


ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2019/0751/F
Proposal	Demolition of rear double garage and erection of single storey detached building for ancillary use
Location	Land at Back Hill to the rear of 7 West Hill, Groomsport DEA: Bangor East and Donaghadee
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Valid	22/07/2019
Summary	<p>Summary of main issues considered:</p> <ul style="list-style-type: none"> • Application originally related to a proposed dwelling however following concerns raised by the Planning Dept, this application was subsequently amended to a householder application for "Demolition of rear double garage and erection of single storey detached building for ancillary use." • Officers are content that the amended application complies with the local development plan and the Addendum to PPS 7 (Policy EXT 1) for Residential Extensions & Alterations as the proposal is acceptable in principle, it does not have an adverse impact on the private amenity of neighbouring residents and the character of the surrounding area. The ancillary accommodation has a proposed pitched roof replacing the garage's flat roof; however, this does not result in a loss of natural light, overshadowing or dominance to neighbouring properties. • The proposal also meets the policy requirements under PPS 3 'Access, Movement & Parking', PPS 2 'Natural Heritage', Addendum to PPS 6 'Areas of Townscape Character' and PPS 6 'Planning, Archaeology & the Built Heritage'. • Objections raised several issues including loss of privacy, overlooking, setting a precedent for rear garden development, adverse impact on surrounding Area of Village Character, impact on parking, drainage and sewerage systems, potential future use of the ancillary accommodation and potential changes to its design in the future.
Recommendation	Approval

Attachment	Item 4.4a – Case Officer Report
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Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2019/0751/F	DEA: Bangor East & Donaghadee	
Proposal:	Demolition of rear double garage and erection of single storey detached building for ancillary use.		
Location:	Land at Back Hill to the rear of 7 West Hill, Groomsport, BT19 6JT		
Applicant:	Mr R. Sherriff		
Date valid:	22/07/2019	EIA Screening Required:	No (0.05ha)
Date last advertised:	07/09/2023	Date last neighbour notified:	24.08.2023
Letters of Support: 0	Letters of Objection: 26* (*from 14 separate addresses)	Petitions: 0	
Consultations – Synopsis of Responses:			
DFI Roads	No objection, provided the Council are content with the proposed and existing car parking provision.		
DAERA Water Management Unit (WMU)	No objection.		
Historic Environment Division (HED)	No objection.		
NI Water (NIW)	No objection.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development. • Design and appearance of proposal. • Impact of proposal on privacy or amenity of neighbouring dwellings. • Impact of proposal on the character and appearance of the area. • Impact on landscape features and environmental quality including 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: [Northern Ireland Public Register \(planningsystemni.gov.uk\)](http://planningsystemni.gov.uk)

1. Site and Surrounding Area

The application site is located within the development limits of Groomsport as designated by dBMAP 2015.

The site is to the rear of 7 West Hill which is in Groomsport to the south of Main Street. The site consists of a single storey double garage associated with No. 7. It comprises white walls, aluminium garage doors and a flat roof. The boundaries include a 1m wall to the front (north) and side (west), a hedge and shrubs to the east and trees to the rear (south). The site rises upwards from north to south towards the Brae.



Application Site

The surrounding area is predominantly residential and there is a mix of house types and varying designs.

2. Site Location Plan



3. Relevant Planning History

No recent relevant planning history.

Relevant planning history mentioned in the objection letters and in the surrounding area:

Reference: W/1988/0341

Proposal: Dwelling

Address: Lands to rear of 7 West Hill, Groomsport

Decision: PERMISSION REFUSED (Unknown)

Reference: LA06/2019/0738/F

Proposal: Demolition of existing garage and erection of single-storey (2-bed) annex with 2 car parking spaces.

Address: 9 The Hill, Groomsport

Decision: PERMISSION GRANTED (28/01/2020)

Reference: W/2002/0414

Proposal: 2-storey extension for workshop.

Address: 19 The Hill, Groomspport

Decision: PERMISSION GRANTED (08/06/2002)

Reference: W/2001/0478/F

Proposal: New garage.

Address: 6 West Hill, Groomspport

Decision: PERMISSION GRANTED (18/06/2001)

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 (PPS2)
- Planning Policy Statement 3: Access, Movement and Parking (PPS3)
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6)
- Planning Policy Statement 6 Addendum: Areas of Townscape Character (PPS6 Addendum)
- Planning Policy Statement 7 Addendum: Residential Extensions and Alterations (Addendum to PPS7)

Relevant supplementary planning guidance for this application is as follows:

- Creating Places

Principle of Development

Development Plan

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

In practice this means that development that accords with the development plan should be approved. The application site is located within the settlement limits of Groomspport within an existing residential area and a proposed Area of Village Character (AVC) and the impact of the proposal on the appearance of the proposed AVC remains a material consideration.

The plan sets out a list of key features of the Groomspport AVC which can be taken into account when assessing development proposals. The two which would apply to this application are the mid and late Victorian buildings on The Hill and West Hill and the characteristic built form comprising two-storey buildings, with vertically proportioned small windows, render finishes, slate covered pitched roofs and ridge top chimneys.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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.

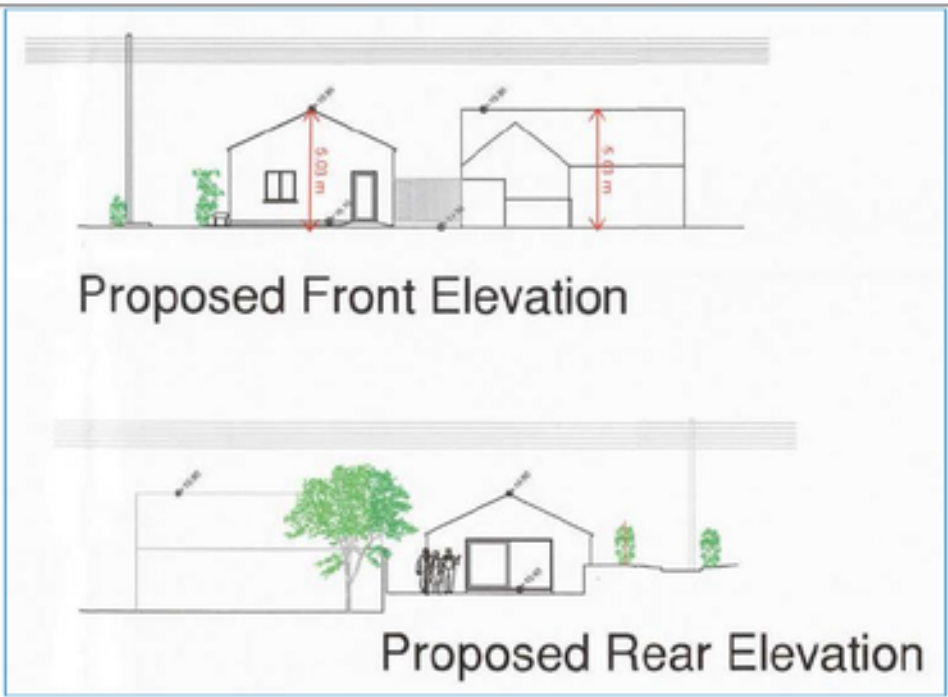
Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

Impact on Existing Dwelling and Character of Area

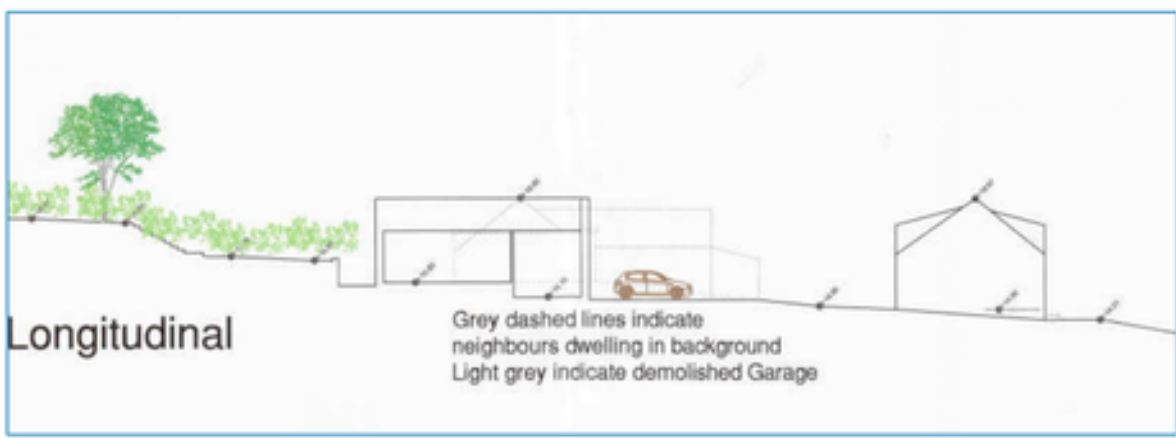
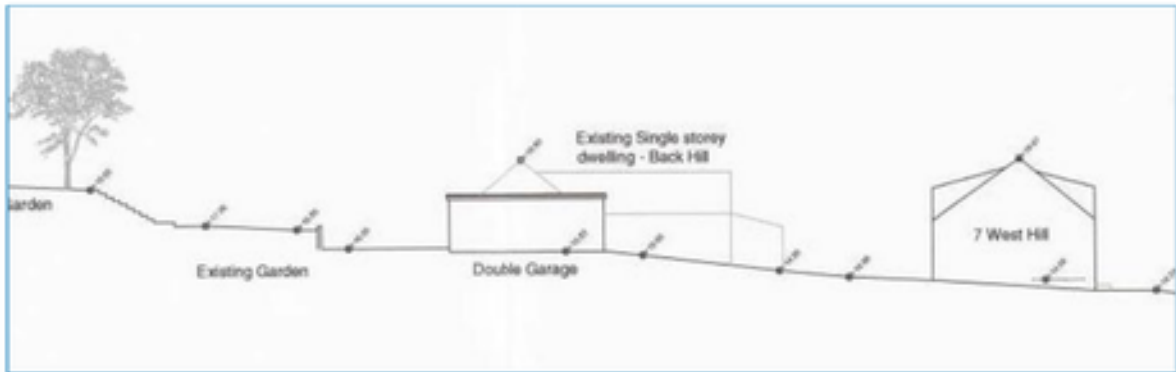
Policy EXT1 of PPS7 (Addendum) states that planning permission will be granted for a proposal to alter a residential property where certain criteria are met. The proposal is for the demolition of a rear double garage and the erection of a single storey detached building for ancillary use.

