sewage disposal has been agreed in writing with NI Water. This will ensure there is no adverse effect on the water environment.

5. Representations

6 objections and 8 representations of support have been submitted for this application.

Objections

There were 6 letters of objection received from 6 separate addresses.

I have read the representations in full and the main points of concern are summarised as follows:

Flooding risk already exists and proposal will worsen the risk

- Drain at the bottom of the site is backed up and therefore incapable of taking the existing surface water run-off away from the fields and road and is therefore incapable of serving the proposed development.
- No upgrade to addressing existing flood risk and therefore put existing houses at more flood risk and therefore affect property values.

The proposal is to be served by SuDS (Sustainable Urban Drainage System). A negative condition will be attached to any permission granted to ensure the applicant submits additional information that can be assessed and approved by the Council and external experts, prior to any development commencing on site.

Roads and footway already inadequate and in need of upgrade

- Increased traffic and not enough car parking.
- Narrow footpath not safe and will not be able to cope with development traffic and pedestrians, in addition to the upgrade to the football sports facility on the opposite side of the road. They all need upgrading and the proposed development will worsen them.

DfI Roads has considered the potential impact that the additional traffic and pedestrians may have on the existing road network and footways and it did not raise any concerns. On this basis, the existing roads and footways are deemed to be acceptable to serve the proposed development.

Unacceptable impacts to residential amenity caused by main vehicular access

- Proposed vehicular access should be moved as it will devalue existing properties on Cloughy Road and cause extra noise and overlooking into properties.

A road junction is not considered to be a cause of unacceptable overlooking, as the road is to the front of the existing properties which is not deemed to be a private area and the onus is on the occupants of the existing dwellings to screen any views into their front rooms with blinds and curtains, as there are already views into the front windows from the public footway. The road junction is not considered to cause an increase in noise disturbance that would be unacceptable.

Support

8 letters of support have been received.

I have read the representations in full and the main points of concern are summarised as follows:

- The scheme is community led.
- Environmental sustainability at its heart.
- The proposed houses are energy efficient and affordable which is desperately

needed.

- Portaferry Cohousing will become part of Portaferry's existing community and has already engaged with local residents and stakeholders.
- DfI Rivers has no reason to refuse the scheme.
- In terms of evidence for the impact of community led housing - a recent report by Dr Penny Clarke, the University of Westminster, has demonstrated that cohousing communities generate less than 65% of the carbon footprint of mainstream housing.
- Capital Economics have demonstrated that community led housing is value for money offering a return of £2.7 in social and environmental value to every £1 invested.
- The London School of Economics have demonstrated that community led housing is better able to reduce experiences of isolation and loneliness than mainstream housing.

It is considered that the above points raised in support of the proposal are valid.

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. Throughout the construction phase, a clearly defined buffer of at least 10 m must be maintained between the location of all areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourses bordering the northern and western edges of the red line boundary.

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

3. No development shall take place on-site until the method of sewage disposal has been agreed in writing by the Council through consultation with Northern Ireland Water (NIW) or a Consent to Discharge has been granted under the terms of the Water (NI) Order 1999.

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

4. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the

satisfaction of NI Water and the Council.

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

5. No development shall commence until the details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Council. The scheme shall be prepared by an expert competent in SuDs design. It shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme. The maintenance and management of the surface water drainage scheme shall be permanently carried out in accordance with the approved details.

Reason: To ensure sustainable drainage of the development. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability'

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use and also to identify and remediate any potential pollutant pathways to Strangford Lough SAC/SPA/Ramsar sites.

7. After completing all remediation works required under Condition 6 and prior to commencement of use of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and also to identify and remediate any potential pollutant pathways to Strangford Lough SAC/SPA/Ramsar sites.

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 8.

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

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 8. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing to the Council.

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

11. Construction work should be undertaken in accordance with the hours below:
0700 to 1900 Monday to Friday and 0800 to 1300 on Saturdays.

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

12. 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. 17A.

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.

13. The visibility splays of 2.4metres by 70metres at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. 17A, prior to the commencement of development hereby permitted.

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

14. The area within the visibility splays and any forward sight line shall be cleared prior to the commencement of the construction of the development hereby permitted, 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.

15. No other development hereby permitted, shall be commenced until the footway has been completed in accordance with details submitted to and approved by the Council on Drawing No. 17A.

Reason: To ensure the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

16. The gradient 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.

17. The development hereby permitted shall not be occupied until a Street Lighting scheme design has been submitted and approved by the DfI Roads Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

18. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DfI Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

19. The development hereby permitted shall operate in accordance with the approved Site Management Plan. Portaferry Cohousing shall review the operation of the Site Management Plan on an annual basis and shall agree any improvements in writing with the Council.

Reason: To ensure the residential properties and the scheme as a whole, are managed as a cohousing scheme.

20. All hard and soft landscape works shall be carried out in accordance with the approved Drawing 38B and the appropriate British Standard or other recognised

Codes of Practice. The works shall be carried out within 6 months following the occupation of the last dwelling hereby permitted.

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

21. 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 landscaping.

22. The long-term management and maintenance of the open space, as indicated on Drawing 38B, shall be undertaken by a company commissioned by Portaferry Cohousing or by members of Portaferry Cohousing as set out in the Site Management Plan.

Reason: To ensure the provision and maintenance of public open space within the site.

23. Use of the Common House, coloured GREEN on Drawing No 14aA, shall be used by the Cohousing Community only and in accordance with the Site Management Plan and such use shall remain in perpetuity.

Reason: To control the use of the building in interests of residential amenity and the wider amenity.

24. The dwellings hereby permitted, shall not be separated, leased out or sold off from the Portaferry Cohousing management company and shall be used in perpetuity as the members main residences.

Reason: To ensure the continued use of the site as a Cohousing development.

25. 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 extensions to the dwellings hereby approved shall be constructed without express planning permission.

Reason: Any further extension requires further consideration to safeguard the amenities of the area.

26. 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.


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

Reason: To ensure adequate car parking within the site.

Site Photos - Views of the application site from Cloughey Road





Development Management Case Officer Report				
Reference:	LA06/2023/2406/F	DEA: Holywood & Clandeboye		
Proposal:	Demolition of the existing dwelling, construction of a replacement, part single storey, part storey and a half dwelling linked with a new garage via a single storey car port, a new single storey garden room and associated site works			
Location:	5 Tarawood, Holywood			
Applicant:	Malcolm and Philippa Crone			
Date valid:	14.11.2023	EIA Screening Required:	No	
Date last advertised:	30.11.2023	Date last neighbour notified:	16.12.2024	
Letters of Support: 0	Letters of Objection: 16 (from 6 separate addresses)	Petitions: 0		
Consultations – synopsis of responses:				
NI Water		No objection		
Ards and North Down Borough Council – Environmental Health		No objection		
NIEA – Water Management Unit		No objection		
NIEA – Natural Environment		No objection		
Summary of main issues considered:				
<ul style="list-style-type: none"> • Principle of development • Design and impact on character and appearance of the area • Impact on proposed Area of Townscape Character • Impact on residential amenity • Access and parking • Impact on trees • Impact on biodiversity 				
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 Tarawood cul-de-sac, a residential area which is accessed from Farmhill Road. A single storey dwelling currently occupies the relatively flat site with a garden laid out in lawn and vehicular access provided by a tarmac driveway. The site is bounded by mature trees and shrubbery.

The existing dwelling has a pitched roof and render finish. The area is characterised by single dwellings on relatively large plots and there is a wide variety in form and scale.

The area is within the settlement limit of Holywood as designated in the North Down and Ards Area Plan 1984-1995 and draft Belfast Metropolitan Area Plan 2015 and also within the proposed Marino, Cultra and Craigavad Area of Townscape Character.



Figure 1: Orthophotography of application site.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 7 - Quality Residential Environments
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 - Housing in Settlements

Planning Guidance:

- Creating Places
- DCAN 8: Housing in Existing Urban Areas
- Parking Standards

Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) 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.

The application site is located within the settlement development limit of Holywood as designated in both the extant and draft Plan. Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area. A further consequence of the judgment is that draft BMAP published in 2004, is a material consideration in the determination of this application. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations.

Work on the adoption of BMAP has not been abandoned and the Chief Planner clarified in his update to Councils on 25 November 2019 that the draft BMAP remains an emerging plan and, as such, the draft plan, along with representations received to the

draft plan and PAC Inquiry Reports, remain as material considerations to be weighed by the decision-maker.

The site is situated within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC) in draft BMAP. The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry. The Commission recommended no change to the ATC. Therefore, it is likely, that if and when BMAP is lawfully adopted, a Marino, Cultra and Craigavad Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. It is recommended that the policy be deleted and that a detailed character analysis be undertaken, and a design guide produced for each individual ATC. It would 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 relating to the key features of the Marino, Cultra and Craigavad ATC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the proposed ATC remains a material consideration and can be objectively assessed.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 7 – Quality Residential Environments, PPS 3 - Access, Movement and Parking.

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

As the site is currently in residential use, the principle of a replacement dwelling is acceptable in the context of the LDP subject to assessment of the potential impact on the proposed ATC and compliance with the relevant regional planning policies.

Design, Visual Impact and Impact on the Character of the Established Residential Area and on the overall appearance of the proposed ATC

The application seeks the demolition of the existing dwelling and the erection of a replacement dwelling sited within the established residential curtilage of 5 Tarawood, as shown on the existing and proposed site layout plans in Figure 2 below.

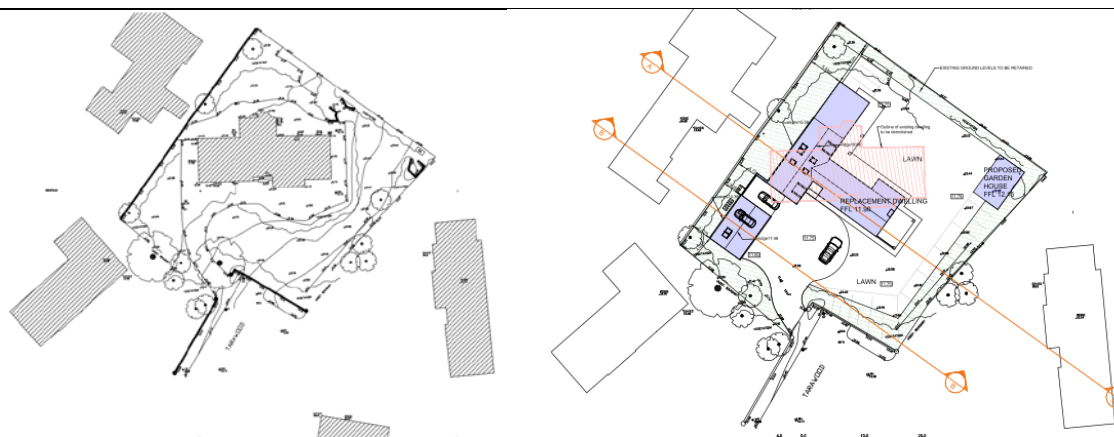


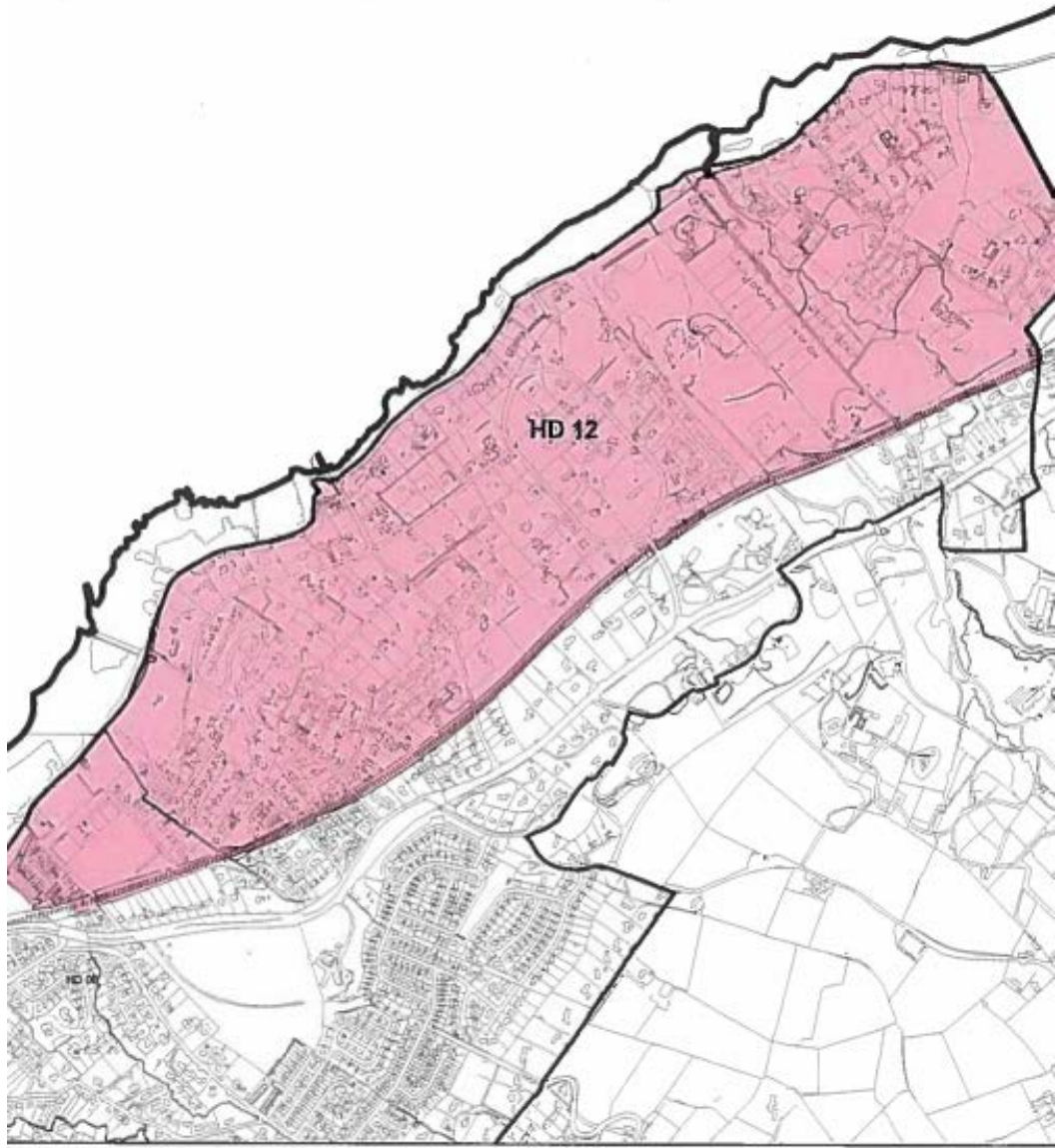
Figure 2: Existing and proposed site plans.

Paragraph 4.26 of the SPSS states that design is an important material consideration in the assessment of all proposals. It goes on to state that particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, including ATCs. Paragraph 6.21 of the SPSS states that in managing development within ATCs designated through the LDP process the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. Paragraph 6.22 goes on to state that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

The proposed Marino, Cultra, Craigavad Area of Townscape Character covers a large area west of Holywood town and north of the railway line. Within this area there is a wide variety of built form. In the immediate area, the built form is characterised by detached dwellings on large plots. The site is located south west of the 'centre' of the proposed designation. Draft BMAP does not divide the proposed ATC into separate character areas, therefore it is the impact on the ATC as a whole which must be considered.

Internal advice from the Council's Conservation officer has stated:

The character of Marino, Cultra and Craigavad proposed ATC derives from the historic legacy of large Victorian and Edwardian estates with their associated demesnes and landscaped grounds. Meandering roads, often without footpaths impart a semi-rural ambiance to the area. Draft BMAP notes the key features of the ATC including late Edwardian and Victorian villas, numerous listed buildings, several demesnes of historical importance and tall hedges, trees and rubble stone walls. It is the combination of these unique and high-quality features that led to the proposed designation of the area as an ATC in draft BMAP.



elfast Metropolitan Area Plan 2015 - Draft Plan
 Map No. 4m - Marino, Cultra and Craigavad Area of Townscape Character 0 100 200 Metres
 — Plan Area boundary
 — Settlement Development Limit

Figure 3: Extract from Draft BMAP

Tarawood is one a number of higher density housing developments that began to be introduced to the area in the 1950s and '60s. The cul-de-sac of 10 detached bungalows was built in the mid '70s on the former extensive grounds of two large, detached villas – Farmhill at 41 Farmhill Road (which is a listed building) and Tara at 45 Farmhill Road. The buildings in Tarawood are typically suburban in form and design with render finish, brick plinth, bow windows, tiled roofs and integral garages. Whilst they do form a component of the incremental development of the area over time, they do not exhibit the key features which form the basis of the ATC designation for the area. Their visual impact is also limited due to the cul-de-sac location and the mature landscaping.

In consideration of the above, it is my professional opinion that no. 5 Tarawood does not make a material contribution to the character and appearance of the draft ATC. It is located in a pleasant cul-de-sac with buildings well integrated into the sloped and well wooded landscape, but the period of construction is outside the timeframe of dwellings that are specifically highlighted as key features of the proposed ATC. I am however, of the opinion that the mature trees and landscaping do make a contribution to the overall semi-woodland ambience of Cultra, and these should be integrated into any proposed replacement scheme.

With regard to the proposed demolition, while the existing building fits comfortably within its context by way of its size and form, it is not considered to make any material contribution to the established built form or appearance of the area. It has no particular design merits and makes little, if any, contribution to the appearance of the proposed ATC (Figure 4). As such, on balance, it is my planning judgement that the demolition of the building will cause no harm to the overall appearance of the proposed ATC.

The policies within PPS6 and the related provisions of the SPPS refer to designated ATCs. No reference is made to draft/proposed ATCs, which do not have the same status or legal standing as a designated ATC. Therefore, Policies ATC1 and ATC2 of APPS6 and the aforementioned provisions of the SPPS are not applicable to the consideration of the development.

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. The policy goes on to state that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. Again, as the policy refers to designated ATCs, but no reference is made to draft ATCs, this element of Policy QD1 is not applicable to the development. Notwithstanding these conclusions, the potential impact of the development on the proposed ATC remains a material consideration.



Figure 4: Existing dwelling to be replaced

Turning to the development of the proposed replacement dwelling itself, 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.

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.

With regard to development within ATCs, policy QD1 requires that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. As the proposal is for a replacement dwelling and will not involve any significant increase in site coverage, it is considered to comply with this aspect of the policy.

The original proposal submitted was considered by the Planning Service to be unacceptable in terms of impact on the residential amenity of no. 13 Clanbrassil Road and concerns that the close proximity of the proposal to the vegetation along the boundary would impact on its likelihood of survival. Amended plans were sought to increase the distance to the boundary to reduce any impact. An amended design was also requested as the large expanse of flat roof and materials would appear incongruous in the street scene. Inaccuracies were highlighted in representations received. The agent submitted amended plans, and these are what will be considered in this planning report.

A cover letter dated 31st January 2024 listed the changes made from the original submission which included:

- The level of the existing patio/private amenity area of no.13 Clanbrassil Road has been accurately surveyed and is now shown correctly on our proposed site plan and section drawing.
- The quantity and height of the existing vegetation along the boundary between no. 5 Tarawood and no. 13 Clanbrassil Road has been corrected.
- The proposed site plan and section have been amended to reflect the accurate level of the site to the rear of the proposed dwelling. This is the existing site level which will be retained, meaning that there will now be steps up to the back door of the proposed dwelling into the utility room.
- The overall levels of the garden have been clearly annotated on the proposed site plan drawing along with the gentle slopes to the boundaries that are being created.
- Also on the proposed site plan drawing, we have highlighted the extent of the area where the existing site levels will be retained.

Further amendments, moving the proposed dwelling 2.5m further away from the boundary with number 13 and lowering the ffl by 0.25m alongside design changes, 'pitched roof added' were submitted In May 2024. These are the plans that are considered within the rest of this planning report.

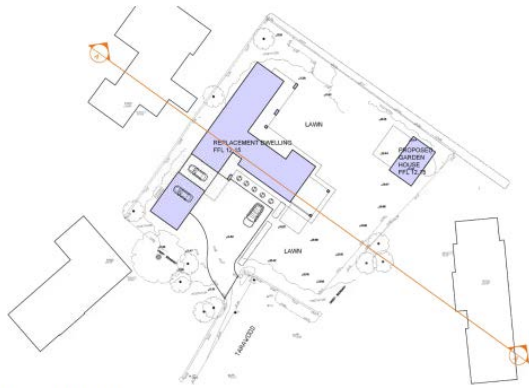


Figure 5: Originally submitted site plan



Figure 6: Amended site plan

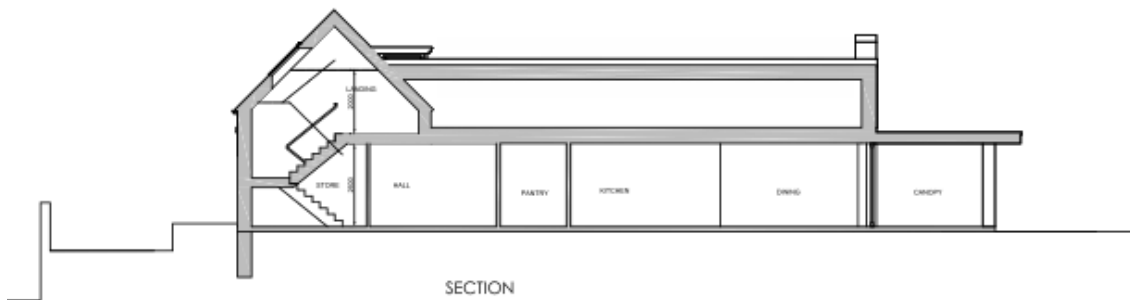


Figure 7: Proposed section to be considered.



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION



SOUTH WEST ELEVATION



NORTH-EAST ELEVATION

Figure 8: Proposed elevations to be considered.

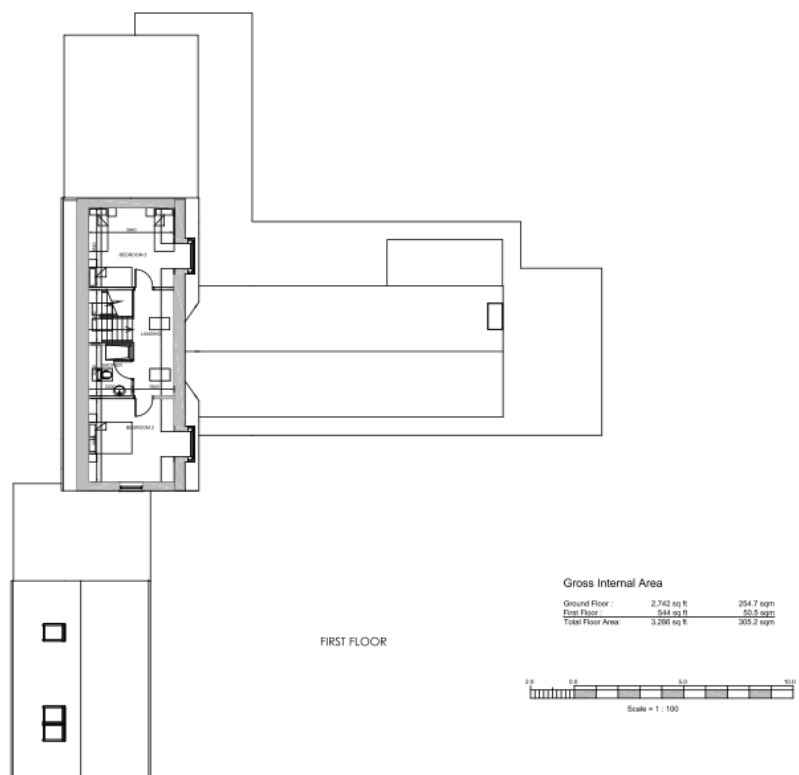
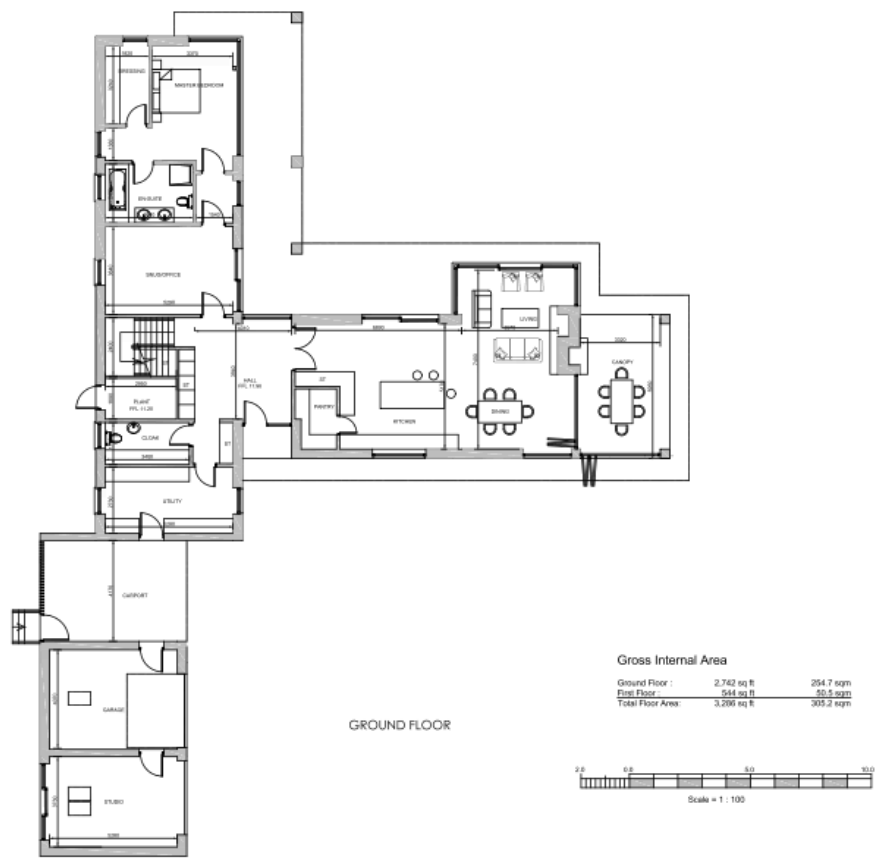


Figure 9: Proposed ground and first floor plans

The main public view of the replacement dwelling would be from within the existing cul de sac, Tarawood. The proposed dwelling has a 'T' form which the agent has highlighted is similar to that which has been approved at no. 1 Tarawood (LA06/2022/0277/F). The dwelling is part single storey/part storey and a half with the use of dormer windows. Dormer windows are a feature in Tarawood at both numbers 1 and 14 (see image below).



Fig 10: Dormer window at number 14 Tarawood.

Proposed finishes are indicated to be, natural slate roof, sand colour brick facing with timber cladding, aluminium coated black windows and cast aluminium black rainwater goods.

Following the submission of a physical sample of the proposed brick, it is considered that the finishes will integrate into the streetscape and will not detract from the character and appearance of the area. Given the mix of finishes in the area, the proposed materials will not be out of keeping. The garage associated with number 14 Tarawood sits adjacent to Farmhill road and has used a similar brick which can be seen in fig 10 above. No. 1 Tarawood has also incorporated a mixture of render, brick and natural stone, natural slate, timber cladding and zinc. Therefore, it is my planning judgement that the proposed finishes are not considered to be incongruous in the street scene and nor will they detrimentally impact on the proposed ATC.

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 proposal will not damage the quality of the local area as the site is within the settlement limit of Hollywood, within a cul de sac of residential development and is replacing an existing dwelling on the site.

The layout, scale and massing of the proposal will respect the topography of the site and the character of the area. The proposed dwelling is sited 'overlapping' the footprint of the original dwelling. It is acknowledged the proposed dwelling sits more parallel to the boundary with no.13 Clanbrassil Road than the existing dwelling. Concerns have been raised in representations regarding the re positioning of the dwelling on the application site and its impact on the building line. However, as can be viewed on the site location plan and ariel photography there does not appear to be a rigid established building line as majority of the dwellings sit at angles within their retrospective sites. The corner site and mature vegetation ensure that views of the proposal from Tarawood are softened. These boundaries will be subject to condition for retention. Plans indicate

that the site levels at the rear of the site will not be altered.

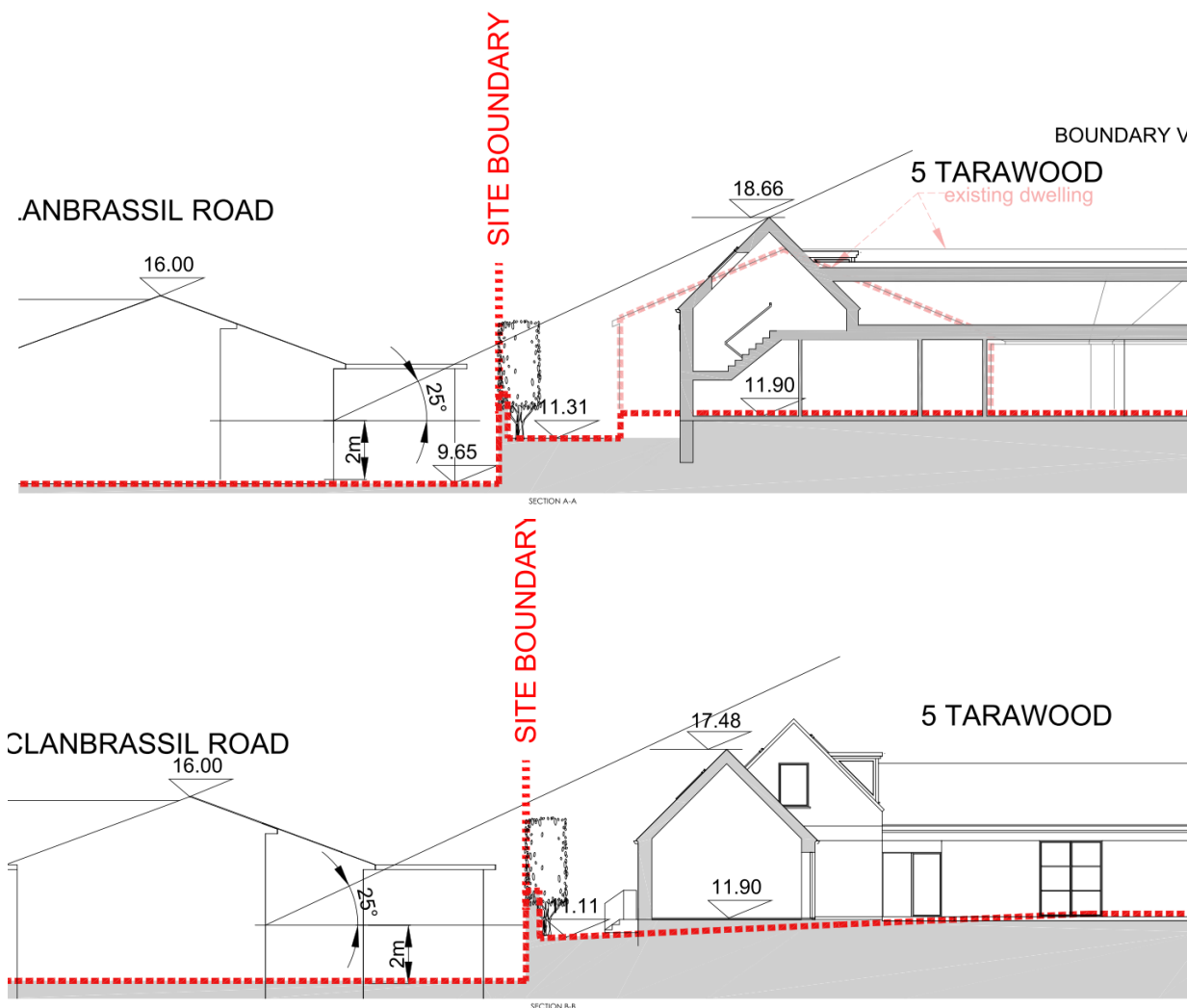


Figure 11: Sections showing existing and proposed dwelling outline and neighbouring building, 13 Clanbrassil Road.

The separation distance between the proposed replacement dwelling and the site boundary with 13 Clanbrassil Road is between 5.84m (main portion of the dwelling) and 3.35m (garage and car port). The existing dwelling has a height of approx. 6.0m to the ridge and approx. 3.9m to the eaves. The proposed dwelling has a ridge height of approx. 7.2m, meaning an increase in height of approx. 1.2metres. The existing dwelling at 5 TaraWood sits approx. 1.6metres higher than the ridge of 13 Clanbrassil Road. The proposed dwelling will be an additional 0.9m approx. above the ridge of number 13 Clanbrassil Road.

Therefore, although it is recognised the proposal is of contemporary design it will not have a significantly greater impact on the street scene due to its location at the end of the cul de sac and landscaping and is not considered to adversely impact the character of the area or the proposed ATC.

The existing natural boundaries of the site and garden areas will be retained and supplemented to further aid integration.

The replacement of one dwelling with one dwelling ensures the density (dph) remains the same as the existing. It is therefore considered that the proposal will respect the pattern of development in the area and will have no unacceptable adverse impacts on the character of the surrounding area. The proposal is considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, policy LC1 of the Addendum to PPS 7 and all relevant guidance.

Private Amenity Space

Sufficient amenity space will be provided within the development site. 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 proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Residential Amenity

Several representations have been received regarding the potential impact of the proposal on the residential amenity of neighbouring dwellings and particularly no.13 Clanbrassil Road. These issues will be considered under this section of the report.

Representations assert that rear elevation windows and current private rear amenity space serving 13 Clanbrassil road will be detrimentally impacted by the proposed development by way of loss of light to windows on the rear elevation and to the rear private amenity space. Fig 12 below shows some photographs that were taken from the rear of no 13 Clanbrassil Road during a site inspection. These show the paved 'sitting out areas', retaining wall, existing vegetation and the existing dwelling (subject to this application) beyond.





Figure 12: Photographs from rear garden area of No. 13 Clanbrassil Road looking towards application site.

The photographs show parts of the garden and sitting out areas cast in some degree of shadow at the time of the site visit. The Addendum to Planning Policy Statement 7, Residential extensions and alterations states, 'Overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission'. It is also noted that daylight to the rear amenity space is already impeded to a degree by the existing retaining wall and boundary vegetation.

To help to assess potential loss of light to the rear windows of the neighbouring property at No. 13 Clanbrassil Road, the 25-degree light test has been employed. A light test has been conducted by the agent and verified by the case officer. While the proposed dwelling is slightly higher than the ridge of the existing dwelling on the site, as demonstrated in figure 13 below, the proposal satisfies the 25-degree light test.

