


## ITEM 4.3

## Ards and North Down Borough Council

Application Ref	LA06/2019/1028/O
Proposal	New dwelling with associated landscaping and parking
Location	Adjacent to 7 Seapark Terrace, Holywood DEA: Holywood and Clandeboye
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	11/10/2019
Summary	<ul style="list-style-type: none"> <li>• Site located within development limit of Holywood where presumption in favour of development</li> <li>• Site lies partly within Existing Recreation and Open Space; Site of Local Nature Conservation Importance; Local Landscape Policy Area; (Proposed) Area of Townscape Character as designated in the Draft BMAP which is a material consideration</li> <li>• Only area of the site that is included within the SLNCI is the Croft Burn River which traverses the site</li> <li>• Proposal is for Outline planning permission therefore only principle of development being considered with further details being submitted at Reserved Matter stage if approved</li> <li>• All consultees content with some recommending conditions</li> <li>• 17 objections received from 13 addresses - all material matters raised fully considered within Case Officer Report</li> <li>• Site has historic approvals for 4 no. apartments (W/1992/0032) and a single dwelling (W/2007/0706/O) – neither permission commenced therefore no extant fall-back. Site also had refusal (W/2013/0266/O) for a single dwelling - current application submitted with additional supporting information with appropriate mitigation measures</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.3a – Case Officer Report

<b>Development Management Case Officer Report</b>			 <b>Ards and North Down</b> Borough Council
<b>Reference:</b>	LA06/2019/1028/O	<b>DEA:</b> Holywood & Clandeboye	
<b>Proposal:</b>	New dwelling with associated landscaping and parking.		
<b>Location:</b>	Adjacent to 7 Seapark Terrace, Holywood, BT18 0LJ		
<b>Applicant:</b>	Eoin Morgan		
<b>Date valid:</b>	11/10/2019	<b>EIA Screening Required:</b>	No.
<b>Date last advertised:</b>	11/08/2022	<b>Date last neighbour notified:</b>	01/08/2022
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 17* (*from 13 separate addresses)	<b>Petitions:</b> 0	
<b>Consultations – Synopsis of Responses:</b>			
DFI Roads	No objection subject to condition. Objectors' comments noted and considered.		
DAERA Natural Environment Division (NED)	No objection subject to condition.		
DAERA Water Management Unit (WMU)	No objection subject to conditions		
DAERA Regulation Unit (RU)	No objection subject to conditions.		
DFI Rivers	No objection		
Shared Environmental Service (SES)	No objection subject to conditions.		
Environmental Health (EH)	No objection subject to conditions		
Belfast City Airport (BCA)	No objection.		
Translink NI	No objection.		
<b>Summary of Main Issues Considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Planning History of the Site and Surrounding Area</li> <li>• Open Space</li> <li>• Impact on the Proposed Area of Townscape Character</li> <li>• Impact on the Character and Appearance of the Area</li> <li>• Impact on Residential Amenity</li> <li>• Natural Heritage</li> <li>• Access and Parking Requirements</li> <li>• Flood Risk and Drainage</li> <li>• Other Planning Matters</li> </ul>			

## Recommendation: Grant Planning Permission

### Report Agreed by Authorised Officer

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

## 1. Site and Surrounding Area

The application site is located within the development limits of Holywood, as designated by the draft Belfast Metropolitan Area Plan (dBMAP) 2015 and the extant North Down and Ards Area Plan.

The application site consists of an area of disused land to the southeast of No. 7 Seapark Terrace. The boundaries of the site consist of mature trees and hedges to the north, and further mature trees and shrubs to the south and west. The site is open to the garden of No. 7 to the north-east, there is a 2m wall to the south-east and a 2m hedge defines the north-east boundary at Seapark Terrace. The application site is roughly triangular and extends approx. 28m from the north to the south boundary. The site is flat, and access is from a pedestrian gate to the north-east onto Seapark Terrace. Croft Burn River traverses through the site from south to north. This water body is connected to Belfast Lough which is approx. 90m to the north-west.

The surrounding area is residential and includes a mix of house types and designs with varying plot sizes and layouts. There are several hazards and constraints in this area: Existing Recreation and Open Space; Site of Local Nature Conservation Importance; Local Landscape Policy Area; (Proposed) Area of Townscape Character; and Airport Height Restriction zone.

## 2. Site Location Plan



Figure 1 – Site location plan

### 3. Relevant Planning History

Reference: W/2013/0266/O

Proposal: New dwelling.

Address: Adjacent to 7 Seapark Terrace, Holywood

Decision: PERMISSION REFUSED (31.01.2014)

Reference: W/2007/0706/O

Proposal: New dwelling.

Address: Adjacent to 7 Seapark Terrace, Holywood

Decision: PERMISSION GRANTED (24.10.2008)

Reference: W/2002/0545/O

Proposal: Dwelling (renewal of outline).

Address: Adjacent to 7 Seapark Terrace, Holywood

Decision: PERMISSION GRANTED (06.11.2002)

Reference: W/1997/0305

Proposal: Dwelling.

Address: Adjacent to 7 Seapark Terrace, Holywood

Decision: PERMISSION GRANTED (24.07.1997)

Reference: W/1992/0032

Proposal: 4 no. apartments.

Address: Side garden of 7 Seapark Terrace, Holywood

Decision: PERMISSION GRANTED (22.07.1992)

The application site has previous planning approvals which have never been commenced. Planning permission W/2007/0706/O expired on 24th October 2011.

The most recent application W/2013/0266/O was submitted in August 2013 and refused in January 2014.