In terms of massing, the proposal would see an existing single storey double garage replaced with a building of a similar size and scale, design and external materials. The proposed building is for ancillary accommodation and consists of 1 floor. It will remain sited to the rear of No. 7 (south) and measures approx. 10m by 7m (70sqm). The building remains rectangular in form and the external materials include smooth render walls, grey uPVC windows and blue/grey roof slates.

I am content that the massing is sympathetic and respectful of the existing building but also the existing dwelling which also has a rectangular form and similar external materials.



Proposed Elevations



Longitudinal

In terms of scale, the proposal would see the existing ridge height of approx. 2.6m increased to 5.03m but remaining single storey. The existing roof is flat, and the proposed roof is pitched with 3.2m eaves. The increased ridge height is considered an acceptable scale as it would see the ancillary building have a lower ridge height than the existing dwelling making it sympathetic in this regard. The width and length of the

proposed ancillary building is slightly larger than the existing building which measures approx. 6.8m by 6.2m and has an overall floorspace of 42sqm.

7 West Hill is a one and a half storey end terrace. It is between 6m and 6.5m high with a footprint of approx. 81m (11m in length and 7.05m in width) which includes the rear porch area. I consider that the proposal remains subordinate in size and scale because it remains single storey and No. 7 is one and a half storey. The overall floorspace of the existing garage would increase from 42sqm to 70sqm which is considered a modest degree of accommodation space. It is not considered that the proposed scale would detract from the appearance and character of the surrounding area.

With regard to the proposed design, the proposal building would employ a similar architectural style to match the existing dwelling including windows with a vertical emphasis, a dual pitched roof and matching external finishes. It is considered that once constructed the proposed ancillary accommodation would appear architecturally linked with the existing dwelling and therefore compatible with existing development on site. The sympathetic design would therefore allow the proposal to integrate with its wider environment which would maintain the appearance and character of the area.

On the whole I am of the view that the scale, massing, design and external materials proposed are sympathetic with the built form and appearance of the existing property and do not consider that the proposal would not detract from the appearance and character of the surrounding area.

Given the location of the proposed building to the rear of No. 7 I do not consider that its demolition will have a detrimental impact upon the proposed Area of Village Character (AVC). The existing building is of brick construction with rendered white walls and a flat roof. It makes no material contribution to the character of the area.



Existing Building



7 West Hill, Groomsport

The existing building will be replaced with a single storey building which will remain in the rear amenity space associated with No. 7 which is in keeping with the distinctive character of the area as most houses on The Hill have garages/outbuildings situated within their associated rear private amenity spaces. The proposed building will be finished in a similar design and matching materials to No. 7. The proposal is similar to the existing outbuildings associated with the other properties on The Hill. Therefore, it will not detract from the character, appearance, and quality of the proposed AVC.

The key features of the proposed AVC include the mid and late Victorian buildings on The Hill and West Hill and the characteristic built form comprising of two-storey buildings, with vertically proportioned small windows, render finishes, slate covered pitched roofs and ridge top chimneys.

The proposal works will not affect the characteristic built form of the area because the existing single-storey double garage, which is proposed to be demolished, is of brick construction with a flat roof and does not match the characteristic built form of the area. The proposal will also have no impact and will cause no detrimental harm to the existing dwelling No. 7 which will remain unaltered. It is noted that No. 7 itself does comply with the key features of the AVC which is evident of the mix of built form which is characteristic of the area at present and includes a variety of house types and designs.

Consideration of Ancillary Accommodation

Planning policy makes provision for ancillary accommodation to provide additional living space. Determining whether a separate building can be considered ancillary accommodation is a finely balanced decision based on site specific characteristics and material considerations.

Ancillary accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such ancillary accommodation is

typically attached to the existing dwelling however, provision is also made for the conversion of an outbuilding providing the proposed development is of a modest scale.

The proposal has similar characteristics to that of the building approved as ancillary accommodation in appeal decision 2015/E0053 which found that: there was no physical boundary between the proposed ancillary building and the main dwelling (meaning there was freedom of movement between both); the garden area was shared between the two buildings; and the parking area was shared between the two buildings. With these considerations in mind, the PAC determined '*there has been no sub-division of the planning unit to create an independent dwelling*' meaning that '*the structure functions as ancillary accommodation*'.

Whilst the proposed building would not be physically connected to the main dwelling, it is sited to the rear of the dwelling within its existing area of private amenity space currently occupied by a domestic garage belonging to the property. While there is a right of way located between the host dwelling and the ancillary accommodation it will still be situated in close proximity to the dwelling with a shared parking and garden area.

I do not consider that there will be a sub-division of the planning unit to create an independent dwelling in this case and the proposal has a similar relationship to the application building as the existing building associated with No. 6 West Hill but is of a smaller size and scale (W/2001/0478/F). Planning permission has also been granted in recent years for similar ancillary accommodation at No. 9. The precedent for ancillary accommodation on these plots is therefore a material consideration.



Outbuilding and Garage Associated with 6 West Hill, Groomsport

The proposed ancillary building is considered an acceptable scale, providing a modest level of floorspace (70sqm). The proposed floor plan shows no details of what rooms will be provided but there appears to be 2 rooms and 1 room large enough for a toilet.

Appeal decision 2015/E0053 granted permission for ancillary accommodation which included three rooms on the bottom floor (kitchen, hallway and living room) and three rooms on the first floor (bathroom and two bedrooms). The current proposal would provide less provision of rooms than the ancillary accommodation approved under 2015/E0053 given the size and scale of the proposal. In the immediate area, permission has been granted for a similar single storey annex that has provided 2 bedrooms and shower room to the rear of 9 The Hill (LA06/2019/0738/F). Therefore, taking account of the above, I am content that the proposed level of ancillary accommodation in this case meets the policy requirement.

I consider that the proposed scale, massing and design are acceptable, and I am content that the proposal represents ancillary accommodation in line with the policy interpretation. A condition specifying that the proposal will only be used for ancillary residential purposes, not as a separate unit of accommodation shall be included.

Impact on Privacy and Amenity of Neighbouring Residents

The proposal would be sited to the rear of No. 7 facing its rear elevation. Positioned centrally within the application site it is to the east of an outbuilding to the rear of No. 6 West Hill. No windows have been proposed on the side elevations. The front elevation has 1 door and 1 window which will face No. 7 and patio doors to the rear.

Approx. 13.8m of separation space exists between the front wall of the proposed building and the rear wall of No. 7 which has a rear porch and 2 ground floor windows and 3 first floor windows including an obscure glazed bathroom window and 2 bedroom windows. The separation distance between the side wall and the previously adjoining outbuilding (to the rear of No. 6) is approx. 2.2m. There are no side windows on the side wall of this outbuilding given that it is currently attached to the application building.

No overlooking would occur except to the rear elevation of No. 7 which is the applicant's address. Given that the proposal is for ancillary purposes I have no concerns with regards to overlooking in this case. The remaining proposed windows do not pose overlooking concerns as they would be at ground floor level with sufficient boundaries treatments obscuring views into adjoining properties.

With regard to dominance, I am of the view that the proposed development would not adversely impinge on the immediate aspect or outlook from neighbouring dwellings to an unacceptable level.

While the outbuilding associated with No. 6 West Hill is lies in close proximity to the proposed building, it has no windows on its side elevation to the east. The windows of this building are positioned on its western side providing views into No. 6's rear amenity space which would mitigate against a sense of feeling 'hemmed-in' by the proposal.

With regard to loss of light/overshadowing, it is not considered that the proposal would lead to unacceptable loss of light. The nearest neighbouring dwelling, No. 6 West Hill will not receive less light with the development of the proposal given its single-storey height and scale and its position to the south-east. No. 6 has its own outbuilding which appears to have been converted for ancillary use also. This building is 1.5 storey meaning the proposal will have a smaller ridge height in comparison.

The remaining neighbouring properties are sited a sufficient distance away to prevent against loss of light or to be affected by dominance. To the rear, 24 The Brae is the closest neighbouring property, and the separation distance is approx. 28m from the rear wall of the proposed building to the rear wall of No. 24 which is located on higher ground as are all the properties along the Brae.

Impact on Trees/Landscape Features

The proposal involves demolishing the existing garage with only a minor increase to the existing footprint which would see a small portion of the rear garden lost to the development. The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

A small section of walling and hedging to the front and within the site will be removed but the hedging to the eastern boundary will be retained along with the existing trees in the rear garden (DRG 04/B).

Impact on Amenity Space and Parking

Amenity space and parking for No. 7 is existing and includes the application building which is a double garage. To the front of the garage is a hardstanding area which was in use for parking during the site visit. This area to the front measures approx. 7.9m by 6.1m (48sqm).

The proposed site plan below shows that the area to the front of the proposed building will be retained and measures approx. 8.3m by 10m (83sqm). I am content that 2 in-curtilage car parking spaces will remain to serve No. 7 which is adequate for a dwelling of this size and is in line with parking provisions. Despite the removal of the existing double garage, the plan below shows that there is room for an additional space for visitors if required.



Proposed Site Plan

The proposed site plan shows that the existing rear amenity space will remain unaffected by the proposal. Therefore, sufficient amenity space will be retained within the curtilage of the dwelling for recreational and domestic purposes to the rear and for the parking and manoeuvring of vehicles to the front of the proposed building.

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 natural heritage and will 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.

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

In terms of protected and priority species, no scenario was identified that would reasonably require additional survey information. It is therefore considered that the proposal is low risk to species protected by national and international legislation.

Other Planning Matters

Historic Environment

The application site is within an Area of Archaeological Potential and Archaeological Site and Monument. Consultation was carried out with Historic Environment Division (HED) who has raised no concerns.

5. Representations

There have been 26 written representations from 14 separate addresses.

The initial proposal was for a new dwelling for which 16 objections were received. Re-publicity was carried out in 2020 following the submission of additional information (Parking Report) when 3 further objections were received.

Following concerns raised by the Council, the proposal was amended from a new dwelling to a new building for an ancillary use in 2023 and 3 objections were received following the re-publicity of the application.

Most recently, a new red line was submitted to include the dwellinghouse No. 7 West Hill within the red line area so that any decision can be appropriately conditioned. Four further objections were received following another round of re-publicity.

As the proposal was amended to the demolition of the existing rear double garage and erection of single storey detached building for ancillary use, which is located within the existing curtilage of the property, the following assesses the material objections raised regarding this proposal only:

- **A dwelling was refused on the site previously and the same principle should apply to the 'ancillary' proposal.**

A dwelling was refused under W/1988/0341 in 1988. The current proposal is now for ancillary residential accommodation and not a separate stand-alone dwelling. The proposal has been considered and assessed against the relevant policies and is deemed to be acceptable.