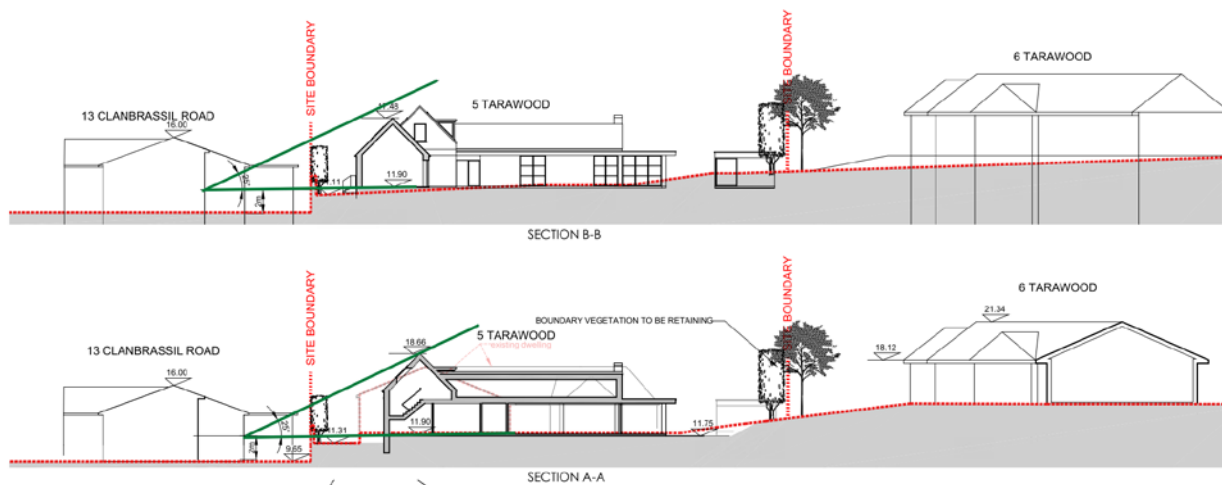


Fig 13: Proposed sections showing 25-degree light test in green

When considering the impact to 13 Clanbrassil Road, the BRE Guide states that where a new development falls beneath a 25 degree angle, taken from a point two metres above ground level (which generally corresponds with the head of the ground floor windows), then there will be no material impact on daylight and no further analysis is required. The proposal clearly complies with these guidelines, and it considered that the proposal will have no unacceptable adverse impact on daylight to the rear windows of the dwelling.

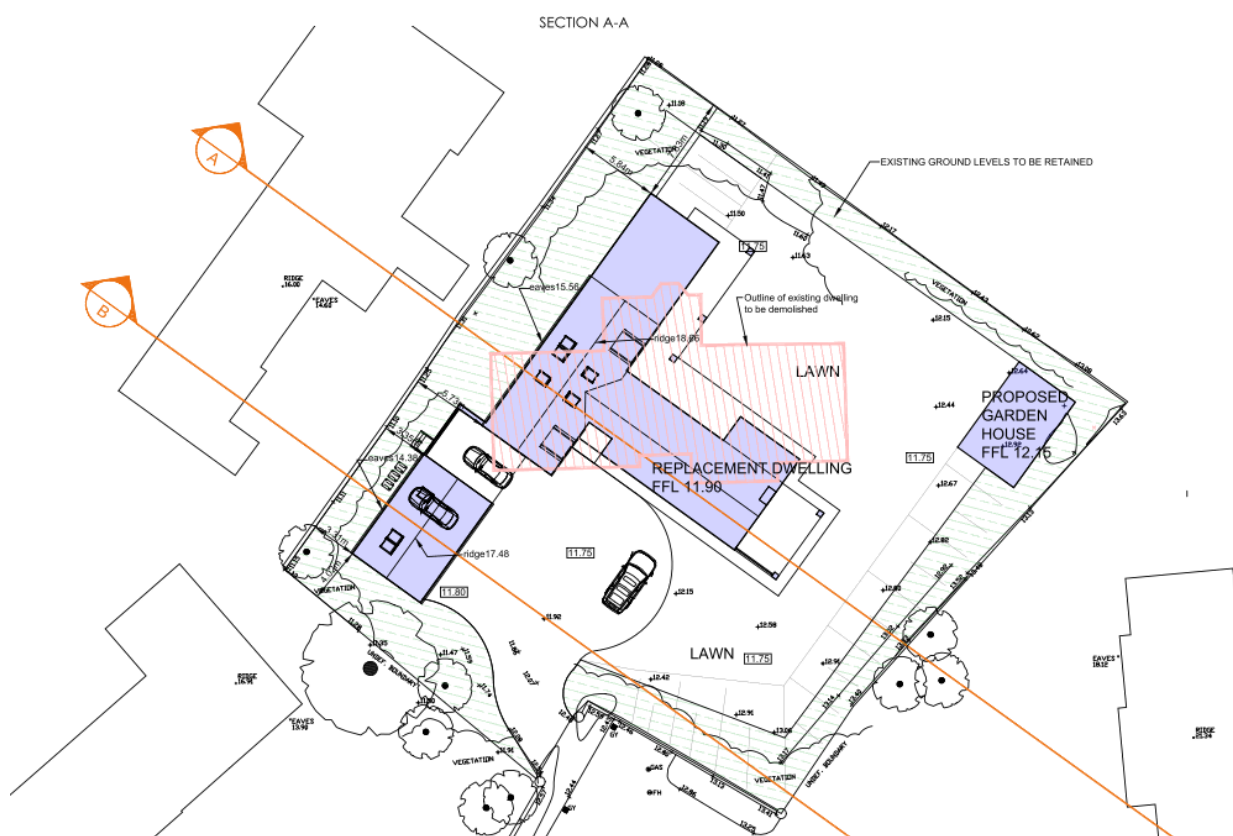


Figure 14: Proposed site layout

The proposed replacement dwelling overlaps the footprint of the original dwelling to a degree however the rear wall will now run parallel to the boundary with number 13 Clanbrassil Road. The garage/car port element is 3.35 m to the boundary and the main portion of the dwelling is 5.73–5.84 metres from the boundary with number 13 Clanbrassil Road. The separation distance between the rear elevation of No. 13 and the rear elevation of the proposed dwelling varies and would be between 7.6m and 13.7m. It is acknowledged that these separation distances are less than the recommended separation distances set out in Creating Places (10m from the rear elevation to rear party boundary and 20m 'back-to-back' between rear opposing first floor windows). However, the proposed dwelling has ground floor windows only on the rear elevation facing No. 13, therefore there is no potential overlooking from first floor windows at a higher level.

There would be 6 windows in total at ground floor level. Floor plans show these windows will serve, a master bedroom, ensuite, snug/office, cloakroom, utility and studio (see figures 16 and 17 below). There are also two external access doors to the carport (via some steps) and to the plant room. Concerns have been raised in representations regarding overlooking from these windows towards number 13 Clanbrassil road. Concern was also raised regarding potential overlooking from the area to the rear of the property and making a comparison to an elongated balcony which could potentially overlook. Currently any persons could stand or sit in this area within the curtilage of the existing dwelling, ground levels are not raised from existing.

It is however acknowledged that as the finished floor level of the proposed dwelling would sit approximately 2m above that of No. 13, there may be some potential for views from the proposed dwelling's ground floor windows towards number 13. While the existing vegetation along the party boundary would provide a degree of screening and would be subject to a condition requiring its retention, there are some gaps in places as can be seen in the photographs in figure 15 below which may allow partial view towards No. 13. Determining weight must however be afforded to the fact that under permitted development rights, the existing dwelling could erect a single storey extension or ancillary building to the rear with windows in a similar position to that proposed. It would therefore be unreasonable to refuse planning permission on the basis of impact on privacy or to insist that all of these windows are finished with obscure glazing. Windows serving the ensuite and WC can be conditioned to be glazed with obscure glazing however I do not consider it necessary to condition the small bedroom and office windows to also have obscure glazing given what could be developed at present under permitted development. I also do not consider that there would be any unacceptable degree of overlooking from the proposed plant room door or small utility room window given that neither of these serve habitable rooms. The proposed window to the studio is however a larger window and located closer to the party boundary and as the same permitted development rights would not apply to the existing dwelling in this position to the front of the dwelling, I am of the opinion that this window should be subject to a condition requiring obscure glazing as the 'studio' could be used for a variety of incidental domestic purposes. The proposed modest velux windows serve the studio, garage and first floor landing. They are small in scale and will not cause unacceptable overlooking and subsequent loss of privacy towards the neighbouring dwelling.





Figure 15: Photographs of existing vegetation along boundary with No. 13 Clanbrassil



Figure 16: North West elevation of proposed dwelling

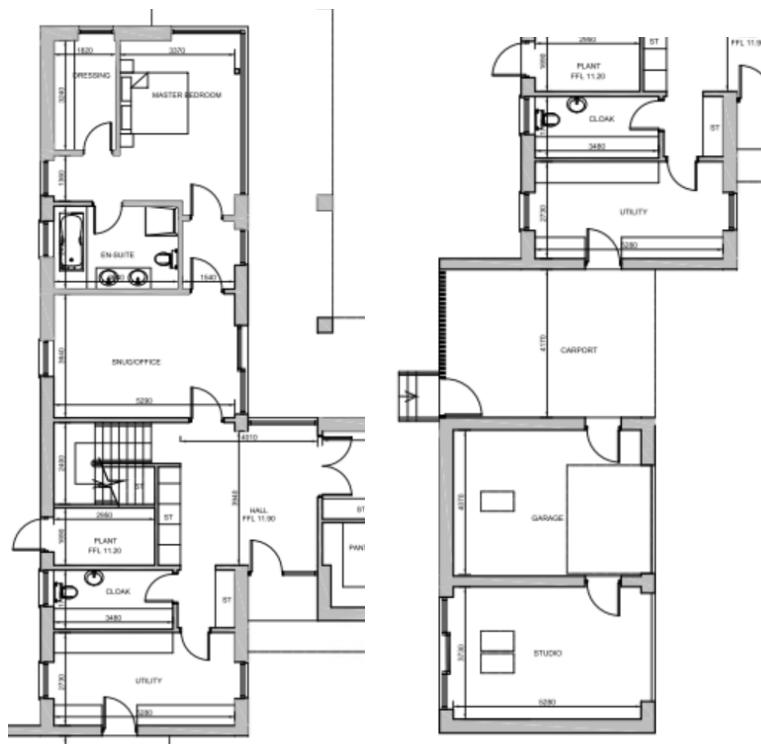


Figure 17: Proposed Ground Floor Plans

The proposed replacement dwelling would be situated in excess of 20 metres from the front elevation of 6 Tarawood. The separation distance is considered adequate to ensure there will be no negative impact on the residential amenity of this property. The proposed garden room located adjacent to the boundary with number 6 Tarawood is small scale with a flat roof and is orientated to look towards the garden and of the application site. The siting and window positions of the proposed replacement dwelling ensure there will be no unacceptable overlooking impact towards adjacent properties.

With regard to dominance of the proposed replacement dwelling or overbearing impact. It is recognised that the neighbouring property at number 13 Clanbrassil sits at a lower level than the application site. However, the existing retaining boundary wall, landscaping and the separation distance from the proposed dwelling to the boundary help to ensure outward views from ground floor windows of the neighbouring property 13 Clanbrassil Road do not appear to be large and overbearing. The fact that the proposed replacement dwelling is designed as both single and 1.5 storey also helps to alleviate any perceived dominant impact.

I am therefore satisfied that the proposed dwelling will have no unacceptable adverse impact on the privacy of neighboring properties due to overlooking impact, nor will it result in any unacceptable loss of light or overshadowing to the rear windows of no.13 Clanbrassil Road. As an additional safeguard to ensure the amenity of No. 13 will be maintained, it is recommended that a condition is included to withdraw permitted development rights.

Representations raised concerns regarding potential adverse impact on the outlook of neighbouring dwellings within Tarawood. Given the proposal is to replace an existing dwelling with 1 no dwelling and the retention of garden space and boundaries and the separation distances to neighbouring properties, it is my planning judgement that, the outlook from neighbouring properties will not be harmed.

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

Access, Roads Safety and Car Parking

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 should be provided in accordance with Creating Places standards - three bedroom, detached dwellings require three spaces per dwelling. The proposed site layout plan indicates that there will be ample room for parking spaces (2.4m x4.8m) within the boundaries of the application site and an additional space is provided within the garage.

As DfI Roads offer no objections, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policies AMP 2 and AMP 7 of PPS 3 and part (f) of Policy QD1 of PPS 7 and all relevant

guidance.

Archaeology and Built Heritage

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

It is therefore considered that the proposal complies with archaeological policy within PPS 6, 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 as the building will front the cul de sac, the parking area will be located to the front and overlooked by the proposed dwelling for surveillance and the boundaries will be enclosed.

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

Designated Sites and Natural Heritage

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

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 a bat roost potential survey was carried out by a qualified ecologist, the result of the survey is that the bat roost potential is 'none' and that no further survey work was required. NED have been consulted and have no objections.

It is therefore considered that the proposal is not likely to adversely impact any designated site, protected or priority species or habitats and the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Trees and Landscaping.

Trees within the application site are not protected, however trees located on neighbouring sites of 4 Tarawood and 13 and 15 Clanbrassil Road are protected by the following Tree preservation Orders (TPOs)

TPO/2010/0005 – Lands at Cultra Avenue, Old Cultra Road, Cultra Lane, Cultra Terrace, Farmhill Road, Farmhill Lane, The Orchard, Orchard Way, Tarawood, Clanbrassil Road, Ailsa Road, Seafront Road and Ben Vista Park, Cultra.

TPO/2018/0042/LA06 – Lands at 15, 17 and 19 Clanbrassil Road, Cultra, Holywood

Concerns have been raised in representations regarding the potential for the development to negatively impact upon protected trees in proximity to the application site. Following extensive consultation with the tree officer, it has been concluded that the proposal is acceptable in terms of impact on protected trees subject to planning conditions relating to erection of protection fences and ground measures and use of a pile system for the proposed garage in accordance with the submitted details.

A detailed landscaping plan for the remainder of the application site has not been submitted with the planning application. However, it is my opinion that a condition requiring the retention of the site vegetation around the site boundaries would be sufficient to protect the visual amenity of the site and to aid integration.

Drainage and Sewerage Infrastructure

NI Water have advised they have no objections to the application. The submitted P1 form indicates that the water supply will be via mains and surface water and foul sewerage will be disposed of via mains. NIW also advise that the plans indicate the proposed garage appears to be very close or on traversing foul sewer. It is the developer's responsibility to know what infrastructure is within the site. An application to erect a building over or near a public sewer will be required.

5. Representations

16 letters of representation have been received to date, all are objections and are from 6 separate addresses.

Following the initial advertisement of the proposal, objections received referred to inaccuracies with the submitted plans. The agent responded by submitting 'accurate plans' on 02/02/2024. Amended plans were submitted on 24/05/2024 showing the dwelling design changed and repositioning on the site. Extensive consultation regarding trees lead to numerous site plans with drawing 07B being the most resent.

No objections have been withdrawn following the submission of amendments and the majority of issues raised by objections relate to the potential impact of the proposal on number 13 Clanbrassil Road. The main points raised in the representations have been summarised below and the majority of the issues raised have been considered in the above report.

- Proposed replacement dwelling not in keeping with existing character and style of Tarawood or the proposed ATC.

The impact of the development on the character of the established area has been assessed in detail above.

- The Lease expresses the requirement that the design of any such redevelopment must be by consent and approval of the Lessors, J B Law & Co

(Para 6 of the covenant therein).

Any covenants on the application site or surrounding area are a civil/legal matter between parties involved and are not a material planning consideration.

- Scale and massing
- Studio/garage impinges on roots of mature conifer belonging to number 4 Tarawood
- Loss of privacy to No 6 via overlooking
- Form, scale, massing, orientation and position will have a demonstrably negative impact on 13 Clanbrassil Road and impact quality of private amenity areas.
- Quality and extent of natural daylight and sunlight on private amenity areas of no 13 Clanbrassil impacting negatively on quality of life.
- Overbearing impact
- Inaccuracies and misrepresentations within submitted drawing package (site plan and site section)
- Illustrated vegetation as submitted is shown to be more than double the height of the existing vegetation on the site.
- Inaccurate levels
- Negative impact upon root protection areas.

All of these concerns have been considered in detail in the above report.

- Consideration not been given as to how a dwelling in this location could be safely constructed within the constraints of the site.

During the construction phase the contractor would implement measures in accordance with Health and Safety at Work legislation, and best practice to avoid/prevent any significant risk of accident.

- Impact of positioning dwelling relative to the retaining boundary wall. Potential increase of hydrostatic loading to the rear of the retaining structure.

It is the responsibility of the applicant to ensure any works which could potentially impact the retaining wall are appropriate. *The applicant is referred to the relevant British Standard 8002:2015 'Code of Practice for Earth Retaining Structures' and is advised to seek advice from an appropriately qualified structural engineer. To ensure the stability of adjacent lands and the proposed works.*

- Demolition of building does not represent a sustainable re use of existing structures
- Proposal fails the 25-degree test set out by BRE which identifies a detrimental effect to daylighting within 13 Clanbrassil Road and private amenity areas.
- Detrimental effect on outlook of 6,8 and 11 Tarawood.
- Proposed dwelling would be dominant, overbearing and oppressive. The 2-storey section is located adjacent to the two principal parts of the garden/patio area of 13 Clanbrassil Road.
- Dominant impact on rooms at the rear of 13 Clanbrassil Road and overbearing and oppressive outlook - 'hemmed in '
- Development is not appropriate to the topography of the site

- Irrespective of 25-degree text the physical presence of the proposed development will result in significant overshadowing to the rear elevation and garden/patio areas of 13 Clanbrassil Road.
- Overlooking from Velux windows proposed on rear roof pitch
- No details of proper screening
- Service area akin to an elongated balcony overlooking the garden/patio areas and rear elevation of 13 Clanbrassil Road.
- Siting in relation to 13 Clanbrassil Road is contrary to Creating Places.

Creating Places is a guidance document and not planning policy. An extension or shed within permitted development could be erected at a height of 3m to the eaves within 2m of the boundary which is a material consideration. The proposal has been considered in detail in the context of the Creating Places Guidelines as set out in the above report.

- Potential noise disturbance from 'plant room' and 'covered external seating area'.

This would be for plant, for example an oil-fired heating boiler associated with any residential use. Environmental health has been consulted on this application and have raised no objections.

- The demolition of the existing dwelling would destroy the architectural integrity and coherence of the composition of Tarawood.
- ATC's are not 'proposed' all ATC's are designated whether in adopted plans or the dBMAP. ATC's are not described by reference to either adopted or draft plans in the dBMAP as the draft plan and throughout all the relevant planning provisions. Policies ATC 1 and ATC 2 respectively are policies to which significant weight should be attached, whether as policies in and of themselves or as material considerations.

Policies ATC1, 2 and 3 in the addendum to PPS6 and also the related provisions of the SPPS refer to ATCs. No reference is made to draft ATCs, therefore they do not have the same status or legal standing as a designated ATC. This means that these policies do not apply to a draft ATC. Regardless of this, the potential impact of the development on the overall appearance of the proposed ATC has been assessed in the above report.

- Previous approvals highlighted in the D&AS must be considered on their own merits and therefore they do not provided support for this application.

A Design and access statement explains the design thinking behind a planning application and is required by legislation to accompany applications in designated areas. It is not a document which would be referred to in a decision notice. The agent has included references to previous approvals as they consider these to be relevant.

- Difference in relationship between existing and proposed dwellings and respective relationship to boundary line and precise setting out dimensions of the proposed dwelling in relation to the boundary require to be provided.
- Levels of ridge line and eaves of garage have not been provided

I am satisfied that adequate detail has been submitted to enable the full assessment of

the proposal and its potential impact. All drawings are to scale.

- Removal of the chimney does not offset the harm caused by the part of the proposal which does offend against the 25-degree light test.
- Software and methodology used to seek to quantify the existing incidence of sunlight and daylight at various times of the year has not been carried out with best practice requirements and therefore must be viewed as deeply inaccurate.
- Vegetation along the boundary with number 5 Tarawood is not dense, nor does it provided a solid barrier through which sunlight and daylight cannot pass.

These images submitted by the agent are illustrative and although useful are not given determining weight. The proposal satisfies the 25-degree light test as detailed in the assessment above.

- Moving the proposal 2.5m from the boundary with 13 Clanbrassil Road and lowering the ffl by 0.25m will not in any way reduce the impact of the proposed new dwelling on 13 Clanbrassil Road.
- Impact cannot be softened by any screen planting.
- Changes including lowering of ridge and ground floor by 250mm and moving the dwelling back from the boundary are de minimis in terms of reducing dominance, overlooking and overshadowing of 13 Clanbrassil Road
- Agent reliance on certain aspects of the redevelopment of No 1 Tarawood is misconceived. The work at 1 Tarawood is consistent with many other alterations which have been undertaken previously to dwellings in Tarawood. None of which required the complete demolition of the existing dwelling. Where demolition has been permitted previously such buildings have been one off buildings, and not an integral part of the development in which properties all have similar characteristics. Examples LA06/2015/0737/F (17 Clanbrassil Road) and LA06/2020/1231/F (26 Clanbrassil Road)
- Precise details of boundary treatment at 5 Tarawood has not been provided.
- Dominating impact on the rooms situated in the rear elevation and on the garden/patio areas of 13 Clanbrassil road.
- Overbearing and oppressive outlook and feeling of being 'hemmed in'
- Agent's 25-degree light test has is flawed and cannot be relied upon. A significant amount of quality light permeates the trees and vegetation at all times of the year.

As already outlined, the potential impact of the development on No. 13 Clanbrassil Road has been considered in detail in the above report and subject to the recommended planning conditions, it is my professional planning judgement that the development will not result in any unacceptable adverse impact.

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. 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.

3. 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 on the north-western elevation or roof of the dwelling hereby approved without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

4. The proposed windows on the dwelling hereby approved, shaded BLUE on Drawing Number 03D shall be fitted with obscure glazing prior to occupation and this shall be permanently retained thereafter.

Reason: To protect the private amenity of neighbouring properties.

5. The existing natural screenings, as indicated in GREEN on Drawing No. 07B, shall be retained at a minimum height of 2 metres unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

Reason: To ensure the maintenance of screening to the site.

6. Any existing trees, plants or hedgerows indicated on the approved plans which, within a period of five years from the date of commencement of development, 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 ensure the maintenance of screening to the site.

7. A detailed landscaping and boundary treatment scheme shall be submitted to the Council for approval prior to the commencement of development. Such a scheme shall provide for species, siting and planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of development. The landscaping shall be carried out as approved and completed during the first available planting season following the occupation of the dwelling hereby approved and shall be permanently retained thereafter.

Reason: In the interests of the visual amenity of the area.

8. 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 landscaping.

9. The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space per dwelling.

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

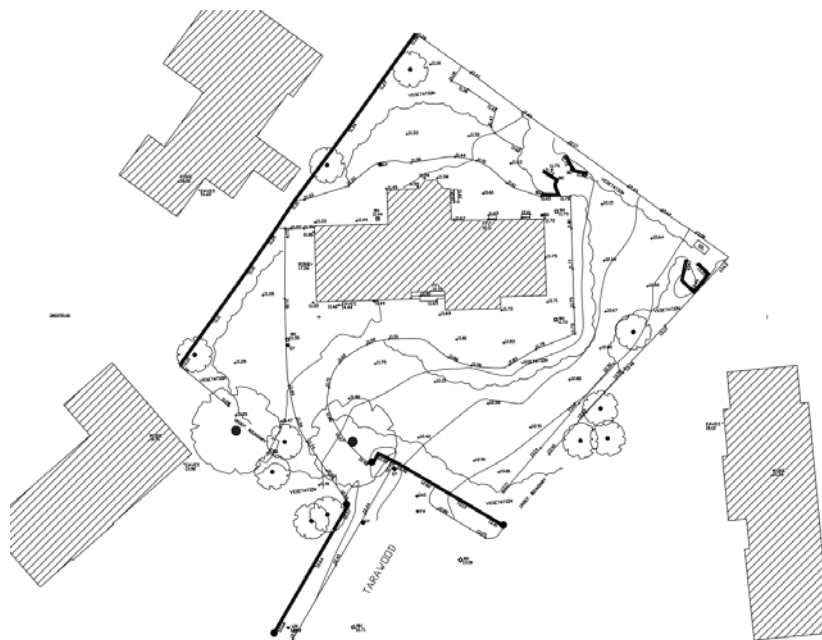
Informatives:

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.

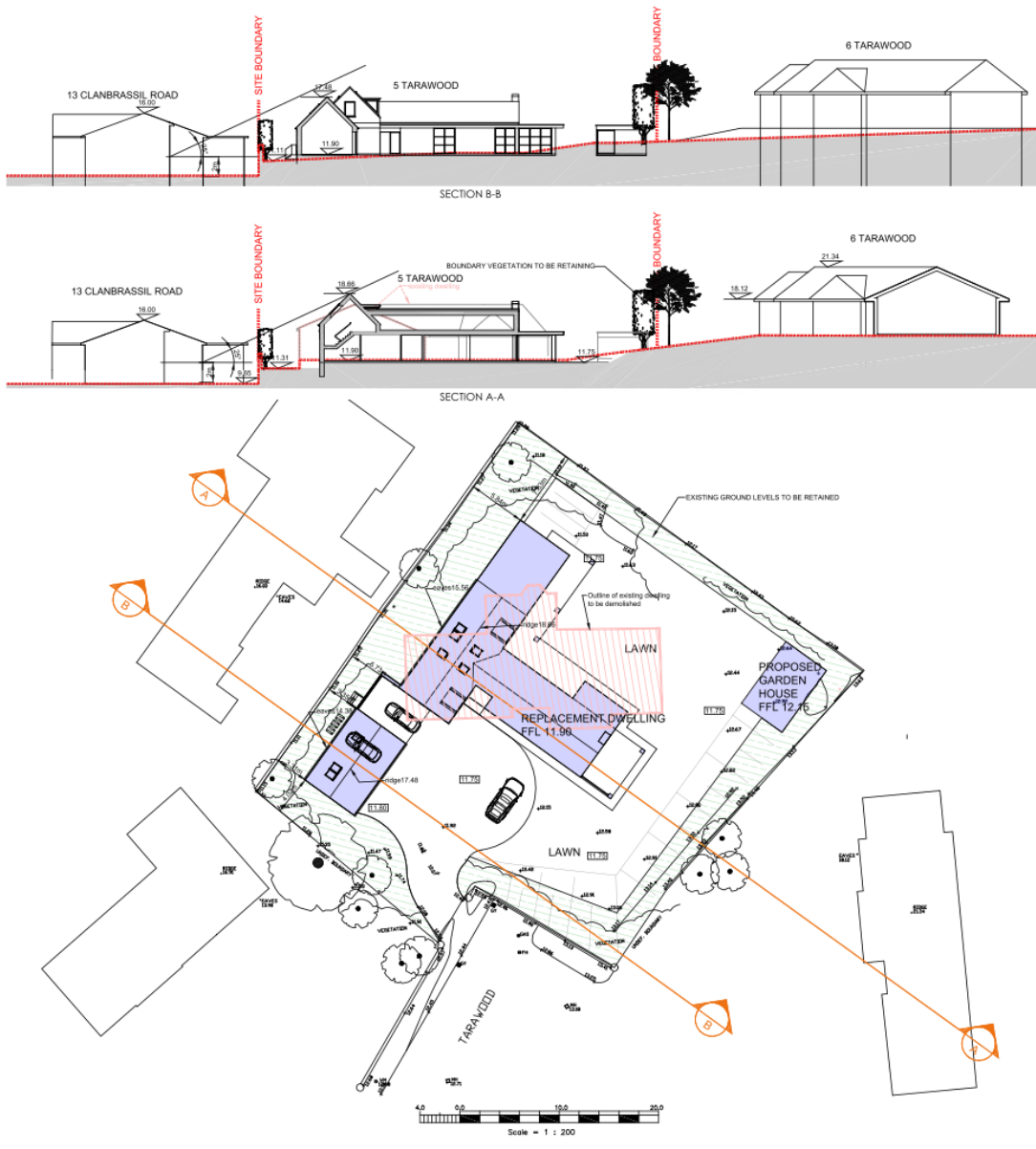
Appendix 1: Plans



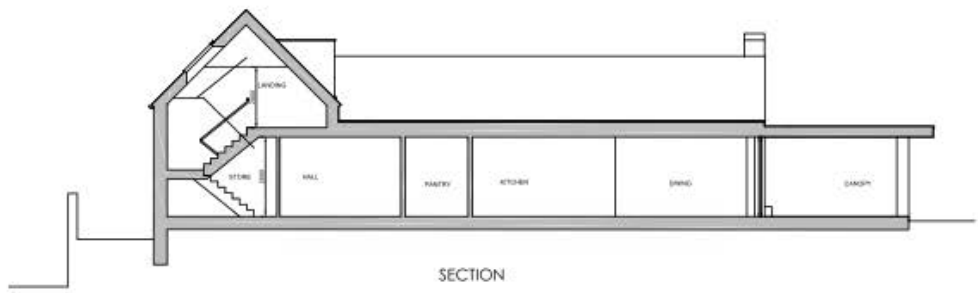
Site location plan



Existing Site Plan



Proposed Site Plan and Sections



SECTION



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION



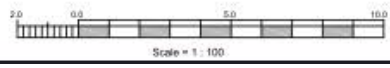
SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION

Materials

- Roof: Natural slates
- Walls: Sand colour brick facing, timber cladding colour tan
- Windows: Casement and sliding aluminium coated colour black
- Doors: Hardwood sheeted painted black
Coated aluminium colour black
- Rain Water Goods: Cast aluminium ogee colour black



IC	14.12.24	Glazing note added	ADP
IB	21.02.24	Amended layout & levels	KT
IA	19.01.24	Amended elevations & section	KT
Rev	Date	Description	By

des ewing
residential architects

Des Ewing Residential Architects
The Studio 115 Selwyn Road Hollywood BT18 9HA
T: 095 4024 000
E: info@desewing.com www.desewing.com

CLIENT
MR & MRS MALCOLM & PHILLIPA CRONE

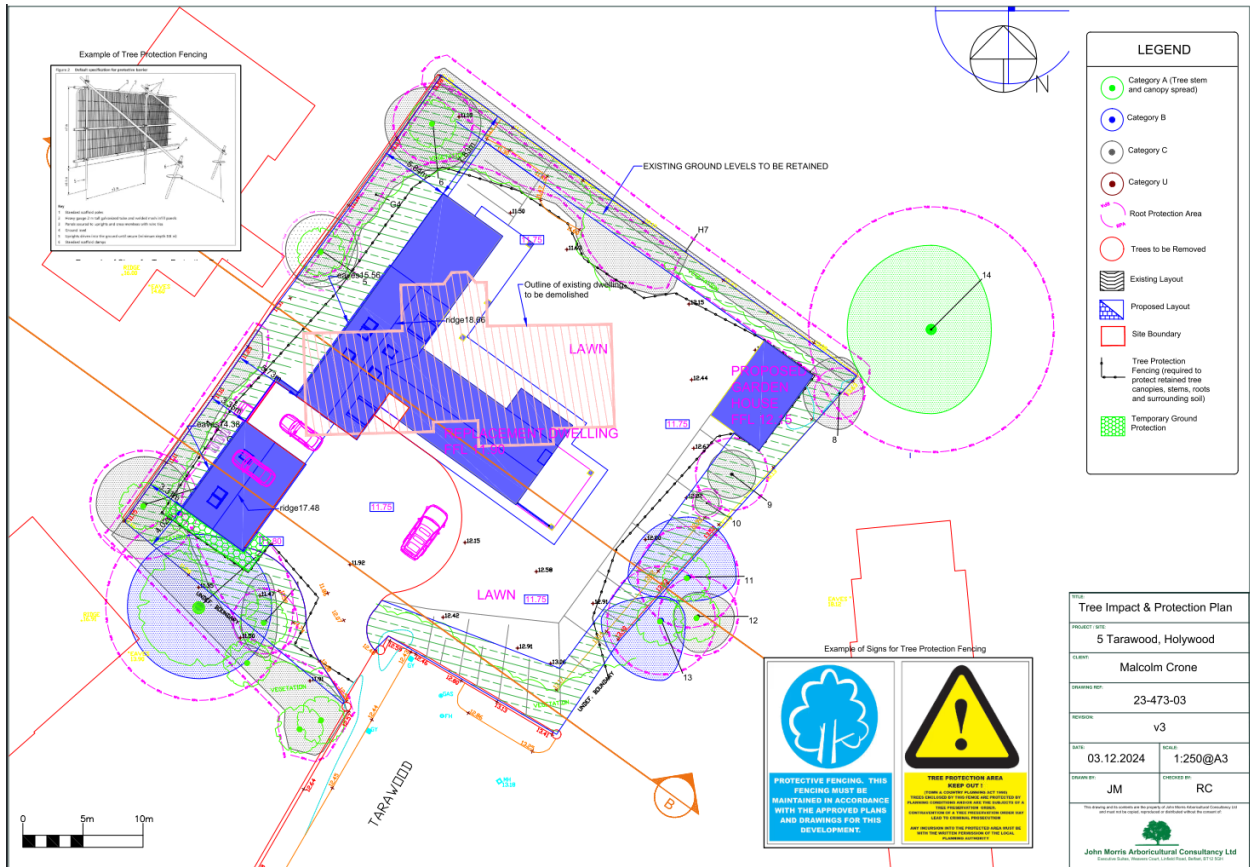
PROJECT
REPLACEMENT DWELLING
5 TABAWOOD
HOLLYWOOD
BT18 9HS

TITLE
PROPOSED ELEVATIONS

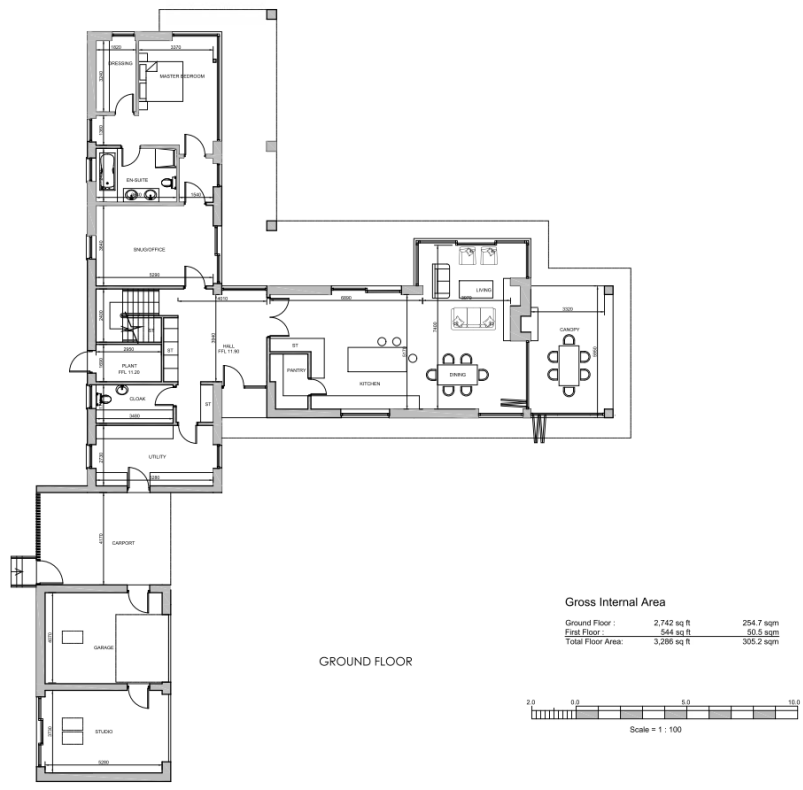
Drawn by: KT Sheet size: A2
Date: 12/10/2023 Scale: 1:100