### 4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking (PPS3)
- Planning Policy Statement 6: Planning, Archaeology and Built Heritage (PPS6)
- Planning Policy Statement 6 Addendum: Areas of Townscape Character (Addendum to PPS6)
- Planning Policy Statement 7: Quality Residential Environments (PPS 7)
- Planning Policy Statement 7 Addendum: Safeguarding Established Residential Areas

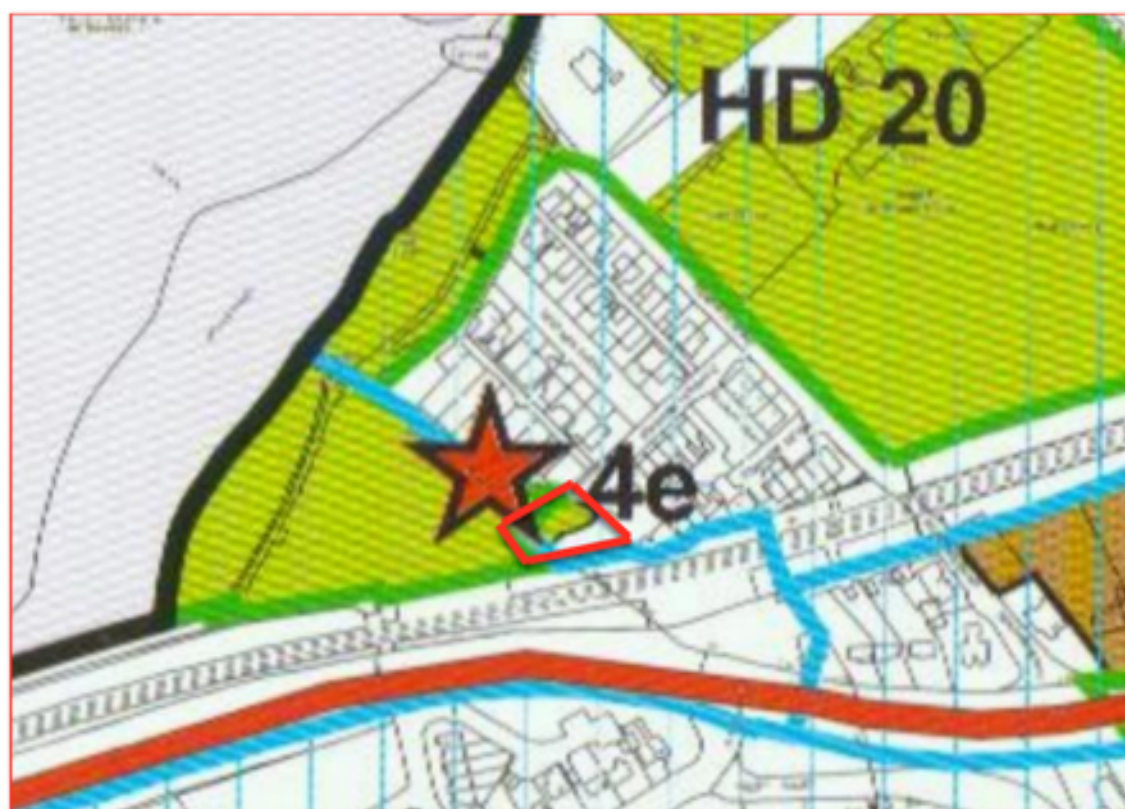
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (PPS8)
- Planning Policy Statement 12: Housing in Settlements (PPS 12)
- Planning Policy Statement 15: Planning and Flood Risk (PPS15)

**Planning Guidance:**

- DCAN 8: Housing in Settlements
- DCAN 15: Vehicular Access Standards
- Creating Places
- Living Places

**Principle of Development and Development Plan Considerations**

The application site is located within the development limits of Holywood within an existing residential area. Given the location within the development limits the principle of development on the site is acceptable provided all relevant policy requirements are met. As the site is located partially within an area of existing open space as designated in the draft BMAP, this matter will be considered in detail below under the 'Open Space' heading.



**Figure 2 – Extract from draft BMAP (showing site outlined in red overlaid)**

NDAAP 1984-1995 currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. Under dBMAP, the open space designation, the Site of Local Nature Conservation Importance (SLNCI), Local Landscape Policy Area (LLPA) and Area of Townscape Character (ATC) designations are pertinent to the proposal and material considerations to be considered in the

determination of the application. There is nothing in the NDAAP relating to open space or the other designations which are relevant. The site is also subject to an Airport Height Restriction Zone.



Figure 3 – Map No.4a from dBMAP

The SLNCI (HD 10/03) is designated at Holywood/Bangor Road as identified on Map No. 4a – Holywood. This area includes the portion of road from Ballymenoch to Craigavad which roads through an area of suburbs. The road provides access to properties which border it and feeds minor roads into coastal areas including Seapark but also Marino, Cultra and Craigavad. The impact on the SLNCI will be considered in detail below under the 'Natural Heritage (PPS2)' heading. The only area of the site that is included within the SLNCI is the Croft Burn River itself which traverses the site.



Figure 4 – SLNCI – The Croft Burn River

The LLPA (Seapark HD20) is designated at Seapark as identified on Map No. 4a and on clarification Map No. 4b showing the full extent of LLPAs affecting the settlement of Holywood.

The features that contribute to the environmental quality, integrity and character of this area, include the area of local amenity importance (Seapark Recreation Grounds), the area of local nature conservation interest (vegetation along the adjoining railway embankment), and archaeological sites and monuments and their surroundings. The plan does not specifically identify the application site as making a significant contribution to the LLPA. Although the site abuts the railway embankment, views of the site are not visible from public locations.