- **Loss of privacy.**
- **Overlooking of 24 The Brae and neighbouring properties on the Brae (from rear elevation) from rear windows and roof lights.**

There are appropriate separation distances between the rear wall of the proposed building and the existing residential properties along the Brae which is to the south and is on a higher ground level.

24 The Brae is the closest neighbouring property, and the separation distance is approx. 28m for a rear-to-rear relationship. Given the single storey nature of the proposal there are no further concerns regarding overlooking or loss of privacy.

Neighbour amenity was considered and assessed in Section 4.

- **Setting a precedent for development of what have historically been garden areas which will impact overall the valuable historic character of the area.**

Properties along West Hill and the Hill have ancillary buildings located to the rear. Some of these buildings have already been converted including: 1A West Hill; 3-5 Back Hill; 20 Back Hill; 23 Back Hill; and 25A Back Hill.

Given the development that exists in the area, the proposed ancillary building will not create a precedent.

- **Overdevelopment.**
- **Density.**
- **Town cramming.**
- **Impact on housing density in the area.**

The proposal is now for an ancillary use not a new dwelling.

- **Impact on local landscape.**
- **Impact on the historic aspect of Groomsport Village.**
- **Impact on the setting and context of local buildings.**
- **Impact on character of the area and the Area of Village Character (AVC).**
- **Impact on local context and street pattern.**

There are no concerns in relation to how a proposed ancillary building of this size and scale will have an unacceptable impact on Groomsport Village, local buildings or the AVC.

The proposal will reflect the local context and street pattern which includes ancillary buildings located to the rear of the properties along West Hill and the Hill.

This has been considered and assessed in Section 4 above.

- **Impact on the local environment.**
- **Loss of valuable green space.**

There are no concerns relating to the local environment.

The application site is not designated as open space as it comprises the private rear amenity space of No. 7. Adequate amenity space remains for No. 7. The rear garden area is approx. 450sqm and the footprint of the proposed building is only 70sqm.

- **Impact on parking in the area.**
- **Traffic impact.**
- **Impact on existing infrastructure (laneway, roadway and road network).**
- **Health and safety of vehicle users and pedestrians.**
- **Inconvenience of residents when larger vehicles (including ambulances and service vehicles) require access to local properties or the proposed building.**

This has been considered and assessed in Section 4 above.

- **Impact on local infrastructure including drainage and sewerage systems.**
- **The plans are unclear whether the proposal includes additional toilet/bathroom facilities which would increase demand on existing overloaded water and sewage systems.**
- **Increased surface runoff.**

The proposal is for an 'ancillary' building and while internal rooms are not annotated, consultation was carried out with NI Water on the original proposal for a new dwelling at this location. In the consultation response NI Water advised that there was available capacity.

The proposal is now for an ancillary use not a new dwelling. Prior to the submission of the amended proposal, consultation had been carried out with DAERA Water

Management Unit (WMU) and NI Water who raised no objection. NI Water confirmed that capacity was available and WMU referred to standing advice.

The application site consists of an existing building located on a hardstanding area with a garden area to the south side. I do not consider that the proposal will result in increased runoff.

- **Inaccurate description of the properties on the Brae as single storey (including No. 24) in the supporting information.**

The residential properties on the Brae range from single storey to two-storey. The inaccurate description has had no impact on the overall consideration and assessment because a site visit has been carried out along with a detailed desktop study.

Given that the Brae is on higher ground level there are no concerns that the proposal will have an unacceptable impact on the amenity of these properties.

- **The proposal is akin to a new separate dwellinghouse not an 'ancillary' building.**
- **The proposed 'ancillary' building is larger in height, width, length, and footprint in comparison to the existing building to be replaced.**
- **The proposed 'ancillary' building is not connected to the original dwelling in design, style, or character.**
- **The proposed building is too large in size and scale and will dominate the site and the surrounding area.**
- **Amending the proposal to 'ancillary' is an attempt to circumvent well-founded concerns regarding the proposal.**
- **The term 'ancillary' is misleading and will permit and allow a new small single storey dwelling.**

These points have been considered and assessed in Section 4 above.

The proposal was amended because the Council had advised the developer that the proposal for a new dwelling at this location would be refused. The developer was given an opportunity to amend the proposal and decided to apply for an ancillary building. The amended scheme has been considered and assessed against policy.

The amended scheme for an ancillary building has been considered and assessed against the relevant policies and is deemed to be acceptable.

- **No details on the quality of materials.**

This is not a requirement for planning permission. Any new building will be subject to Building Control Regulations.

- **The proposal does not respect the scale and proportions of surrounding properties and buildings.**

These points have been considered and assessed in Section 4 above.

- **Setting a precedent for similar development in the area which will destroy the character of the area.**

There is already evidence of ancillary buildings in the area meaning it would not be appropriate to withhold planning permission for this reason.

- **Noise and general disturbance from the proposed building and the garden area.**

Residential areas can be sensitive to noise and general disturbance, particularly in the late evening when there is an expectation that surrounding background noise will remain low. Under the policy, only an extension or alteration such as a balcony, roof-terrace or high-level decking will be subject to particular scrutiny.

In terms of the proposal, I do not consider that there will be an unacceptable increase in the level of noise and general disturbance experienced by residents of adjacent properties because there is an existing building within the site and the land is already the private garden of No. 7 West Hill.

- **Potential for a commercial use of the proposed 'ancillary' building (Air BnB or short-term letting).**
- **Negative/anti-social aspects of Air BnB/short-term letting.**

A condition shall be included to ensure that the proposed building is for ancillary purposes and not to be sold off or leased.

Noise disturbances are reportable to Environmental Health, but it is not envisioned that the proposal will create an unacceptable noise impact given the nature of the householder development. Instances of anti-social behaviour are a matter for the police not the Planning Department.

- **Impact on open space/loss of green space.**

There are no concerns relating to the local environment.

The application site is not designated as open space as it comprises the private rear amenity space of No. 7. Adequate amenity space remains for No. 7. The rear garden area is approx. 450sqm and the footprint of the proposed building is only 70sqm.

- **Increased carbon footprint and energy consumption.**
- **Contribute to climate change.**

I do not consider that the proposed building will lead to unacceptable levels of in greenhouse gases, energy consumption or contribute to climate change given the nature of the proposal which is for householder development.

- **The proposal will have roof lights that are not annotated on the plans.**

The amended scheme does not include new roof lights.

- **The proposed building has the potential for a roof conversion in the future.**

The proposal does not include a roof conversion and this relates to a hypothetical situation.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The ancillary building hereby permitted, coloured ORANGE on Drawing Number 04/B, shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 7 West Hill, Groomsport.

Reason: To prevent the creation of additional dwelling units.

3. The development hereby approved shall not be separated, sold off or leased from the property known as 7 West Hill, Groomsport.

Reason: To ensure the building remains linked to the residential use of the main dwelling.

4. The ancillary accommodation hereby approved shall not be occupied until provision has been made within the curtilage of the site for the parking of private cars in accordance with approved drawing No. 04B. The parking provision as approved shall be retained in perpetuity thereafter.

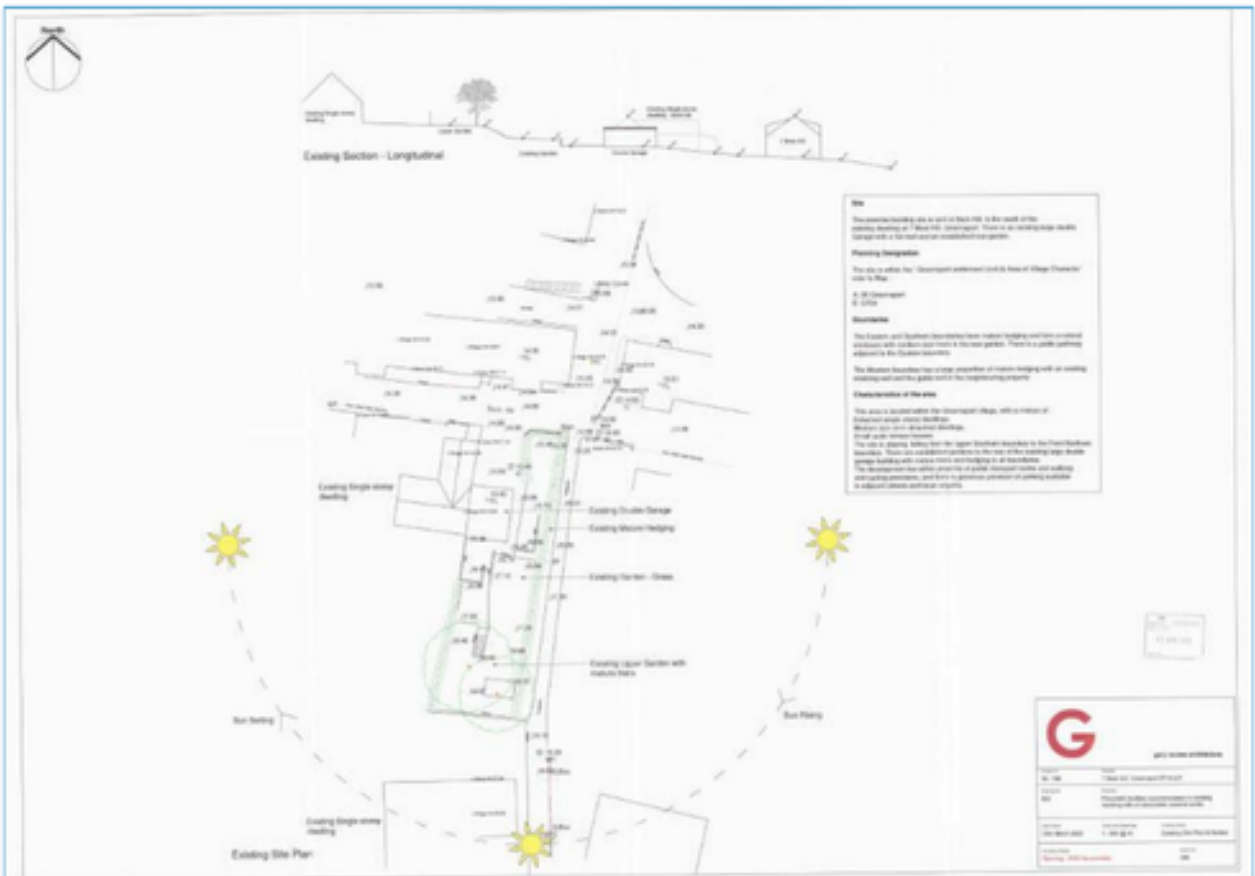
Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