DRAWING No. 22-42-05 Rev C

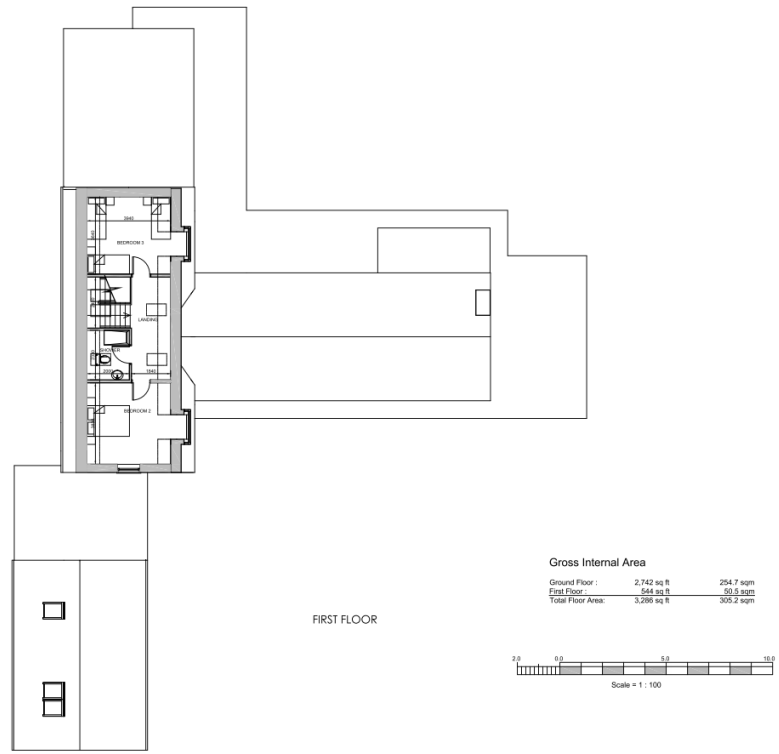
Proposed Elevations



Tree Impact and Protection Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



NORTH-WEST ELEVATION



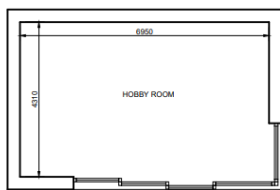
SOUTH-WEST ELEVATION



SOUTH-EAST ELEVATION



NORTH-EAST ELEVATION



LAYOUT

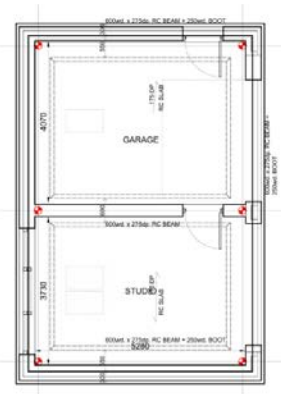
Materials

- Roof: Flat - Trocal membrane
- Walls : Timber flamed, render painted off-white
- Doors: Sliding aluminium colour black

Gross Internal Area

Total Floor Area: 323 sq ft 30.0 sqm

Garden Room



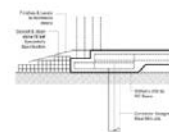
FOUNDATION LAYOUT (1:50)

• indicates Contractor Designed Load Variation / Concrete Floor Slab Fall

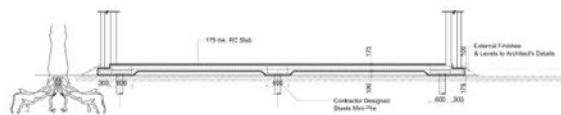


See My notes for plan to avoid damage to existing structures

- 1. Do not work on existing walls or ground structures
- 2. Do not work on the 'backfill' or 'fill' around
- 3. Do not work on the 'backfill' or 'fill' around
- 4. Do not work on the 'backfill' or 'fill' around
- 5. Do not work on the 'backfill' or 'fill' around
- 6. Do not work on the 'backfill' or 'fill' around
- 7. Do not work on the 'backfill' or 'fill' around
- 8. Do not work on the 'backfill' or 'fill' around
- 9. Do not work on the 'backfill' or 'fill' around
- 10. Do not work on the 'backfill' or 'fill' around



TYPICAL DETAIL AT GARAGE (1:25)



SECTION A-A (1:50)

Garage Foundations

Appendix 2: Site Photographs



Front of existing dwelling



Existing dwelling viewed from Cul-de Sac



Existing driveway showing No. 13 Clanbrassil Road to rear



Existing garden



Rear garden



Front Garden

Item 4.5

Addendum to Case Officer Report

Application Reference: LA06/2023/2406/F

Date 17/04/2025

This addendum has been prepared due to a further objection to the proposal which resulted in the removal of the planning application from the schedule of applications to be heard at Planning Committee meeting on 01 April.

The approach of the Council to development within a proposed ATC has been challenged in the comments received to the planning report. Therefore, it is necessary to outline the reasoning behind such approach at the outset of this addendum.

Areas of Townscape Character (ATC's) are designated in areas where their historic built form and/or layout are considered particularly distinctive and merit protection from inappropriate change. It is a 'blanket' designation in that it applies to all the buildings within a defined area rather than to individual specified buildings as is the case with Listing. It is therefore acknowledged that there will be some variation in the quality of the townscape within the boundary and the aim is to protect the overall character from the impacts of damaging development. The key features of the draft ATC as listed under each proposed ATC designation highlight those characteristics that contribute to the distinct character and hence form the basis upon which the ATC is designated. ATC designations were informed by studies and appraisals commissioned by the former DOE as part of the evidence base for the Local Area Plan. These are contained within Volume III of Technical Supplement 6 – Urban Environment of draft BMAP.

Whilst the PAC recognised in the Public Inquiry to draft BMAP that more detail was required in terms of characterising ATCs, the characteristics of draft designation HD 12 (Marino, Cultra and Craigavad ATC) already listed in the draft document are the most significant ones which relate to existing physical and long standing attributes such as Late Victorian and Edwardian villas, listed buildings, narrow roads and rubble walls.

This application must be determined under the current policy context and not on conjecture as to any forthcoming designations in the LDP. The draft ATC as published in draft BMAP forms a material consideration and the impact of the proposal upon the character of the area is to be assessed against policy QD1. It has already been well-established in PAC decisions from this Borough and beyond that draft ATCs do not have the same legislative basis as designated ATCs so the policy provisions of ATC1 and 2 do not currently apply to the site.

For information, the objector's comments are in bold text with the Planning response detailed under each Item.

Item 1

It is accepted by among others, the Case Officer in this and other applications and the PAC that it is likely that if the dBMAP were ever to be lawfully adopted that the Area of Townscape Character designated as 'Marino Cultra Craigavad' (the ATC') would be included. The report of the Planning Appeals Committee dated 31 March 2011 ('the PAC Report') however recommended that Policy UE 3, which provides policy relating to ATCs should be deleted from the plan as it was considered that more detailed analysis of the character of each area, in the form of a design guide for each ATC, was more appropriate. As a result, no comment was made in the PAC report on either the key features of the ATCs or the key design criteria proposed. Consideration was only given by the PAC to specific objections to the boundaries of each ATC.

In summary, as it currently stands, it is unclear how the designated ATC will be characterised in any lawfully adopted BMAP and, as a result, it cannot be assumed that the key features of the designated Marino, Cultra, Craigavad ATC or Policy UE 3 will be included if at all.

With reference to Policy UE 3, Para 8.3.9 of Public Local Inquiry into objections to the Belfast Metropolitan Area Plan 2015, Report on the strategic plan framework clearly states, *'In view of our conclusions about Policy UE 3, we recommend that it is deleted from the Plan. As a result, our consideration in part 2 of the report will not include objections in respect of individual KDC. Other aspects of objections will be considered, including objections to individual designations and objections to the boundaries of individual ATCs'*.

Currently, policies ATC 1 and ATC 2 do not apply to the site, therefore the application falls to be assessed under policy QD1, Planning Policy Statement 7.

Item 2

The Case Officer's reliance on the fact that the dBMAP does not divide the proposed ATC into separate character areas is misconceived in that the 'absence of separate character areas (has no relevance to the application of the relevant planning provisions, which include references to, among others, 'areas' and 'streetscapes' and the ATC as a whole.

The contention that 'it is the impact on the ATC as a whole which must be considered' is fundamentally and fatally flawed. The comments under Item (4) below and the comments under paragraph (2) in Item (6) below are repeated.

Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the 'no harm' test).

Item 3

Notwithstanding one of the effects of the PAC Report is that the key features of the designated Marino, Cultra, Craigavad ATC may not properly be assumed to apply if the dBMAP were to be adopted, and this is accepted in the Report, the Case Officer seeks to rely on such key features as being relevant to consideration of the effect of demolition and the proposed dwelling.

Whilst the PAC recognised in the Public Inquiry to draft BMAP that more detail was required in terms of characterising ATCs, the characteristics of draft designation HD 12 (Marino, Cultra and Craigavad ATC) already listed in the draft document are the most significant ones which relate to existing physical and long standing attributes such as Late Victorian and Edwardian villas, listed buildings, narrow roads and rubble walls. The impact of the proposed demolition of the existing dwelling on the ATC as a whole was considered.

Item 4

The approach of the Report in Item (4) is entirely inconsistent with Items (2) and (3) above. Notwithstanding it cannot be assumed that the key features will be included in the dBMAP if it were ever to be lawfully adopted, the Case Officer has adopted such approach in relation to the characteristics of the 'buildings in Tarawood' not exhibiting such 'key features'. Therefore, the Report and the Case Officer's recommendation is fundamentally and fatally flawed and may not properly be relied on by the Planning Committee.

Without prejudice to the paragraph above:

(1) Unique developments in cul-de-sacs such as Tarawood are expressly recognised as specific entities in the dBMAP Volume 7, Such developments form an integral part of the proposed ATC. The existing dwelling as part of Tarawood makes material contribution to the distinctive character of the area and to the ATC. The fact that the existing dwelling is an integral part of the Tarawood 'cul-de-sac' development is a material consideration which has not been considered.

The fact that the visual impact is limited (which is not accepted) due to the cul-de-sac location or landscaping does not off-set or reduce the requirement that the development must comply with the relevant planning requirements.

The council's conservation officer has agreed that no. 5 Tarawood does not make a material contribution to the character and appearance of the draft ATC based on the characteristics of the existing dwelling in the surrounding context.

Item 5

In relation to the 'key features of the proposed ATC' contended for by the Case Officer, the comment under Item (4) above is repeated.

Further, and in any event, 'the period of construction of the dwellings, in and of itself, is not relevant to the consideration of the 'contribution to the character and appearance of the proposed ATC'.

The impact of demolition of the existing dwelling on the ATC as a whole has been assessed in the planning report.

Item 6

The Case Officer's 'planning judgment' is fundamentally and fatally flawed in that it is based on the premise that the 'overall appearance' of the proposed ATC is to be determined by the 'key features' of the designated ATC. Therefore, the planning judgment is fundamentally and fatally flawed and may not be properly relied on. The comment under Item (4) above is repeated.

Without prejudice to the paragraph above:

(1) The Report also conflates demolition with development generally. The planning provisions relevant to demolition are material considerations. Section 23(2) (a) of the Planning Act (NI) 2011 sets out that demolition is a building operation, which is a form of development as understood within the Planning Act. Section 24(1) requires that planning permission is required for the carrying out of any development of land.

Part 33 of the General Permitted Development (NI) Order 2015 (the 2015 Order') entitled 'Demolition of Buildings', at paragraph A. 1 states that development is not permitted by Class A if the building is in an area of townscape character or an area of village character except in certain listed circumstances. Paragraph A.2 states that for the purposes of Part 33 "area of townscape character" means an area designated as such in a departmental development plan or in a local development plan prepared under Part 2 of the 2011 Act or a draft of such a plan. Accordingly, the provisions above are relevant to the present case and are material considerations. There is no reference in the Report to the provisions above or, it follows, to their consideration. In the circumstances, the Report fails to address obviously material considerations which must be taken into account and therefore is fundamentally and fatally flawed.

It is recognised that under section 23 (1) of the 2011 Act, subject to subsections (2) to (6), "development" means: "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Section 23 (2) of the 2011 Act sets out the various terms used in the meaning of "development". For the purposes of the Act "building operations" includes –

a) demolition of buildings.

Part 33 of the General Permitted Development (NI) Order 2015, para. A.1 clarifies that demolition in both designated **and** draft ATCs does not qualify as permitted

development and therefore demolition of no. 5 Tarawood is not regarded as permitted development.

The Council are content that demolition has been considered correctly in the planning report, and it has been concluded that, on balance, the demolition of the building will cause no harm to the overall appearance of the proposed ATC as a whole.

(2) No legislation, planning policy or supplementary planning guidance is referred to in the Report which would support the contentions in the Report that it is the harm to the overall appearance of the proposed ATC that must be considered.

In fact there is no such provision in any relevant planning documents which would provide support for such opinion. The approach in the Report is, in any event, not tenable as a matter of fact and, if applied, would lead to an absurd outcome. The corollary of the approach would be that harm to the character and appearance of one part of the ATC would be acceptable provided the remaining area is not harmed. On the contrary, harm to one part of the ATC affects its overall character and appearance, meaning that both the part and the whole will suffer.

The Council should have approached the application on the basis that: there would be harm caused to Tarawood as part of the proposed ATC, to which the Case Officer should have attached significant weight; and the harm to the Tarawood area could not be offset by the lack of harm to the rest of the proposed ATC.

The Report's position that harm must be caused to the area as a whole is entirely contrary to, among others, the decision of the Commissioner in the PAC Appeal 2015/A0018 (6 Burmah Street, Belfast).

It is submitted that the incorrect approach adopted in the Report is not tenable and that it is also fatal to the Case Officer's recommendation.

The Council has taken its direction with regard to consideration of the impact on the draft ATC from the Planning Appeals Commission (PAC) and relevant case law.

South Lakeland District Council –v- Secretary of State for the Environment (1992)) established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole (my emphasis) to which attention must be directed and that preserving the character or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the 'no harm' test).

The impact of the proposal on the overall appearance of the proposed ATC remains a material consideration and can be objectively assessed. This approach has been adopted by the PAC in a number of appeal decisions including the following:

1. 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor and
2. 2020/A0099 – 17 Apartments, Seacliff Rd, Bangor.

2015/A0018 is an appeal for refusal of a planning application at Lands to the east and south of 15 Beragh Hill Road, Ballynagalliagh, Derry. A search on the PAC website has found the appeal reference for a planning appeal at 6 Burmah Street, Belfast as **2015/A0118**. This appeal was in relation to a retrospective application for a dormer to the front of the dwelling which was refused planning permission on 24 March 2015.

The refusal reason was given as follows:

'The proposal is contrary to Policy ATC 2 of the Department's Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the site lies within the Ormeau ATC (BT 045) and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area, its scale, form, proportions and materials and does not respect the characteristics of adjoining buildings and it would interrupt important views and the architectural unity of the terrace.'

The appeal was dismissed on 3 March 2016, notably prior to the quashing of the adoption of BMAP (albeit that there was an ongoing legal challenge), thus at the time the planning authority refused the application, and at the time it was considered by the Planning Appeals Committee, BMAP had ostensibly been lawfully adopted, and therefore Policies ATC 2 and ATC 3 were applicable.

Furthermore, it has been accepted in planning case law that the decisions of the PAC "must either be accepted or respected or be challenged through the courts." Given this, the approach being taken by the Council is the same as that adopted by the PAC and those decisions have not been challenged.

(3) No consideration of other provisions relevant to demolition:

Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas' (APPS 7'). The amplification text to Policy LC 1: redevelopment (i.e. demolition) is generally considered to be the least attractive option for residential proposals and that sympathetic re-use of existing buildings, as opposed to proposals involving demolition and redevelopment, will be looked at more favourably. [LC 1 para.2.5]

Development Control Advice Note 8 Housing In Existing Urban Areas (DCAN 8)': demolition is generally considered to be the least attractive option and the Council will look more favourable at proposals for the sympathetic re-use of existing buildings as compared to proposals involving demolition and redevelopment. Also, proposals for redevelopment will need to be carefully justified in terms of their relationship to surrounding buildings, landscape and streetscape. [DCAN 8 para.5.2]

The policy of Planning Policy Statement 7 ('PPS 7) is amplified in DCAN 8: demolition and redevelopment of existing houses presents the greatest challenge in terms of retaining the character and integrity of the established street scene (DCAN 8 para.5.4).

The council is bound to consider what has been applied for by the applicant. This application requested permission for the demolition of the existing dwelling and therefore that was what was considered and recommended for planning approval.

DCAN 8 is Guidance and not planning policy. The application was considered against prevailing planning policy, in particular QD1 of Planning Policy Statement 7.

Item 7

The potential impact of the development on the proposed ATC which in the Case Officer's case includes the 'key features', is not correct and the Case Officer's may not be relied on. The comment under Item (4) above is repeated.

See above (Item 4)

Item 8

The Council's Planning Services appear to have been leading the design and application process.

The councils published document, 'Guide to the Planning Application Process' states, 'The Council will not engage in prolonged negotiation with applicants on proposals which do not meet planning policy, or which would require substantial amendments to reach a recommendation of approval. We will offer one opportunity to address concerns, after which inappropriate proposals will be recommended for refusal.'

In this instance, the case officer was of the opinion that a more suitable design could be achieved in particular to the large expanse of flat roof and the proximity to the boundary. The agent provided amended plans showing a redesign and increased separation distance and these were the proposals that have been considered. This is normal practice when a case officer is processing a planning application.

Item 9

The increase in the separation distance and the amount by which the floor level will be reduced are minimal and each does not mitigate the fact that the proposed dwelling will be dominant, overbearing and oppressive. In regard to 'moving the proposed dwelling 2.5m further away' the increase in distance is insignificant viewed in the context of the replacement dwelling being in the region of 18m closer to 13 Clanbrassil Road than the existing dwelling at 5 Tarawood.

A thorough assessment in relation to the impact on number 13 Clanbrassil Road is included in the planning report. It is recognised that the proposed dwelling is closer to the boundary than the existing dwelling, however it is compliant with the 25-degree light test. Policy QD1 (h) states, '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;' It does not require proposals to have no effect on existing

properties but that this effect is not to an unacceptable adverse degree. This is a matter of planning judgement, and it is considered that there is no adverse impact.

Item 10

The majority of the dwellings in Tarawood have, to some degree, a 'T' form. The 'T' form of the proposed dwelling is significantly different from the form of 1 Tarawood and the other dwellings in Tarawood.

Further, the modifications to the dwelling at 1 Tarawood are substantially on the footprint of the original dwelling. In contrast the proposed dwelling is on the footprint of the existing dwelling to a minimal extent. See Proposed Site Plan Report .29. Also, the size of the corner site of 1 Tarawood means that there is no adverse impact on adjacent properties.

Every planning application is assessed on its own merits and is site specific, the planning history of the surrounding area is a material planning consideration.

Item 11

The comment under Item 4 is repeated.

Without prejudice to the above, no Case Officer if acting reasonably, could decide that the proposed finishes were not incongruous in the streetscape of Tarawood.

The planning report makes reference to works at 14 Tarawood and number 1 Tarawood showing a mix of materials. A sample of the brick has also been provided to the Planning Department. The proposed materials (or similar materials) have all been used within Tarawood on site which are more readily visible from public viewpoints than the application site at no. 5.

Item 12

The Case Officer's view that the layout scale and massing respects the topography of the site is fanciful (and should be rejected by the Planning Committee). See Fig SN 1 of Speaking Note.

In regard to the proposed dwelling 'overlapping' the footprint of the existing dwelling, see Item (10) above.

The proposed dwelling does not sit 'more parallel' to the boundary. It is parallel to the boundary whereas the existing dwelling is at an angle of 53 degrees to the boundary.

The reference to a 'rigid established building line' demonstrates the failure of the Case Officer to consider properly or at all the layout and coherence of the

dwellings in the Tarawood development. The existing dwellings in Tarawood, to the extent relevant, are located in a defined 'U' configuration around the access road.

The planning report has considered the layout of dwellings within Tarawood, and the professional planning opinion is that the scale and massing respects the topography of the site. This is a matter of professional planning judgement.

The proposed dwelling's position and orientation on the site alongside the references to building line have also been considered in the report.

Item 13

The proposed development would be dominant, overbearing and oppressive for the reasons below.

The land at 5 Tarawood is approximately 1.8m above the land at the rear of 13 Clanbrassil Road. The floor level of the proposed dwelling would be approximately 2.24m above the floor level of 13 Clanbrassil Road.

The proposed development's proximity to, and location parallel with, the boundary over the entire length of the proposed dwelling and boundary. Further, the highest 2-storey part is located directly adjacent to and impacts adversely the main living and exterior amenity areas of 13 Clanbrassil Road. The existing dwelling runs away from the boundary at 53 degrees. In contrast, the northeast corner of the proposed replacement dwelling is in the region of 18m closer to the boundary than the existing dwelling.

The ridge level of the proposed 2-storey section is 1.08m higher than that of the existing dwelling (which runs away from the boundary). The difference in level of 1.08m represents an increase of almost 20% over the distance between the ridge line and the ground floor in the existing dwelling.

The proposed development would result in large dark roofscapes of natural slate to heights of 9.15m (2-storey) and 7.97m (garage/studio) above the garden of 13 Clanbrassil Road together with large areas of wall to heights of approximately 6.2m (2-storey) and 4.87m (garage/studio) above the garden.

The extent to which the areas of roof and wall of the proposed dwelling would physically project above the existing garden wall and dominate, be overbearing and oppressive is shown in Fig. SNI (copy of Annex 3 (Revision A) of Letter of Objection dated 12.09.24).

No Case Officer, if acting reasonably, could decide that in relation to 13 Clanbrassil Road, the proposed dwelling was not dominant, overbearing and oppressive.

These points have been considered in detail in the professional planning report. The proposal complies with the 25-degree light test as detailed in the report. The proposal was amended to increase the separation distance from the boundary with 13 Clanbrassil Road which lessened any potential impact on this property.

Item 14

The comment under Item (4) above is repeated.

The fact that the impact on the street scene (or streetscape) is reduced (which is not accepted) due to the location at the end of the cul-de-sac and landscaping does not off-set or reduce the requirement that the development must comply with the relevant planning requirements.

The proposal is considered to comply with the relevant planning requirements as set out in the professional planning report.

Item 15

No date or time of day is stated on the photographs. In any event, the photographs in the Report are of such poor quality that no conclusions may be properly drawn from them.

The quality of the photographs in the planning report is a matter of opinion. The Planning Department is satisfied that they clearly show the current situation on the ground and are particularly useful as some are taken from the neighbouring property at 13 Clanbrassil Road. The photographs were taken over a number of site visits. The case officer visited 13 Clanbrassil Road on 21 February 2024 and photographs in the report from the rear of this property are included in the planning report. Photographs within the application site and Tarawood were taken during the case officer's initial inspection on 1 February 2024.

Item 16

The comment under Item (15) above is repeated.

As above

Item 17

The comment under Item (13) above is repeated.

The separation distance between 13 Clanbrassil Road and the proposed dwelling would fail to comply with paragraph 7.16 of SPG Creating Places.

Para 7.16 of Creating Places states, 'Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites.'

Creating Places is supplementary planning guidance and not planning policy. The impact in terms of overlooking from the proposed rear windows has been thoroughly assessed in the planning report. The report recognises that there may be some potential for views towards the private amenity space but determining weight was

afforded to the fact that under permitted development rights the existing dwelling could erect a single storey extension or ancillary building to the rear with windows in a similar position to those proposed. By way of mitigation a planning condition has been attached to ensure that windows serving the ensuite and WC are obscured and also the larger studio window. Windows serving the small bedroom and office windows are not conditioned to be obscure given what could be erected under permitted development rights.

Item 18

Notwithstanding the floor level of the proposed dwelling would be in the region of 2.24m above the floor level of 13 Clanbrassil Road and the Case Officer accepts that there is a potential for views, which result from the dominance of the proposed dwelling, the separation distance fails to comply with the 20m recommended in paragraph 7.16 of Creating Places.

As above, Creating Places is supplementary planning guidance and not planning policy. Each planning application is site specific and considered on its own merits. A degree of overlooking within an urban setting is not unusual. On balance, given what could be erected on this site using permitted development rights, the use of obscure glazing conditions to some of the windows and a condition requiring a detailed landscaping and boundary treatment scheme to be submitted to the Council for approval prior to the commencement of development, it is considered that any potential overlooking would not be to an unacceptable degree.

Item 19

The elevation is taken above ground level of the proposed dwelling. It does not demonstrate the extent to which the proposed dwelling would be dominant, overbearing and oppressive. See Fig. SN1.

As referred to previously the impact of the proposal on 13 Clanbrassil Road has been considered in detail in the planning report.

Item 20

The consideration of whether the proposed dwelling will be dominant, overbearing or oppressive on the basis that the existing boundary wall, landscaping and the separation distance 'help to ensure outward views from the ground floor windows from 13 Clanbrassil Road do not appear to be large and overbearing' is, frankly, absurd. It is the form, massing and height of the proposed dwelling which are the material considerations.

Contrary to the Case Officer's frankly extraordinary statement, the two floors and hence 2-storey (not 1.5 storey) section aggravates the impact of the proposed development in that the section is located directly adjacent to the living areas and external amenity areas. Further, the dominant impact is not

perceived. The form, massing and height of the proposed development will in fact result in a dominant impact. See Fig. SNI of the Speaking Note.

A full assessment of dominance has been included within the planning report.

Item 21

There is no consideration of this objection which is a material consideration. APPS 6 requires new development to promote sustainability. Policy QD 1 states that planning permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The proposal is to demolish a perfectly satisfactory house and replace it with a building where the majority of the elements incorporated would have a high carbon footprint.

There is no reference in the Report to either of the provisions above or evidence of compliance with the provisions. Therefore, the Report fails to consider properly or at all matters relevant to sustainability, which are material considerations.

The objection relates to sustainability of demolition as opposed to re-use. The Council must assess what is applied for. In this case it is the demolition of the existing dwelling and replacement. Demolition of the dwelling has been discussed in detail in the planning report and Planning policies ATC 1 and ATC 2 are no longer applicable.

Para. 4.24 of PPS 7 States,

'While the Department considers it important to ensure that all new development fits in well with its surroundings this will not preclude quality contemporary design using modern materials. Innovative design and layouts can achieve greater energy efficiency through the orientation of buildings to maximise passive solar gain and the use of renewable energy technologies and sustainable construction techniques. Greater consideration should also be given to the use of sustainable urban drainage systems (SUDS) and more environmentally sound methods of disposing of effluent.'

The proposed dwelling has been designed to include the use of PV slates to incorporate the use of solar renewable energy. With regards to the condition of the existing dwelling, the policy does not require the building to be in a particular condition to allow demolition. Council could not sustain a refusal reason based on sustainability of the replacement.

Item 22

There is no consideration of this reason for objection. It was, or should have been, a material consideration.

This objection states, 'The demolition of the existing dwelling would destroy the architectural integrity and coherence of the composition of Tarawood'. This objection relates to the visual impact of the proposal which has been assessed in detail in the planning report.

Item 23

The comment under Item (4) above is repeated.

The Case Officer is being inconsistent in this case in that in other planning applications Policies ATC 1 and/or ATC 2 have been applied by the Council's Officers and also Commissioners of the PAC.

Further, Policies ATC1 and ATC2 constitute the only expressed statements of the Council's policies in relation to demolition and rebuilding within an ATC. In circumstances where the 2015 Order expressly provides that planning permission is required to demolish an unlisted building in a draft plan, it is submitted that Policies ATC 1 and ATC2 are, if not policies in and of themselves, then material considerations in the present case. Therefore, under Policy ATC1, a presumption in favour of retaining the existing dwelling is, or should have been, engaged and in relation to the existing dwelling at 5 Tarawood the Case Officer could, and should, have properly exercised the presumption under Policy ATC 1 in favour of retaining the existing dwelling.

Planning Appeal 2020/A0099 clearly outlines the PAC's stance on Policies ATC1 and ATC 2. Para 16 states the following:

'the policies within APPS6 and the related provisions of the SPPS refer to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. I am therefore not persuaded that Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS are applicable to the consideration of the appeal development.'

Policy ATC 1 deals with demolition within an ATC and Policy ATC 2 relates to permission only for development proposals in an ATC where the development maintains or enhances its overall character. PPS 7 is the relevant policy applicable to this application and the proposal is considered to comply.

Item 24

The Case Officer's statement does not address the objection. The objection was not in relation to the Design & Access Statement itself. Policy LC1 at paragraph 2.6 requires the submission of a 'Design Concept Statement' in support of all planning applications for residential development (also see Policy QD 2 in PPS 7). The document is required to 'set out all information necessary to demonstrate how the proposed scheme has taken account of the site and its context and how it will meet the criteria set out under Policy LC 1 of ... Addendum PPS 7A and Policy QD 1' [underline added]. Based on its content the D&AS is not a 'Design Concept Statement', as required by Policy LC 1, and in any event the D&AS does not include any references to planning policy or guidance as expressly required by paragraph 2.6 of Policy LC 1.

It is recognised that a Design and Access Statement (DAS) and a Design Concept Statement (DCS) are separate documents. However, the Planning Department is

satisfied that the level of information provided in the submitted DAS, alongside all the other information submitted as part of the planning application, is sufficient to enable a full considered and professional assessment of how the proposed scheme has taken account of the site and its context and complies with all the relevant planning policy.

It is considered that no further information is required to inform the assessment of the proposal and that a refusal under Policy QD2 could not be sustained. Also, it is noted that policy states that the level of information to be provided should be proportionate to the application and the application under consideration is for a replacement dwelling. As outlined in the planning report, the proposal is considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, Policy LC1 of the Addendum to PPS 7 and all relevant guidance.

Item 25

The legislation requires consistency in planning decisions and case law requires that decision-makers must act consistently, unless there is good reason not to do so. In the present case there is no good, or any, reason for the Case Officer to act inconsistently.

In contrast to other developments in the designated ATC where demolition of the existing dwelling has been permitted:

(1) Such dwellings have been of 'one-off and 'stand -alone' buildings and not an integral part of a development in which properties all have similar characteristics such as Tarawood. Examples of the former include, among others, the following: W/201 1/0130/F (19 Cultra Avenue); LA/06/2015/0737/F (17 Clanbrassil Road); and LA06/2020/1231 (26 Clanbrassil Road).

(2) The replacement dwelling has been either located either on the existing footprint e.g. LA06/2020/1231 (26 Clanbrassil Road) or a sufficient distance from the boundary not to have an adverse impact on the neighbouring properties e.g. W/2011/0130/F (19 Cultra Avenue); and LA/06/2015/0737/F (17 Clanbrassil Road).

(3) A search of case officer's reports and PAC appeal decisions and consideration of aerial views of replacement dwellings in the relevant area, demonstrates that the proposed replacement dwelling in this case will be the first to be moved towards the boundary such as to not maintain an appropriate separation distance from the boundary to ensure there is no adverse impact on the neighbouring property.

In the circumstances above, the proposed development would be inconsistent with previous decisions and create an undesirable precedent.

Every planning application must be considered on its own merits and every site is different. What is considered to be acceptable on one site may not be acceptable on another. In this instance the proposal is considered to comply with the relevant planning policy. The proposal was amended during the planning application process and the amended scheme was moved further away from the boundary with no. 13 than what was originally submitted.


Conclusion

The approach of the Planning Department towards applications within a proposed ATC has been explained above in detail and is dealt with within the professional planning report.

Every planning application is considered on its own merits, and every site has its own specific characteristics and constraints. The planning application has been assessed against prevailing planning policy and is considered acceptable subject to the proposed planning conditions.

The proposal lies within the settlement limit where there is a presumption in favour of development. The impact of the proposal on the residential amenity of neighbouring properties has been considered and the recommendation remains that the proposal should be approved.

It is recommended that planning permission is granted.

Development Management Case Officer Report			
Reference:	LA06/2022/0040/F	DEA: Holywood & Clandeboye	
Proposal:	Pool House		
Location:	Dunratho House, 42 Glen Road, Holywood, BT18 0HB		
Applicant:	Mrs Claire Lester		
Date valid:	10/02/2022	EIA Screening Required:	N/A
Date last advertised:	06/02/2025	Date last neighbour notified:	28/01/2025
Letters of Support: 0	Letters of Objection: 15 (from 6 addresses)	Petitions: 0	
Consultations – synopsis of responses:			
NIEA		No objection.	
NI Water		No objection subject to conditions.	
Shared Environmental Service		No objection subject to condition.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Impact on character and appearance of existing dwelling and area • Impact on privacy and amenity of neighbouring residents • Impact on trees/landscape features • Impact on amenity space/parking • Impact on designated sites/natural heritage assets 			
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 at No.42 Glen Road, within the settlement of Holywood, consisting of a large, detached red brick dwelling, with a pitched, tiled roof. To the south of the dwelling, there is a detached double garage, also finished in red brick.



Figure 1 – front of dwelling



Figure 2 – southeastern elevation



Figure 3 – garage

The site is accessible via a shared access to Glen Road, which splits into a tarmac driveway leading to the dwelling. There is extensive lawn space to the north and west of the dwelling, as well as a smaller lawn strip along the eastern boundary of the site. Adjacent to this strip, there is a tall brick wall defining the boundary with the new dwelling being constructed at 46A Glen Road.



Figure 4 – boundary with 46A Glen Road



Figure 5 – showing eastern lawn.



Figure 6 – 46A Glen Road

The surrounding area is residential in character, with neighbouring dwellings consisting of varied style and scale.

2. Site Location Plan



Figure 7 – Site Location Plan

3. Relevant Planning History

LA06/2021/1032/F – Lands within the curtilage of 48 Glen Road (site adjacent to current application) – *Detached dwelling with integrated garage, detached gym / home office, boundary walls and associated landscaping works (change of house type to Planning Approval LA06/2015/0848/F)* – **Approved 14 September 2022**



Figure 8 - Approved Elevations LA06/2021/1032/F

4. Planning Assessment

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

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

Planning Guidance:

- Creating Places

Principle of Development/Development Plan Considerations

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.

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. Under dBMAP, the site is located within the proposed Marino, Cultra, Craigavad, Holywood.