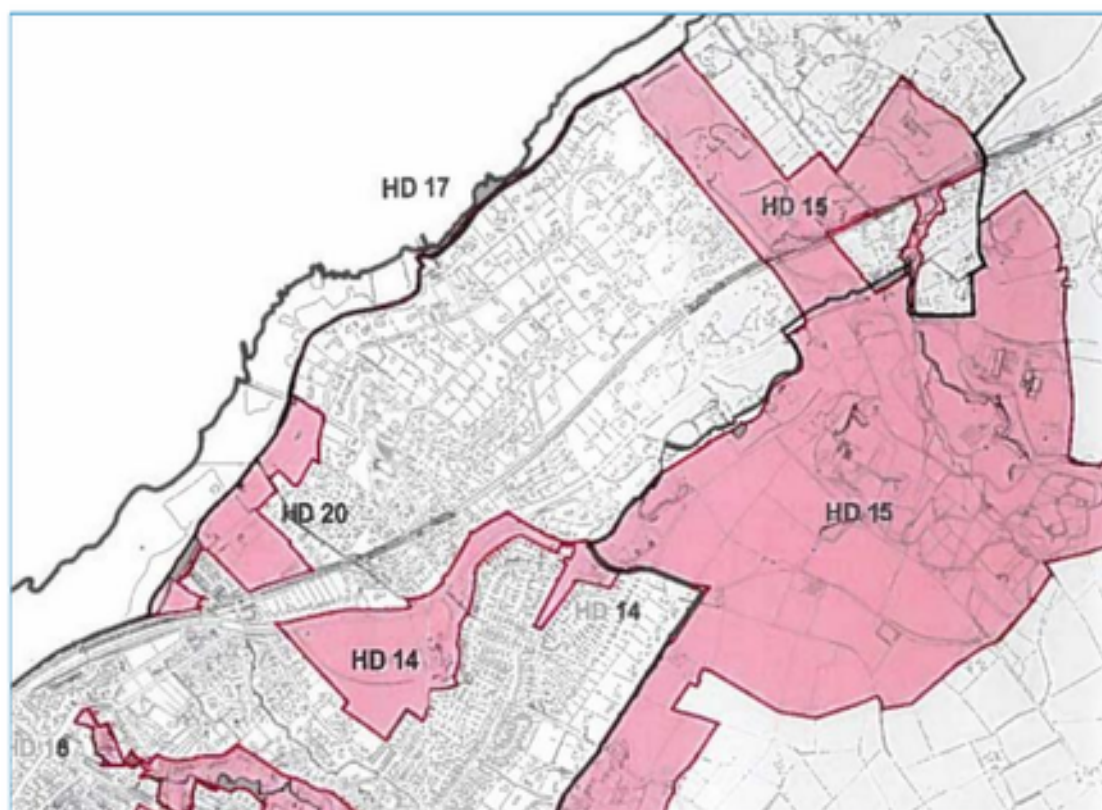


Figure 5 – Map No. 4b from dBMAP showing LLPA Designations

The site is also located within the proposed Marino, Cultra and Craigavad ATC. It is a "proposed" ATC due to the adoption status of BMAP 2015. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is not possible to assess the impact of the proposed development on that character. However, recent decisions by the PAC have clarified that the impact of an application on a proposed ATC remains a material consideration and can be objectively assessed.

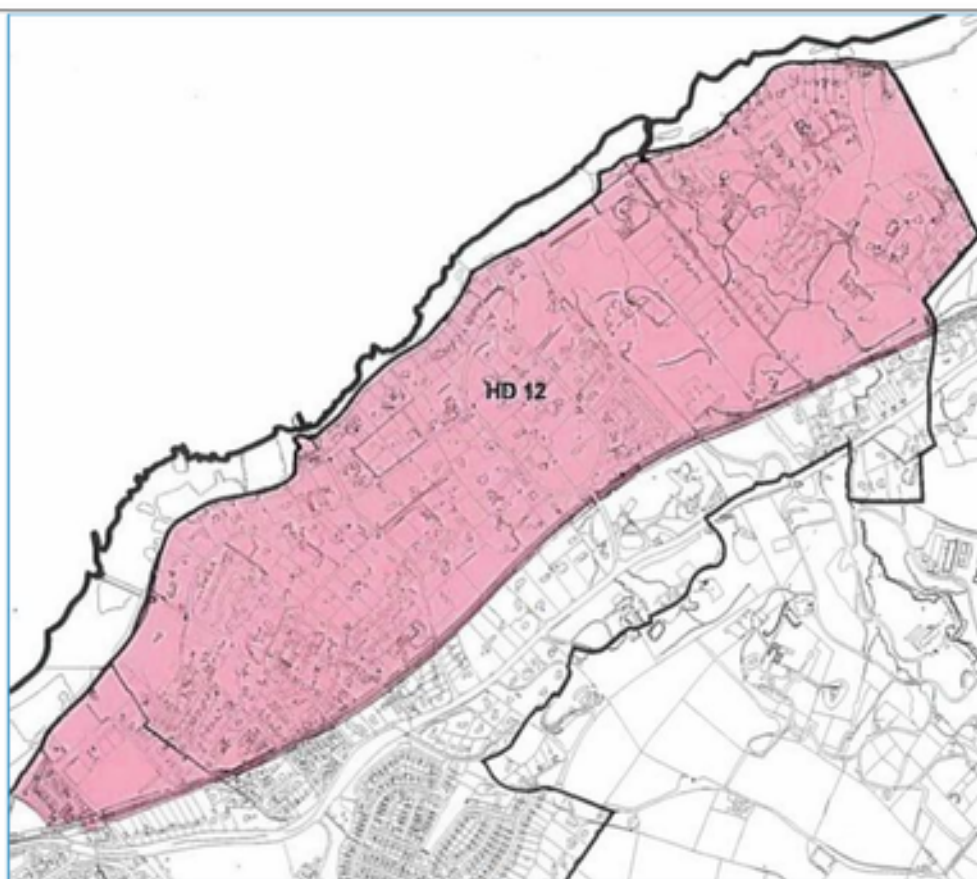


Figure 6 – Proposed ATC (Map No. 04m)

The features of which are detailed below.

Designation HD 12	Area of Townscape Character Marino, Cultra, Craigavad
<p>An Area of Townscape Character is designated at Marino, Cultra, Craigavad as identified on Map No. 4a - Hollywood and on clarification Map No. 4m – Marino, Cultra and Craigavad Area of Townscape Character.</p>	
<p>Key features of the area which will be taken into account when assessing development proposals are as follows: -</p>	
<ul style="list-style-type: none"> <li>• Late Victorian and Edwardian villas in a mix of architectural styles set within large landscaped plots with extensive views over Belfast Lough across to County Antrim;</li> <li>• Thirty listed buildings including the 1870's coast guard station in Farmhill Road, built to the Board of Works standard design, and "Clanbrassil Terrace" a row of three, three storey houses;</li> <li>• Five listed demesnes namely, Ardnalea, Craigavad House, Cultra House, Dalchoolin and Rockport; and</li> <li>• Narrow meandering roads bounded by tall hedges, trees and rubble stone walls.</li> </ul>	

Figure 7 – Key features of proposed ATC



The plan does not identify the site or any immediately adjacent buildings as making a significant contribution to the proposed ATC. The impact on the proposed ATC will be considered in detail below under the appropriate heading.