Informative

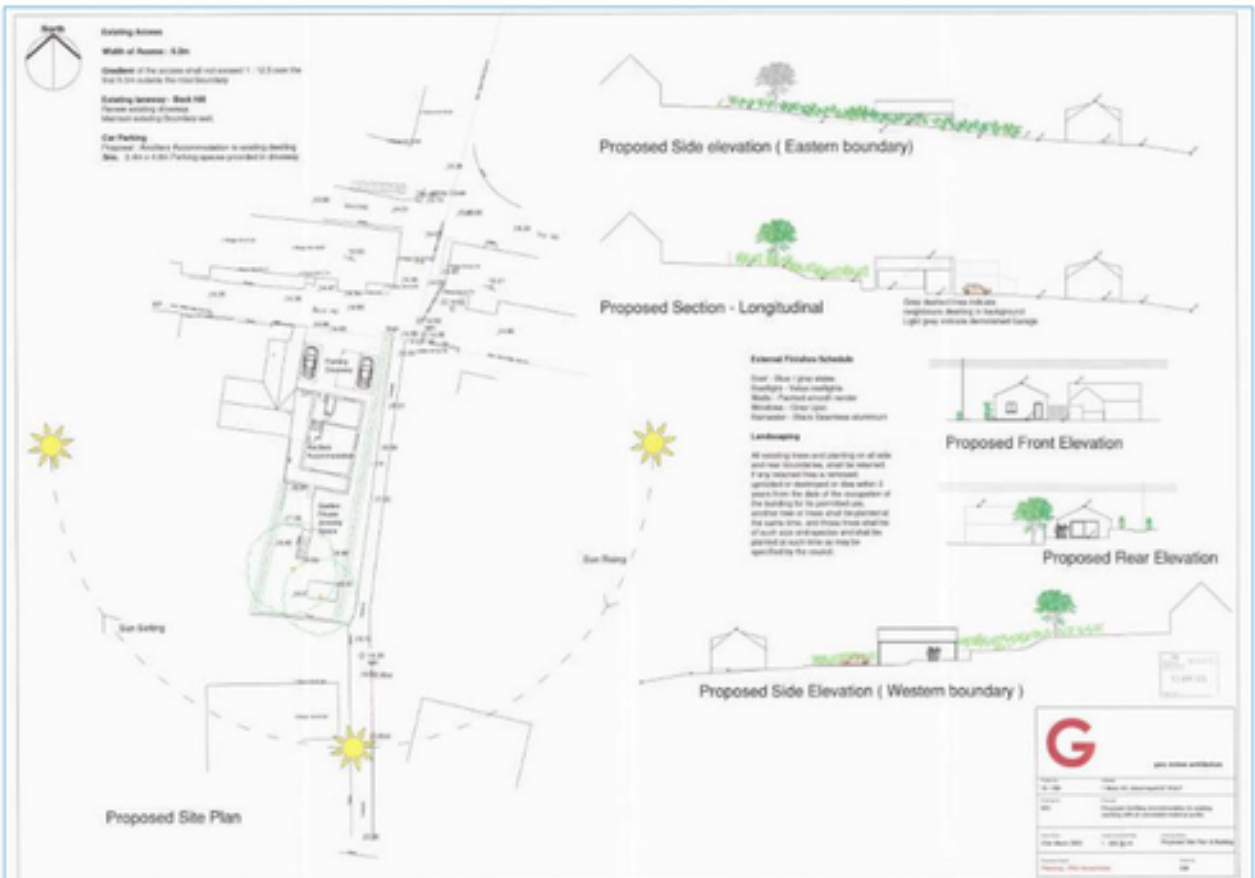
1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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



DRG 01/B – Site Location Plan



DRG 02/B - Existing Site Plan



DRG 03 - Proposed Site Plan




















ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2023/1329/F
Proposal	Demolition of existing garage, two storey and single storey side extensions, Juliet balconies and dormer window to front.
Location	17 Braeside, Newtownards DEA: Newtownards
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.
Validated	06/01/2023
Summary	<ul style="list-style-type: none"> • Domestic extension - is policy compliant after appropriate amendments were submitted. • Planning Policy Statement 7 Addendum -Residential Extensions and Alterations is relevant policy context • Compliant with LDP. • 10 letters of objection from 6 addresses mainly concerned with loss of light, loss of privacy and visual amenity. • HED consulted and content
Recommendation	Approval
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report				 Ards and North Down Borough Council	
Reference:	LA06/2023/1329/F	DEA: Newtownards			
Proposal:	Demolition of existing garage, two storey and single storey side extensions, Juliet balconies and dormer window to front.	Location:	17 Braeside Newtownards		
Applicant:	Faysol Shahsalimmiah				
Date valid:	06/01/2023	EIA Screening Required:	No		
Date last advertised:	26/01/2023	Date last neighbour notified:	04/09/2023		
Consultations – synopsis of responses:					
HED		No objection			
Letters of Support 0 Letters of Objection 10 letters from 6 addresses Petitions 0					
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Design and Appearance • Impact on privacy or amenity of neighbouring properties • Impact on the character and appearance of the area • Impact on landscape features and environmental quality • Biodiversity • Impact on amenity and recreational space 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access					

1. Site and Surrounding Area

The application site is located at 17 Braeside, Newtownards. The site is irregular in shape and the dwelling on site faces south-east. The site consists of a detached two storey dwelling. The dwelling has a garden and parking area to the front. There is a garden to the side and rear. The dwelling is finished in red brick and dark roof slates. There is a conservatory to the rear and a detached garage to the north-east of the dwelling. There is garden to the rear bounded on all sides.

The site is located within the settlement limit of Newtownards as shown within the Ards and Down Area Plan 2015. The area is residential in character with predominately detached dwellings similar sized plots.

2. Site Location Plan



3. Relevant Planning History

No planning history for the site.

4. Planning Assessment

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

- Ards & Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy statement 6:
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations

Planning Guidance:

- Creating Places

Principle of Development

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

ADAP currently acts as the LDP for this area. Under ADAP, the site lies within the settlement limit of Newtownards. The site is also located near to an Ecclesiastical Site and an historical graveyard.

Strategic Planning Policy Statement (SPPS)

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. 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 proposal is in general conformity with the plan, subject to the relevant policy considerations below.

Within this context, Addendum to PPS2, PPS6 and PPS7A are retained and are of relevance to this assessment.

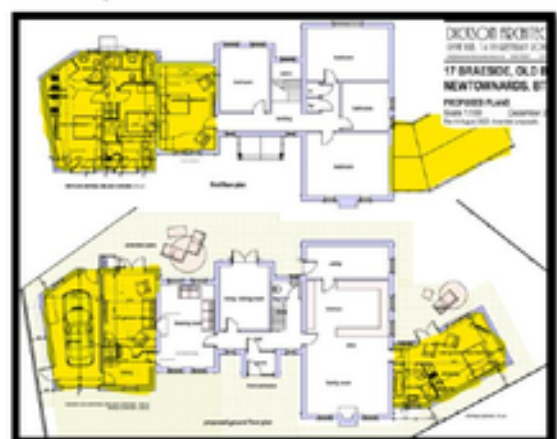
Proposal

The development proposed is for the Demolition of the existing garage, a two-storey extension to the south side and single storey side extension to the north side. The two-storey extension to the south side will be 7.3m high, 8.0m wide and 8.0m deep. The single storey side extension to the north side is to be 4.6m high, 8.0m wide and 6.7m deep. The extensions are to be finished in materials matching those of the existing dwelling.



Existing elevations

Proposed elevations



Proposed floor space



Existing floor space

The proposed development is subordinate in height and floor space to the host dwelling. The materials proposed are in keeping with those used within the development. There are zinc clad dormer windows proposed but in my opinion this material will complement both the existing dwelling and the dwellings within the wider development. The design, scale and massing of the proposed dwelling is not detrimental to the character of the area. The dwelling is to be enlarged to provide for the applicants' large family and family members who come to stay from Bangladesh.

Impact on Privacy and Amenity of Neighbouring Residents

The Council considers it important that the amenity of all residents is protected from 'unneighborly' 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.



There are dwellings to the south no.19, to the west no.5, to the north-west no.7, to the north no.9 and to the north-east no.15. I have considered the development and the neighbouring dwellings with regard to overlooking, overshadowing and dominance.

I have considered the single storey extension to the north, and it will not cause any overlooking or overshadowing due to its height, ground floor windows and location within the site.

In terms of overlooking, there are three additional first-floor windows proposed (Highlighted green) to the rear elevation, which will not overlook the private amenity space of any adjacent neighbours. The roof light window, by its nature will not cause overlooking and the two windows proposed will be conditioned with obscured glass as they will serve bathrooms.



Proposed rear elevation.

There are two first floor Juliet balconies proposed to the front elevation along with a dormer window (Highlighted green). These windows have a view over the applicants own front garden / driveway / parking area and the nearby road. No overlooking will be created by these additional openings.



Proposed front elevation.



In terms of overshadowing, within PPS7A para A36 & A37, a 'light test' is described to be used as guidance in assessing the loss of light any development may create on neighbouring properties. I have considered the 45-degree light test (green lines) from the centre of the window closest to the shared boundary on no.5 and it fails, and from the window of no.19 and the light test passes with its own garage breaking the light test.

Although the light test fails from no.5 it is also noted that no.5 has tiled covered roof over a sitting area and the ground floor rear windows are already overshadowed, to which the proposed development will not exacerbate.

As the sun rises in the east, travels through south to west, it is noted that if there were to be any overshadowing this would be minimal and during the early part of the day.

The applicant's existing detached garage breaks the light test. The existing garage is 5.4m high and the proposed extension is to be 7.1m high. It is my planning judgment that the extra 1.7m additional to that which exists will not be detrimental to no.5.

On the day of my site inspection no.5 had a tree grown to the side of the window which breaks the light test. Within the application site there is also high vegetation. The neighbours' tree and the applicant's high vegetation already overshadow the window and in my planning judgment the proposed extension will not exacerbate that which already exists.



The rear of no.5



High vegetation along the boundary with no.5



There will be no unreasonable dominant outlook from adjacent dwellings created by the proposed development. There will only be oblique views from adjacent properties, which will be interrupted by existing boundaries. It is my planning judgement that it is not overbearing in terms of any visual impact from neighbouring properties from that which exists.