The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry. The Commission recommended no change to the ATC. Therefore, it is likely, that if and when BMAP is lawfully adopted, a Marino, Cultra and Craigavad Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. It is recommended that the policy be deleted and that a detailed character analysis be undertaken, and a design guide produced for each individual ATC. It would 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 relating to the key features of the Marino, Cultra and Craigavad ATC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the proposed ATC remains a material consideration and can be objectively assessed.

Background

Full permission is sought for the development of a detached pool house. Notably, the Planning Department has undertaken considerable discussion with the agent regarding amendments to the original proposal submitted due to concerns in relation to the potential impact of the development on the approved dwelling on the immediately adjacent site at 46a.

The initial proposal submitted included a flat roof (which could feasibly have been used as a roof terrace, due to a tall parapet enclosure), which would have overlooked the new neighbouring dwelling at 46A Glen Road.

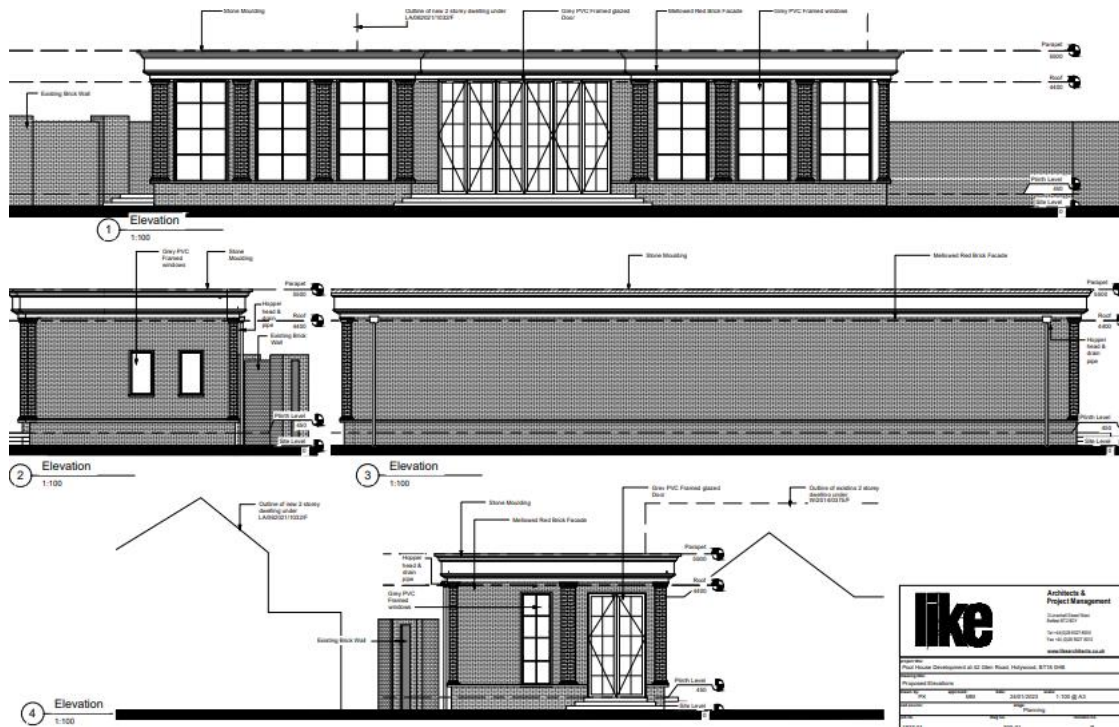


Figure 9 - Initial proposed elevations (April 2023)

Upon discussion with the agent, the proposal has been altered significantly, with the height of the roof being reduced, the tall parapet reduced in height and a large roof lantern being added, evidencing that the roof is not to be used as a terrace.



Figure 10 - Proposed Site Layout

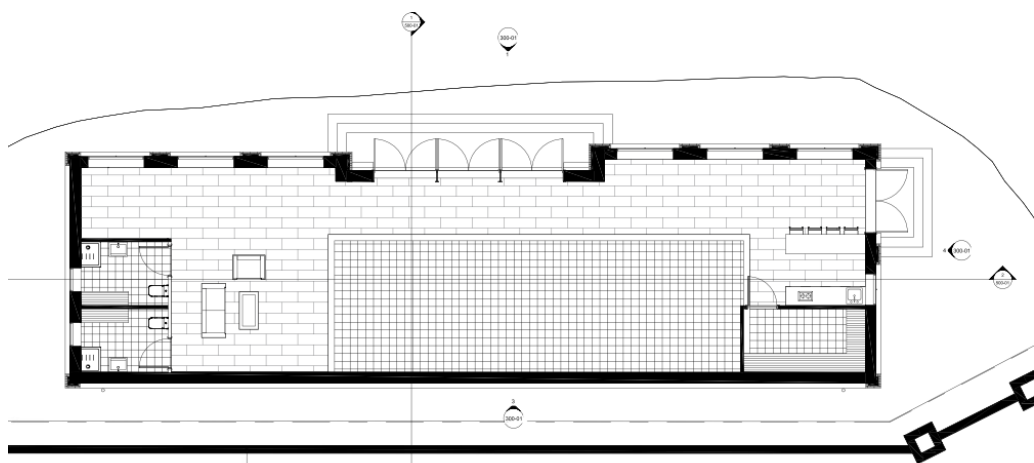


Figure 11 - Proposed Ground Floor Plan

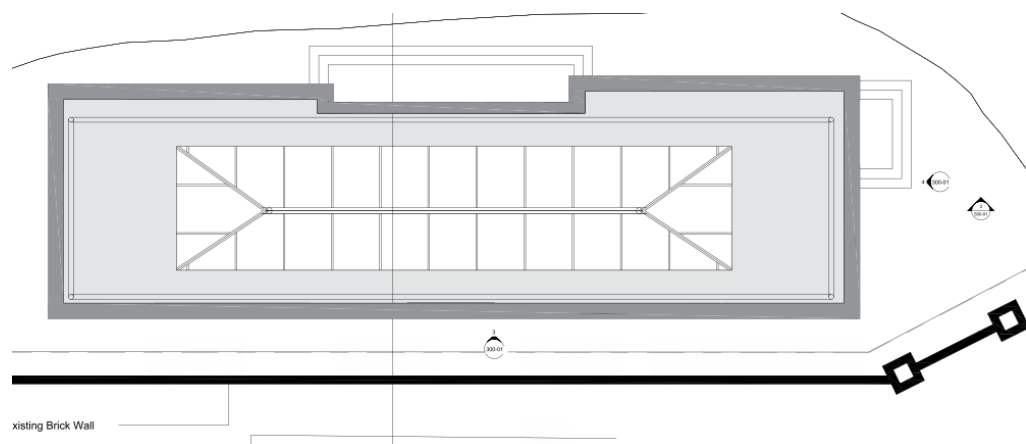


Figure 12 - Proposed Roof Plan

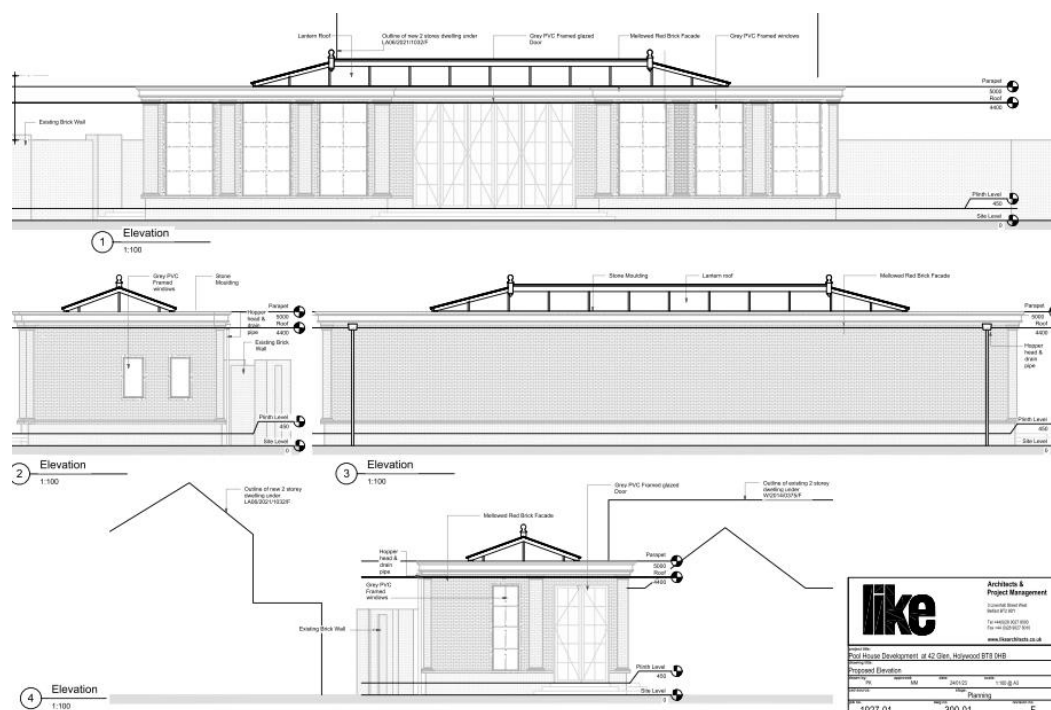


Figure 13 - Proposed Elevations

Impact on Existing Dwelling and Character of Area

The proposal is to be finished in red brick, matching the host dwelling, and is styled as an orangery, with extensive glazing to the western and northern elevations, and a moulded stone parapet surrounding the flat roof. The pool house is to be approx. 5m in height (for the flat roof), with the roof lantern projecting approx. 1m beyond this. It is to be approx. 26m in length, and approx. 7.6m in width. It will be set approx. 2m away from the brick wall (which is approx. 3m in height) which marks the boundary to 46A Glen Road, and approx. 3.9m from the nearest wall of the new dwelling under construction at 46A.

The eaves of the “A-Frame” aspect of the dwelling under construction at 46A Glen Road are to be approx. 6m in height, with its ridge at approx. 8m in height. The parapet of the proposed pool house will sit approx. 1m below these eaves, with the pool house set approx. 6.1m away from this 2-storey aspect of the new neighbouring dwelling. The peak of the roof lantern on the pool house will sit at the same height as the eaves of this aspect and is set approx. 10.1m away from it.

The siting of the proposal is deemed to be suitable when considered in the context of the surrounding area. The pool house is to be set approx. 3.9m from the new dwelling under construction at 46a, with other houses in the area constructed with similar or lesser spacing. For example, 32 and 34 Glen Road sit approx. 2.34m apart, and a similar approximate separation distance is found between 28 and 30 Glen Road.

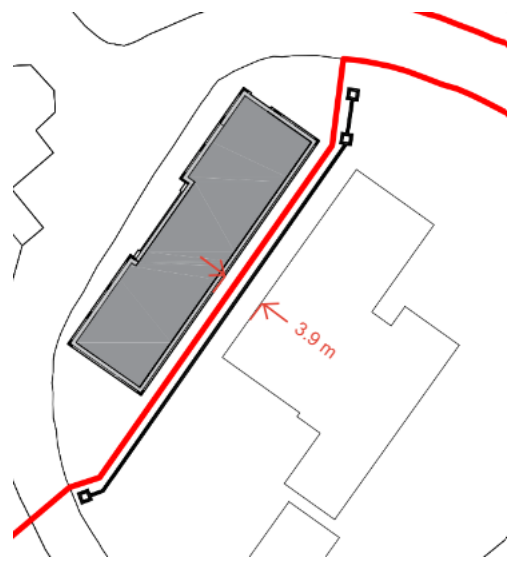
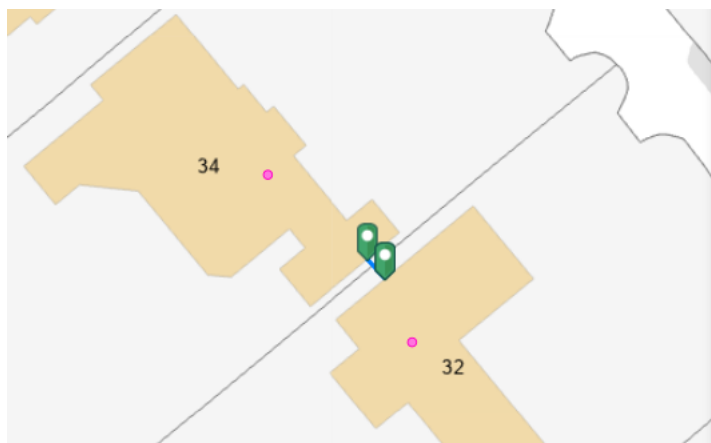


Figure 14 - Spacing between pool house and new dwelling at 46a.

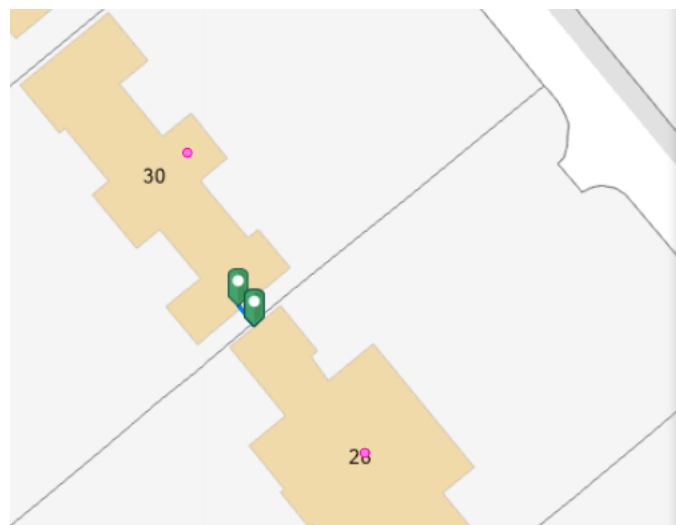


Measurement Result

2.34 Meters

Clear

Figure 15 - Spacing between No.32 and No.34



2.35 Meters

Clear

Figure 16 - Spacing between No.28 and No.30



Figure 17 - Google Streetview Image showing No.30 adjacent to No.28

The proposal is deemed to maintain an appropriate ratio of built development to garden area within the application site. At present, the built area of the site (including any buildings and hardstanding) takes up an area of approx. 1175.4m², with a garden area of approx. 2219.3m², representing a garden to built ratio of 1.88:1. With the pool house in place, the built area of the site will increase to 1370.6m², leaving a garden area of 2024.1m². This represents a garden to built ratio of 1.47:1. A similar or lesser ratio is found at other sites on Glen Road, for example at 27B Glen Road, where the built area of the site is approx. 1068.2m² and the garden area takes up approx. 1230.7m², representing a garden to built ratio of 1.15:1. As such, the proposal is deemed to maintain the character of the surrounding area and is not deemed to be overdevelopment of the site.

Overall, the style, scale and massing of the proposed pool house are deemed to be acceptable, as it is still subordinate to the scale of the host dwelling and is not of such a scale that it could be deemed to dominate the dwelling under construction at 46A Glen Road. As such, I am satisfied that the proposal would not cause a detrimental impact to the character or appearance of the host dwelling or surrounding area.

The policies within PPS6 – Areas of Townscape Character and the related provisions of the SPPS refer to designated ATCs. No reference is made to draft/proposed ATCs, which do not have the same status or legal standing as a designated ATC. Therefore, Policy ATC2 of the Addendum to PPS6 and the provisions of the SPPS are not applicable to the consideration of the development. Notwithstanding these conclusions, the potential impact of the development on the proposed ATC remains a material consideration.

Designation HD 12	Area of Townscape Character Marino, Cultra, Craigavad
<p>An Area of Townscape Character is designated at Marino, Cultra, Craigavad as identified on Map No. 4a - Holywood and on clarification Map No. 4m – Marino, Cultra and Craigavad Area of Townscape Character.</p>	
<p>Key features of the area which will be taken into account when assessing development proposals are as follows: -</p>	
<ul style="list-style-type: none"> • Late Victorian and Edwardian villas in a mix of architectural styles set within large landscaped plots with extensive views over Belfast Lough across to County Antrim; • Thirty listed buildings including the 1870's coast guard station in Farmhill Road, built to the Board of Works standard design, and "Clanbrassil Terrace" a row of three, three storey houses; • Five listed demesnes namely, Ardnalea, Craigavad House, Cultra House, Dalchoolin and Rockport; and • Narrow meandering roads bounded by tall hedges, trees and rubble stone walls. 	
<p>All proposals will be assessed against key design criteria 2A, 2B, 2C, 3A, 3B as contained in Policy UE 3 in Part 3, Volume 1 of the Plan (See North Down District Proposals Appendix 2).</p>	

Figure 18 – Extract from Draft BMAP (Key features of proposed ATC)

Draft BMAP highlights one key feature of the proposed ATC as Victorian and Edwardian villas set within large, landscaped plots as outline in figure 18 above. The original dwelling at Dunratho House would be one such example. Figure 19 below shows the original plot and dwelling in the early 1900's and figures 20 and 21 demonstrate how the character of the plot has changed over the years. As can be seen, the south-eastern portion of the site was developed as a tennis court and segregated from the remainder of the plot by a large wall. As already discussed above, a dwelling is now currently under construction on this former tennis court site. While the erection of the pool house will create further built development on the site, I am content that the cumulative impact will not compromise the overall character of the remaining Dunratho plot to an unacceptable degree.

The original character and landscape setting of Dunratho house has already been significantly altered over the years with the addition of the tennis court, wall and then dwelling. The siting, design, height and scale of the proposed pool house is considered to be sympathetic to the remaining plot and landscape setting of Dunratho. As the pool house will be located on a small grassed area to the immediate south east of the dwelling and clustered with the dwelling and the adjacent development under construction, this allows the remaining larger garden areas to the north and west of the dwelling to remain free of development and any planning permission would be subject to a condition to remove permitted development rights to ensure that any future development proposed on the remainder of the site would be considered by the Council via the submission of a planning application. It is also noted that the house and plot benefit from a considerable set back from the Glen Road with a significant number of mature trees adjacent to the road, which further help to maintain the spacious landscape setting of the plot. For these reasons I am satisfied that the proposed

development will not adversely affect the overall appearance of the proposed ATC or compromise any of the key features listed in the draft Plan.

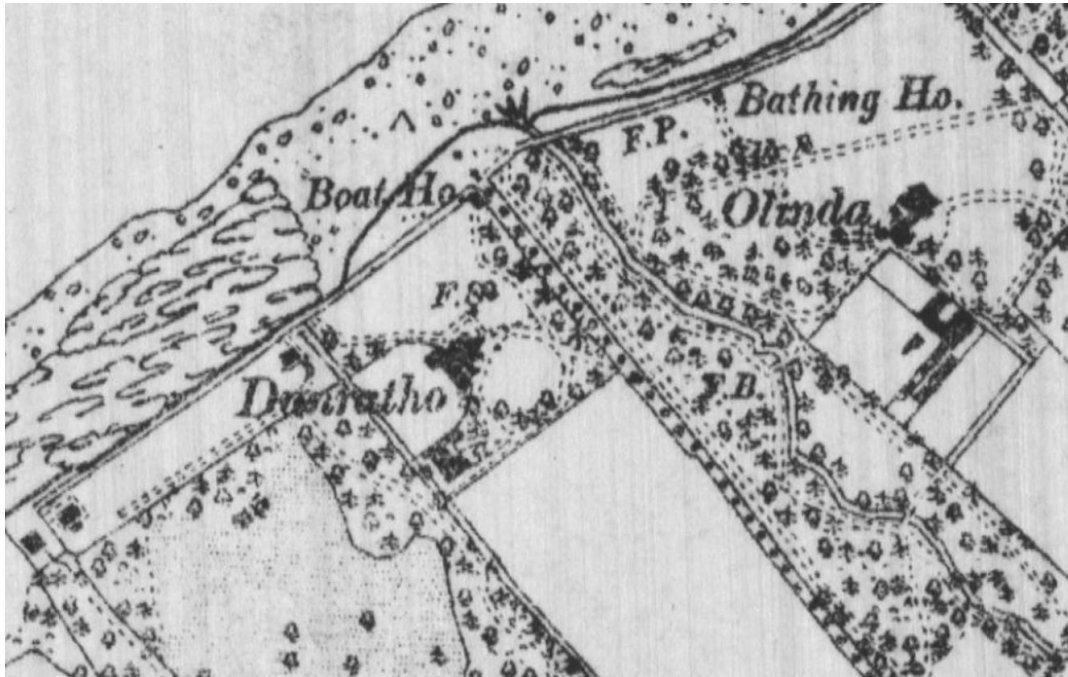


Figure 19 - Historical OSNI Map (1900-1932)



Figure 20 – OSNI Orthophotography 2005

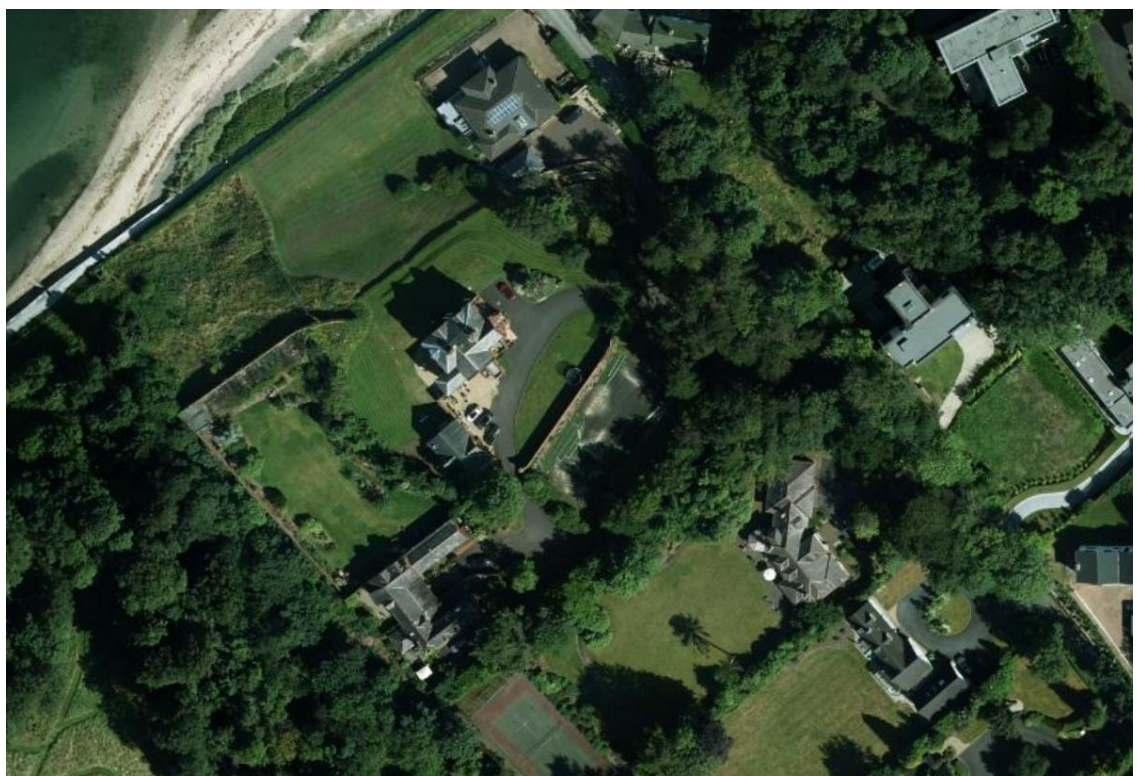


Figure 21 – OSNI Latest Orthophotography

Figure 22 below shows the view towards the proposed site of the pool house from the entrance onto Glen Road. From this view, the pool house will be barely visible, being located between the existing dwelling and dwelling under construction. The grouping of the pool house with existing development will help to minimise visual impact from within the wider area.

It is evident that the proposed pool house will not detract from the established built form of the area. Considering the scale and massing of the new dwelling at 46a, the pool house adjacent to this will not have an excessively prominent appearance with the new dwelling under construction screening the pool house from view. Further to this, when viewed from a position further northwest on Glen Road as shown in figure 23 below, the mature trees along the roadside provide a strong visual buffer. As such the proposal is not deemed to unduly harm the appearance of the proposed ATC.



Figure 22 - Photograph taken from Glen Road on approach to site from SE



Figure 23 - Photograph showing view towards site from roadside boundary.

Impact on Privacy and Amenity of Neighbouring Residents

The proposal is not deemed to have an unacceptable impact on the privacy or amenity of neighbouring residents in relation to overshadowing, loss of light, overlooking or dominance.

As the potential for a rooftop terrace has been removed by the introduction of a roof lantern and the reduction in the height of the parapet wall, there would no longer be any opportunity for overlooking to the neighbouring residents at 46A Glen Road as a result of the proposed pool house. Any planning permission would also be granted subject to a condition stipulating that the roof must not be used as a roof terrace or balcony at any time. The proposed pool house has no windows on the elevation facing the adjacent proposed dwelling and the existing brick boundary wall will continue to provide an adequate degree of screening between the two properties.

It is also noteworthy that there are no main windows on the elevation of the proposed dwelling which would face the proposed pool house. The elevation below shows that there is only a door and two high level windows serving a utility room and dining area. The main source of light to the dining room will be via large floor to ceiling glazing on the western elevation. I am therefore satisfied that there would be no unacceptable loss of light to this habitable room as a result of the proposed development. The only other windows of the proposed dwelling which would face the proposed pool house are ground floor windows serving a snug/playroom, glazing at first floor level enclosing an outdoor balcony and a bedroom window. These windows are situated approximately 14.3m from the proposed pool house and as demonstrated by the 25-degree light test shown below would not be adversely impacted by way of loss of light. The midpoint of these windows sits at approx. 1.8m in height, meaning the proposed pool house will pass the 25-degree test by a considerable distance.



Figure 24 - Approved Elevation – LA06/2021/1032/F

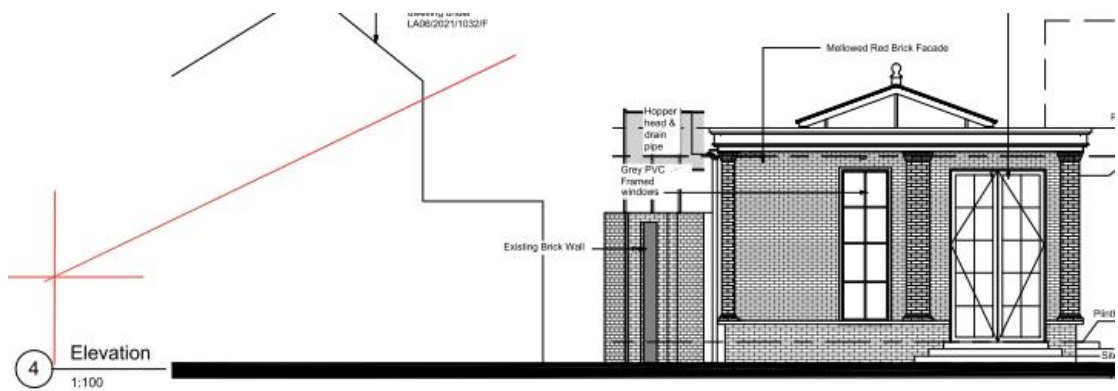


Figure 25 - 25 Degree Light Angle Test (measured 14.3m away from pool house at a height of 1.8m)

The pool house is also not considered to cause a dominant impact to the neighbouring dwelling, as it sits largely below the eaves of the second storey of the new dwelling at 46A and only 1.8M above the party boundary wall. While the pool house will project approx. 6.3m beyond the southern elevation of the dwelling at 46A, it is set far enough back and is not of such a height that it would dominate the immediate garden space to the rear of the neighbouring dwelling or cause a loss of light to any habitable rooms. As shown below, the pool house will not breach the 60-degree light angle test. It is also noteworthy that, even if considered to be of a greater height than a standard single storey structure, the pool house would also meet the 45-degree light angle test.

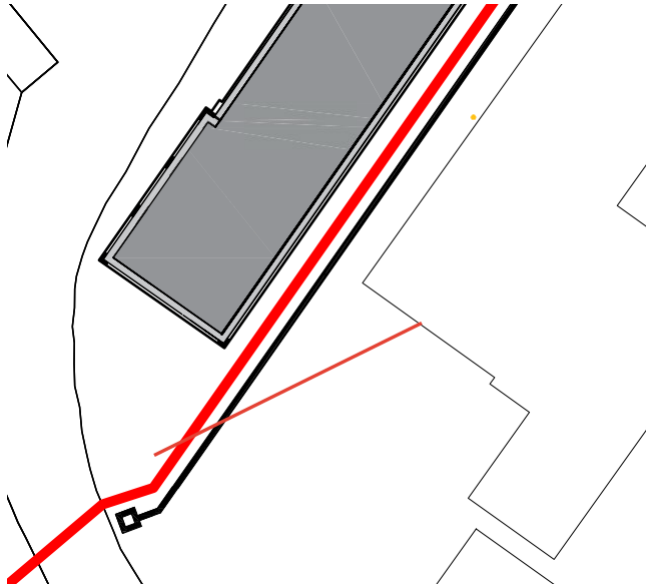


Figure 26 - 60 Degree Light Angle Test from rear ground floor window of adjacent dwelling

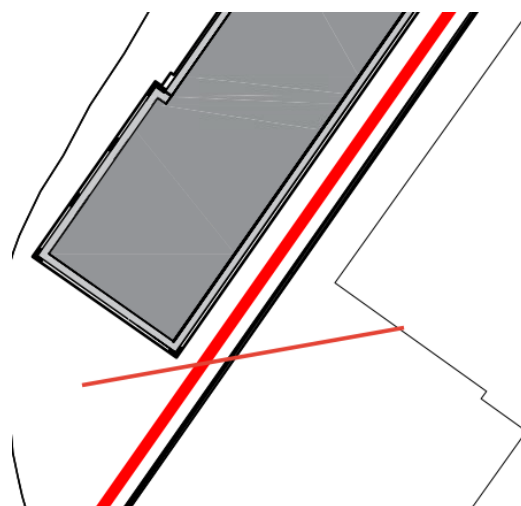


Figure 27 - 45 Degree Light Angle Test from rear first floor window of adjacent dwelling

Impact on Trees/Landscape Features

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

Impact on Amenity Space and Parking

The proposal will have a negligible impact on the amount of private amenity space associated with the dwelling (with over 2000m² remaining with the proposal in place), and as such I am satisfied that there is still a sufficient provision within the curtilage of the site for recreational and domestic activities.

The proposal has no impact on the current car parking provision on site. I am satisfied that there is sufficient space within the curtilage of the site for the parking and turning of 2+ vehicles.

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.

Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 27/08/2024. This found that the project would not have an adverse effect on the integrity of any European site.

Sewerage Infrastructure

NI Water were consulted on the proposal, and their response dated 30/07/2024 (meaning it is valid until 29 January 2026) indicates that they are content with the proposal subject to response-specific conditions. Their response advises that there is no public surface water sewer within 20m of the proposed development boundary, however access is available via an extension of the existing public surface water network or via direct discharge to a designated watercourse. Any extension to the public sewer system will require separate consent from NI Water.

5. Representations

Seven neighbouring properties were notified of the proposal, as per the Council's statutory obligation.

As of writing, 15 letters of objection have been received (from 6 different addresses), and no letters of support have been received.

The main points of objection are as follows:

Objections from 2022:

- The proposed pool house is too large, too close to the boundary with no.46A, too overbearing and is out of character for the area
- No response has been received to address the concerns of NI Water or SES
- The scale, massing and design of the proposal is inappropriate
- The upper deck on top of the proposed pool house will allow users to have a clear view into the approved dwelling next to it
- The proposal is located in the front garden of the host dwelling, dominating the approach to the existing dwelling
- A blank wall stretching some 25 metres along the property boundary will be dominant and intrusive
- The site is within a proposed ATC, and the proposal has a floorspace of over 100m² – there should be a Design and Access Statement

Response:

As discussed in section 4 of this report, the pool house is not considered to cause an unduly overbearing impact to neighbouring properties and fits the character of its surroundings to a suitable degree. Responses have been received from NI Water and SES since the above objections were raised, both of which offering no objections to the proposal subject to conditions. The roof of the proposal has since been altered, with a reduced height and a large roof lantern preventing its use as a terrace. A Design and Access Statement was also provided in April 2022.

Objections from 2023:

- The scale / massing / design of the proposal remain inappropriate
- The upper deck of the proposal has retained its full scale with a barbecue area, hot tub, etc.

- The proposed building will detract from the streetscene
- The proposal will be dominant and intrusive
- The proposed roof terrace has a floor height similar to a second floor, and is very close to the boundary with the approved dwelling
- Loss of light to ground floor rooms / amenity spaces
- Area directly to the rear of the house is most sensitive, and adjacent development must be designed to ensure it does not overlook this area. The proposal will overlook and completely dominate this space.
- 1.1m parapet is clearly suggestive of potential for the applicant to use this roof area as originally proposed
- No information has been provided in relation to how the pool water will be discharged
- The proposed roof terrace will also overlook the courtyard of No.44 Glen Road

Response:

Regarding the comments surrounding the proposal having a dominant/overbearing impact and the scale / massing of the proposal – the same comments as above apply, which are discussed in greater detail under Section 4 of this report.

The proposal is not deemed to cause any unacceptable loss of light to the ground floor of the new dwelling at 46A Glen Road, as it only extends approx. 6.3m beyond the rear elevation of the new dwelling and is set far enough away that it does not unduly block light to the ground floor, as evidenced by the light angle tests displayed in section 4 of this report. The loss of light to the amenity spaces of the new dwelling is also not deemed to be unacceptable, as the proposal will only run adjacent to a very small portion of the new dwelling's private amenity space. As noted in para. A33 of the Addendum to PPS7, "Overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission." In this case, the proposal is not deemed to cause enough of a detrimental impact in relation to overshadowing to warrant a refusal of permission.

The comments regarding the parapet and potential use of the roof as a terrace have been remedied with the introduction of a large roof lantern, which clearly evidences that the roof of the pool house will not be used for any form of social gatherings, so overlooking cannot be deemed an issue.

Regarding the discharge of pool water, NI Water offer no objections to the proposal, subject to conditions.

Objections from 2024:

- The roof is still surrounded by a 1.1m parapet and can still be used as a terrace
- The proposed drawings fail to specify where the trocal membrane will be utilised
- It is impossible for the council to enforce that the roof can't be used for partying or other entertainment on an occasional basis

- The only way to remove the amenity issues in this case would be the substantial revision of the design, including:
 - Complete removal of the roof top parapet
 - Reduction in the height of the eaves adjacent to 46A Glen Road to no higher than the boundary brick wall (3m)
 - Significant reduction in the length of the building
- The proposal will erode the quality of spaciousness and will adversely impact upon the character and amenity of the area
- Development in front gardens should generally be resisted
- No.44 Glen Road would be hemmed in by development if the proposal goes ahead
- The height of the building and its proximity to the boundary creates maximum impact on adjoining properties, which would easily be avoided by relocation to the eastern boundary
- A new building in this location would create a density of development that is completely out of character with the area.
- The proposal would be highly visible from the driveway leading to no.48 Glen Road
- The proposal cannot be described as an ancillary garden building – it is essentially a flat roofed box which equates to two storeys in height
- When LA06/2015/0848/F was granted, the two-storey element was required to be set back from the boundary wall – it would be wholly inconsistent to now allow the applicant to build what is essentially a two-storey building so close to this wall.