### **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.

In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

### **Planning History of the Site and the Surrounding Area**

The application site has historic planning approvals for 4 no. apartments (W/1992/0032) and separately a single dwelling (W/2007/0706/O). These permissions were never commenced and have expired meaning there is no extant fall-back.

Subsequently planning permission was refused under W/2013/0266/O for a single dwelling for the following reasons:

- Contrary to Policy NH1 of PPS2 – the development is likely to have a significant effect on a European Special Protection Area (SPA), Belfast Lough and Area of Special Scientific Interest (ASSI) and insufficient information has been submitted to suggest otherwise.
- Contrary to Policy NH5 of PPS2 – the development would result in unacceptable adverse impact on or damage to priority habitats and wetlands, namely the Croft Burn River corridor.
- Contrary to Policy FLD4 of PPS15 – the development will result in culverting of existing watercourse known as Croft Burn and it has not been demonstrated that the proposal would meet any of the exceptional circumstances as outlined in policy.
- The proposal is contrary to Policy OS1 of PPS8 – the development would result in the loss of existing open spaces as identified in the Draft Belfast Metropolitan Area Plan 2015 and it has not been demonstrated that the proposal would meet any of the exceptional circumstances as outlined in policy.

This current outline application has been submitted along with additional supporting information and supplementary documents in order to consider whether or not the concerns previously raised in 2014 can be addressed through appropriate mitigation measures. Extensive consultation has been carried out with the relevant statutory bodies who have assessed the prepared documents. The main assessment of which is set out below.

**Impact on Existing Area of Open Space**

Policy OS1 of PPS8 does not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

However, the policy advises that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. No community benefit has been identified in this case.

The policy also advises that in the case of an area of open space of 2 hectares or less, an exception will be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area provided alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety, and quality.

There is an area of open space within the red line of the application site which is approx. 380sqm (or 0.038ha). It is part of Hollywood Esplanade (OS/HW/0008) as designated by dBMAP. According to dBMAP the Hollywood Esplanade is a maintained grassed area and walkways along the seafront and is 2.96ha in total.



**Figure 8 – Open space designation within application site (in green)**



**Figure 9 – Aerial view of site and surrounding context**



**Figure 10 – Aerial view of site and adjacent open space**

The total area of the application site is approx. 700sqm (or 0.07ha). The area of open space within the site is just over half the area of the site (approx. 0.038ha). The site is an area of privately owned land, inaccessible to the public because it is only accessible from one side (north-east). At present it has no current users. The site is open to the garden of No. 7 Seapark Terrace to the north-east and there is a 2m wall to the south-east.

Draft BMAP defines the Hollywood Esplanade as a maintained grassed area and walkways along the seafront and from the application site, the seafront, walkway, and grassed area cannot be accessed. This is because the site is separated from the maintained grass area by thick shrubs and mature trees. I have visited the site and from the application site I could not access the wider area of open space directly from the application site.

To access the Hollywood Esplanade, I walked along Seapark Avenue to meet the coastal walkway and when I came to approach the application site from the west the area around the shrubs and trees is fenced off at the public side meaning there was no access to it. I could not access the application site from the public side because it was fenced off and the wooden fence was wrapped in barbed wire. It was clear that it was not in use by members of the public because it was not accessible but also not in a state where it was of a quality that would be suitable or safe to use if the fence and barbed wire was not there.

Policy OS 1 states that there is a presumption against the loss of existing open space and this will apply irrespective of its physical condition and appearance. Annex A of PPS8 provides a helpful definition of open space outlining that open space is taken to mean all open space of **public value**, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity. The site does not neatly fall within any of the open space typologies listed within Annex A (see Figure 7 below) although it could perhaps be described as a natural/semi natural urban green space under point (vi).

At present, as the site is in private ownership and is inaccessible, its only public value would be its visual amenity. The main public views of the site and its associated trees and vegetation are primarily from the maintained grassed area at Seapark and the beach although the site is also visible from passing trains to the south. The proposal includes the retention of the majority of the trees and vegetation which are located within the western portion of the site, and which are visible from the public viewpoints.

From the public side (west) the open space is restricted by a wooden fence wrapped in barbed wire this would suggest that the area is not in use and has not been deemed to be part of the wider open space otherwise it would be open and accessible to members of the public.

- A2 The following typology illustrates the broad range of open spaces that are of public value:
- (i) parks and gardens – including urban parks, country parks, forest parks and formal gardens;
  - (ii) outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) – including tennis courts, bowling greens, sport pitches, golf courses, athletic tracks, school and other institutional playing fields, and other outdoor sports areas;
  - (iii) amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village greens;
  - (iv) provision for children and teenagers – including play areas, kickabout areas, skateboard parks and outdoor basketball hoops;
  - (v) green corridors – including river and canal banks, amenity footpaths and cycleways;
  - (vi) natural and semi-natural urban green spaces – including woodlands, urban forestry, grasslands (eg. meadows), wetlands, open and running water, and rock areas (eg. cliffs);
  - (vii) allotments and community gardens;
  - (viii) cemeteries and churchyards; and
  - (ix) civic spaces, including civic and market squares and other hard surface areas designed for pedestrians.