With all this considered it is my planning judgment that the proposed development meets this part of the policy.

Design and impact on the character of the area.

The development is to the sides of the dwelling on site and will not be prominent from the street. The area consists of large, detached dwellings in close proximity to one another.



Front elevation of dwelling.

There are Juliet balconies proposed to the front elevation, along with a dormer window. These additions will not be detrimental to the character of the area. The housing development in which the subject dwelling is located comprises of twelve detached properties all different in design, with features such as two storey front projections, spherical towers and dormer windows.



View of nos.12 & 14.



View of nos.7 & 9.

The dwellings are all different in design but relate to one another due to the material finishes of the dwellings, other than no.9 shown above. The materials to be used in the extensions to the dwelling on site match those of the original dwelling. The front elevation will change from that which exists by adding height and massing to the southern portion of the dwelling. The single storey extension proposed will be

screened from view by existing boundaries. The proposed extended dwelling in my planning judgement is not out of character for the area. The proposed extension on the southern part of the dwelling maintains the scale and massing of dwellings within the local area when nos.12 and 14 area considered. The proposed design of the development maintains the character of the dwelling and the wider local area.

Impact on Trees/Landscape Features

No landscape features will be affected by the proposal. Site not associated with a Tree Preservation Order.

Impact on Amenity Space and Parking

Parking and access are to be unaltered. There is space in the driveway for 5 cars and another space in the garage as shown in the drawing for parking. The amenity space will not be slightly reduced and there will be 220sqm retained.

Protecting historical monuments and their setting

The site is approximately 300m south-east of church & graveyard (site of): Killysuggan. Historic Environment Division (Historic Monuments) was consulted on the proposed application and on the basis of the information provided was content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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.

Policy NH 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. The biodiversity checklist was applied, and the development has not had any significant impact on any protected species and further investigation is not considered necessary.

Policy NH 5 seeks to protect European Protected Species and Priority Habitats. It is considered that there has been no significant impact caused to protected species as a direct result of the development.

A Biodiversity checklist was considered, and no further information is required. The application is for minor development and does will not have any impact on protected species or habitats.

5. Representations

Ten letters were received from six different addresses (nos.5, 14, 16, 19, 21 and another unknown) raising the following issues –

It is noted that the original submission has been amended since letters of objection have been received. The amended drawings removed first floor windows to the rear which caused a degree of overlooking which was deemed to be unreasonable.

Seven letters of objection were received prior to the amended drawings. Three letters have been received after the amended drawings were submitted.

Loss of privacy

There are no first-floor windows proposed which will face no.19 and roof light windows are used as mitigation as the windows are set within the roof structure there is no view from the window. Therefore, no overlooking will be created by the proposal on no.19. The garage door is not considered a source of view as it is an entrance and exit from a building and it will not create any exacerbation of overlooking than if the person was standing outside the building looking towards a property. Ground floor openings are not considered a source of view which would exacerbate overlooking given a person could stand in front of the window and have the same view. In assessing the gable windows which face a northern direction from no.19, I have also considered the Vertical Sky Component test which is a 25 degree line from the centre of the window. The test passes.

The amended design has removed first floor windows to the rear which did cause overlooking on no.5. The offending windows have been removed and replaced with a roof light window and two windows which are to serve bathrooms and have obscured glass controlled by condition.

The dormer windows to the front will overlook the applicants own garden, driveway and road. The windows and balconies will be approximately 25m from the gable wall of no.14. The gable wall of no.14 has four windows at ground floor level which are approx. 2m from the public footpath and there is no property boundary between the public foot path and these windows. Therefore, there is already a public view into these windows. The proposed extension will not exacerbate this.

Loss of Light

Overshadowing has been considered within the planning report and the assessment laid out under "**Impact on Privacy and Amenity of Neighbouring Residents**" of this report. I have considered the loss of light from no.19 within my planning report and the garage of no.19 already breaks the light test. No exacerbation of overshadowing will be created by the proposed development on no.19. I have considered the loss of light to no.5 and explained why it is not detrimental to the decision.

Visual Impact on the development

None of the materials proposed, nor the design of the proposed development is contrary to the character of the local area. The proposed development is subordinate to the host dwelling and will use materials which are used in other dwellings in the local area. The only material being introduced is zinc cladding to the dormer windows and this will complement the existing materials within the host dwelling and within the new extension.

Adverse effect on property value

This is not a material planning consideration.

Disturbance

The proposed development will not intensify the use of the dwelling as a single dwelling. There are 6 car parking spaces inside the curtilage of the dwelling. The dwelling is to be enlarged to provide for the applicants' large family and family members who come to stay from Bangladesh. The applicant's family who will come to stay are elderly and will make use of the ground floor extension proposed.

Human Rights

(Act Protocol 1, Article 1, which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. also Article 8, Human Rights Act states that a person has the substantive right to respect for their private and family life. Private and family life encompasses the home and also the surroundings.)

Under PPS7A the impact on adjacent dwellings private amenity is considered and has been assessed within the section titled "**Impact on Privacy and Amenity of Neighbouring Residents**" of this report.

Drainage and sewerage

No consultation with regards to this issue was required as there is no intensification of the site. The site contains one dwelling and this is only being extended.

Parking

There are at least 6 parking spaces within the curtilage of the dwelling. The parking spaces shown which will serve the extended dwelling and be contained within the curtilage of the dwelling are acceptable. All the dwellings within the wider development, including the applicants dwelling, are not restricted from parking on the street.

Spacing of dwelling

The proposed extension to the south side will not be as close to the shared boundary than the existing garage currently is. The proposed side extension is enclosed within the curtilage of the dwelling and within the bend of the road, so not detrimental to the character of the area.



View towards the bend in the road. The single storey extension to be screened from view behind the two-storey front projection of the dwelling.

The side extension is also quite close to that which could be constructed under permitted development.

Use of Extension as Air B and B

The extension proposed is for use ancillary to the dwelling known as no.17 Braeside, an extension to the dwelling for use as a self-catering unit has not been proposed. Any permission granted will include a condition to ensure the use of the extension is ancillary to the host dwelling.

All the issues raised by third parties have been considered and assessed within the planning report. The planning policy and all material planning consideration have been assessed and considered.

6. Recommendation

Grant Planning Permission

7. Conditions

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

Reason: Time Limit.

2. The first-floor windows highlighted green on Drawing No. LA06/2023/1329/07a, shall comprise of obscure glazing. The obscure glazing shall be installed prior to the extension hereby approved becoming operational and shall be retained in perpetuity.

Reason: To protect the private amenity of the neighbouring properties.

3. The extensions shaded purple on the approved plan No.LA06/2023/1329/05a hereby permitted, shall not be occupied at any time other than for the purpose's ancillary to the residential use of the dwelling granted permission as part of this decision.

Reason: To prevent the creation of additional dwelling units.

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.

Trisha Robie

- *I'm Patricia Robie, a resident of Braeside. I wish to oppose the application to increase by more than a third via a double and a single extension No 17 Braeside.*

The planning guidelines, Creating Places, are mentioned in the Planner's report, but many of the reasons for allowing the application are at odds with that same document.

NI Water has not been consulted over sewer capacity. A separate application (LA06/2021/1041/F) for 2 units to the north of 5&7 Braeside, to connect to the same sewer network as the applicants (LA06/2023/1329/F) was originally refused due to network capacity constraints, as can be read in the Drainage Assessment. The Developer had to undertake further applications for NI Water assessment before being permitted connections. With the increased loading on the foul network due to extra occupants planned for No 17, how can you guarantee there will be no detriment to sewer capacity if NI Water hasn't been consulted?

Page 10 of the Report states, under 'Drainage and Sewerage' that there is no intensification of the site, but page 4 states, "The dwelling is to be enlarged to provide for the applicants' large family and family members who come to stay". This appears to be contradictory.

Separation distance

The existing garage of 17 Braeside is 8 metres from the nearest corner of 5 Braeside. The rear of 17pp, mostly faces the eastern gable of Number 5 giving no current concern with privacy. But replacing the garage with habitable rooms, will render the separation distance unacceptable. Can the planners justify how the extension is compliant with 'Creating Places' as the stated 'Planning Guidance'?

(Paragraph 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." At 8 metres separation, this falls well short of the stipulated distances.

Paragraph 7.18 says "...schemes likely to result in a significant loss of privacy or overlooking, particularly of existing properties, will not be acceptable."

We are concerned that provision of a suitable boundary treatment to improve the effected privacy would adversely impact the level of daylight received in the garden of No5.

The Report states that the proposal will not overlook the private amenity space of any adjacent neighbours. It is acknowledged that the windows will contain obscured glass, but they can still be opened to a clear view of the amenity space of 5 Braeside.

*In curtilage parking assessment appears inaccurate. The Report states at least 6 parking spaces are available within the dwelling curtilage. We would like proof that the space available considers the constraints and standards stipulated by Creating Places ie. in curtilage spaces to be minimum 6.0metres from back of footway?
(see attached marked Curtilage)*

*The property sits on a bad bend and the extra vehicles with no turning space will present a safety concern.
Why has Roads Service not been consulted to make a judgment?*

Environment and Spaces

We have concerns about the environmental impact of replacing the front lawn with hard standing. The enlarged footprint along with the plans to lay patios is contrary to Creating Places guidelines (2.01) which say the characteristics of the site should make the best use of existing vegetation, and protect or create, flora and fauna.

Daylight and sunlight

Creating Places says (2.26).....care will be needed to avoid creating unreasonable obstructions to daylight and sunlight for existing buildings and spaces neighbouring the site. This proposal has no regard for the this.

The Creating Places document emphasises the importance of Space. Here are the relevant paragraphs for you to examine.

1.12

3.18

5.17

7.21

7.22

The report quotes the Human Rights Act which states a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe they haven't considered our Human Rights as the proposed development would have a dominating impact on us and our quiet enjoyment of our properties.

Detrimental impact upon residential amenities

Braeside comprises 11 houses of three different styles. The proposed extension would render No 17 at odds with the overall look and environmental aesthetic of the development. The density, height, coverage, open spacing and physical look of the extended property would not respect the character and amenity of its neighbours and won't respect local context, scale, street pattern and proportions of surrounding buildings. The extensions would narrow the dimensions encroaching on any gaps between the boundaries. It would be abnormally large in comparison with the others ruining the overall design concept. It will create a visually unattractive scale of house to land; pushing the development out of kilter and derailing consideration of the spaces and landscape around it. The amenities enjoyed by its neighbours would be compromised as the existing space between the already large house and its garage would be gone and the new extensions would encroach even further on the boundaries of the existing neighbouring properties.