Response:

Comments regarding the roof of the proposal being used for social gatherings / causing overlooking have been remedied by the introduction of the roof lantern, however this will be further safeguarded by the inclusion of a condition stipulating that the roof shall not be used at any time as a roof terraces or balcony. The use of such conditions is common practice and considered by the council to be enforceable. While the parapet remains, it is extremely low at only 40cm in height above the flat roof, evidencing that the roof of the proposal could not safely be used for any form of activity. The top of the parapet would now sit below the eaves of the second storey of the new dwelling at 46A.

There will still be ample space within the curtilage of the site with the proposal in place, and as such it is not deemed to cause any unacceptable “hemming in” effect, nor will it result in excessive density of development in the area. While the proposal is of a considerable scale, it is evident that it is still wholly incidental to the use of the dwelling at no.42 Glen Road and will be conditioned to remain as such.

Regarding the comment in relation to LA06/2015/0848/F (which has since been subject to a change of house type under LA06/2021/1032/F), it is clear that the current proposal is not of the same scale as the dwelling that relates to this application. While a portion of the proposal will exceed the height of the boundary wall, it is set back far enough from the upper storey of the new dwelling at 46A as to not appear overbearing, and, notably, there also are not any windows on the upper storey of the new dwelling which face the proposal – the only glazing is to serve two covered balconies.

Objections from 2025:

- The lantern roof has increased the height of the proposal by approx. 1 metre
- While the lantern roof has reduced the extent of the flat roof, there are still substantial areas which could be used as roof top amenity space
- A fence / screen has been added to the top of the boundary wall, extending along its entire length and increasing its height to some 5.5m
- The height of the parapet has been reduced to 5000mm, but one elevation still notes it as 5500mm
- The application is now described as “Pool House (amended plans)”, with previous reference to “roof top terrace” removed – a revised application form does not appear to be available
- The fence on top of the boundary wall would require express planning permission
- The scale and massing of the proposal remain wholly inappropriate
- PPS 7 Addendum cautions against development in front gardens, with such development generally being resisted. The proposal will dominate the garden and create a narrow passage to the buildings to the rear, eroding the quality of spaciousness and adversely impacting the character and amenity of the area.
- The proposal is still dominant and intrusive, with minimal separation distance to the new dwelling at 46a

Response:

While the roof lantern has increased the overall height, this is set to the centre of the roof, which is further away from the new dwelling at 46a (and notably is made of glass, so it will not contribute to a dominant appearance). The parapet has been reduced in height by approx. 0.5m reducing the height of the proposal on the elevations closest to the new dwelling. As above, an unduly dominant impact is not perceived.

It is clear that with the roof lantern in place and the parapets lowered, the roof of the proposal will not be used for any form of social gatherings, and as such comments surrounding this are not deemed to be of relevance anymore.

The fence / screen on top of the boundary wall has been confirmed by the agent as a mistake added to the plans, which has subsequently been removed by the proposed drawings received on 27/01/2025. These plans also removed the mistaken “5500” height of the parapet in one of the elevations.

A revised application form has been received on 23/01/2025 to show the description of the proposal changed to match that shown on the public portal.

Regarding comments surrounding the proposal being unacceptable in a front garden, responses to previous objections (above) still apply, as the siting of the pool house is unchanged.

Objections after latest amendments (February 2025):

From the representative of 46a Glen Road:

- The same concerns relating to dominance, overlooking, loss of amenity and impact on local character still stand
- The scale and massing of the proposal is still inappropriate
- Letters from the current applicant objecting to the new dwelling at 46a highlighted the significance of the setting of Dunratho and its historic context – the proposed pool house would directly contradict this letter
- The dwelling at 46a was approved on the basis that it was able to maintain appropriate separation distance from no.42 – the proposed pool house contradicts this
- The proposed pool house will erode the quality of spaciousness around Dunratho
- Even if the rooftop terrace is disregarded, the development will still be dominant and intrusive to the private amenity space of the new dwelling at 46a
- The new dwelling at 46a utilises a flat roof to prevent dominance – the proposed pool house will be two storeys high and offers minimal separation to the new dwelling
- The new dwelling at 46a will be hemmed in by a blank wall at least 5 metres in height and directly flanking their rear amenity space for a distance of over 6 metres from the rear of their house
- Appeal decision 2022/A0207 highlights the importance of paragraph A31 of the Addendum to PPS7:
 - “19. Paragraph A31 of the guidance in the Addendum to PPS 7 states that dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Neighbouring occupiers should not be adversely affected by a sense of being ‘hemmed in’ by an extension. This can often result from the construction of a large blank wall. Loss of light can be a consequence of this dominance.”
 - “22. With regard to the impact upon the dwelling at 25 Bryansford Gardens, the scale and juxtaposition of the extension is such that it dominates the outlook from the kitchen and rear garden of this property. It appears to tower over no.25 and occupiers are likely to feel hemmed in due to its height and proximity to the common boundary. I consider it to be excessively large and overbearing when viewed from this property. The Council’s concerns in respect of the dominance on this property are sustained.”

Response:

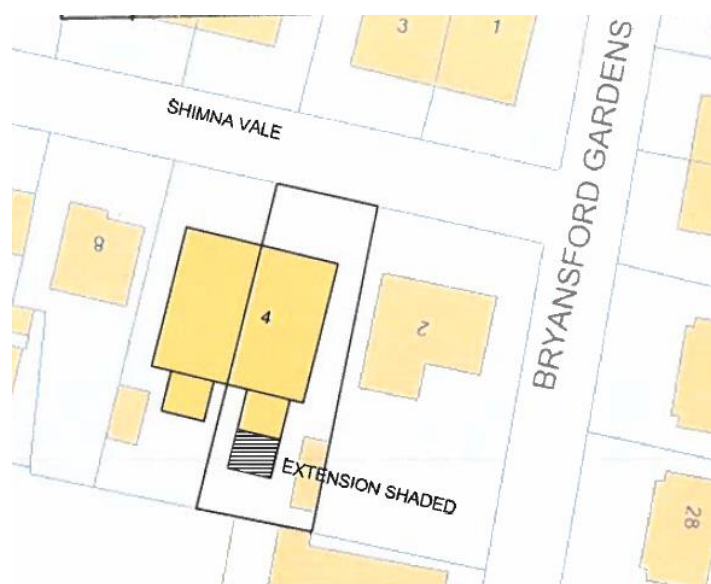
Comments in relation to dominance, overlooking, loss of amenity and impact on local character have been discussed in Section 4 of this report, with it deemed that the proposal will not have an unacceptable impact on any of the above.

In relation to the letter of objection submitted by the current applicants against the new dwelling at 46a – these concerns were considered by the planning office in the determination of the application for a dwelling at 46a, with it determined that development in this location would not result in undue harm to the character of Dunratho. It was also noted that development in this location would not further erode

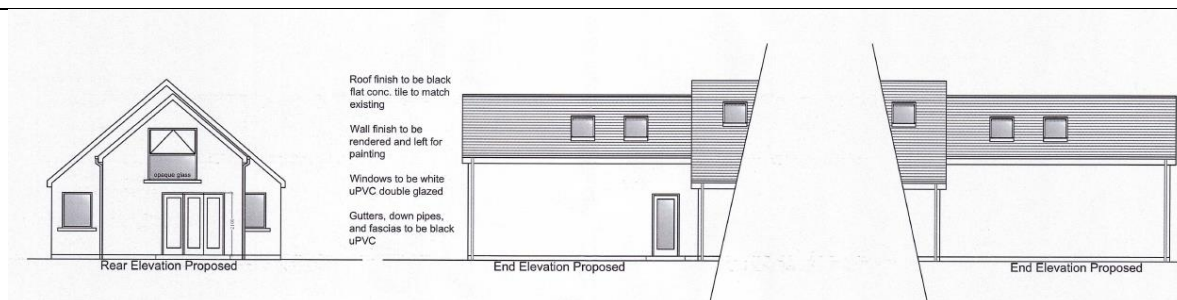
the quality of spaciousness surrounding Dunratho, as there is still extensive space to the north and west of Dunratho.

Regarding the reference made to appeal decision 2022/A0207 – this appeal was in relation to planning application LA07/2022/1317/F, for a rear extension to a dwelling at 4 Shimna Vale, Newcastle. From viewing the plans associated with this application, it is evident that the current application at 42 Glen Road has very different circumstances to the appeal site and is in no way comparable. In the appeal case, an extension was built directly adjacent to the rear of a neighbouring property, which has relatively limited private amenity space, and windows serving habitable rooms facing the extension. This extension involved a large first floor window with views directly into the rear of neighbouring properties.

It is evident that the proposed pool house does not create the same issues as the extension considered in appeal 2022/A0207. The new dwelling at 46a does not have any habitable rooms with their sole windows facing directly towards the pool house that would be unduly impacted, and there are no first-floor aspects of the pool house that could result in overlooking. While the pool house is to be constructed in relatively close proximity to part of 46a's amenity space, it is clear that the site at 46a has considerably more amenity space than the neighbouring dwelling impacted by the appeal decision. The Commissioner's report notably stated, "I consider it to be excessively large and overbearing when viewed from *this* property." It is clear in this case that this appeal cannot be used as direct precedent in the determination of the current application. Further to this, Paragraph A31 of APPS7 states "It is appropriate, however, to take account of the prevailing local environment." In this case, there is significantly more amenity space surrounding the new dwelling at 46a, meaning the proposed pool house would not form a "hemming in" effect as seen in the appeal case.



Appeal Site Location Plan



Appeal Elevations

Objection from 45 Glen Road:

- If approved, the proposal would utilise the whole front garden of the application site and its height would result in an obtrusive blank wall being visible to both neighbours and those travelling along Glen Road
- The overall mass of the building would lead to an over intensification of development of the site and would be out of character with its surroundings including the adjacent cottages and site currently under development
- There will be virtually no separation distance between the proposal and the new dwelling currently under development, resulting in an intensive clustering of substantial buildings and loss of green amenity space

Response:

The points relating to the development being at the front of the site have been considered above and in section 4 of the report, with it deemed that the proposal would not unduly impact the character or appearance of the host dwelling or surrounding area to an unacceptable degree. It should also be noted that there are limited views of the site when travelling along Glen Road due to the mature vegetation to the road frontage.

The separation distances related to the proposal as well as loss of amenity space have been considered above and in section 4 of the report, with the proposal deemed to be acceptable in both regards.

Objection from 39 Glen Road:

- Having previously granted permission to construct a garage / annexe adjacent to the front of the property, the proposal would only serve to further intensify development in a relatively small area and would dominate what is currently an area of amenity space to the front of the Applicant's house
- I would question the justification for any auxiliary domestic outbuilding to be of the scale and mass proposed, and am concerned that it would only serve to hem in the adjacent properties

Response:

The proposed pool house is not deemed to intensify development to an unacceptable degree, with it considered that the adjacent new dwelling at 46a is of a considerably larger scale. While the proposal will result in a minor loss of amenity space, it is clear

that this grassed area is not the main amenity space associated with Dunratho, and extensive amenity space will remain on the northern and western portions of the site.

The scale and massing of the proposal is deemed to be acceptable within this context, with further consideration of this given in Section 4 of this report. The proposal is not deemed to be of such a scale or to have siting that would be seen to “hem in” neighbouring properties.

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. Discharges from the approved swimming pool must only be to the NIW foul sewer, 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. No development shall take place on-site until the method of surface water disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of the Water (NI) Order 1999.

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

4. The pool house hereby permitted shall not be used at any time other than for purposes incidental to the residential use of the dwelling known as Dunratho House, 42 Glen Road, Holywood.

Reason: To prevent the creation of a separate stand-alone use in a residential area.

5. The windows on the southwestern elevation, serving bathrooms as shaded in blue on drawing 06F, shall be glazed with obscure glass prior to the commencement of use of the development hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy

6. The roof area of the pool house hereby permitted shall not be used as a balcony, roof garden or amenity area at any time.

Reason: To safeguard the amenities of the adjacent property.

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 amenity and character of the site and area.

Informative

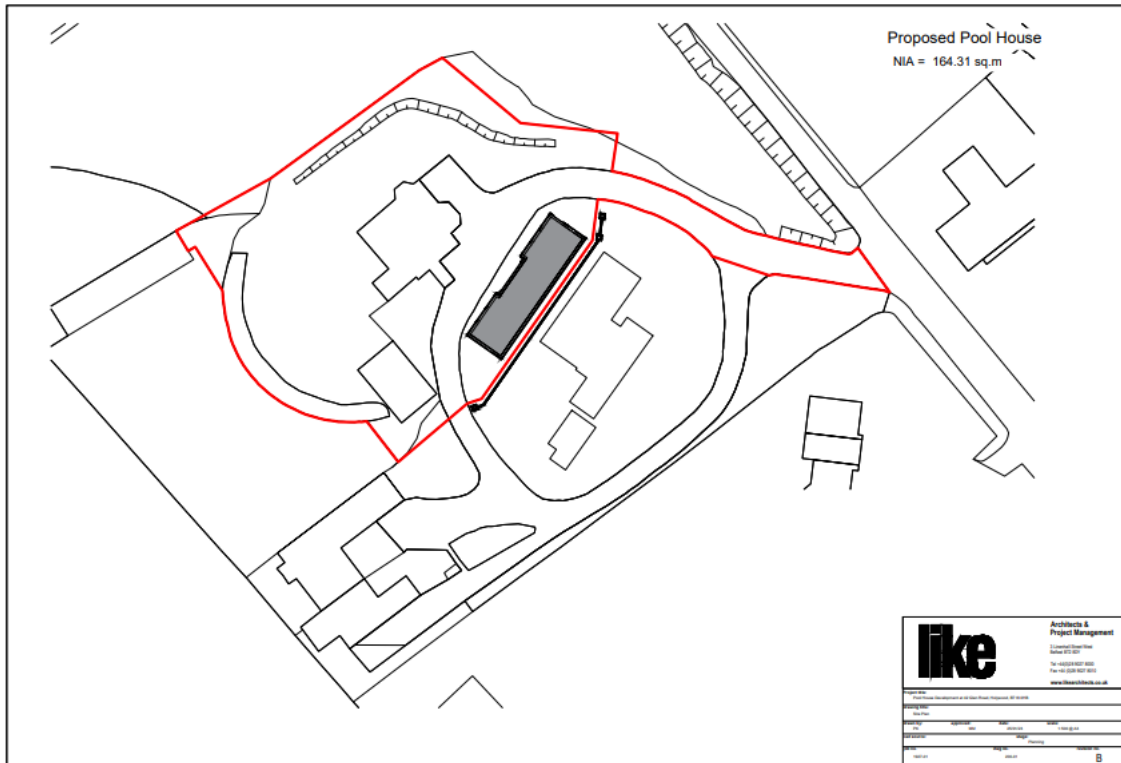
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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



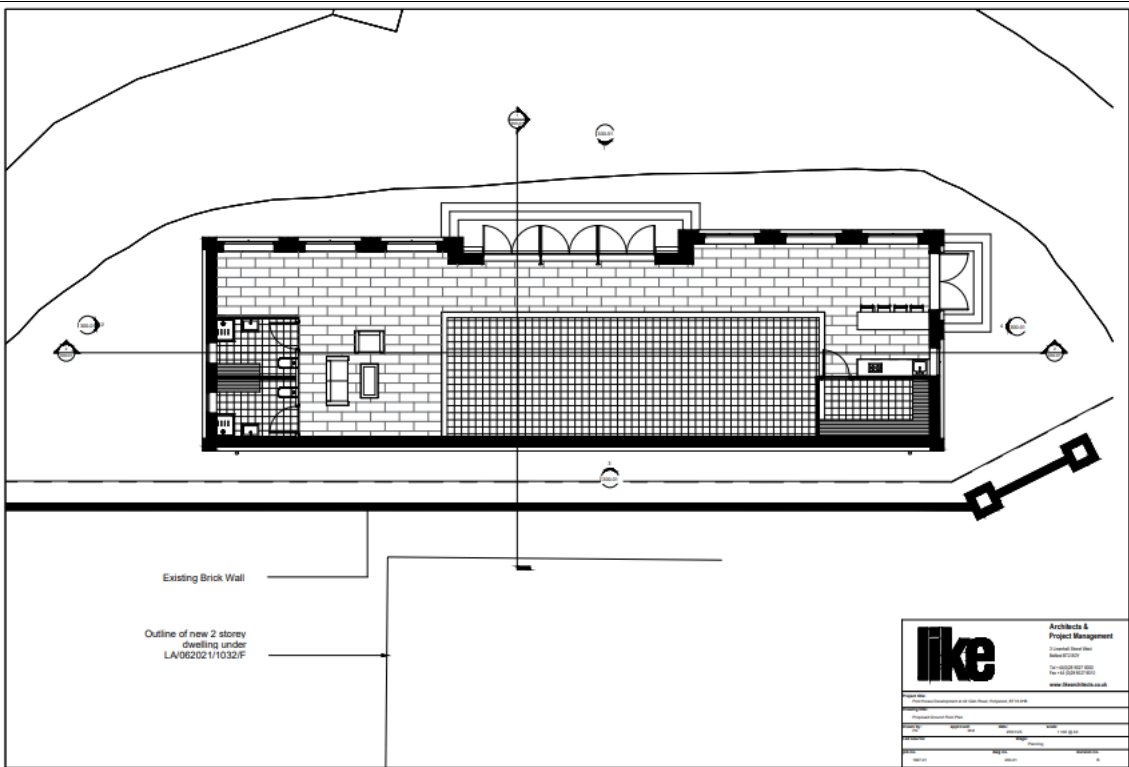
Appendix One: Relevant Plans



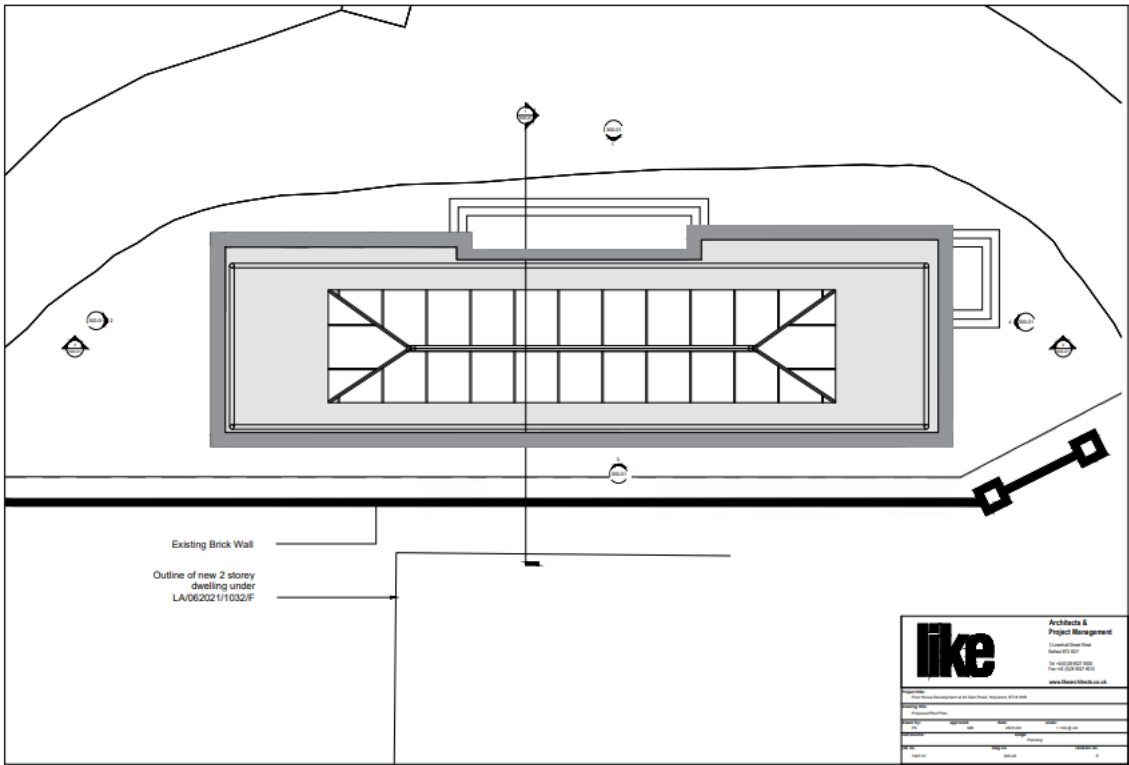
DRG 01 – Site Location Map



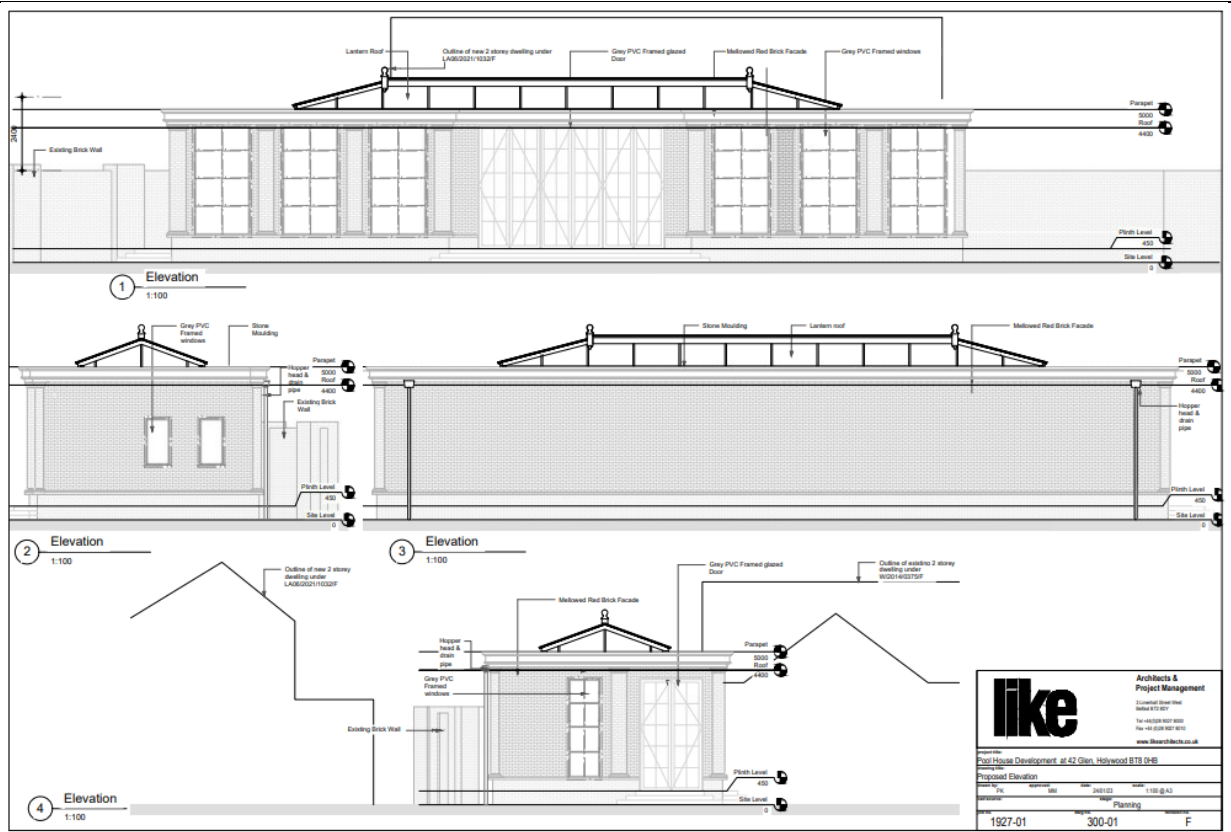
DRG 02B – Proposed Site Plan



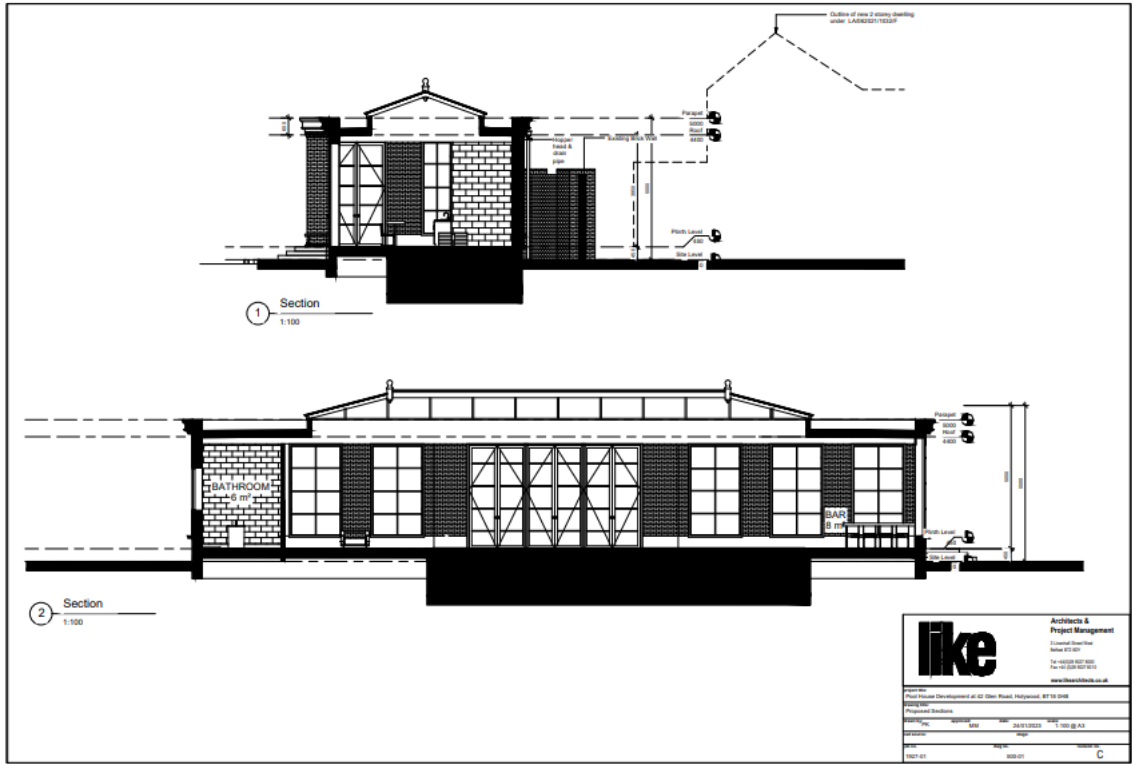
DRG 04D – Proposed Floor Plan



DRG 05E – Proposed Roof Plan



DRG 06F – Proposed Elevations



DRG 07E – Proposed Sections

Appendix Two – Site Visit Photographs (10 December 2024)









Appendix Three: Photographs from Site Visit at 46a Glen Road (12 December 2024)






Appendix Four: Photographs from Glen Road (26/03/2025)





Development Management Case Officer Report					
Reference:	LA06/2024/0912/F	DEA: Bangor Central			
Proposal:	Single-storey rear extension	Location:	48 Ashley Drive, Bangor		
Applicant:	Mark Brooks				
Date valid:	25/10/2024	EIA Screening Required:	No		
Date last advertised:	07/11/2024	Date last neighbour notified:	29/10/2024		
Consultations – synopsis of responses:					
None					
Letters of Support 0 Letters of Objection 1 Petitions 0					
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Design and Appearance • Impact on privacy and amenity of neighbouring properties • Impact on the character and appearance of the area • Biodiversity 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access</p>					

1. Site and Surrounding Area

This site consists of the end property in a block of modern, three-storey, townhouses in the Ballyholme area of Bangor. The dwelling is gable-on to the road with a side garden between the house and the footpath. The dwellings are designed with garages in basement. Modest rear amenity area. Rear boundary shared with the grounds of a local church.

Area is residential in character although there are number of community buildings nearby (church and school).

2. Site Location Plan



Figure 1 – Site Location Plan

3. Relevant Planning History

Townhouses approved under application W/2003/1026/F. No other planning histories material to the current application.

4. Planning Assessment

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

- North Down & Ards Area Plan 1984-1995
- DRAFT Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations

Planning Guidance:

- Creating Places

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site above is within the settlement of Bangor. No environmental, archaeological or architectural designations affecting the site. Site not associated with any area noted for its built heritage and is not included within a Tree Preservation Order. As there are no material provisions in the extant LDP that are pertinent to the proposal, the determination will be based on the prevailing regional policies and all other material considerations.

The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The provisions of the SPPS and any retained policies are to be applied to individual planning applications. Within this context, PPS 7 Addendum is retained and provides the main policy context for this type of development.

There is policy provision for householder development and the proposal is considered to be acceptable in principle subject to prevailing regional policies and all other material considerations.

Impact on Existing Dwelling and Character of Area

Applicant proposes a 'one-room' extension to the rear. Extension will project 3.4m from the rear wall, will extend across the breadth of the dwelling and will project slightly beyond the gable. The development will have a flat roof with eaves 2.8m above ground level. There will be no alterations to the front of the dwelling. As the dwelling is 'gable-on' to the road, it is likely the top of the extension will be visible to passing traffic. The extension will project beyond the gable but the elevation facing the road will be largely glazed and I do not consider it will have a significant impact on the character of the area. Given the boundary fence on the footpath, public views will be very limited. There is no strong sense of a building line on this side of Ashley Drive so the fact the extension projects to the side would not be determining. Overall, the extension is modest in terms of scale and massing and will have minimal impact on both the appearance of the dwelling the character of the area.



Figure 2 - Existing dwelling and proposed side elevations

Impact on Privacy and Amenity of Neighbouring Residents

The Council considers it important that the amenity of all residents is protected from ‘unneighbourly’ extensions which may cause problems through overshadowing/loss of light, dominance and loss of privacy. The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments.

The extension is single-storey and will not lead to a sense of dominance. No unacceptable overlooking or loss of privacy would occur as a result of the works. Given the dwelling is part of a small terrace, there is the potential for a loss of light. The Addendum recognizes that significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. The same policy sets out a guide to assess such an impact. A 60° line is drawn from the centre of the closest neighbouring window towards the extension. If the extension falls within the angle, it is generally considered loss of light would not be a determining issue. The 60° angle has been drawn and can be seen in the plan below. The corner of the extension touches the angle and this is generally indicative that loss of light will not be determining. It is also worth noting that the extension is not significantly greater than what could be erected under the provisions of Permitted Development legislation. Whilst the proposal extends 0.4m beyond what is permitted, the extension will be 0.2m lower than the 3m permitted by the legislation.

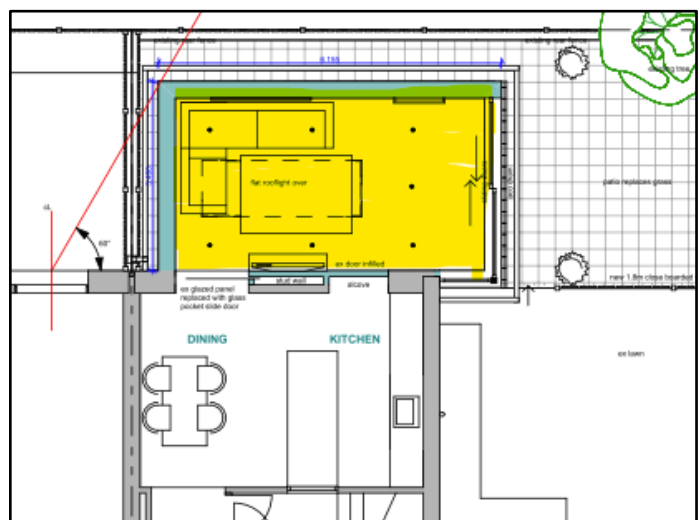


Figure 3 - Plan showing 60° angle

The Council has received a representation from the next-door neighbour (No.50) regarding the impact on light reaching their dining/kitchen window. At present there is a contemporary 1.8m close board timber fence between the two properties. The introduction of a solid structure with a height of 2.8m would have the potential to reduce light and alter the outlook at the rear of the No.50 however the policy test is to determine whether or not any unacceptable adverse impact would occur taking account of a number of material considerations. The occupant claimed light was already restricted by the large church to the rear of the site and that the extension would exacerbate the situation. The church is a large structure and is on higher ground but is 14m from the rear of No.50. Whilst the Policy does recognize that existing buildings can exacerbate the situation, the church pre-existed the dwellings, and its impact on neighbours could not be given such weight as to restrict a relatively modest single-storey extension next door. Given the extension meets the light test, it is my professional judgement that the impact on light would not be so significant as to be determining. I should add that the representation has been noted as an 'objection' but was conciliatory in nature and sought reassurance that these issues would be considered.



Figure 4 - Photos of rear elevation of terrace

Impact on Trees/Landscape Features

No landscape features affected by the proposal. No TPO on the site.

Impact on Amenity Space and Parking

Parking provision and access will not be affected. Amenity space to the rear will be substantially reduced; 60sqm to remain at the side and this is considered to meet the standards set out in Creating Places.

Impact on Designated Sites/Natural Heritage Interests

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

The development will have no impact on any nationally or internally designated sites. The site is located in an urban area away from the coast. There is a waterway 40m to the west but it is on the far side of a roadway and two dwellings. There is no reasonable

hydrological link to any environmental receptors. No priority habitat on the site. Therefore, 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).

In terms of protected and priority species, Part 2 of the Checklist was referred to and *did not* identify a scenario where further consideration or surveys are necessary. No demolition or conversion involved in the application. No interference to the roof. Proposal involves removal of on No removal of large trees or hedges. It is considered the impact on any such species to be negligible.

5. Representations

One representation has been received. The representation came from the next-door neighbour and has been lodged as an ‘objection’. The letter clarified that they did not seek to prevent building work, but was concerned the extension would further impact on the loss of light. I have emailed the objector and set out the Council’s policy regarding extension and how the light test is applied. The objection has been considered in full in the above report.