Figure 11 – Extract from PPS8 (Annex A – Definition of open space)



Figure 12 – Open space – western side



Figure 13 – No public access to open space (wooden fence wrapped in barbed wire)

In relation to the direct impact on this area of open space, the proposal has been designed in such a way so that the development occurs outside the area of open space with the exception of the proposed parking and turning area. The remainder of the area of open space is covered in dense trees and vegetation which can be conditioned to be retained and the curtilage of the dwelling can also be conditioned to exclude this remaining area of open space as a further safeguard against any future development associated with the dwelling. This will ensure that the visual amenity public value of the open space as previously referred to above, will be maintained. The proposed site plan below shows that the proposed dwelling is to the south-east of the designation and not within it.



Figure 14 – Open space v proposed site plan (Drawing No.02/A)

Given that the proposal will result in the loss of only a very small area of the open space for the parking, turning and driveway area (roughly 67sqm), I do not consider that there will be any significant detrimental impact on the amenity or character and statutory consultees have raised no objections to the proposal on the grounds of any adverse impact on biodiversity. Furthermore, given this very small area, I do not consider it to be necessary that alternative provision of open space must be provided in this instance.

The total area of zoned open space within the site is approx. 380sqm and the area for parking, turning and driveway is 67sqm meaning that only 17.63% of the open space within the site would be developed. The total area of open space within the site (0.038ha) also only equates to 1.28% of the overall open space designation (2.96ha). It is also recommended that any planning approval would be subject to a condition, restricting the domestic curtilage of the dwelling to exclude the area of open space which is not required for access and parking purposes.

In summary, the percentage of open space lost, is considered to be negligible, I am therefore satisfied that the proposal will not result in any significant loss of open space of public value and therefore complies with policy OS1.

### **Design and Impact on Character of Area – including impact on appearance of proposed ATC**

The application site is within the proposed Marino, Cultra, Craigavad ATC (HD 12). The key features of this area are listed again below:

**Key features of the area which will be taken into account when assessing development proposals are as follows: -**

- **Late Victorian and Edwardian villas in a mix of architectural styles set within large landscaped plots with extensive views over Belfast Lough across to County Antrim;**
- **Thirty listed buildings including the 1870's coast guard station in Farmhill Road, built to the Board of Works standard design, and "Clanbrassil Terrace" a row of three, three storey houses;**
- **Five listed demesnes namely, Ardnalea, Craigavad House, Cultra House, Dalchoolin and Rockport; and**
- **Narrow meandering roads bounded by tall hedges, trees and rubble stone walls.**

**Figure 15 – Key features of proposed ATC**

The application site itself is not affected by any of the key features but given its location, a Design and Access Statement (DAS) has been prepared in support of the application. This document covers the design principles and concepts of the proposal which is for outline permission.

Policy ATC2 of Addendum to PPS6 requires that the Council will only permit new development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area.



Figure 16 – Application site



Figure 17 – Seapark Terrace





**Figure 18 – Pedestrian entrance to site at the end of Seapark Terrace**

In the immediate area, the surrounding context includes residential properties along Seapark Road, Terrace, and Avenue well as in Seapark Court and Mews. These properties are located to the north and north-east. Within walking distance of the site there are residential properties along Bangor Road and in Seapark Lane to the south-east.

The built form of the area includes a mix of 2-storey semi-detached properties characterised by similar designs along Seapark Road and Avenue as well as Seapark Court and Mews. There are 3-storey terraced properties along Seapark Terrace and nearby, along Bangor Road, there is evidence of detached and semi-detached 2-storey properties. In Seapark Lane there are detached 3-storey townhouses. In the surrounding area and in the wider area, there is evidence of a mix of building types and varying designs within the proposed ATC. I am therefore satisfied that a two storey dwelling would sit comfortably within this context.

The location of the site (which is at the end of a terrace) means any public view will only be available when walking south-west along Seapark Terrace towards the site or at the corner where the terrace meets Seapark Avenue. Despite this the location of the proposed dwelling set back from No. 7 means it may not be visible at all. The mature trees on the adjacent land to the west will provide a good backdrop for integration when

the proposed dwelling can be seen. The retention of existing natural boundaries will further aid integration and can be supplemented with new planting. Given the site location the proposed dwelling will not be easily visible from the public road. If approved, an appropriately conditioned dwelling would be consistent with the built form of the area, the proposed ATC, and appropriate to the character and topography of the site.

In the context of the local environment there is a broad spectrum in styles and materials. It is considered that the proposal will maintain the character of the ATC. Any public views of the site will be limited and therefore the overall character of the ATC will be maintained.

In ATCs it will also be required that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. The natural boundaries will be conditioned to be retained as they contribute to the distinct character of the area is maintained. The proposal will include the creation of a new access but does not require the removal of any trees to facilitate it.

#### **Policy QD1 Exceptional Circumstances Test**

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Policy QD1 states that in ATCs housing proposals will be required to maintain or enhance their distinctive character and appearance. Policy QD1 goes on to state that in the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in *exceptional circumstances*. It should be noted that this test is not included within the policy headnote but within the amplification text to provide guidance.

Paragraph 4.10 of policy QD1, states that such proposals usually involve demolition, plot sub-division or plot amalgamation which can be particularly detrimental to their character and appearance. Proposals involving intensification in these areas will only be permitted in the following exceptional circumstances:

- (a) an extension in keeping with the scale and character of the dwelling and its surroundings;
- (b) the sympathetic conversion of a large dwelling in appropriate locations to smaller units;
- (c) the development of a significant gap site within an otherwise substantial and continuously built up frontage provided this would be of a density and character prevailing in the area.

Policy guidance does not however represent an embargo on such development in ATC's, rather its underlying aim is to prevent harm to the character and appearance of the designated area. The overarching aim of the policy is that there should be no harm to the character and appearance of a designated ATC.

While the proposal would not meet any of the exceptions listed above, it is considered that it will nevertheless meet the overarching aim of the policy as it will cause no harm to the appearance or character of the ATC for the reasons set out in the detailed consideration below and that this should be afforded determining weight in the determination of the application.

The site layout plan (drawing No. 02/A) shows that the proposed dwelling is set back over 26m from the access and public road (north-east) to the south-west side of No. 7. Given the site location at the end of the terrace and behind the detached property No. 7 and existing properties along Seapark Terrace. Limited public views will be available and from vantage points the proposal will not be readily visible given its location.