This plan would reduce the already small open space provision. Creating Spaces emphasises the equal importance afforded to spaces as much as buildings – these plans would remove any space and landscaping proportionality affecting the current spatial characteristic aspect and proportion balance of solid to void.

In short, this would be an excessive extension to an already sizeable house on a small and inadequate site.

I have outlined a number of inaccuracies and contradictions in the Planning Committee (see attachment called Mistakes).

We feel our letters of objection have not been considered. If they had, the planners would have noticed the mistakes which were pointed out to them.

There are so many errors, inconsistencies and contradictions, how can one have faith in the accuracy of their recommendations for the proposed plans?

We believe due process has not been followed by a failure to consult with the relevant bodies – and feel this is a breach of procedure.

We respectfully request that this application is rejected.

Trisha Robie

•

Speaking Notes_ S.Dickson

LA06/2023/1329/F

Demolition of existing garage, two storey and single storey side extensions, Juliet balconies and dormer window to front. (Amended Design)

17 Braeside, Old Belfast Rd, Newtownards

PROPOSAL

I concur with the case officer's recommendation for approval.

The development proposed is for the demolition of the existing garage, a two-storey extension to the south side and single storey side extension to the north side. The extensions are to be finished in materials matching those of the existing dwelling.

The proposed development is subordinate in scale, height and floor space to the existing dwelling.

The design, scale and massing of the proposed extension is not detrimental to the character of the area.

The dwelling is to be enlarged to provide for the applicants' traditional extended family and family members who come to stay from the UK and the applicant's home country. The applicant's elderly family will make use of the ground floor extension proposed.

The applicant's eldest children will be going to university in Belfast and the proposals enables them to live at home with a more independent student living environment, but yet with their traditional close family surroundings.

The proposed extension is not a separate annex as there is good integration to the main dwelling and living accommodation. There is no separate access / new entrance to the new accommodation. There are no separate cooking facilities.

Impact on Privacy and Amenity of Neighbouring Residents

The garage extension has 2 additional first-floor bathroom windows with obscured glass proposed to the rear elevation and a velux roof light to the existing bedroom which by its nature will not cause overlooking. There will not be any overlooking of the private amenity space of any adjacent neighbours.

-

There are two first floor Juliet balconies proposed to the front of the new garage, and a new dormer window to compensate for the removal of the existing gable windows . These new windows overlook the applicants own front garden / driveway / parking area and the development road road. No overlooking to neighbors will be created by these.

- The single storey extension will not cause any overlooking or overshadowing due to its height, ground floor windows and location within the site.

- The applicant's existing detached garage which is generally in the same position, breaks the light test. The existing garage is 5.4m high and the proposed extension is 1.7m higher. The pitch roof slopes from the boundary.

- In terms of overshadowing, policies use of the 'light test' is described to be used as **guidance** in assessing the loss of light any development may create on neighbouring properties. With the angled setting and pattern of development it is difficult to apply the test accurately and conclusively.

- Regarding the Design and impact on the character of the area, the development is to the sides of the dwelling on site and will not be prominent from the street. The area consists of large, angled, detached dwellings in close proximity to one another. In fact, the applicant's site could arguably be one of the largest plots on the development

- The proposed extended dwelling in my opinion is not out of character for the area.

- The proposals do not significantly reduce the private amenity space to the rear of the property. There will be 220sqm retained

- Loss of Light Overshadowing has been considered within the planning report and assessment

- The proposed development will not intensify the use of the dwelling as a single dwelling. There is space in the existing driveway for 5 cars already and another space in the proposed garage. Parking spaces within the curtilage of the dwelling will be in excess of the standards required. All dwellings within the development, are not restricted from parking on the street.

-

PPS7A the impact on adjacent dwellings private amenity is considered and has been assessed within the case officers report. _

- The site contains one dwelling and this is only being extended. _

- Use of Extension as Air B and B _

It is irrelevant and ludicrous that this proposal is for use as a self-catering unit as an application would have to identify that proposal. _
The extension is ancillary to the host dwelling. _

- All the issues raised by third parties have been considered and assessed within the planning report. The planning policy and all material planning consideration have been assessed and considered. _


- **The proposals do not create an unacceptable affect, disturbance or loss of privacy on the neighbouring properties.**

-

ITEM 4.6

Ards and North Down Borough Council

Application Ref	LA06/2022/1150/F
Proposal	Assisted living accommodation for young adults.
Location	Abbeyfield, 156 Upper Greenwell Street, Newtownards DEA: Newtownards
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.
Validated	14/11/2022
Summary	<ul style="list-style-type: none"> • Compliant with development plan • Main Policy context PPS7 Quality Residential Developments and PPS3 Access Movement and Parking which the proposal is in compliance with. • 2 letters of support, 17 letters of objection and 2 petitions • Objections are concerned with noise, disturbance and anti-social behaviour • Last used as 12 bed nursing home and is proposed for an 8-bed facility-same use class. • All consultees content including Roads, Environmental Health and NI Water.
Recommendation	Approval
Attachment	Item 4.6a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2022/1150/F	DEA: Newtownards	
Proposal:	Assisted living accommodation for young adults		
Location:	Abbeyfield, 156 Upper Greenwell Street, Newtownards		
Applicant:	Kevin McMaken Bradagh Interiors Ltd		
Date valid:	14.11.2022	EIA Screening Required:	No
Date last advertised:	08.06.2023	Date last neighbour notified:	31.05.2023
Letters of Support: 2	Letters of Objection: 17	Petitions: 2	
Consultations – synopsis of responses:			
DfI Roads	No objection subject to conditions.		
NI Water	No objections based on reduced loading from 12 bed to 8 bed facility.		
Environmental Health Department	No objections.		
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 residential amenity • Access and parking 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Public Register (planningsystemni.gov.uk)			

1. Site and Surrounding Area

The site is located at 156 Upper Greenwell Street, Newtownards. The site contains a two storey building with a single storey return, that is currently vacant and was last used as a 12 bed residential care home. The building is finished in brick and render with a pitched tiled roof. The building is located on a corner site between Upper Greenwell Street and Queen Street. There is currently no in-curtilage parking provision. The land rises up towards Queen Street. Boundaries consist of overgrown hedging.

The site is located within a well-established residential area, of predominantly terraced housing.



Figure 1 Photograph of the site taken from Queen Street

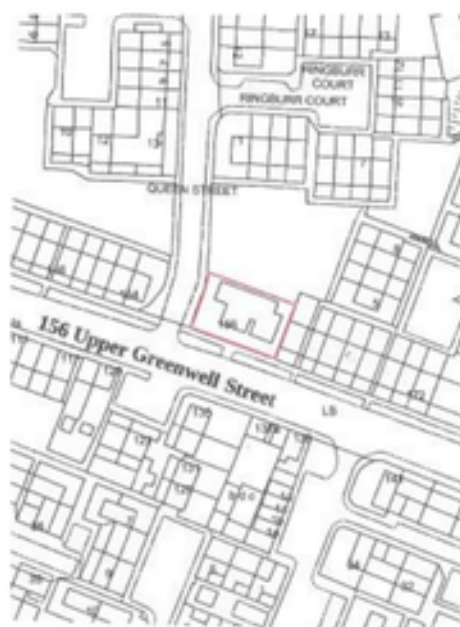


Figure 2 Photographs of the site taken from Upper Greenwell Street



Figure 3 Image taken from Google Maps in 2008 which shows the application site more clearly due to the low hedges on the site boundaries.

2. Site Location Plan



Location Plan 1:1,250

Figure 4 Site location plan



Figure 5 Aerial image of the site

<h3>3. Relevant Planning History</h3>
<p>On site X/1991/0766 /F– Extension. Planning permission granted. X/1983/0517/F – Porch. Planning permission granted.</p>
<h3>4. Planning Assessment</h3>
<p>The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:</p> <ul style="list-style-type: none"> • 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 7 - Quality Residential Environments • Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas • Planning Policy Statement 12 - Housing in Settlements <p>Planning Guidance:</p> <ul style="list-style-type: none"> • Creating Places • DCAN 8 Housing in Existing Urban Areas • DCAN 9 Residential and nursing homes • Parking Standards
<h3>Principle of Development</h3> <p>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 existing use of the site is within Class C3: Residential Institutions under part (b) as a nursing home and the proposed use is also within Class C3 under part (a) for the provision of residential accommodation and care to people in need of care. On this basis, together with the fact that the site is within the settlement limit, the principle of development in this case is acceptable.</p> <h3>Ards and Down Area Plan 2015 (ADAP)</h3> <p>The site is on un-zoned land within the settlement limit of Newtownards and therefore the proposal is acceptable in principle provided it complies with relevant planning policies and does not result in harm to interests of acknowledged importance.</p> <h3>SPPS</h3> <p>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</p>

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.

The proposal

The proposal is to demolish the existing building which was last used as a 12 bed residential care home and replace it with a 8 bed building to provide a supported living service to adults with learning disabilities and special needs. The proposed use will fall into Class C3: Residential Institutions Part (a): for the provision of residential accommodation and care to people in need of care of The Planning Use Class Order (Northern Ireland) 2015. Connected Health will be the service provider for the proposed facility which will be constructed by the applicant Bradagh Interiors. A letter of support has been submitted which states that Connected Health is Northern Ireland's largest independent provider of care employing some 2000 people across multiple aspects of care from supported living to homecare. Critically Connected Health does not provide any services in the addiction space and it has confirmed that there is no intention nor ambition to move into this space. One staff member is required to be in attendance at all times. The previous use of the building did not provide any in-curtilage parking spaces however the proposed scheme has included 3no.in-curtilage parking spaces.

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



Figure 6 Existing site plan



Figure 7 proposed site layout

The proposal is for residential accommodation and the policy context therefore includes Policy QD1 of PPS 7 and DCAN 9. 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 for 8 units will not damage the quality of the local area as the site is adjacent to existing residential properties. The layout, scale and massing of the proposal will respect the topography of the site and the character of the area. There will be no changes to the levels on the site. The proposed two storey building will replace a two storey building and will be in keeping with the scale and massing of the surrounding area which is predominately two storey terraced properties. The building will sit slightly in front of the existing building line of the adjacent terraced dwellings at 158 and 160 Upper Greenwell Road, however as it is a corner site it will not look out of place in the street scene.