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

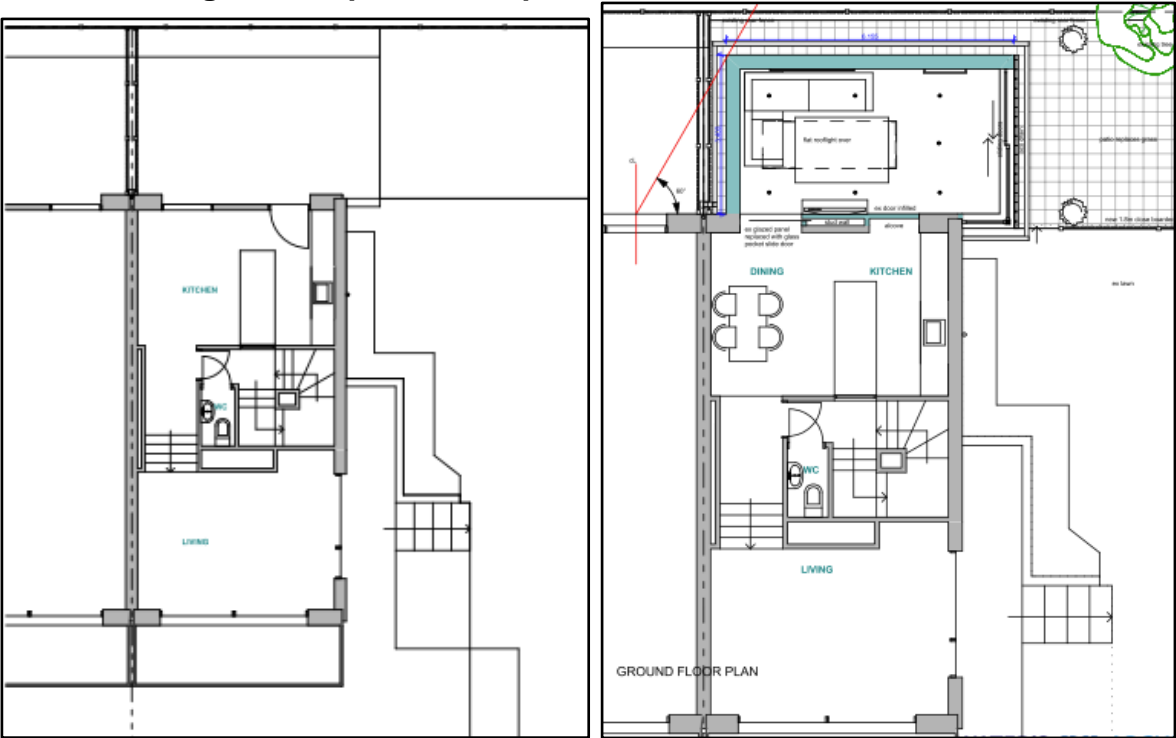
Informative

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.

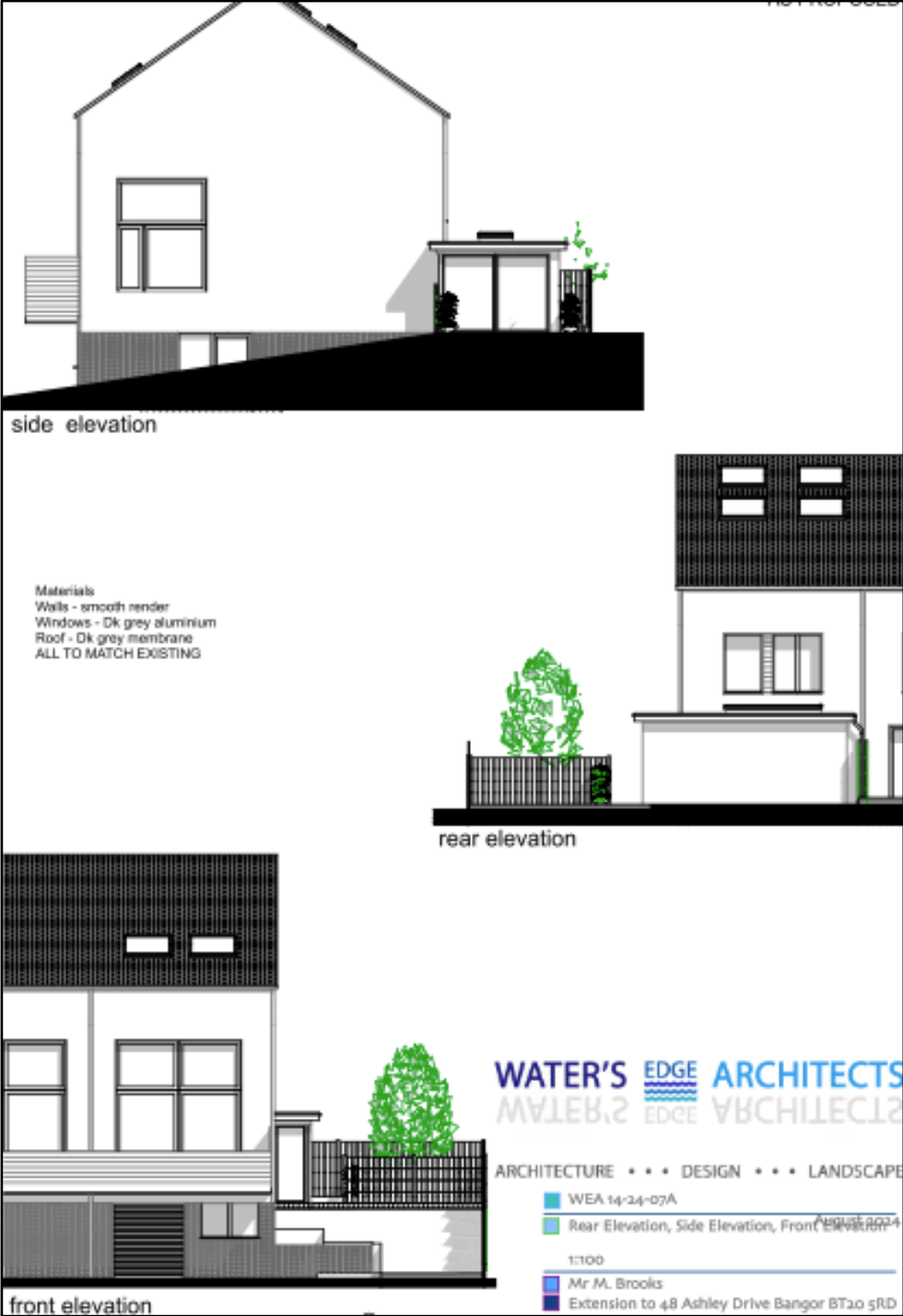
1. Site location plan



2. Existing and Proposed floorplans



3. Proposed elevations



4. Application dwelling




5. Rear garden of dwelling showing proposed site of extension



6. Rear of existing terrace viewed from church grounds



Development Management Case Officer Report			
Reference:	LA06/2024/1011/F	DEA: Newtownards	
Proposal:	Erection of Commemorative War Memorial		
Location:	9m SE of Newtownards War Memorial, Castle Street, Newtownards		
Applicant:	Mr C Cunningham		
Date valid:	26.11.2024	EIA Screening Required:	No
Date last advertised:	19.12.2024	Date last neighbour notified:	10.12.2024
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	
Consultations			
<ul style="list-style-type: none"> • ANDBC Environmental Health – No Objections • NIEA (Historic Environment Division) - No Objections • DFI Roads - No Objections 			
Summary of Main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Visual Impact • Impact on Residential Amenity 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view on the Planning Portal at Northern Ireland Public Register (planningsystemni.gov.uk)</p>			

1. Site and Surrounding Area

The subject site is an existing triangular plot of land bounded to the north by Castle Street, and to the south and west by Court Square, Newtownards.

As illustrated in the photos below, the site is already host to an established columnar war memorial finished in white stone, which is nestled within landscaped gardens bounded by metal railings, mature trees and seasonal planting beds.



Figure 1 – View of Site

In the area beyond the memorial garden, ruinous remains of an old priory building are located on land to the south, whilst to the north and west, the street scene contains a number of more recently constructed two storey buildings.

With little to no evidence of residential use in the immediately surrounding buildings, the area is predominantly used at present for a range of commercial and community uses, to include, a Public House, Bookmakers Office, Takeaway Restaurants, a Funeral Undertakers, a Church and a two storey building occupied by the Royal British Legion.



Figure 2 – View of Existing Monuments

2. Site Location Plan



Figure 3 – Site Location Plan

3. Relevant Planning History

Planning Reference: LA06/2017/1342/F

Site Address: Cenotaph Grounds, Court Square, Newtownards

Proposal: Memorial Structure in War Memorial Grounds

Decision: Planning Permission Granted: 16th March 2018

Planning Reference: LA06/2018/0727/F

Site Address: Cenotaph Grounds, Court Square, Newtownards

Proposal: Erection of Stone Memorial in Memory of Polish Airmen

Decision: Planning Permission Granted: 9th October 2018

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 (ADAP)
- 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 & Built Heritage
- Planning Policy Statement 6 Addendum – Areas of Townscape Character

Principle of Development

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

Under the SPPS publication, 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.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The SPPS states that built heritage assets are important sources of information about our past and are often significant landmarks in the present townscape and countryside.

Further outlining that Listed Buildings are a core aspect of our built heritage and contribute to the character and quality of the environment, it is imperative then that proposed development that has a potential to impact upon a listed building and its associated setting should be visually compatible then with the fabric, setting and character of the building.

The SPPS also details that appropriate measures should be taken for the identification and mitigation of the archaeology impacts of the development.

Ards and Down Area Plan 2015

The purpose of the Plan is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will be used to guide development decisions within Ards and Down over the Plan period.

The subject site lies within the designated settlement limit for Newtownards as illustrated in the Ards and Down Area Plan and is also zoned as an Area of Townscape Character: Court Street/Court Square.

In addition, it is to be noted that the site is within the established town centre and an area which also falls within an Area of Archaeological Potential.

In respect of the ATC designation, the prevailing LDP states that 'the distinctive character, appearance, key features and intrinsic qualities of Court Street/Court Square and the basis for its designation as an Area of Townscape Character include the formally maintained Court Square containing mature trees'.

Other buildings of note include the Medieval Priory, the BI Listed 10 Court Square, the B2 listed buildings at 75-77 Court Street and the listed buildings at 4-5 Court Square. These all face the application site.

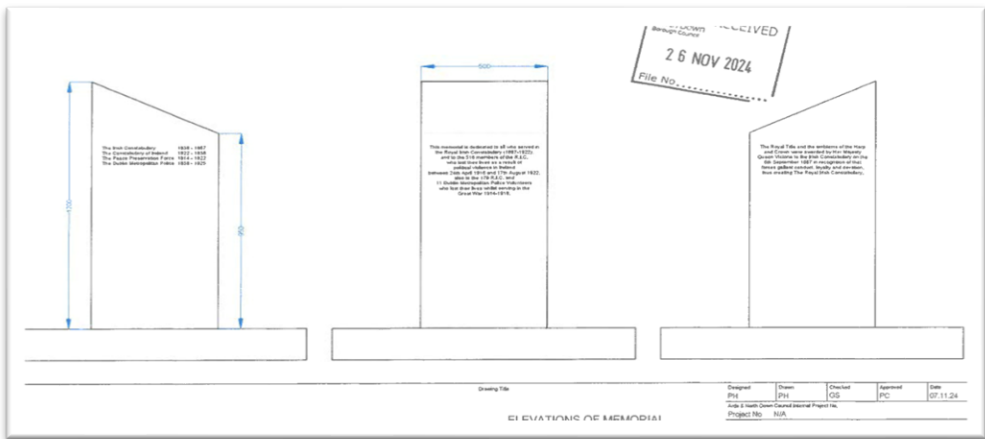
It is therefore of note that whilst in context of the established and dedicated use of the surrounding gardens, the principle of development may be generally acceptable, the overall planning assessment must be equally cognisant of the built heritage and archaeological assets identified within close proximity to the site.

Visual Impact and Impact on Character of Area

The proposed war memorial consists of a rectangular base (approximately 0.95m high by 0.5m wide) with a sloped triangular plinth top which adds approximately 0.25m to the height structure on one side.

I am satisfied that the design and materials proposed are of a high quality and inclusive of black granite with the commemorative text completed in gold lettering.

As illustrated below, the memorial statue will make reference to the service of a number of historical police forces that were formed across Ireland in the 19th and 20th centuries.



The Irish Constabulary 1836 - 1867
 The Constabulary of Ireland 1822 - 1836
 The Peace Preservation Force 1814 - 1822
 The Dublin Metropolitan Police 1836 - 1925

This memorial is dedicated to all who served in the Royal Irish Constabulary (1867-1922), and to the 516 members of the R.I.C. who lost their lives as a result of political violence in Ireland between 24th April 1916 and 17th August 1922, also to the 179 R.I.C. and 11 Dublin Metropolitan Police Volunteers who lost their lives whilst serving in the Great War 1914-1918.

The Royal Title and the emblems of the Harp and Crown were awarded by Her Majesty Queen Victoria to the Irish Constabulary on the 6th September 1867 in recognition of that forces gallant conduct, loyalty and devotion, thus creating The Royal Irish Constabulary.

Figure 4 – Proposed Monument

Given the monument is relatively small-scale in nature, it is considered as an appropriate scale for its proposed location, and I am satisfied that the monument will not appear dominant or obtrusive in the local street scene.

I have assessed the proposal under the provisions of policy ATC2 of PPS6 Addendum and I am content that the proposed memorial respects the design and positioning of the other memorials that are found in Court Square and does not appear dominant or obtrusive in the local street scene and will not create a cluttered effect. Its design is considered appropriate within context of the surrounding area.

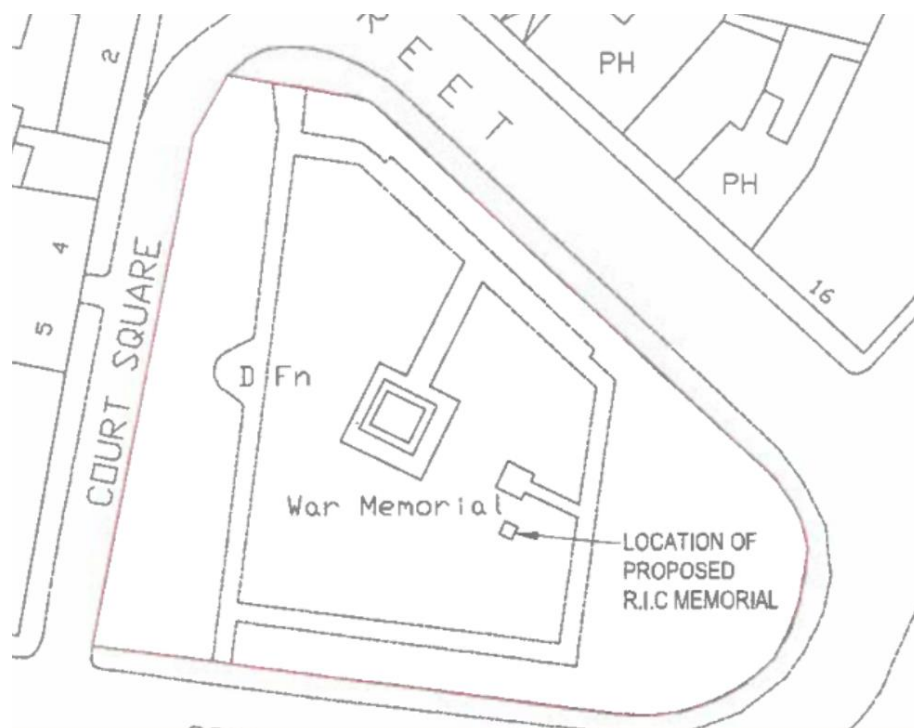


Figure 5 – Proposed Location of Monument

It is my professional judgement that the proposal will maintain the appearance of the ATC and will respect the built form and appearance of the area.

No trees, archaeological or other landscape features will be harmed as a result of this proposal.

Assessment in Context of Built Heritage & Archaeology

As part of the overall assessment, consultation with Historic Environment Division (HED) was carried out and both the Historic Buildings (HB) section and Historic Monuments (HM) team have reviewed and assessed the proposal in context of prevailing planning policy contained within the SPPS document and PPS 6 publication.

Providing comment as appropriate in respect of the setting of identified Listed Buildings and the identified area of archaeological potential, the Historic Buildings team have indicated that the proposal is compliant with Policy BH 11 and is equally acceptable when viewed against the content of Para(s) 6.12 of the SPPS publication.

With regards to any potential impact on archaeological remains/artefacts, Historic Monuments have indicated that the proposal is acceptable subject to the inclusion of planning conditions requiring mitigation measures in context of Policy BH 4 of PPS 6.

To summarise then, I am content that in line with the assessment made and comments received from HED, the proposal is acceptable, and approval would be appropriate subject to the inclusion of those planning conditions proffered by Historic Monuments.

Impact on Residential Amenity

As already alluded to, buildings within the immediately surrounding area are predominantly occupied by commercial and community uses. In context of the same then, it is my professional judgement that there will be no impact upon residential amenity.

In addition, I would also assert that installation of the proposed war memorial in an area already dedicated to the act of remembrance represents a logical choice and as presented, the black granite structure will not detract from the general amenity of the surrounding area.

Access & Road Safety

DFI Roads were duly consulted as part of the assessment process, and having reviewed the proposal, have offered no objections to the same.

As the proposed monument is located within an existing public garden area, I am satisfied that the development will present no issues in terms of traffic management, accessibility or general 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.

Conclusion

The proposal has been considered having regard to the development plan, all material considerations, relevant planning policies and comments from statutory consultees.

The proposal will not cause any harm to the appearance of the Area of Townscape Character, the setting of the listed buildings and monuments or detrimentally impact upon the Area of Archaeological Potential.

I am therefore content that the proposal will maintain the overall appearance of the locale and that the proposed structure has potential to sympathetically blend into the surrounds without resulting in cluttered effect, which might otherwise visually detract from the established memorial gardens.

5. Representations

No objections have been received.

6. Recommendation

Grant Planning Permission

7. Conditions & Informative

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. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Ards and North Down Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

3. No site works of any nature or development shall take place other than in accordance with the approved programme of archaeological work as detailed in Condition 2 of this decision notice.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the approved programme of archaeological work approved under Condition 2 of this decision notice. These measures shall be implemented, and a final archaeological report shall be submitted to Ards and North Down Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Ards and North Down Borough Council.

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

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 Plans and Site Photographs

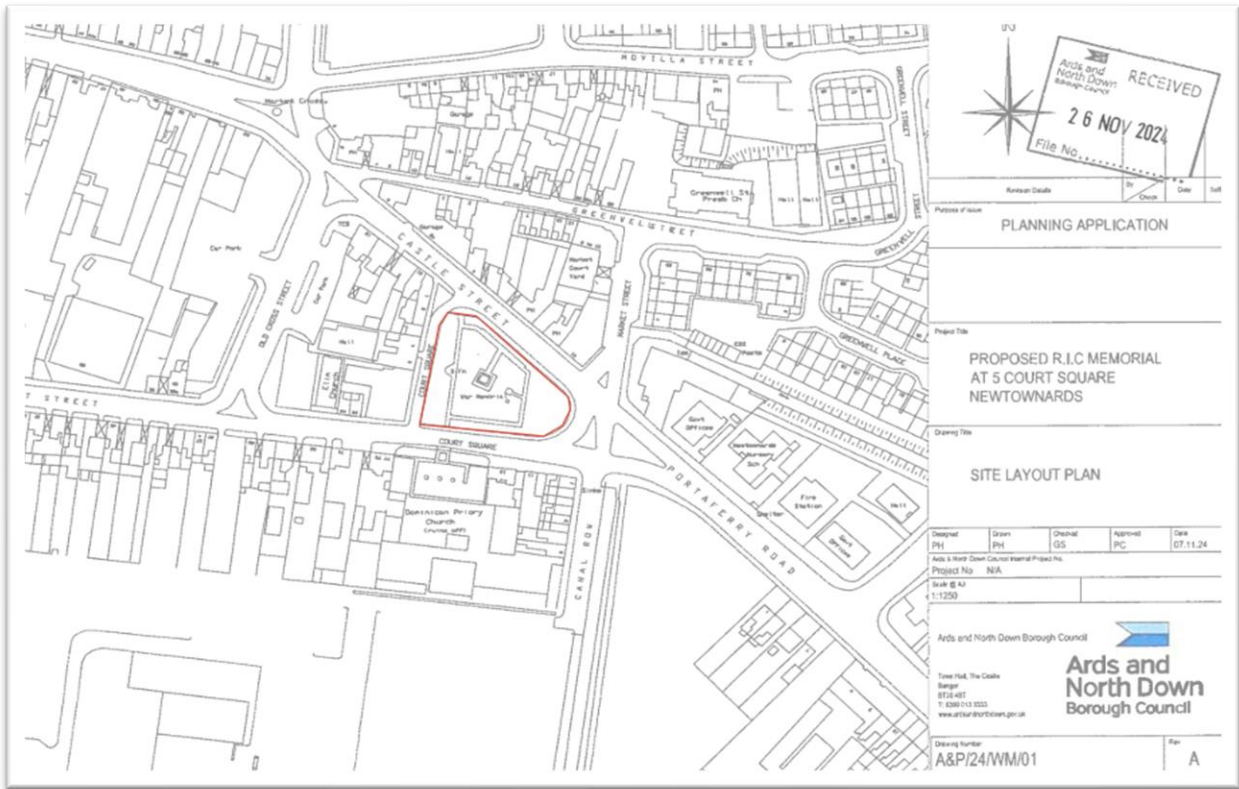


Figure 1: Submitted Site Location Plan, showing context of surrounding area.

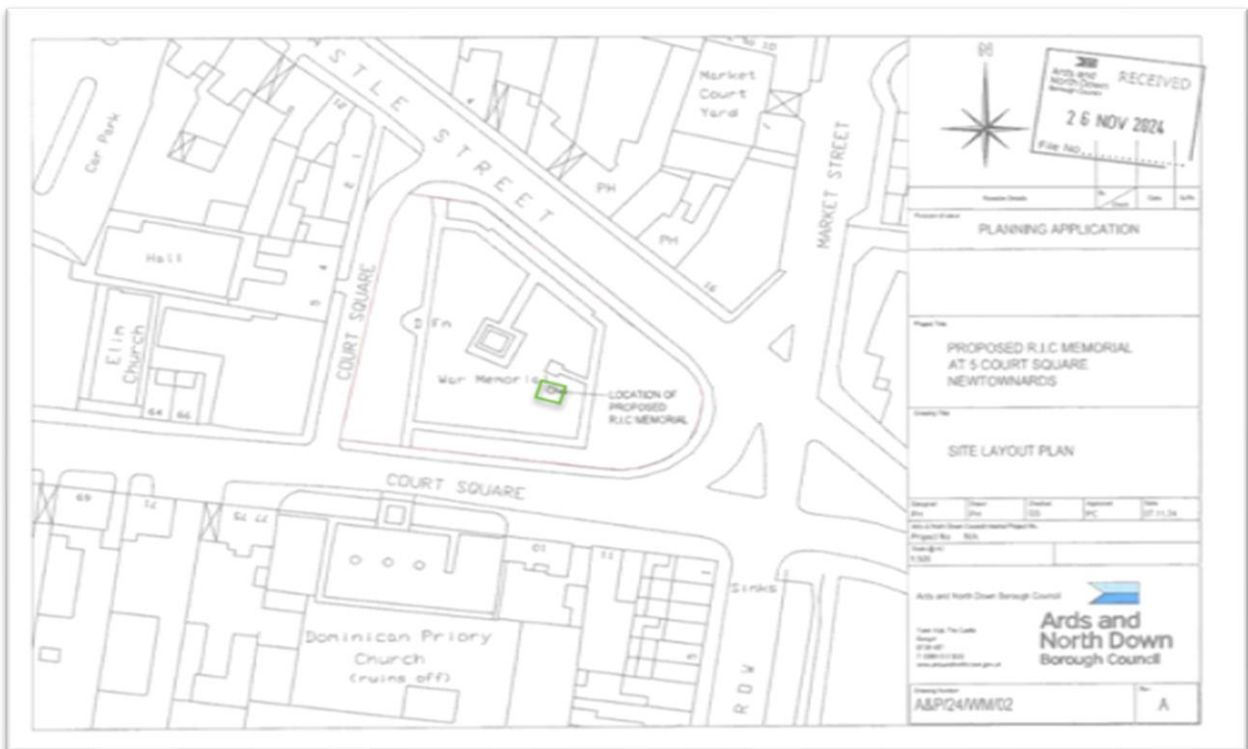


Figure 2: Proposed Site Layout showing position of proposed War Memorial Structure (highlighted in green)

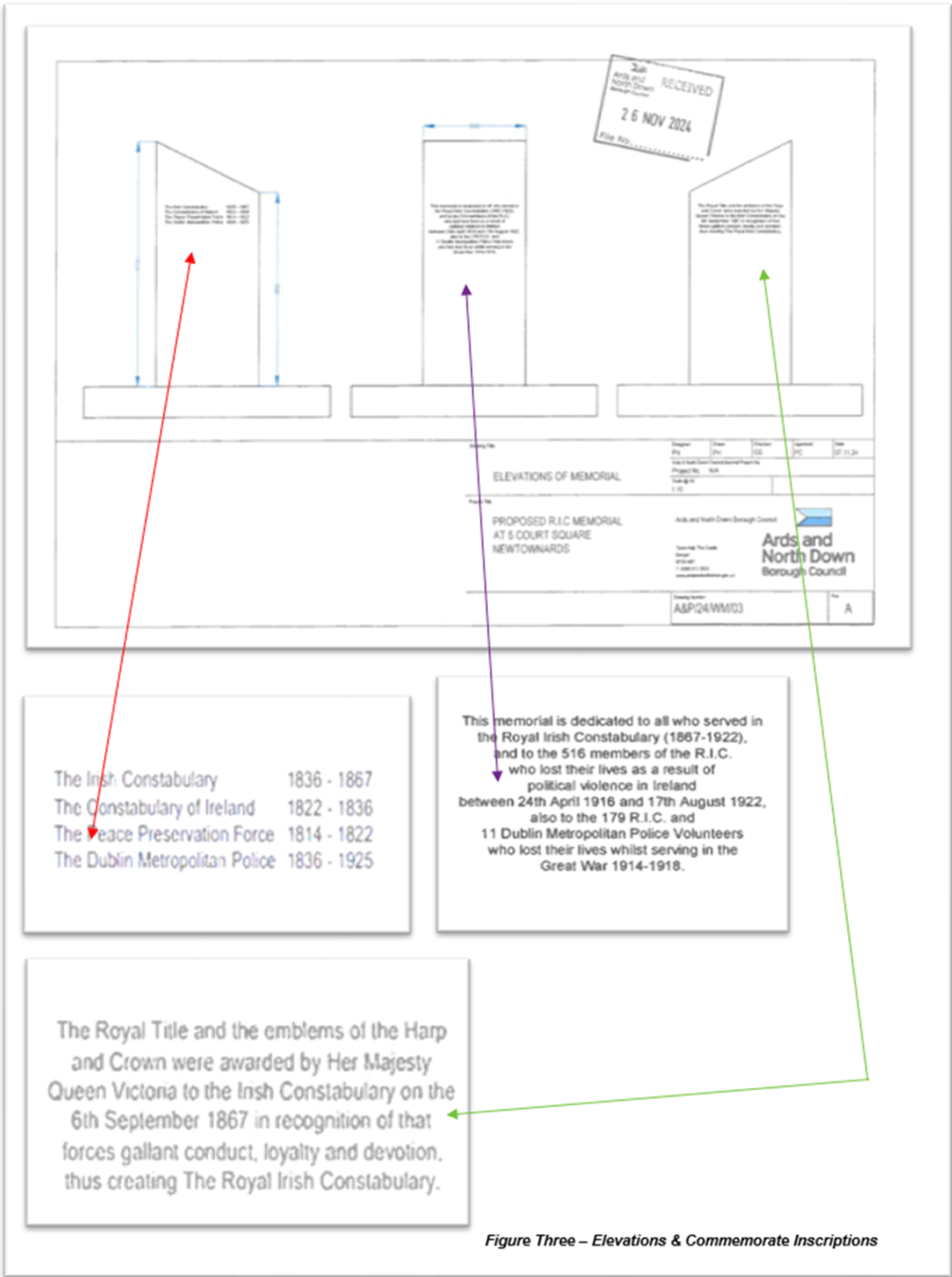
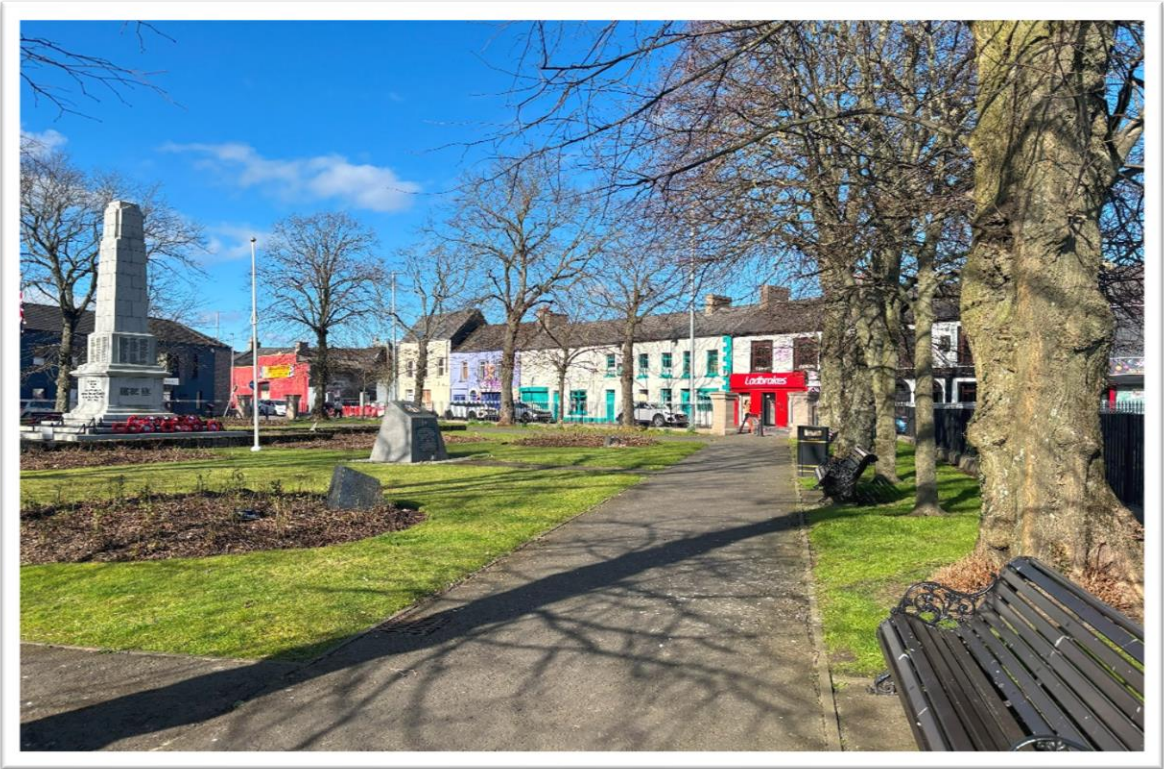


Figure Three – Elevations & Commemorate Inscriptions



(Image 1) View from south-eastern corner of the site and showing central cenotaph structure & existing war memorials in garden and existing commercial properties on Castle Street



(Image 2) View looking towards Dominican Priory Church Ruins on south side of Court Square



(Image 3) View looking towards western side of Court Square, showing front elevations of Elim Church (white frontage on the left) British Legion premises (stone frontage in centre) and an established bar/restaurant (dark frontage on right)

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	06 May 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 April 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 5a - PAC decision 2024/A0055

Appeal Decisions

- The following appeal was upheld on 24 March 2025.

PAC Ref	2024/A0055
Council Ref	LA06/2022/0267/F
Appellant	Mr James Overton White
Subject of Appeal	Refusal of Dry storage unit (Use Class B4) (Retrospective) & replacement of entrance gate at existing builders' storage yard as per confirmed lawful use of land under ref LA06/2021/1233/LDE (Re-determination of planning application)
Location	7 Glenburn Park, Bangor

Not Applicable

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The above application was refused by the Council on 23 May 2024 for the following reasons:

- i. The proposal is contrary to the SPPS, Local Development Plan, Creating Places (para 3.11), and criterion a), c) & j) of Policy PED9 of PPS4 in that the proposal will result in a Storage Unit not in keeping with its surroundings and the built form, appearance, and character of the surrounding area and which breaches the established building line.
- ii. The proposal is contrary to paragraphs 4.26 & 4.27 of the SPPS and criterion a), b), c), j) and k) of Policy PED9 of PPS4 in that it would have an adverse visual impact on the appearance and character of the area by way of size, scale, quality of design, external material and finishes 'temporary type unit', and landscaping resulting in adverse impact on the appearance and established residential character of the area.
- iii. The proposal is contrary to paragraph 2.3 of the SPPS, paragraph 3.11 of Creating Places and criterion a), b) & e) of Policy PED9 of PPS4 in that it would have an adverse impact on the amenity of neighbours.
- iv. Insufficient information has been submitted to satisfy DFI Roads in respect of PPS3 Access, Movement and Parking and criterion g) and h) of PED9 of PPS4 in that if permitted it would prejudice the safety and convenience of pedestrians and road users and adequate access arrangements, including splays and parking have not been provided.

The Commissioner determined that refusal reasons 1 and 2 could not be sustained. Policy PED 9 of PPS 4 (Planning and Economic Uses) provides general criteria for economic development. As the position of the unit on site is similar to other surrounding developments, the Commissioner considered that criterion (a) of Policy PED9 was not offended (i.e. it was compatible with surrounding land uses). She found no evidence of the unit's encroachment on the vegetation cover along the river and therefore was not persuaded that criterion (c) was offended (i.e. it did not adversely affect features of the natural or built heritage).

In relation to the hedge along the front, she considered that if it were maintained at a minimum height of 2.2m (to generally cover the window openings forming the design feature that would be most noticeable) this would preserve an appropriate degree of enclosure and comply with criterion (k) (i.e. appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view).

Criterion (j) of Policy PED 9 requires the promotion of sustainability and biodiversity. The Commissioner could find no evidence of harm to natural heritage features and disagreed with the Council and third parties that the proposal is unsustainable, given that the use is established and there is no evidence of intensification.

Having regard to the third refusal reason, the Commissioner was not persuaded that there would be any significant increase in noise over and above the background levels, or in the number of vehicles visiting the site. For these reasons she

Not Applicable

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determined that the proposal does not have an unacceptable adverse impact on the amenity of residents.

In relation to the fourth refusal reason, despite DFI Roads having advised that visibility splays should be shown in each direction, along with a 5 metre set back of gates and a 5m wide access, the Commissioner considered that given the established lawful use on the site which has unrestricted vehicle movements, this appeal could not revisit these existing lawful use rights. The existing gate is to be replaced with a sliding gate which remains in the same position and, thus the changes are solely aesthetic. On this basis, she did not consider that Policy AMP 2 of PPS 3 or Policy PED9 criterion (g) or (h) were offended.

The appeal was allowed, and the report is attached to this report.

New Appeals Lodged

2. The following appeal was lodged on 24 March 2025.

PAC Ref	2024/E0055
Council Ref	LA06/2022/0246/CA
Appellant	
Subject of Appeal	Alleged i.Unauthorised change of use of the land and change of use of agricultural buildings to facilitate a Dog Kennelling Business; ii.Unauthorised erection of metal dog's kennels
Location	Land and buildings adjacent to 16 Ballie Road, Bangor

3. The following appeal was lodged on 1 April 2025.

PAC Ref	2024/A0139
Council Ref	LA06/2024/0676/F
Appellant	Mr Robert Anderson
Subject of Appeal	Refusal - Extension to residential curtilage and erection of single storey detached ancillary residential accommodation
Location	55 Woburn Road, Millisle

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 attachment.