I have no concerns in relation to the visual impact of the development given its urban location and its position set back from the public road and to the rear of existing residential properties. The DA Statement has indicated that the proposal will aim to retain the overall character of Seapark and respect the built form of the area. This is an outline application meaning the design and appearance will be assessed in greater detail at a later stage if an approval is forthcoming.

There is a mix of designs and house types in this residential area. I consider that an appropriately conditioned dwelling would respect the built form of the area and maintain the overall appearance of the area and the ATC when the proposal is visible, although this will only be when at the end of the terrace and at the access point.

The proposed access is taken from the north-east onto Seapark Terrace where there is an existing pedestrian gate to No. 7 and a 2m boundary hedge. The Council will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. Landscaping will be discussed in greater detail below.

A suitably conditioned dwelling will respect the built form of the area and will maintain and enhance the overall appearance of the ATC.

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

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

This is an outline application meaning the design and external appearance will be assessed at a later stage including the form, materials and detailing along with height and finished floor levels. The site is relatively flat, and an appropriately designed dwelling will respect the topography of the site and can have a similar finished floor level to neighbouring properties and a ridge height condition will be included to ensure the proposal is in keeping with the adjoining property No. 7. The proposed dwelling will

have in-curtilage car parking at the front with garden areas surrounding the dwelling which is characteristic of the surrounding area.

The form, materials and detailing of the proposed dwelling will be assessed in greater detail at reserved matters stage if an approval is forthcoming. The proposed dwelling will not be visible from the public road. An appropriately conditioned dwelling would be comparable to the immediate surrounding area which consists of mostly traditional terraced and semi-detached properties although there is evidence of a mix of designs in the wider area. I consider that an appropriately designed dwelling would be acceptable given the application sites location and considering that there will be limited public views available.

In relation to Policy LC1 of Addendum to PPS7 there are no concerns with regards to proposed density, pattern of development or dwelling size. The proposal is for a dwelling within the development limits of Holywood in a residential area that represents a mix of house types and designs in both the immediate and wider area.

The density of the site is approx. 10 dwellings per hectare (1 unit ÷ 0.1ha). This is comparable to the adjoining property No. 7 which has a density of approx. 10 dwellings per hectare also (1 unit ÷ 0.1ha).

I consider that an appropriately designed dwelling will be acceptable for this residential area and in keeping with existing properties in the immediate and surrounding area. The proposed dwelling is set back over 26m from the public road and is located at the end of a terrace, positioned behind existing residential properties meaning it will not be readily visible. The proposal will be well screened by surrounding development and the established natural boundaries of the site will provide a backdrop and aid integration. The site sits on level ground and when travelling along the public road in both directions it will be screened by the existing properties along Seapark Terrace.



Figure 19 – Proposed site plan

The proposed site plan shows that most existing vegetation/trees will be retained, and this will be conditioned along with a condition requiring a detailed landscaping scheme to be submitted at reserved matters stage to supplement existing planting.

**Impact on Residential Amenity**

I consider the proposed site layout and position of the proposed dwelling to be acceptable. The nearest neighbouring property is the adjacent No. 7. The distance between the front wall of the proposed dwelling and the side wall of No. 7 will be approx. 4.4m. Given the proximity of the eastern gable of the proposed dwelling to the rear private amenity space of No. 7, I consider it necessary to include a condition on any recommendation to approve stipulating that there shall be no first-floor windows serving habitable rooms located on the gable.



**Figure 19 – Application site with adjacent No. 7 Seapark Terrace**



**Figure 20 – Photo provided by objector showing single storey side sunroom**

At present there is no current boundary treatment to the front of No. 7 but there is a 2m wall to its rear. Given that there is no boundary treatment to the front, screening will be required at ground floor level to avoid any unacceptable impact on No. 7. There will be a need to ensure that first-floor windows to the front (north-east side) as well as the

side of the proposed dwelling are not main rooms and limited to obscure bathroom, hall or landing windows to avoid any overlooking of the south-western gable of No.7.

The proposed access will traverse along the front garden of No. 7. On the site location map the developer has indicated that he is in ownership of the adjacent land in blue. Certificate C of the P1 form has been completed and the requisite P2A form has been requested and submitted. This is an outline application meaning the boundary treatment has not been included although there is an opportunity for new planting to define the access at reserved matters stage if an approval is forthcoming. I do not consider that an access will have an unacceptable impact on No. 7.

The proposed block plan indicates that the separation distance between the proposed dwelling and No. 7 is approx. 4.5m and is set back. Given the separation distance, set back and considering the path of the sun, I am content there will be no unacceptable loss of light. I consider that the proposal can be appropriately accommodated within the site, and I am content with the position of the proposed dwelling is acceptable given its similarity to the adjacent detached residential property No. 7 Seapark Terrace.

No. 6 Seapark Terrace is over 18m to the north-east (with No. 7 situated between) and No. 2 Seapark Avenue is over 28m to north-east. Given the site location, the proposed site plan, and the separation distances to other properties in the area I have no further concerns in relation to neighbour amenity.

#### **Archaeology and Built Heritage**

There are no archaeological or built heritage zones in this area.

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

The application site is defined by mature trees to the south and west. The majority of existing landscape features will be able to be retained and integrated into the overall design and layout of the development which includes retaining and making the existing stream a feature of the proposal.

The aerial v site plan figure below shows that 1 tree will need to be removed within the site. The tree is located behind the existing hedge that will form the new access. The area for the proposed dwelling is grassed and there is some vegetation that will be required to be removed to accommodate the parking and turning area. Some existing trees may be impacted by the development so a condition will be included requiring a tree survey to be submitted at reserved matters indicating any trees to be removed.

I do not consider this to be the removal of significant natural features given that it amounts to 1 tree and an area of vegetation. The mature hedge to the front will also need to be removed to accommodate a new access. There is no TPO in this area so the landowner can remove trees and hedges within the site as necessary.