Figure 8 Proposed elevations

The building will be finished in grey rendered walls and black roof tiles. It is considered that the design and finishes are sympathetic and in keeping with the character of the surrounding area.

The new vehicular access is from Queen Street and an adequate turning area has been provided within the site to ensure the cars can enter and exit the site in a forward gear. The boundaries of the site will be defined by 1.7m high block rendered wall to the northern boundary adjacent to the open space, the existing boundary wall and gable elevation of No.158 on the eastern side of the site will remain in place, a pedestrian gate will be positioned in the eastern corner at the front of the site to give pedestrian access and will consist of 1.2m high black railings, and these will match the proposed railings along the roadside boundaries.

The density of the proposal is not considered as significantly higher than the surrounding residential area. The scheme is proposing to replace a 12 bed facility with an 8 bed facility so it is clear that the density of the site is being reduced.

It is therefore considered that the residential aspect of the proposal will respect the pattern of development in the area and the nature and design of the building is appropriate to the character of the surrounding area.

Paragraph 3.11 of DCAN 8 states that where practicable, opportunities should be taken to introduce a range of services and facilities into a development and to provide different types of housing to meet varying needs, including families, single people, the elderly and people of differing economic status. This requires an assessment of the opportunities to include a mix of uses taking account of a site's location, surrounding uses and activities, market demands and the demographic characteristics of the population. It is considered that the proposal meets this requirement in that it is providing accommodation for a specific housing need which is located in an established residential area.

The proposal meets the guidance set out in DCAN 9 Residential and nursing homes. The siting, scale and massing of the proposed building is acceptable and will not impact on the character of the surrounding residential area. The proposed residential use is compatible with the surrounding residential area. There are not any similar facilities already existing in the local area. The new vehicular access is acceptable and DfI Roads has no objections to the proposal. The new vehicular access will serve 3no. in-curtilage parking spaces which is deemed to be adequate provision for the scheme and will be discussed later in this report. In terms of residential amenity it is

considered that there will be no unacceptable impacts caused as a direct result of the proposed scheme in terms of noise, nuisance and general disturbance.

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 including DCAN 8 and DCAN 9.

Amenity Space

There is a small area of amenity space with outdoor seating located close to the front entrance of the building and a small garden area along the eastern side of the site. This is considered to be adequate on-site provision for the residents as there is a large area of public open space immediately adjacent to the site, that can also be used by the residents. Bin stores will also be provided. The proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Residential Amenity

The proposal will have no unacceptable adverse impact on adjacent dwellings and will cause no significant overlooking or overshadowing.

The site is bounded by Upper Greenwell Street to the south, Queen Street to the west and an area of communal open space to the north of the site. The east of the site is the only side that abuts a property which is a two storey end-of-terrace dwelling at 158 Upper Greenwell Street. The proposed building will be built gable to gable with a separation distance of 2m. The gable elevation of No.158 has no window or door openings on the facing gable closest to the site. The proposed building extends 2m beyond the rear elevation of No.158 and it is considered that it will have no unacceptable adverse impacts on the amount of light received at the rear of the dwelling due to the separation distance. There are no buildings directly behind No.158 so there is clear light available from this direction. The proposal will also cause no unacceptable adverse impacts on the existing dwellings by reason of overlooking as the only windows proposed on the first floor gable elevation facing No.158 will be for bathrooms and will be conditioned to have opaque glazing.

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

The existing facility does not have a vehicular access as it did not include any in-curtilage parking provision and staff of the care home relied solely on on-street parking. The proposed scheme has included a new vehicular access from Queen Street in order to accommodate 3no.in-curtilage parking spaces. Queen Street is not a protected route. DfI Roads was consulted and offers no objections to the access provided it is constructed in accordance with the site layout plan. This will be conditioned on any approval.

Parking Standards for Use Class C3 allows 0.25 space per bed which equates to 0.25 x 8beds = 2 spaces, and 1 parking space per 10 staff. The scheme therefore requires 3 in-curtilage spaces and 3 in-curtilage spaces have been provided. It is noted that the

supporting information submitted by the applicant advises that the residents are not able to drive due to the nature of their special needs. It is therefore considered that the proposal meets the required parking standards.

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

Archaeology and Built Heritage

There are no features of the archaeological and built heritage to protect and integrate into the overall design and layout of the development. It is therefore considered that the proposal complies with part (b) of Policy QD1 of PPS 7 and all relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as the proposed scheme has windows on all sides and is enclosed by railings and gates. 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 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. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. In terms of protected and priority species a biodiversity checklist was completed and the assessment did not require any further survey work. It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Sewage Disposal

The consultation response from NI Water indicates that the existing care home premises may already be connected to public wastewater network and a formal foul sewer connection application will be required to be submitted where it is proposed to re-use existing connection. The initial comments made by NI Water raised concern stating that the receiving foul sewage network has reached capacity. However, the applicant advised NI Water that the proposed scheme represented a reduced loading from 12 bed to 8 bed facility and following consideration NI Water has recommended

approval of the proposed scheme.

5. Representations

17 objections received.

2 letters of support received from the care provider Connected Health.

2 petitions received.

Points raised in support of the proposal.

Two letters of support have been submitted by Connected Health who are the care provider for the proposed facility. The main points raised are as follows:

Connected Health are providing a supported living service to adults with learning disabilities and special needs. Supported Living offers the residents the prospect to live where and how they choose – in a home of their own or with people they choose to live with. Connected Health works with housing providers to make this possible. It is a service that is designed to help people with a wide range of support needs to retain and increase their independence through support. Connected Health are an award-winning care company and has been in business for over 10 years in Northern Ireland. The need for these services has never been more acute and without appropriate capital investment and parallel service provision vulnerable people and their families will face hardship, service failure and unthinkable health and care outcomes.

Points raised in objection to the proposal.

Local councillors and residents have raised concerns in relation to the potential disturbance, including noise disturbance and anti social behaviour which may be caused within the area by the proposed occupants. It is proposed that the residential accommodation will house vulnerable young adults.

The Council has fully considered all the points raised as objections to the proposal and responds as follows:

Connected Health will be the service provider for the proposed facility. A letter of support has been submitted which states that Connected Health is Northern Ireland's largest independent provider of care employing some 2000 people across multiple aspects of care from supported living to homecare.

The proposal is for residential use which is an acceptable and appropriate use within this already predominately residential area, particularly given the proposal falls within the same use class as the existing use (Class C3 Residential Institution). The site is located on a main road rather than a minor residential street. Upper Greenwell Street is served by a town bus service and a translink bus stop is only a short walk away on Georges Street (A21). Newtownards town centre is also a short walk from the site. It is considered that the site's location within a well established residential area, close to a main arterial route and close to Newtownards town centre is acceptable for the proposed use, given the occupants will rely on walking and public transport to visit the local shops and services. The Council could not sustain a reason for refusal on the grounds of the possible behaviour of the proposed occupants. While the proposal will provide a supported living service to adults with learning disabilities and special needs, it would be unfair to make assumptions about the behaviour of these people. Environmental Health Department has been consulted regarding the scheme and it has

not raised any objections. If any specific incidents arise regarding unacceptable noise levels generated by the occupants, then the Environmental Health Department should be notified for investigation.

Based on the above, it is considered that the proposal will not result in an unacceptable impact on the amenity of existing residents within the locality.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with the approved plan, Drawing No.04A prior to the commencement of development hereby permitted.

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

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

4. The access gradient to the dwellings hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. No residential unit shall be occupied until provision has been made and

permanently retained within the curtilage of the site for the parking of 3no.parking spaces as per Drawing No.04A.

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

6. Prior to occupation of any unit hereby approved, the windows coloured green on the approved plan Drawing No.03A shall be fitted with opaque glazing and this glazing shall remain in perpetuity.

Reason: To protect residential amenity.

Informative:

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

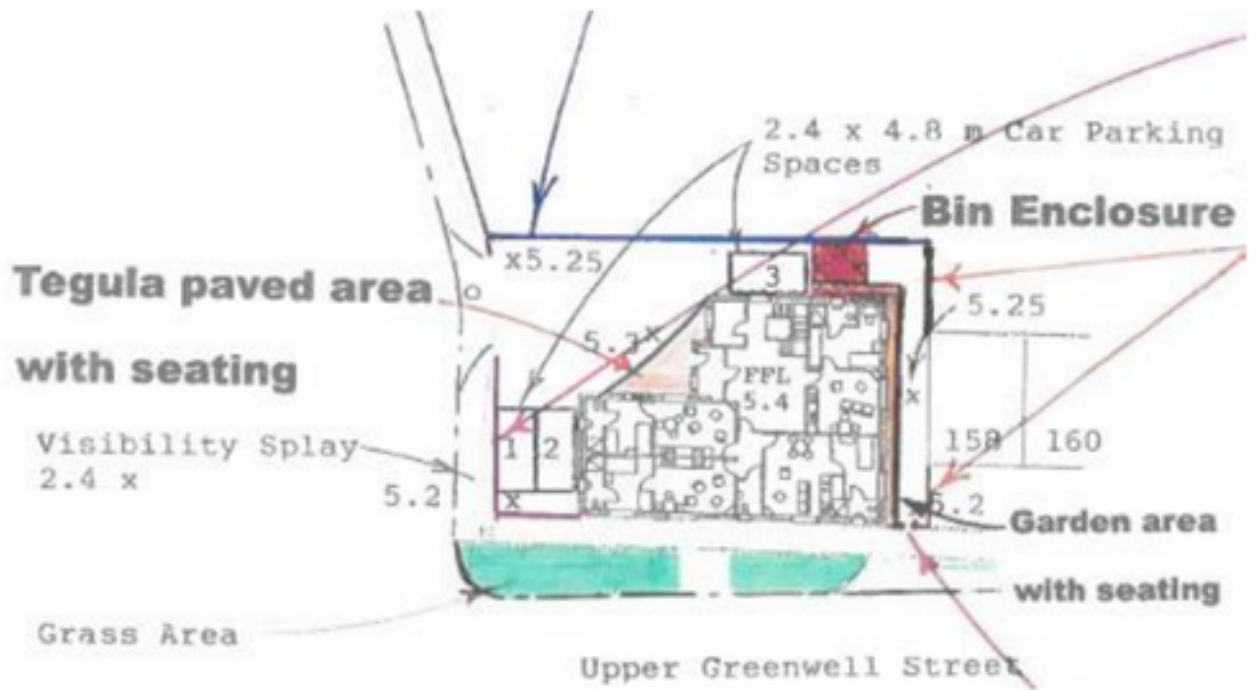
Drawings



Existing elevations



Proposed elevations



Proposed site plan



Proposed floor plans

Photographs



Photograph of site on the corner. Taken on Queen Street looking towards Upper Greenwell Street



Photograph of the site taken from Upper Greenwell Street



Photograph of the site taken from Upper Greenwell Street showing the site on the corner

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	03 October 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	20 September 2023
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	N/A

Appeal Decisions

No appeal decisions have been received between the date of the last report (21 August 2023) and the date of this report.