Appeal Decision

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92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2024/A0055
Appeal by:	Mr James Overton-White
Appeal against:	The refusal of full planning permission
Proposed Development:	Dry storage unit (Use Class B4) (Retrospective) & Replacement of entrance gate at existing builders' storage yard as per confirmed lawful use of land under ref LA06/2021/1233/LDE (Re-determination of planning application)
Location:	7 Glenburn Park, Bangor, BT20 5RG
Planning Authority:	Ards & North Down Borough Council
Application Reference:	LA06/2022/0267/F
Procedure:	Written representations and accompanied site visit on 14 th January 2025
Decision by:	Commissioner Carrie McDonagh dated 24 th March 2025

Decision

1. The appeal is allowed subject to conditions.

Reasons

2. The main issues in this appeal are whether the proposal will have a detrimental impact on residential amenity, is compatible with surrounding use, if its overall design is acceptable and whether it negatively impacts on biodiversity and road safety.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. In 2017 the Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful. As Ards and North Down Borough Council has not yet adopted a Plan Strategy (PS), The North Down and Ards Area Plan 1984-1995 (NDAAP), despite its vintage, operates as the LDP for the area. In the NDAAP, the appeal site is un-zoned land within the development limit for Bangor. Section 13.7 of the NDAAP Urban environment section states "*Visually there is much to lose from unsympathetic development or treatment. New development should, therefore, 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.*"

4. A further consequence of the Court of Appeal judgement is that the draft BMAP (dBMAP), published in 2004 remains material in some circumstances. Within it the site lies outside draft Bangor East Area of Townscape Character and there are no other policies or other provisions which are pertinent to the consideration of the proposal.
5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is also material. Paragraph 2.3 relates to the yardsticks of good neighbourliness and fairness, whilst paragraphs 4.26 and 4.27 promote good design and the rejection of 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.
6. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy (PS) for their council area. The SPPS retains certain Planning Policy Statements (PPSs), including Planning Policy Statement 4 'Planning and Economic Development' (PPS 4), and Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3). As there is no conflict between the provisions of the SPPS and retained policies on the issues raised in the appeal, in accordance with the transitional arrangements, the proposal should, in the main, be determined under the retained policies identified above.
7. Whilst the provisions of Paragraph 3.11 of Creating Places are cited in the Council's refusal reasons, this is supplementary guidance to Planning Policy Statement 7 "Quality Residential Environments" which relates to new residential development and therefore the Council's inclusion is misplaced.
8. The appeal site is located on a corner situated between dwellings at Nos. 5 and 9 Glenburn Park, Bangor. It is accessed via a drop kerb and two outward opening wooden gates, approximately 1.5 metre in height located at the back of the public footpath. A high hedge forms the remainder of the road frontage boundary. The rear/western boundary is undefined, with the land falling steeply towards a heavily vegetated river bank beyond this boundary. The appeal sites northern and southern side boundaries are defined by wooden fencing.
9. The proposal seeks a 1.7m high replacement entrance gate, finished in tongue and groove boards and designed to slide behind the road frontage hedge which is to be retained at the same height as the proposed gate. The proposal also seeks to retain a prefabricated storage unit, which is currently situated approximately 2.3m back from the roadside boundary and 2m from the boundary fence with No.5. The storage unit is constructed from green plywood, with a flat roof and accessed via steps leading up to a central door in the front elevation, with a window either side. It is 5.7m in length, 3m wide (17m²) and 2.3 m high. At the time of my site visit the dry storage unit contained radiators, sanitaryware and windows. The W.C shown on the layout plan is not currently in place and all parties agreed that an electric box and a water connection, located behind the front hedge are not connected to the unit.
10. Policy PED1 'Economic Development in Settlements' of PPS4 states that a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merit having regard to Policy PED9 titled 'General Criteria for Economic Development'. That

policy indicates that a proposal for economic development use, in addition to the other policy provisions in the PPS, will be required to meet certain criteria. Criteria (a), (b), (c), (e), (g), (h), (j) and (k) are in dispute in this appeal.

11. Criterion (a) of Policy PED9 requires that the proposal is compatible with surrounding land uses. The area is suburban and generally residential in character, defined by low density dwellings set in spacious landscaped gardens. The detached dwellings either side of the appeal site are a bungalow (No. 5 on its southern side), and a two storey detached (No. 9 to the northeast). On the opposite side of the river (to the rear of the appeal site) are further residential properties, including a house set on lower ground within a spacious garden. Non-residential uses in the area comprise of a Primary School, on the opposite side of the road and Ballyholme Presbyterian Church and Hall.
12. The use of the appeal site as a builders' storage yard is lawful as confirmed by a Certificate of Lawfulness of Existing Use or Development (CLEUD) (reference LA06/2021/1233/LDE). Concerns were raised by third parties in relation to the merit of the CLEUD on part of the appeal site previously used as a garden however, this appeal is not the forum to challenge the CLEUD. At the hearing, all parties agreed that the red line for the CLEUD fully encompasses the appeal site, and the Council is satisfied that the storage of builder's equipment and materials is lawful within the full extent of the appeal site. The area of contention is therefore in relation to the retention of the dry storage unit, which did not form part of the CLEUD approval and the replacement of the existing access gate.
13. The Planning (Use Classes) Order (Northern Ireland) 2015 sets out detail of the planning use classes. The appeal proposal seeks Use Class B4: Storage and Distribution. The CLEUD does not specify a particular use class or level of storage use. The Council consider the dry storage unit is the primary building, the first on a commercial site, which will intensify the storage use by increasing the attraction of the site and lead to further trips and therefore increase the distribution element of a B4 use. The appellant advised that no vehicles currently enter or park within the site due to its restricted nature and that they park at the site access to load and unload. The third party photographs show small transit van type vehicles "illegally parked" on double yellow lines, and also reversed up to the site entrance, obstructing the pedestrian footpath and protruding over the pavement onto the road. These photos, combined with the restricted scale of the appeal site (0.1 hectare) and the portion taken up by the existing dry storage unit (circa. 15% of the appeal site) and a parked trailer indicates that in-curtilage parking or turning is restricted, limiting the internal circulation space and the convenience and accessibility of any distribution aspect of the B4 use. On the basis of a lack of persuasive evidence to support in-curtilage vehicular use, combined with the absence of any change in ownership I have not been persuaded that the appeal development will result in a material change in the character of the lawful use to become a distribution site.
14. In terms of the intensification argument, the dry storage unit will house materials associated with the existing lawful builder's storage yard under cover from the weather. By enclosing the 17sqm area, it changes its nature from external storage to internal but does not increase the overall storage capacity of the site. It is undisputed that the appellant does not engage in any manufacturing or industrial related processes and the appellant accepted that, in the event of an

- approval, there is a need for a planning condition that restricts the use to storage and distribution only and removes permitted development rights to ensure no changes of use can occur to light industry or office use under the Planning (General Permitted Development Order (Northern Ireland) 2015, Part 4 (GPDO).
15. The third parties refer to the drawings showing a W.C room. They argue that such a facility, combined with the availability of electricity for lighting, encourages employee use of the unit and a lengthening of their stay at the site, exacerbating the parking issues leading to an overall intensification in the use. The unit has been in operation without either electric, water or a W.C and the appellant confirmed at the site visit that they are not proposing the installation of a W.C and water connection. Furthermore, their biodiversity checklist confirms a foul connection does not form part of the proposal. I do not consider it is reasonable to prohibit electricity use, as whilst the appellant asserts that the dry storage use does not necessitate any extension of the site's operational hours into night-time hours, there may still be a need for lighting in the unit during the winter business hours. However, I agree with the third parties that lighting, combined with the future installation of a WC connection could lead to the increased use of the storage unit, including for employee breaks. Mindful of the time the unit has been in operation without the facility, the consequence such an installation would have on useable storage space and the proximity to employee facilities within the appellant's main business premises in Bangor, I consider a condition prohibiting the future installation of a W.C is reasonable to prevent an intensification of the lawful storage use. Subject to a such a condition and one requiring that the dry storage unit remains ancillary to the lawful builder's storage yard to retain future planning control over the use, I am satisfied that there will be no significant intensification or inappropriate change of use.
 16. The Council's third refusal reason relates to adverse impact on the amenity of neighbours. Whilst I note their and the third parties argument that the appeal site is not compatible with the adjacent uses and is merely immune, the test of incompatibility with the surrounding land uses under criterion (a) relates only to the proposal, not the lawful use for open storage, which now forms part of the established character of the area. Criterion (b) is also relied on. It requires that a proposal does not harm the amenities of nearby residents. Whilst acknowledging there is no right to a view and that the adjoining properties at Nos. 5 and 9 Glenburn Park are not overlooked, the Council argue that the dry storage unit disrupts views of the attractive vegetation along the riverbank as viewed by the residents of Glenburn Park through the placement of the unit, which it considers to be a visually incongruous temporary looking structure.
 17. The side garden of No. 5 Glenburn Park falls away from the pavement towards the river to its rear. Approximately 0.5m of the storage unit would be visible above the boundary wooden fence as viewed from this garden. However, there are no windows in this elevation and views from the dwelling are across a large-landscaped garden, reducing harm to the resident's amenity. Combined with the unit's green colour and setting against a backdrop of mature trees, I did not find it dominant or obtrusive. From the rear private amenity space and front windows of No.9 Glenburn Park the unit, including its upper window openings, can be seen protruding above the boundary timber fencing. However, whilst closer than No. 5, the separation distance involved, when combined with the unit's placement in context of the angle of No. 9's windows is still sufficient to limit any detrimental

- impact on the residential amenity of its occupiers by reason of loss of privacy. Furthermore, any views from the lower dwelling to the opposite side of the river are screened, in part, by the existing vegetation and mitigated by distance. On this basis, the third parties concern in respect of views from their properties are not sustained. The Council's suggested condition to require further boundary screening/landscaping is not necessary in the event of an approval on this basis.
18. In respect of noise, despite the third parties confirming that noise from the dry storage unit was not a concern, the Council argued that it was a noise generator and therefore creates a noise nuisance, contrary to criterion (e). However, given they could not identify potential noise sources and the fact that the physical structure of the unit would provide mitigation for such noise should it arise within, in the evidential context, the unit would contain noise rather than being a noise generator.
 19. They further argued, along with the third parties, that the proposal leads to increased traffic activity and therefore causes a noise nuisance. This position has been taken on the basis of advice contained within the consultation response from the Environmental Health Department of the Council, who whilst having no objections to the appeal development, suggest a condition to restrict the hours of operation and deliveries by commercial vehicles. I have previously set out that the appellant confirmed that the dry storage unit does not necessitate any night-time operations. They also confirmed that deliveries will remain as per the existing level ensuring no new impacts. Control of operations and night time deliveries to the unit would be necessary in the event of an approval to protect the amenity of occupiers of nearby residential properties outside of business hours.
 20. During my site visit, I observed a low level of noise from vehicular traffic. However, I accept that combined, the general noise from the school playground and traffic during drop off and collection times and the use by the appellant's transit type vehicles means the area has a certain level of existing background noise. In the absence of any persuasive evidence of intensification, and given the nature of the appellant's business, I am not persuaded that there would be any significant increase in noise over and above the background levels or, in the number of vehicles visiting the site. For these reasons, the proposal does not have an unacceptable adverse impact on the amenity of residents. The third refusal reason and the third-party objection is not sustained as it relates to criterion (b) and (e).
 21. Given the overlap with traffic concerns, I will deal with the fourth reason for refusal at this juncture. Policy AMP 2 of PPS 3 'Access to Public Roads' deals with the intensification of the use of an existing access onto a public road to ensure such an access will not prejudice road safety or significantly inconvenience the flow of traffic. Criterion (g) and (h) of Policy PED9 require that the existing road network can safely handle any extra vehicular traffic the proposal will generate, and that adequate access arrangements, parking and manoeuvring areas are provided. The Department for Infrastructure, Roads (DFI) advised in their consultation that visibility splays should be shown in each direction, along with a 5 metre set back of gates and a 5m wide access. As the submitted planning application did not comply with this advice, the Council considered it unacceptable.

22. The third parties' road safety concern is primarily focused on pedestrians, in particular the users of Ballyholme Primary School. They highlighted that the position of at a corner facing the school and outward gate opening arrangements creates a safety hazard due to the parking of vehicles across the appeal site entrance, arguing that the number of vehicles has intensified since the storage unit was placed on the site and will increase further should it be authorised.
23. There is no dispute that the on street parking is generally full to maximum capacity, limiting the parking options for the appeal site users, however, no persuasive evidence was offered to demonstrate that there has been an intensification of the site which has further contributed to the lack of on street parking or road or pedestrian safety issues for those passing the vehicles parked over the entrance. Given that there is an established lawful use on the site which has unrestricted vehicle movements, this appeal cannot revisit these existing lawful use rights. The existing gate is to be replaced with a sliding gate which remains in the same position and, thus the changes are solely aesthetic. On this basis, I do not consider that Policy AMP 2 of PPS 3 or Policy PED9 criterion (g) or (h) are offended. The Council's fourth refusal reason and the associated third-party objections are therefore not sustained.
24. In respect of criterion (c), at the hearing the Council accepted the appeal site did not contain features of the natural environment that would be adversely affected. No concerns were raised on the biodiversity checklist by either Shared Environmental Services (SES) or Department for Agriculture, Environment and Rural Affairs (DAERA). Whilst a third party referred to the prior removal of vegetation, including the alleged consequential erection of fencing on the sites southern boundary, this appeal is based on the circumstances at the time of decision and as there is no evidence of the unit's encroachment on the vegetation cover along the river, criterion (c) is not offended.
25. The Council and third parties argued that given the unit's scale and quality of design, including the plywood finishes and its temporary nature it would have an adverse visual impact on the appearance and character of this established residential area, and in particular, the established building line. These concerns are generally covered by criterion (j) which requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist in the promotion of sustainability and biodiversity.
26. The Council and the third parties referred me to a previous appeal decision (2012/A0133) for a proposed dwelling on the appeal site which acknowledged that there was an established building line and found the proposal to be an incongruous form of development because of the constrained site. They further argued that the storage unit is of similar size to a small dwelling and the unit's position forward of the established building line raises the same issue. Based on the concept drawings for that proposal, I disagree with its scale comparison to the storage unit. Nevertheless, I accept that there is an established building line, but it is short in length and limited to the southern section of Glenburn Park, comprising of Nos. 3 & 5 and Ballyholme Presbyterian Church. The appellant's reliance on the church's cruciform footprint and the church hall sitting slightly forward of its main eastern elevation and absence of other buildings for the remainder of this side of the street does not persuade me otherwise. The appeal

site's location, nestled into the corner, leads me to conclude that the eastern section, around the corner of the street reads as a separate row of dwellings.

27. A storage shed positioned forward of the church and a garden shed at No. 5, are relied on by the appellant as evidence of a precedent for building forward of the established building line. All parties accept the garden shed in the side garden of No. 5 is immune from enforcement and therefore can be considered as part of the established character of the area. The wooden storage shed at Ballyholme Presbyterian Church was granted retrospective planning permission in 2023. These sheds were not referred to in the 2013 appeal decision, potentially due to their subsequent erection and accordingly, the characteristics of the area have changed since that decision. Therefore, it is of limited assistance to my assessment of the maintenance of the building line. It is not contested that, at over 2 metres, the storage unit has a greater set back from the roadside boundary than the two sheds. It is however argued that the sheds are distinguishable from the unit in that they are ancillary to and functionally reliant on their host building and lack any services. However, I see no reason why the storage unit cannot also be considered as ancillary in nature to the appeal sites lawful builder's storage use. As the position of the unit on site is therefore similar to other surrounding developments, criterion (a) of Policy PED9 is not offended.
28. Criterion (j) requires the promotion of sustainability and biodiversity. As previously set out there, is no evidence of harm to natural heritage features. I also disagree with the Council and third parties that the proposal is unsustainable, given that the use is established and there is no evidence of intensification. Nor do I attach weight to the appellant's counter claim that if planning permission is refused the increase of use at an alternative site would be unsustainable. However, criterion (j) also requires that the building design, associated infrastructure and landscaping arrangements are of high quality. Paragraph 4.27 of the SPPS advocates rejection of poor designs, particularly if inappropriate to their context, including those not in accordance with the LDP guidance which, in the case of the NAAP urban environment guidance (13.7) requires that proposals respect the scale and character of existing buildings, using sympathetic building materials and respect existing street patterns, landmarks, topographical and other features which contribute to the character of the town.
29. In terms of the appearance of the replacement sliding wooden gate I concur with the appellant that it would not significantly differ from the existing wooden gate. Such gates are becoming more common in residential areas therefore, it does not necessarily follow that they are poor quality or appear commercial in nature.
30. The appeal building itself is prefabricated and I agree with the Council and third parties that regardless of the unit being designed to be as low as possible, its flat roof construction in plywood appears as a commercial or temporary building site unit. It is best described as a portacabin, which by its nature is not of a high-quality building design as required under criterion (j). The appellant argues the sheds at the Church and No. 5 are also temporary in nature and, given they are positioned closer to the pavement and either behind a low wall or a hedge lower than the appeal sites frontage hedge, they are more visible than the appeal building. The sheds associated with the church and No. 5 are significantly smaller than the dry storage unit and both are constructed in the style of a traditional timber domestic pitched roof garden shed and therefore are clearly

distinguishable from the prefabricated storage units commercial and temporary appearance. Accordingly, the presence of these sheds does not set a precedent for poor quality design in this suburban area.

31. However, a visual assessment is necessary to establish whether there are public views of the dry storage unit and if so, whether its visual impact is significant. Given the backdrop of the mature vegetation along the river, the boundary enclosure provided by the road frontage hedge and the orientation of the building at a right angle away from the gate area where views are possible, there are no clear views of the storage unit on approach from the east until one arrives at No. 9. The existing boundary hedge encloses the frontage, limiting the visual impact of the unit across immediately to the front of the site.
32. On approach from the southern side, i.e. the church end, the road alignment, backdrop of riverside vegetation and height of the appeal sites southern wooden fence with No. 5 and frontage boundary treatment restrict long range views of the unit, with only the access gate in the corner noticeable. However, as one moves along the pavement opposite, (outside the school) the long range benefits of the backdrop of mature vegetation are reduced and the top section of the unit comes into view, sitting above the boundary fence and given its proximity, just 2.3m back from the front boundary hedge, and No.5's roadside hedge having deteriorated enabling views through it, the top of the storage unit is visible from this short range view, particularly on approach from the pavement outside No. 5, where gaps in the hedge and the narrow nature of a palm tree offer little screening. However, I am mindful that this is a relatively short stretch of pavement and as it is the back of the storage unit, without windows, its green colour set against the hedge reduces its visual impact and assists in visual integration.
33. I must also consider the Council and third parties' argument that the proposed erection of the sliding gate would necessitate the removal of the frontage hedgerow, which whilst untidy and overgrown, helps to screen the site and therefore its removal would open up wider views of the storage unit. They further argue that this would be appreciable and immediately noticeable within the streetscape, creating an unacceptable visual impact contrary to Policy PED9, criterion (k) as no additional landscaping is proposed to enclose the building, which is not of a high-quality design as required by criterion (j), and thus the boundary treatment is inappropriate.
34. The appellant argued there would be no impact on the front hedge, with none of it to be removed, as the gate would be placed on rollers which enable it to slide between the rear of the hedge and the side of the storage unit, only around 300-500mm of the storage unit visible from surrounding public footpaths. In his opinion, these partial views would not adversely affect the character of the area. At the site visit, they agreed to the Council's suggested condition to require the retention and augmentation of the frontage hedge at a minimum height to provide a continuation of the current level of screening and enclosure for the unit.
35. My visual assessment of the unit, and the limitation of any harmful aspect to the immediate view from the south is based on my observations of the existing level of enclosure provided by a front hedge, which is higher than the 2.3m high unit's flat roof. The hedge has gaps in the base close to the southern side and is

unkempt and overgrown in nature. Given its condition, I consider it is likely that the hedge will have to be cut back to facilitate the new sliding gate. Notwithstanding the requirement for augmentation at a lower level, the dwg. 03A shows the hedge is aligned with the height of the gate at 1.7m. This indicates the unit will extend in excess of 0.6m above the proposed boundary. As a consequence of the proposed sliding gate, the means of enclosure would be compromised opening up public views in all directions. This would include a critical view over a longer distance from the eastern direction of Glenburn Park (No. 9s direction and beyond). My observations of the white trailer unit (which is not part of this proposal) that sits behind the existing gate (albeit slightly lower at 1.5m than the proposed gate) is that it is obvious in long range views along this length of Glenburn Park, giving an indication of how the unit would sit in the streetscape behind a hedge of similar height. The unit's windows, the top of which are just 0.2m below the building's flat roof would also be seen above the hedge, further alerting observers to the portacabin style building. However, this needs to be balanced against the fact that the unit is located within an existing lawful builder's storage yard where such a unit would not be out of place.

36. Conditions can be attached to a grant of planning permission to enable approval of proposals where it would otherwise be necessary to refuse planning permission. As per paragraph 5.65 of the SPPS planning conditions are required to meet legal tests. In respect to a condition requiring the retention of the hedge along the site frontage at a minimum height to help screen and enclose the storage unit and maintain the amenity of the area, I consider such a condition necessary. The third parties consider that the untidy and straggly hedge detracts from the residential character of the area where front garden hedges are maintained neat and trim. Retaining the hedge at its current height would be excessive, however I consider that if it is maintained at a minimum height of 2.2m (to generally cover the window openings as the design feature that would be most noticeable) this would preserve an appropriate degree of enclosure and comply with criterion (k). On this basis, such a condition would meet the legal tests and accordingly, the Council have not sustained their first or second refusal reason subject to the condition detailed above. The third parties concern in this regard are not upheld.
37. The appellant's need for the proposal, previous ownership of No.9, past alleged activities, and the action taken under the Waste and Contaminated Land (N) Order 1997 in respect of waste clearance from the site are not given significant weighting in this decision.

Conclusion

38. For the reasons set out above, the Council's reasons for refusal and the third parties concerns are not sustained. The appeal shall therefore succeed. I have previously set out the detail of conditions that are necessary namely, the maintenance of planning control over the site in line with the prohibition on installation of a W.C, the ancillary storage use and B4 use class. Conditions have also been detailed relating to the retention of the front hedge for the protection of the area's visual amenity and the control over night time opening and delivery hours to protect the residential amenity of occupiers of nearby properties.

39. The matter of other conditions requested by the Council on a without prejudice basis remains to be considered. Whilst the appellant accepted a condition controlling all construction and activity associated with the use within the confines of the site to protect the amenity of adjacent occupiers. Given the storage unit is retrospective the only new construction activity hereby permitted is the installation of the sliding gate. The condition should be restricted accordingly to ensure that any associated construction materials do not impact on road or pedestrian safety. A condition requiring the removal of the unit within a set timeframe amounts to a temporary permission and does not reflect the full permission applied for. In the same manner, the proposal is for a retrospective dry storage unit. At the site visit the Council requested a condition requiring the submission of drawings showing elevational improvements however, that does not reflect the retrospective nature of the unit applied for. The appellant has confirmed that the appeal proposal will not result in any vehicles accessing the site thus a condition requiring access details, including visibility splays goes beyond the scope of the proposal, given such deliveries are not controlled at present and would be an attempt to limit existing use rights.
40. The appeal is allowed, and full planning permission is granted, subject to the following conditions:-

Conditions

1. The roadside hedge shall be augmented and retained at a height of not less than 2.2 metres unless otherwise agreed in writing by the Council. If within a period of 5 years from the date of this permission the hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another shrub or hedge of the same species and size shall be planted at the same place, unless the Council gives its written consent to any variation.
2. Prior to 7.00 hours and after 18.00 hours the dry storage unit shall not remain open and deliveries by commercial vehicles shall not be made during this time.
3. No water connection shall be made within the dry storage unit hereby permitted including the installation of the WC as identified on the Dwg. 03A "Plans and Elevations".
4. Notwithstanding the provisions of Article 3 and Part 4 of the schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions), the storage unit shall remain ancillary to the builder's storage yard and shall be used solely for Class B4 (storage and distribution) and for no other purpose without the written consent of the Local Planning Authority.
5. All construction activity associated with the installation of the sliding gate as set on the Dwg. 03A "Plans & Elevations" and "Gate Elevations and Side Profile" including the storage of any equipment, machinery or materials associated with its construction shall be confined within the boundary of the site.

This decision is based on the following drawings:-

- 01A Site Location Plan at scale 1:1250
- 02A Site Layout at scale 1:500
- 03A Plans and Elevations at scale 1:100

COMMISSIONER CARRIE MCDONAGH

List of Appearances

Planning Authority:-	Ms Sharon Brown, Ards and North Down Borough Council
Appellant:-	Mr Gavin McGill, Gravis Planning on behalf of James Overton-White
Third Parties:-	Mr and Mrs Groves (No. 5 Glenburn Park) Mr and Mrs Boyd (No. 9 Glenburn Park)

List of Documents

Planning Authority:-	"A" Ards and North Down Borough Council statement of case and Appendices "A1" Ards and North Down Borough Council Rebuttal Evidence
Appellant:-	"B" Gravis Planning Statement of Case and Appendices "B1" Gravis Planning Rebuttal Evidence
Third Parties:-	"C" Statement of Case "C1" Rebuttal Evidence

Unclassified

265

ITEM 6**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	06 May 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	15 April 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	Third Quarter 2024/25 Statistical Bulletin
Attachments	Item 6a - Statistical Bulletin

Background

The Department for Infrastructure's Analysis, Statistics and Research Branch published provisional statistics for Planning activity on 27 March 2025 for Quarter 3 (October - December) 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-october-december-2024>

Not Applicable

Detail

Local Applications

The Council determined 108 residential applications in Quarter 3 of 2024/25 compared to 131 such applications in the same period of the year before. The majority of applications received in Quarter 3 were in the residential category at 71% (108 out of 153).

The average processing time for applications in the local category of development in Quarter 3 was 21.2 weeks, higher than the statutory performance indicator of 15 weeks with 39.7% of applications processed within 15 weeks.

Major Applications

Recorded in the statistics are two applications determined in the major category of development with an average processing time of 29.3 weeks against the statutory performance target of 30 weeks. This compares to 78.7 weeks for the same period of the year before.

The two applications relate to the Section 54 applications:
 LA06/2023/2248/F - variation of condition to accommodate the wildlife corridor associated with the residential development at Beverley Heights on Bangor Road, Newtownards; and
 LA06/2024/0559/F – variation of phasing conditions and new drainage solution at Queen’s Parade application (planning ref LA06/2024/0559/F).

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 64 new enforcement cases in the third quarter of 2024/2025, whilst 58 cases were concluded resulting in a conclusion time of 92.5% (against the target of 70% of cases concluded within 39 weeks).

66 cases were closed with the reasons as follows:

Closure Reason	Number
Remedied/Resolved	22
Planning permission granted	9
Not expedient	13
No breach	17
Immune from enforcement action	5
Enforcement appeal upheld i.e. planning permission granted under ground (a) appeal	0

Householder Applications

During Quarter 3 the Planning Service processed 62 applications within the householder category of development.

Not Applicable

267

28 of these were processed within the internal performance target of 8 weeks (45.6%), with 38 being processed within the 15-week statutory performance indicator (61.3%).

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	33	19
Certificates of Lawfulness (Existing/Proposed)	20	19
Non-Material Changes	12	8
Pre-Application Discussions (PADs)	3	2
Proposal of Application Notice (PANs)	2	2
Consent to carry out tree works	21	19

The Planning Service continues to suffer from a significant number of vacancies at a variety of levels within the Development Management Service Unit, for which recruitment is ongoing, as well as suffering long term sick absences and resultant file reallocations, which continue 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

An Roinn
Bonneagair 268

Department für
Infrastruktur

www.infrastructure-ni.gov.uk

NORTHERN IRELAND PLANNING STATISTICS

Third Quarter 2024/25 Statistical Bulletin

October to December 2024: Provisional Figures



Theme: People and Places
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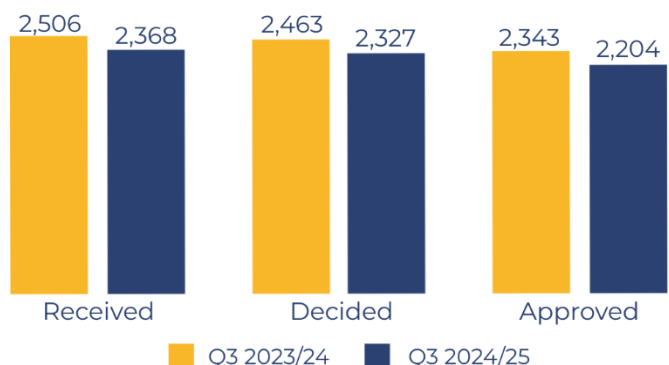
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Key points

- There were 2,368 planning applications received in Northern Ireland (NI) during the third quarter of 2024/25; similar to the number received in the previous quarter and down by six percent when compared to the same period a year earlier. This comprised of 2,321 local, 46 major and one regionally significant planning applications.
- In the third quarter of 2024/25, 2,327 planning applications were decided, an increase of one percent from the previous quarter and down by six percent from the same period a year earlier. Decisions were issued on 2,286 local and 41 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2024/25 was 19.2 weeks across all councils. This exceeds the 15 week target but represents a decrease from the average processing time reported for the same period a year earlier (20.4 weeks). Three of the 11 councils were within the 15 week target after the first nine months of 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2024/25 was 39.7 weeks across all councils. This exceeds the 30 week target but represents a decrease of over five weeks from the average processing time reported for the same period a year earlier (45.2 weeks).
- Across councils 70.3% of enforcement cases were concluded within 39 weeks during the first nine months of 2024/25, meeting the 70% target. This represents a decrease from the rate recorded for the same period in 2023/24 (77.9%). Individually, six of the 11 councils were meeting the 70% target after the first nine months of 2024/25.

Overall planning applications

Applications received, decided & approved



Comparing Q3 2024/25 with Q3 2023/24:

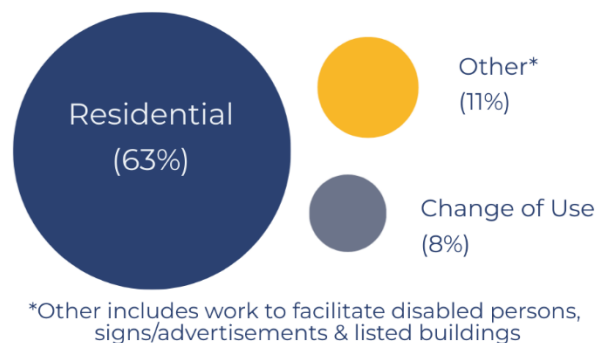


Applications received

A total of 2,368 planning applications were received during Q3 2024/25:



3 largest development types



Planning statutory targets - April to December 2023 & 2024

Average processing times (weeks) - major



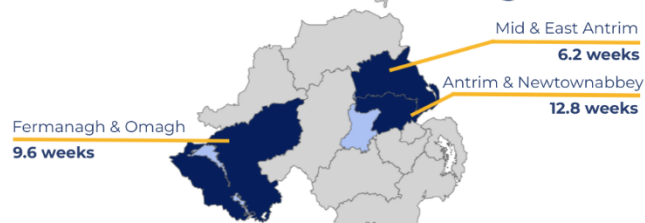
Councils within major target



Average processing times (weeks) - local



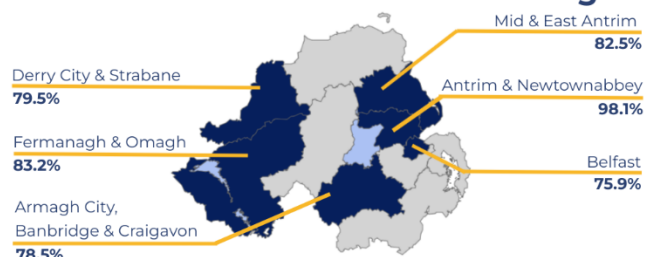
Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: Third 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 third 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 31 December 2024 were transferred in January 2025 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, a final extract was taken in February 2025.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

Future releases

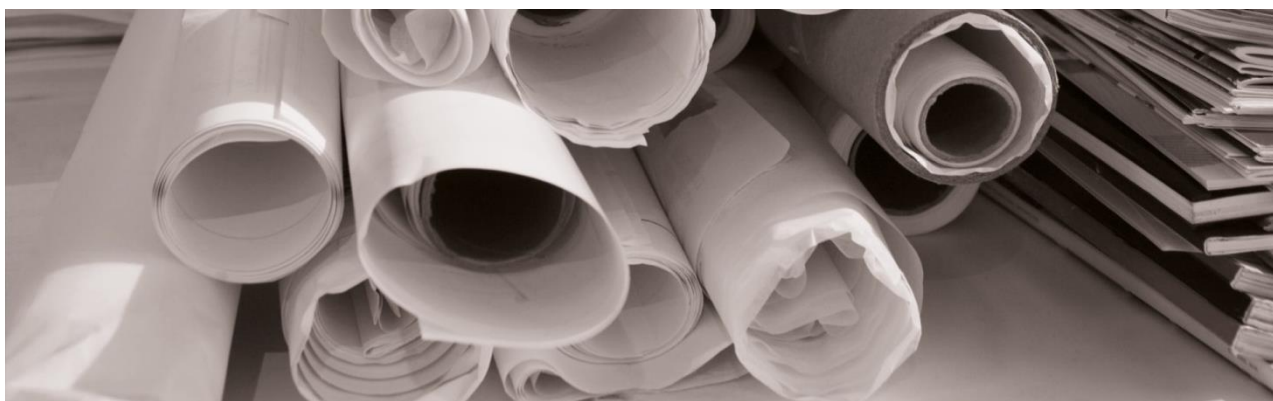
The next report will be an annual report covering the period 1 April 2024 to 31 March 2025. The annual report is planned for release in July 2024. The next quarterly report covering the period 1 April 2025 to the 30 June 2025 is planned for release in September 2025. See [GOV.UK](#) Release Calendar 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

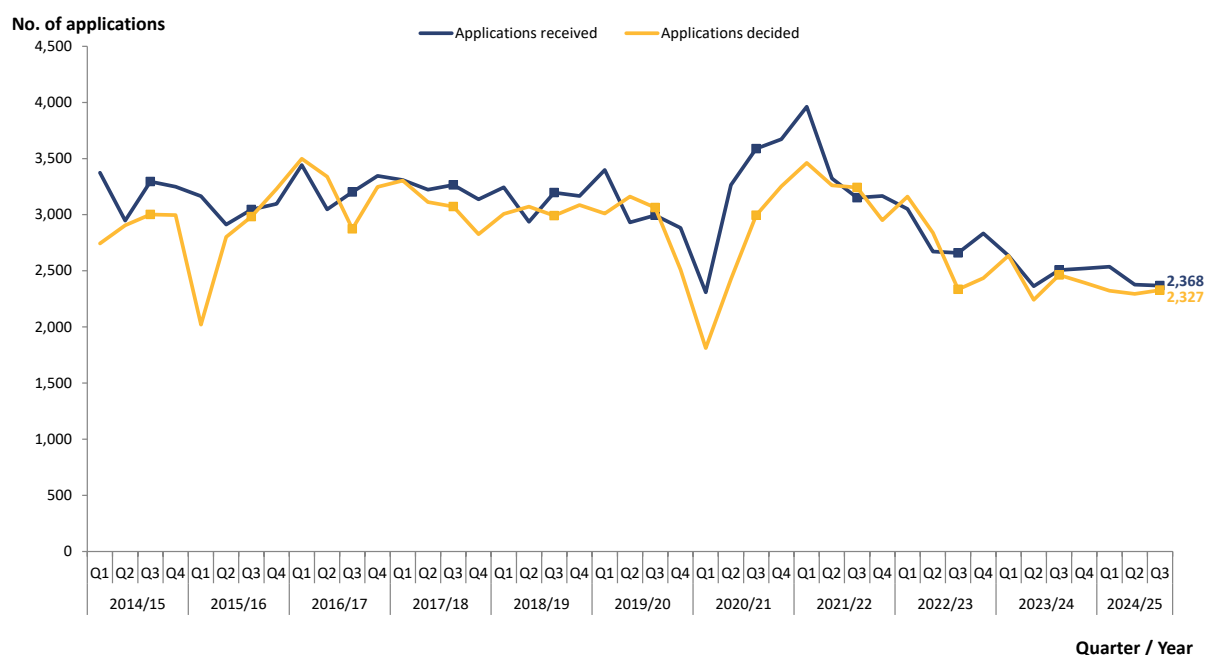
The volume of planning applications received in the third quarter of 2024/25 was similar to the number received in the previous quarter and down on the level recorded in the third quarter of 2023/24. For applications processed (i.e. decided or withdrawn) the volume processed increased slightly over the quarter but decreased slightly from the same period a year earlier. The number of enforcement cases opened in the third quarter of 2024/25 was lower than both the previous quarter and the same period a year earlier. Enforcements closed in the third quarter of 2024/25 was also lower than the previous quarter and the same period a year earlier.