**Figure 21 – Aerial image v site plan**

Existing landscape features should be retained via condition (except for the requirement to remove the hedge to accommodate the new access. It is also recommended that any approval should be subject to a condition requiring the submission of a detailed landscaping scheme at reserved matters to enhance the existing vegetation and provide replacement planting for any trees or hedgerows proposed for removal.

### **Private Amenity Space**

There is adequate provision for the private amenity space to comply with Creating Places standards. Amenity space of the adjacent No. 7 Seapark will be unaffected as it is located to its rear and defined by a 2m wall to its rear. To the front, the 2 separate plots will need to be defined by new boundaries if approved.

The proposed access is taken via the existing public road at Seapark Terrace. At present, No. 7 only has a pedestrian access off the road. The submitted plan indicates that there will no longer be a pedestrian access to No. 7 off Seapark Terrace. If approved, it will be required that the existing 2m hedge is removed to provide access however I am satisfied that overall, a sufficient area of private amenity space will remain to the rear of No. 7.

At reserved matters stage there is scope for amenity areas to be enclosed and appropriately placed first-floor windows to overlook the access serving the dwelling and any proposed parking areas. I do not consider that a proposed dwelling at this location will create conflict with adjacent land uses because this is a residential area. An appropriately conditioned and designed development will result in no unacceptable impact on the amenity of any existing dwellings.



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

Policy AMP2 of PPS3 deals with access to public roads. DFI Roads have been consulted and have no objections in principle. As this is an outline application, a standard condition has been recommended so that the access can be further assessed at reserved matters stage if approved, however DFI Roads has raised no objection in principle to the proposal.

DFI Roads has specified in its response that the objector's comments have been noted. This will be discussed further below in the Representations section (5).

Given the size of the site there will be adequate and appropriate provision for parking of private vehicles in compliance with Creating Places standards. Hard landscaping will be considered at reserved matters stage if an approval is forthcoming. The proposed site layout plan (drawing No.02/A) shows that 2 no. car parking spaces will be designated within the site.

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

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

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES has advised that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval including the agreement of the method of sewage disposal with Northern Ireland Water, or proof of a consent to discharge presented from NIEA's Water Management Unit at Reserved Matters stage and submission of a final Construction Method Statement (CMS) at Reserved matters stage.

A Preliminary Ecological Appraisal (PEA) has been prepared by WM Associates and assessed by NED who have also advised that due to the scale of the development, the distance from designated sites along with the mitigation measures within the PEA the proposal is unlikely to impact designated sites. NED have also considered the impacts of the proposal on designated sites and is also content subject to conditions and informatives.

NED have acknowledged that the site is a former area of garden which has been cleared of vegetation between 2016 and 2017 prior to the submission of this application and subsequent site visit. NED have advised that, as documented in the PEA, 1 tree within the site is noted as having low potential and 1 tree has moderate potential for

roosting bats. NED have said that if this tree requires any works, then further surveys must be carried out.

According to the PEA the only tree located that had a moderate potential for bat roosts was a large spreading Willow to the east. This tree is outside the site and approx. 4m from the site boundary meaning it is not likely to be impacted by the development. However, NED considers that this tree is closer to the site and may be impacted by construction for the proposed car parking. As discussed above some trees may be impacted by the proposal so a condition requiring a detailed tree survey will be included.

It has been noted that the PEA found no evidence of bat roosts and NED have not recommended a condition. NED have however recommended that, at reserved matters, drawings are submitted which indicate retention and protection of trees with low and moderate potential as well as other trees within the vicinity of the application site. Trees outside the site cannot be subject to condition but retention of existing natural boundaries will be subject to a condition.

In their latest consultation response NED have stated that the PEA refers to a separate assessment (commissioned by Paul Johnston Associates Ltd. & DWK Freshwater Consulting) of the Croft Burn as potential habitats for fish. This document is the Fisheries Habitat Assessment provided in support of the application. Following re-consultation NED have indicated that they have no concerns subject to recommended conditions.

In terms of protected and priority species, Part 2 of the Checklist was referred to and did identify some scenarios where survey information may reasonably be required. However, NED have considered the proposal and is content subject to conditions.

NED have reviewed the PEA and have recommended that at reserved matters stage, further information is submitted to confirm the measures outlined in the PEA. This should also be subject to condition. In relation to badgers, NED are content that no resting places for these species are present on the site and that no significant impact impacts are likely from the proposal.

### **Flood Risk**

DFI Rivers have confirmed that the watercourse known as the Croft Burn flows through the middle of the site. A Flood Risk Assessment (FRA) by Flood Risk Consulting has been provided by the developer.

In their consultation response, DFI Rivers have indicated that the development does not lie within the '1 in 100 year' fluvial floodplain therefore satisfying the requirements of Policy FLD1. With regard to Climate Change the fluvial flood plain level at the south side of the site is 5.56 m.O.D and 4.40m. OD at the north side. The predicted Q200cc (50pc) coastal flood level at this location is 3.39mOD. DFI Rivers have raised no objection in relation to this.

The proposal involves culverting a short section of the watercourse to provide vehicular access and installation of a footbridge and a 'Stream Protection Measures' document

has prepared by Ecology NI in support of the application. DFI Rivers have confirmed that an agreement for this has been provided by the DFI Rivers Local Area Office.

DFI Rivers have also confirmed that Policy FLD2 is satisfied, that the proposal does not exceed any of the thresholds that require a Drainage Assessment (DA) and that FLD5 is not applicable.

### **Contaminated Land**

Environmental Health (EH) have reviewed a Preliminary Risk Assessment (PRA) prepared by WYG Environment. The PRA concluded that the overall risk is deemed low. EH are satisfied and have requested that a condition be included if approved.

DAERA Regulation Unit (RU) have also assessed the PRA and have no objections subject to the relevant conditions.

### **Historic Environment**

Not applicable.

### **Drainage**

DAERA WMU have considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal.