New Appeals Lodged

The following appeal was lodged on 7 September 2023

PAC Ref	2023/A0055
Application ref	LA06/2020/1115/F
Appellant	Dr Howard Hastings
Subject of Appeal	Appeal against conditions: 2. The 'Macwall' block wall retaining structure and culvert shall be erected before the expiration of six months from the date of this permission and shall be retained in perpetuity thereafter; 3. All hard and soft landscape works shall be carried out in accordance with Drawing No. 08A and all new planting as indicated shall be

Not Applicable

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	undertaken during the first available planting season following the approval date of this application and retained in perpetuity
Location	27 Station Road, Hollywood

RECOMMENDATION

It is recommended that Council notes this report.

Unclassified

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ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 October 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	18 September 2023
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on correspondence regarding NIW Coastal Fence
Attachments	Item 6a - Response from NIW Item 6b - Letter to NIW

The purpose of this report is to update Members on the response received to correspondence sent to the Department for Infrastructure (DFI) and Northern Ireland Water (NIW) in relation to the fence erected around Seacourt Pumping Station, Bangor.

Members will recall the Council at its meeting of 5 July 2023 resolved the following proposal:

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor McRandal, that the Council and the general public remain dismayed at the erection of the fencing around Seacourt Pumping Station, regardless of its lawfulness under permitted development rights. The Council continues to consider that the fencing is detrimental to the coastal environment, and fails to maintain or enhance the quality of this coastal landscape, and urges NI Water

Not Applicable

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to remove it. If NI Water consider that there is a need for health and safety risk mitigation infrastructure at the site then we ask that NI Water engage with Council with a view to identifying and agreeing solutions that are sympathetic to the area and the natural environment and capable of enjoying the support of the general public and elected representatives.

Furthermore Council notes with concern that the permitted development rights afforded to NI Water under Part 14 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 effectively mean that there are no constraints on the size and type of fence structure that NI Water could erect at Seacourt pumping station. Council will therefore write to Department for Infrastructure to highlight this legal loophole and to request urgent review of the law in order to nullify detrimental impacts that developments such as this fence could have on coastal landscapes and other protected landscapes."

Since the date of the last report presented to members at 05 September Planning Committee meeting NIW has responded, attached for information.

RECOMMENDATION

It is recommended that Council notes the content of this report and attachments.

Northern Ireland Water
PO Box 1026
Belfast
BT1 9DJ
www.niwater.com
Tel: 0345 7440088



Ann.mccullough@ardsandnorthdown.gov.uk

15 September 2023

Dear Ann

Re: Erection of fence at Seacourt Pumping Station

I refer to your letter dated 20 July 2023, and your follow-up e-mail of 5 September 2023, reference matters above. Please accept my apologies for the delay in writing back to you.

NI Water would note the resolution of the Council.

As your letter correctly states, the fence at Seacourt Pumping Station has the benefit of not one but two Certificates of Lawfulness in relation to its erection. Indeed, it was on the basis of the determination by the Planning Service that issued these certificates that led to NI Water withdrawing its appeal against the Council's refusal to grant retrospective planning permission for the fence.

As NI Water has previously advised, the company operates a 'zero harm' policy in respect of its sites as our priority is to ensure that members of the public, especially children and other vulnerable people, are not injured.

Whilst NI Water acknowledges that the fence does not meet with widespread approval, the company is satisfied that the fence is the most pragmatic solution to the problem. We also note your concerns regarding Part 14 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 and your plans to write to the Department for Infrastructure on this issue. We would advise that this is purely a matter for the Council and NI Water does not propose to comment.

Whilst acknowledging again the disappointment of both councillors and the public, we would advise that NI Water has no plans to reconsider the fencing solution at the Seacourt site.

Yours sincerely



Sara Venning
Chief Executive



Our Ref: COR 2023-156

Your Ref:



**Ards and
North Down**
Borough Council

Ms Sara Venning
Chief Executive
Northern Ireland Water

Signal
2 Innotec Drive
Balloo Road
Bangor
BT19 7PD

Via E-mail ONLY: sara.venning@niwater.com

20 July 2023

Dear Chief Executive

Ref: Erection of fence by NI Water at Seacourt Pumping Station, Bangor

Further to a resolution by the Ards and North Down Borough Council at its meeting of 05 July 2023, I am writing to bring to your attention the concern of this Council regarding the fence as erected in 2019 by NI Water in the above location.

Background

I trust you may already be aware of the background to this case from your senior officials, however, I set out here for ease of reference.

NI Water first erected a fence around its Seacourt Pumping Station, at lands 20m North of no.1 Seacourt Lane, Bangor, in early 2019. Further to receipt of complaints, the Council's Planning Service opened an enforcement case to investigate. Photos of the fence in situ are attached to the end of this letter for your attention.

At the time of investigation of the fence, the Planning Service assessed the fence under the Schedule to the Planning (General Permitted Development) Order (NI) 2015 ("the GPDO"), Part 3 (Minor Operations) Class A relating to 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'.

The GPDO provides authorisation for certain developments without the need for 'express' planning permission from the Council ("permitted development rights/PD rights"), subject to conditions or limitations. It was considered that 'deemed' consent for the fence provided under the above Part of the Schedule to the GPDO could not apply as the fence as erected exceeded 2m.

A planning application under reference LA06/2019/1007/F was submitted by NI Water in October 2019 ostensibly to remedy the breach of planning control.

The Council's Planning Committee when reviewing the application sought representation from NIW in respect of why the fence was required, and officials from NI Water (its Wastewater Assets Area Manager and NI Water's lawyer) then attended a subsequent Committee meeting to advise it was erected to address anti-social

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behaviour, and a health and safety issue, and that NIW operated a zero-harm policy and when it became aware of such matters, it would take steps to reduce the risk of any accident occurring.

Subsequently, regardless of the reasoning provided by NI Water officials, the Council resolved to refuse planning permission in retrospect for the fence for the following reasons in July 2022:

- The proposal is contrary to Policy COU 4 'BMA Coastal Area' and Designation COU 3 – 'BMA Coastal Policy Area' of the draft Belfast Metropolitan Area Plan 2015 in that the development of not of national or regional importance as to outweigh the detrimental impact on the coastal environment, and it has not been determined that the development improves the quality of the coastal landscape.
- The proposal is contrary to Policy ENV 3 'Local Landscape Policy Areas' and Designation BR 31 – Wilson's Point Local Landscape Policy Area (LLPA) of the draft Belfast Metropolitan Area Plan 2015 in that the proposal has an adverse visual; impact on the character of the LLPA in respect of the North Down Coastal path as an area of local amenity importance.
- The proposal is contrary to the SPPS in that it causes demonstrable harm to interests of acknowledged importance – namely the BMA Coastal Area and Wilson's Point Local Landscape Policy Area.

NI Water lodged an appeal against the refusal, however, during the course of awaiting a hearing before the Planning Appeals Commission, two applications for Certificates of Lawfulness were submitted to the Council; one to establish that the current fence as erected did in fact benefit from PD rights, and the other to establish that a proposed increase in the height of the fence would also meet permitted development criteria.

NI Water asserted that the fence fell under Part 14 of the Schedule to the GPDO, 'Development by statutory and other undertakers', specifically Class H for Water and Sewerage Undertakings, subclass (h) as follows:

Class H *'Development by water or sewerage undertakers consisting of - .*

(h) *"any other development in, on, over or under operational land, other than the provision of a building but including the extension or alteration of a building'*

Having considered the information submitted alongside legal advice from its Planning lawyers, the Planning Service determined that both applications for Certificate of Lawfulness satisfied the requirements of the GPDO Part 14: Class H (h) and Regulations 55 and 56 of the Habitats Regulations, and both applications were certified to that effect. The appeal against the refusal of planning permission was therefore withdrawn.

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Officers brought submission of these applications to the attention of Planning Committee during processing, and after determination, and whilst accepting of such certification, Members expressed frustration, and indeed alarm, that such a structure by NI Water on the North Down Coastal Path (NDCP), considered to be a valuable tourism asset to the Borough, should be legislated for as permitted development. Indeed, since the construction of the fence by NI Water the structure has attracted a high level of public condemnation through social media and correspondence to the Council as it is considered to be visual blight on this coastal landscape.

At its Council meeting of 05 July 2023, Members reiterated concern in respect of PD rights for statutory undertakers, such as NI Water, as currently worded there are no limitations placed on height, design, or materials of such a structure and, furthermore, there is no account taken of impact on sensitive landscapes, such as the NDCP/LLPAs or indeed designated sites such as the ASSI in which this particular site is located.

The Council therefore resolved the following proposal:

"That the Council and the general public remain dismayed at the erection of the fencing around Seacourt Pumping Station, regardless of its lawfulness under permitted development rights. The Council continues to consider that the fencing is detrimental to the coastal environment, and fails to maintain or enhance the quality of this coastal landscape, and urges NI Water to remove it. If NI Water consider that there is a need for health and safety risk mitigation infrastructure at the site then we ask that NI Water engage with Council with a view to identifying and agreeing solutions that are sympathetic to the area and the natural environment and capable of enjoying the support of the general public and elected representatives.

Furthermore Council notes with concern that the permitted development rights afforded to NI Water under Part 14 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 effectively mean that there are no constraints on the size and type of fence structure that NI Water could erect at Seacourt pumping station. Council will therefore write to Department for Infrastructure to highlight this legal loophole and to request urgent review of the law in order to nullify detrimental impacts that developments such as this fence could have on coastal landscapes and other protected landscapes."

I have today written to the Department for Infrastructure in respect of the second part of the above resolution. I would be grateful for your review of this particular case in the context of the first part of the above resolution by this Council, and a response for Members at your earliest convenience.

Your sincerely

AE McCullough MRTPI
Director of Prosperity (interim)

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**Ards and
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Borough Council

Photographs of NI Water fence around Seacourt Pumping Station, Bangor



Our Ref: COR 2023-156

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**Ards and
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Borough Council



View from mouth of Bangor Harbour