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 Q3 2024/25 was 2,368; similar to the previous quarter (2,377) and down on the same period a year earlier (2,506), (Figure 1.1). [Refer to Tables 1.1, 1.2.](#)

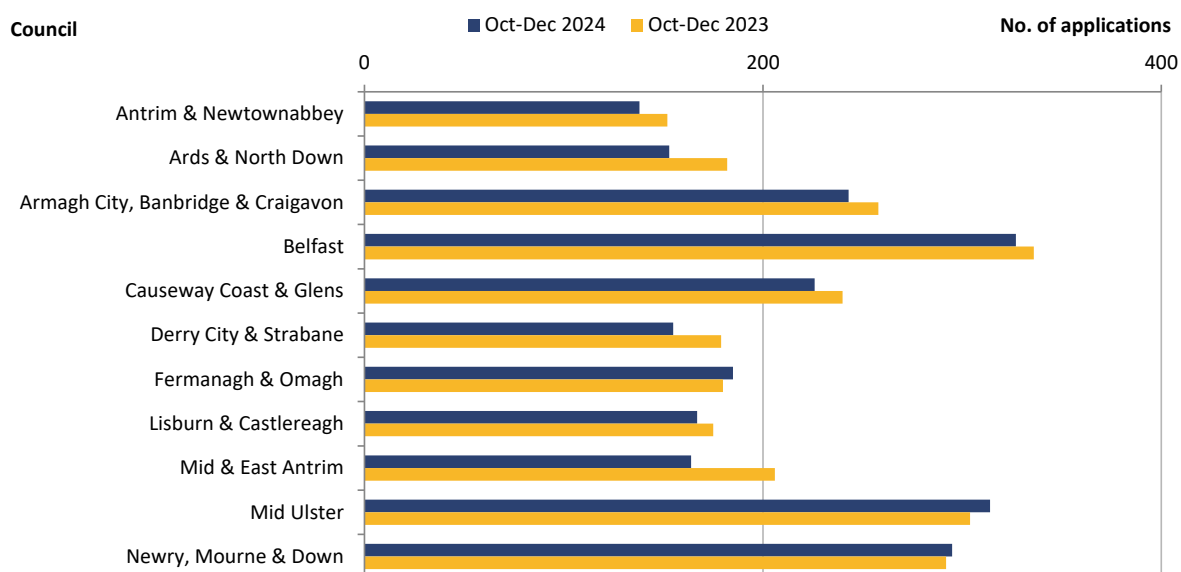
Fig 1.1 NI planning applications, quarterly, April 2014 to December 2024



Seven councils reported a decrease in the number of planning applications received in Q3 2024/25 compared with the previous quarter, with the greatest decrease in Fermanagh and Omagh (-14.7%). Four councils reported an increase over the quarter, with the percentage increase greatest in Lisburn and Castlereagh (22.8%).

Comparing Q3 in 2024/25 with the same period in 2023/24, eight of the eleven councils reported a decrease in the number of applications received, with the greatest decrease reported by Mid and East Antrim (-20.4%). Three councils reported an increase over the quarter, with the increase greatest in Mid Ulster (3.3%). See Figure 1.2

Fig 1.2 Applications received by council, October – December 2023 & 2024

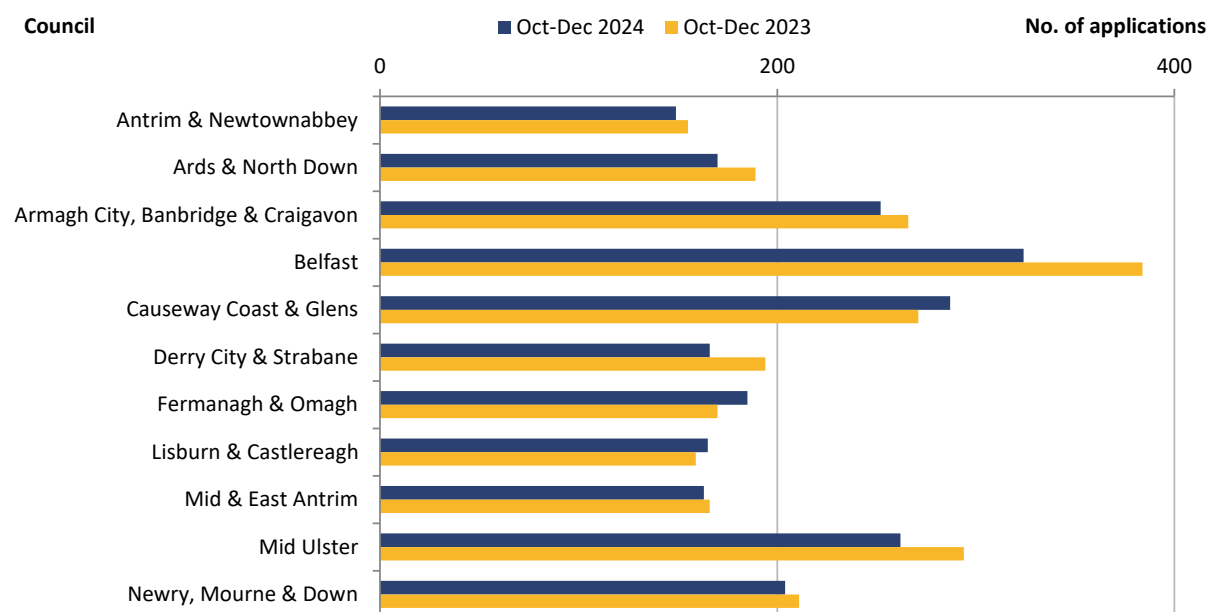


Applications decided

The number of planning decisions issued during Q3 2024/25 was 2,327; an increase of 1.4% on Q2 2024/25 (2,295) and down by 5.5% when compared with the same period a year earlier (2,463). [Refer to Tables 1.1, 1.2.](#)

Comparing Q3 in 2024/25 with the same period in 2023/24, eight of the eleven councils reported a decrease in the number of applications decided, with the largest decrease recorded in Belfast (-15.6%). Three councils reported an increase over the year, with the greatest percentage increase in Fermanagh and Omagh (8.8%). See Figure 1.3.

Fig 1.3 Applications decided by council, October – December 2023 & 2024



In Q3 2024/25, 182 applications were withdrawn, an increase from both the previous quarter (163) and Q3 2023/24 (153).

Approval rates

The overall Northern Ireland approval rate for all planning applications was 94.7% in Q3 2024/25. This was like the previous quarter (95.0%) the same quarter a year earlier (95.1%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q3 2024/25, from 89.3% in Antrim and Newtownabbey to 97.8% in Fermanagh and Omagh. 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 7,573 live applications in the planning system across NI at the end of December 2024, down from the end of September 2024 (7,714), and down from the count at the end of the December 2023 (7,899).

Three out of every ten live applications at the end of December 2024 were over one year old (32.3%); an increase from the proportions reported at the end of September 2024 (31.0%) and the end of December 2023 (28.9%). [Refer to Table 1.3.](#)

Departmental activity

One departmental application was received in Q3 2024/25, two were received in the previous quarter and four received during the same period last year. There were no decisions in Q3 2024/25, one was decided in the previous quarter and four were decided in the same quarter last year. No departmental applications have been withdrawn since Q1 2022/23.

At the end of December 2024 there were 24 live Departmental applications; 20 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 six RSD applications live in the planning system at the end of December 2024, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining three awaiting ministerial recommendation, the 30 week period has been exceeded for two of them.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (1,485; 62.7%) of applications received in Q3 2024/25, followed by 'Other' (251; 10.6%) and 'Change of Use' (197; 8.3%). The top three development types decided in Q3 2024/25 were 'Residential' (1,491), 'Other' (278) and 'Government and Civic' (173). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

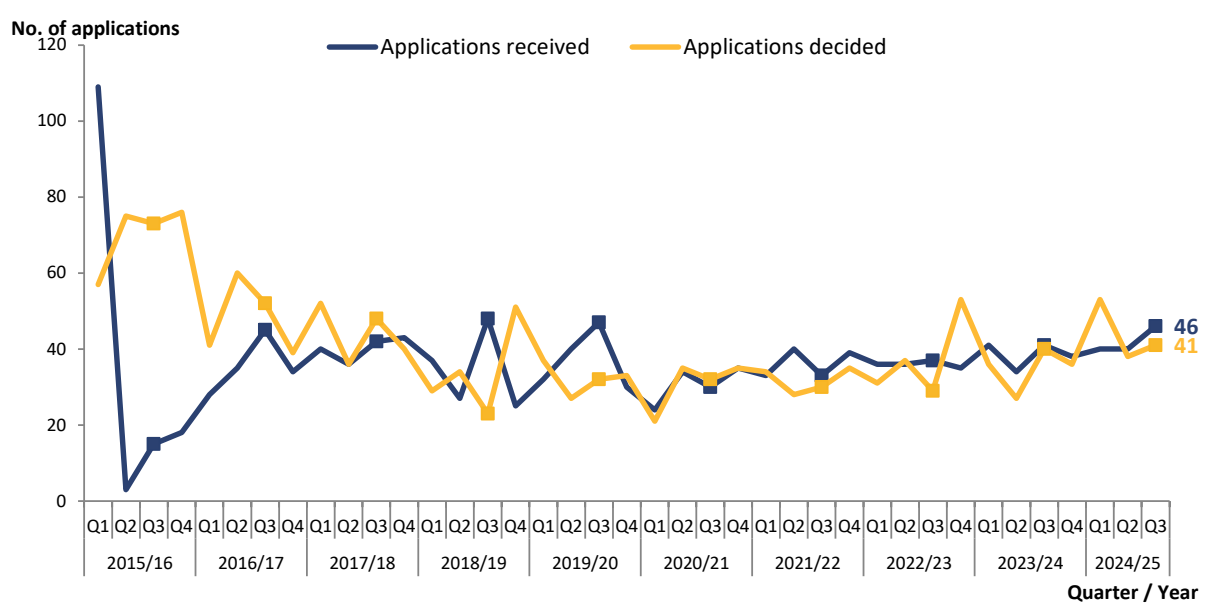
Twenty-three renewable energy applications were received in Q3 2024/25; similar to the previous quarter (19) and down on the number received during the same period last year (41). Nineteen renewable energy applications were decided during Q3 2024/25; this compares to 26 in the previous quarter and 20 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 46 major planning applications were received in NI during Q3 2024/25, up from the number received in the previous quarter (40) and the same period a year earlier (41). [Refer to Table 3.1.](#)

Fig 3.1 Major development applications, quarterly, April 2015 to December 2024



During Q3 2024/25, 41 major planning applications were decided; similar to the numbers decided in the previous quarter (38) and the same quarter last year (40). See Figure 3.1.

The approval rate for major applications decided upon in NI during Q3 2024/25 was 97.6%. [Refer to Tables 3.1, 3.2.](#)

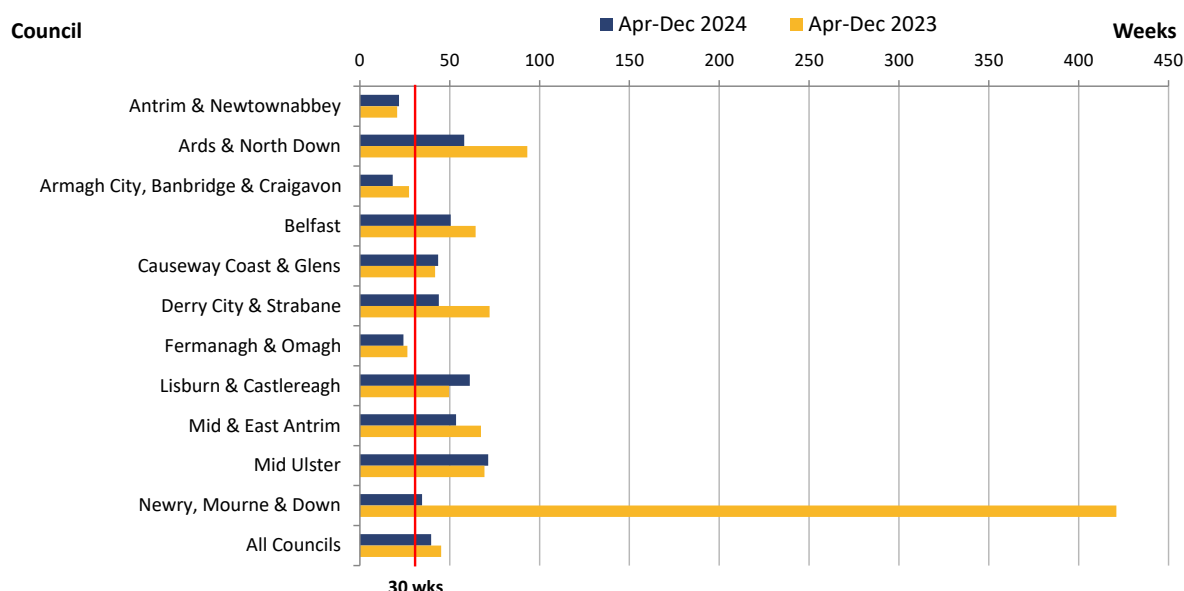
Major planning applications statutory target



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.

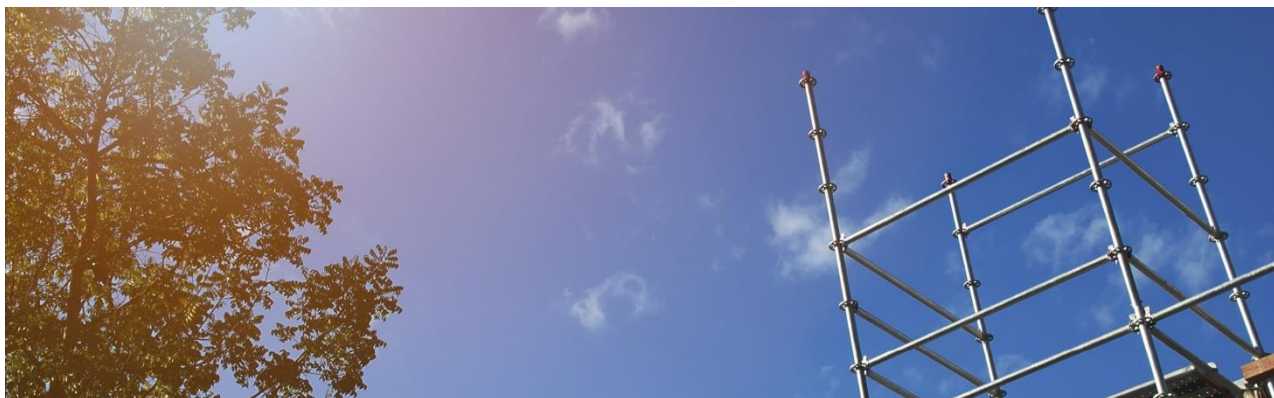
Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2024/25 was 39.7 weeks across all councils. This exceeds the 30 week target but represents an decrease of 5.5 weeks compared with the same period in 2023/24 (45.2 weeks). In total, 138 major planning applications were decided or withdrawn by councils during the first nine months of 2024/25, the figure for the same period last year was 108.

Fig 3.2 Major development average processing times by council, April to December 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.

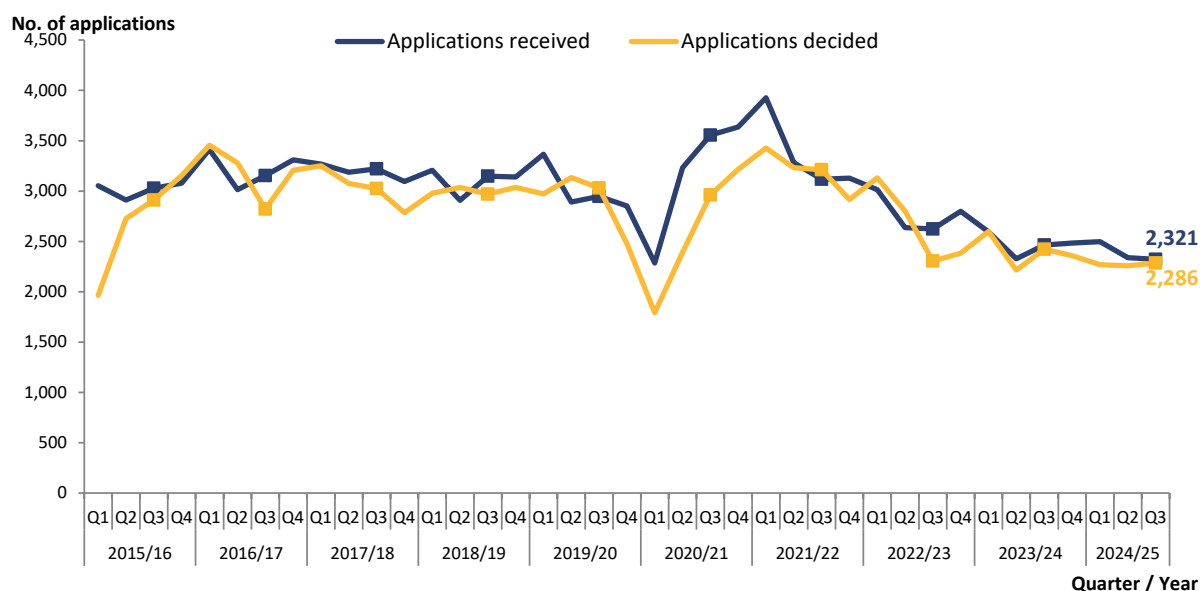
[Refer to Table 3.2 for further information.](#)



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 Q3 2024/25 was 2,321; similar to the number received in the previous quarter (2,337: -0.7%) and down by 5.8% when compared to the same the same period a year earlier (2,465). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, quarterly, April 2015 to December 2024



The number of local applications decided in Q3 2024/25 was 2,286; up over the quarter (2,257) by 1.3% and down by 5.7% when compared with the same period a year earlier (2,423); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 94.7% in Q3 2024/25; similar to the rate reported for the previous quarter (94.9%) and the same period a year earlier (95.1%).

Local planning applications statutory target

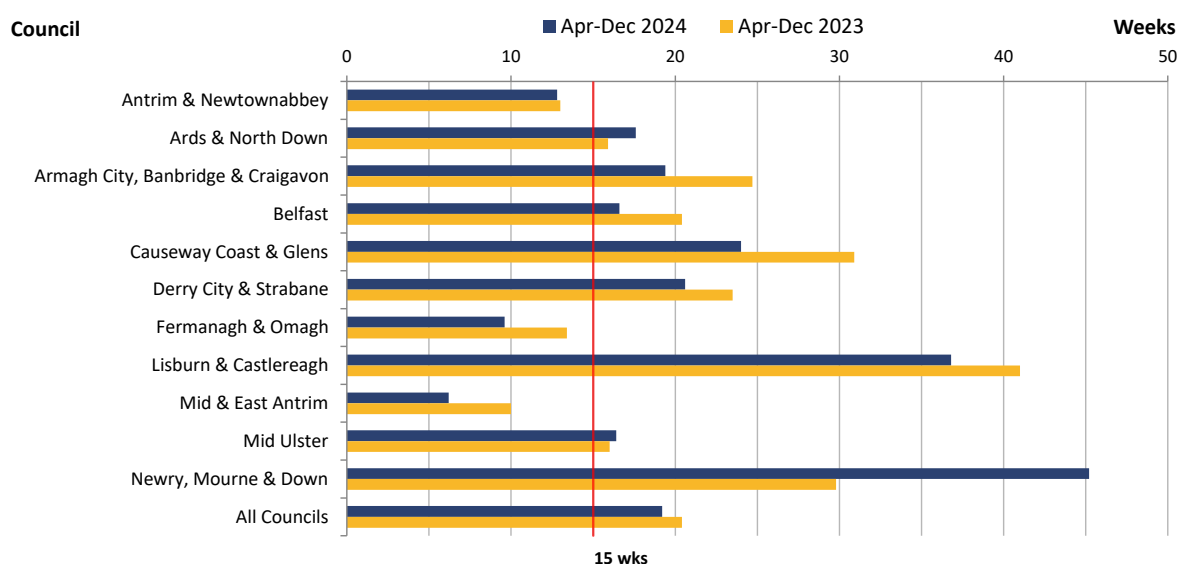


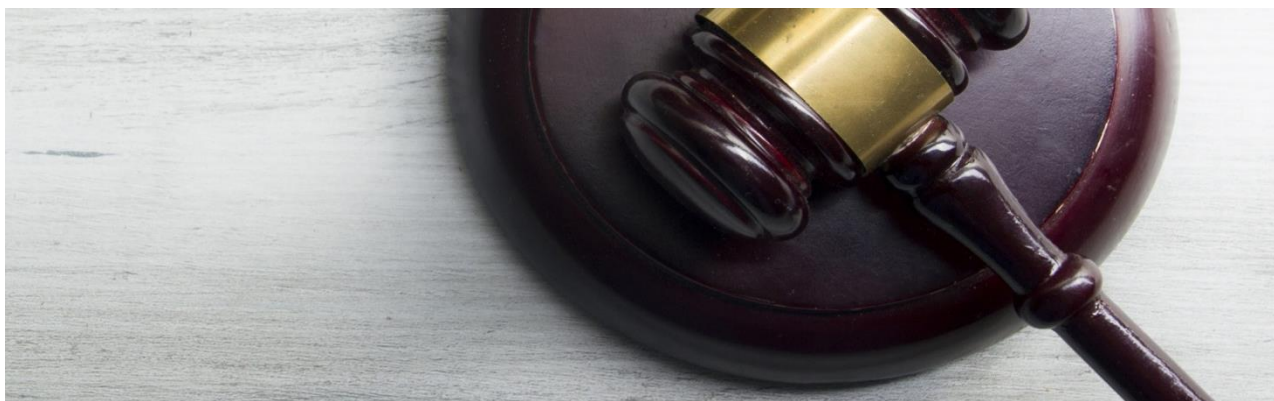
It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2024/25 was 19.2 weeks; this is down when compared with the same period a year earlier (20.4 weeks). This exceeds the statutory target of 15 weeks. There were 7,296 local applications decided or withdrawn by councils during the first nine months of 2024/25, the figure for the same period last year was 7,640.

Three of the 11 councils were within the 15 week target after the first nine months of 2024/25: Mid and East Antrim (6.2 weeks), Fermanagh and Omagh (9.6 weeks), Antrim and Newtownabbey (12.8 weeks) see Figure 4.1. [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to December 2023 & 2024

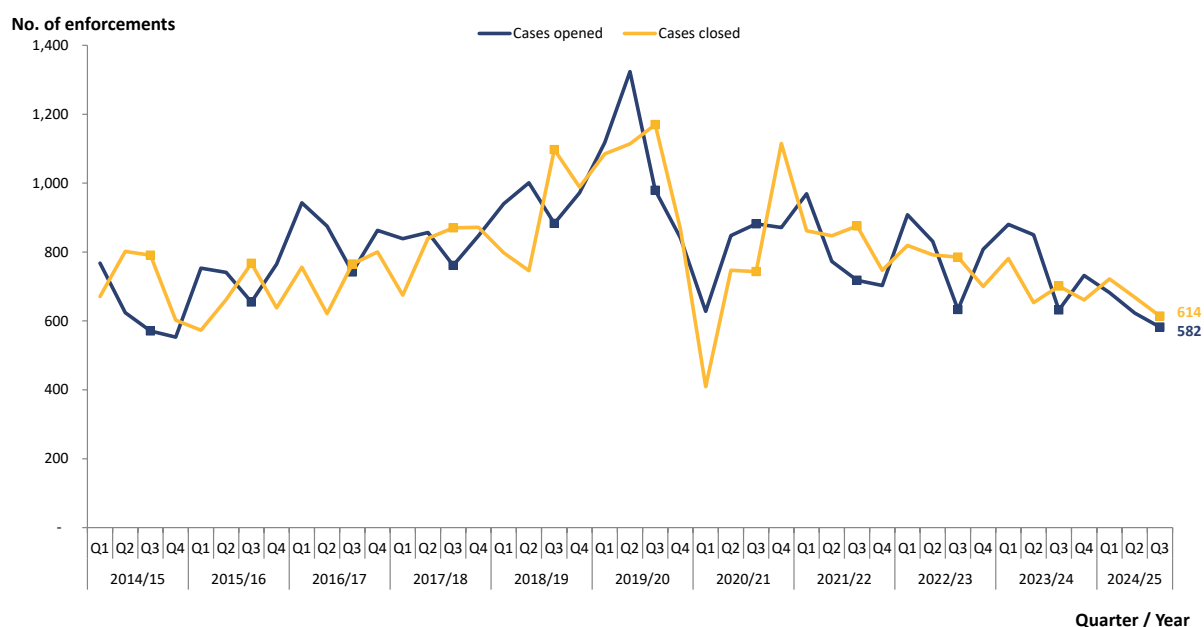




Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during the third quarter of 2024/25 was 582; down by 6.6% over the quarter (623) and down by 7.9% when compared to the same period a year earlier (632). The number of cases closed during Q3 2024/25 was 614; down by 8.2% from the previous quarter (669) and down by 12.4% from the same period a year earlier (701) (Figure 6.1). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2014 to December 2024



The number of enforcement cases over two years old stood at 1,594 at the end of December 2024, accounting for 40.6% of all live cases. This compared with 39.8% of live cases at the end of September 2024 and 37.2% at the end of December 2023. [Refer to Table 6.4.](#)

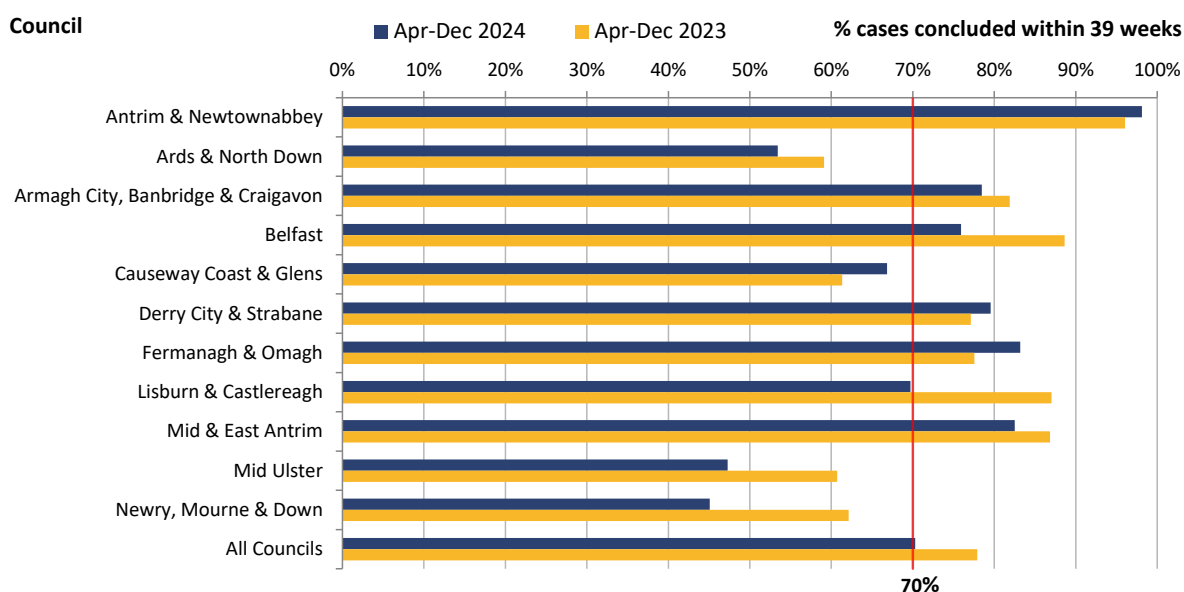
Enforcement cases statutory target



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, 70.3% of enforcement cases were concluded within 39 weeks during the first nine months of 2024/25 meeting the statutory target of 70%. This represents a decrease from the rate reported for the same period last year (77.9%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, April to December 2023 & 2024



Six of the 11 councils were individually meeting the statutory target at the end of the first nine months in 2024/25.

Antrim and Newtownabbey recorded the highest percentage of cases processed within 39 weeks, with 98.1% processed within target during the first nine 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 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	06 May 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	15 April 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	Uplift in Planning Fees
Attachments	Item 7a - Letter from DfI to Chief Executive

1. The Department for Infrastructure (DfI) wrote to the chief executives of councils on 13 March 2025 to advise of the introduction of a new Statutory Rule in relation to Planning Fees, which has applied a one-year inflationary uplift of approximately 2.1% across all fee categories, from 01 April 2025.
2. The letter from DfI advises that the uplift in planning fees is to help councils and the Department in resourcing the delivery of their development management functions.
3. DfI is also updating Development Management Practice Note 11 (Planning Fees), which is available for viewing following commencement of the Regulations on its website.
4. This uplift represents only the fifth uplift in Planning Fees since 2015 with examples as follows:

Single dwellinghouse – Outline - £425 (2015) £515 (2025)

Not Applicable

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Extension to dwellinghouse - £285 (2015) £347 (2025)

5. Members will recall that the Public Accounts Committee in its report on the Planning System in Northern Ireland, March 2022, highlighted that the current funding model does not recognise the value of the planning system and is not financially viable. This matter of financial viability continues to be explored via the Planning Improvement Programme.

RECOMMENDATION

It is recommended that Council notes the content of this report and the attached letter.

Department for
Infrastructure

An Roinn

Bonneagair

Deapairtment fur

Infrastructurewww.infrastructure-ni.gov.uk

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Regional Planning Governance & Legislation

Council Chief Executives

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Tel: 0300 200 7830

Email: rosemary.daly@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your Ref:

Our Ref:

13 March 2025

Dear Chief Executives

Planning Fees

I am writing to advise you that the Department for Infrastructure has made a Statutory Rule entitled “The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2025” (S.R. 2025 No. 49), which comes into operation on 1 April 2025. The planning portal will be updated for this date.

The purpose of this Statutory Rule is to amend the Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73) to apply another yearly inflationary uplift of approximately 2.1% across all fee categories. This will mean that, for example, the fee for:

- an extension, improvement or alteration of a dwellinghouse will increase from £340 to £347;
- the erection of single dwelling house will rise from £1014 to £1035; and
- the erection of 50 dwelling houses will increase from £21,591 to £22,047.

This uplift in planning fees will assist councils and the Department in resourcing the delivery of their development management functions.

Copies of the Rule may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070 or viewed online at www.legislation.gov.uk.

The Department is also currently updating the Development Management Practice Note 11 (Planning Fees) and this will be available to view following commencement of the Regulations on 1 April 2025.

I trust you find this information helpful.

Yours sincerely

Rosemary Daly

ROSEMARY DALY
Director

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	06 May 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	17 April 2025
File Reference	N/A
Legislation	The Planning (Northern Ireland) Act 2011 The Planning (General Development Procedure) Order (Northern Ireland) 2015 as amended
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	DFI statistics - consultations issued by Planning Service 01 April - 31 December 2024
Attachments	

1. Members will recall a report presented at Planning Committee in October 2024 detailing the Annual Performance Report for 2023/2024 prepared by the Department for Infrastructure (DFI) which set out the performance of statutory consultees in the Planning process. Members had specifically requested detail on response times relevant to Ards and North Down.
2. DFI recently provided the Council with an Excel spreadsheet detailing all consultations issued by the Council's Planning Service from 01 April to 31 December 2024. In addition to the raw data for all consultations (detailing each specific application), there was also pivot table giving headline information for the statutory consultation requests made during this period – which has been extracted and provided below for information.

Not Applicable

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3. DFI has advised that this is the first issue of the data extracts which will be issued at the end of each quarter going forward.
4. Members should note that DFI advises that the figures quoted are not official statistics and should not be quoted as such. Rather, they have been provided more as a management tool for staff within the Planning Service to be used for information.

Count of FinalResponse	Column Label				
Row Labels	Within Target	Within Extended Target	Outstanding - No response	Late - took over 21 days	Grand Total
Local	594	1	14	222	831
Belfast City Airport	4				4
Belfast International Airport	1			1	2
DAERA EMF NIEA	148		4	47	199
DfC/HED	50			19	69
Dfi Rivers	43	1	5	41	90
Dfi Roads	224		4	111	339
HSENI				1	1
NI Water	124		1	2	127
Major	27	1	4	26	58
Belfast International Airport	1				1
DAERA EMF NIEA	5		3	10	18
DfC/HED				1	1
Dfi Rivers	3		1	6	10
Dfi Roads	10	1		9	20
HSENI	2				2
NI Water	6				6
Grand Total	621	2	18	248	889

RECOMMENDATION

It is recommended that Council notes the content of this report.