### **Services**

NI Water have confirmed that WWTW capacity is available for the development to be served. A public water main is also available which can adequately service the proposal. In their latest response NI Water have recommended approval with standard conditions and a site-specific condition relating to surface water.

The developer proposes to deal with foul sewage by a 95% BOD Package Treatment Plant discharged into the adjacent waterway. A consent to discharge effluent (reference 195/22/1) has been granted by DAERA. Surface water will be dealt with by run off. Given the recommendation to approve from NI Water, I am content that services are in place.

### **Aviation**

Belfast City Airport (BCA) have confirmed that the site falls within the Inner Horizontal Surface but are content that they have no concerns.

**NI Translink**

The application site is adjacent to the railway line (south). Consultation was carried out with Translink who have raised no objection subject to conditions.

**Conclusion**

Although there are historical planning approvals for residential development on this site the most recent application was refused under W/2013/0266/O for reasons related to open space, culverting of an existing watercourse, damage to priority habitats and wetlands, and effects on a SPA, Belfast Lough and ASSI.

The developer has provided supporting information to address the concerns previously raised and the relevant consultees are now content. Open space has been assessed in detail above and it was found that the area of open space that will be affected is approx. 0.038sqm in area but that the proposal is located outside it (except for car parking spaces) because the proposed dwelling is located to the south-east outside the open space designation meaning there will be no significant loss of open space.

The open space area within the site is a small portion of the wider Hollywood Esplanade and the application site does not consist of an important aspect of the open space because it is fenced off from the public side, densely covered with shrubs and trees and not currently available, in use or particularly safe for use by members of the public. The wooden fence that borders the area of open space is wrapped in barbed wire suggesting that it is intended to be in use. The wider area of open space and the important features of it and in use such as the seafront, walkway and main grassed area are unaffected by the proposal.

The last application subject to assessment on the site W/2013/0266/O was refused. However, the developer has now provided all the necessary documentation needed to ensure consultees which included a Flood Risk Assessment (FRA), Stream Protection Measures, a Croft Burn Fisheries Habitat Suitability Assessment and a Preliminary Ecological Appraisal (PRA). The statutory consultees are content and satisfied that the proposal will have no impact in relation to their area of expertise.

DAERA NED and SES no longer maintain that the proposal is contrary to Policy NH1 or Policy NH5 of PPS2. DFI Rivers no longer maintain that the proposal is contrary to FLD4 of PPS15.

I do not consider that the proposal is contrary to Policy OS1 of PPS8 given the assessment I have outlined above under Open Space. I am content having assessed the revised proposal against the relevant criteria in PPS 7 Policy QD 1 that the proposed dwelling is acceptable and will not result in any adverse impacts.

**(i) Representations**

Seventeen letters of objection have been received from 13 separate addresses (12 in Seapark and 1 in Bangor):

- 1 Seapark Terrace.

- 3 Seapark Terrace.
- 4 Seapark Terrace.
- 6 Seapark Terrace.
- 7 Seapark Terrace.
- 2 Seapark Avenue.
- 4 Seapark Avenue.
- 6 Seapark Avenue.
- 8 Seapark Avenue.
- 11 Seapark Avenue.
- 13 Seapark Avenue.
- 15 Seapark Avenue.
- 8 Worcester Lane, Bangor

The letters of objection were received in 2019, 2020 and 2021. After amended plans were received in July 2022 re-advertisement and re-notification of neighbours were carried out and no further official objections were received although an update request on the status of the decision was received from No. 7 Seapark Terrace in July 2022.

The application was subject to re-advertisement and re-notification in August 2022 after which 3 additional letters of objection were received (from No. 7 Seapark Terrace, 2 Seapark Avenue, and 1 anon). The planning matters raised related to the issues discussed above such as traffic, parking, and road safety.

New planning matters relating to access, design and landscaping were raised but this is an outline application, and these matters are reserved for a later stage subject to approval of outline permission.

Those material planning matters raised in submitted representations are summarised below:

### **Site History**

- Planning permission on the site has previously been refused under W/2013/0266/O.
- The site was previously sold as 2 plots and No. 7 sold separately.
- Permission for apartments on plot 2 was refused but outline permission for a dwelling was granted.
- This permission lapsed and was refused in 2014 when resubmitted.
- Therefore, the use of the site remains as a garden (and so should remain).

The site history suggests that the application was always suitable for development given the historic approvals and the sale of the land as 2 plots. The statutory consultees who previously objected to the 2013 application are now content after the developer made efforts to address their concerns and provide the appropriate information.

### **Neighbour Amenity Concerns**

- Proximity to No. 2 Seapark Avenue - overlooking of garden areas.
- Overlooking/loss of privacy to No. 7 Seapark Terrace (side sunroom).
- Overlooking of Nos. 4 to 8 Seapark Avenue (rear gardens).
- Impact on privacy of No. 3 Seapark Terrace.
- Impact on existing (views) for No. 3 Seapark Terrace.
- Loss of privacy for No. 7 Seapark Terrace due to vehicles accessing the site via the proposed access.

These matters have been addressed in detail under section 4 above.

The loss of privacy from passing vehicles is not a material planning consideration because the views would not be from the proposed building. There is an opportunity at RM stage for new planting and materials that will enclose the development and keep privacy for both the future occupiers and existing residents.

The proposal will not impact privacy of or views from No. 3 Seapark Terrace given its location.

### **Design and Appearance**

- If outline is granted the proposed dwelling may be too large and increase the potential for overlooking.
- Clarification sought that the proposed dwelling is single storey.
- The footprint should be restricted to the area as indicated in the proposed site layout.
- Plot size - the site is too small.
- The proposed access is too small.

These matters have been addressed in detail under section 4 above.

Given the site location and the variety of house types in the area I do not consider it necessary to limit the ridge height to single storey because a single-storey dwelling would be out of keeping with adjoining properties which are all two-storey.

Nevertheless, it will be required that the design and appearance at RM is appropriate and does not impact the residential amenity of adjacent properties and is appropriate to the site.

### **Impact on Character of the Area**

- Concerns regarding the future design and appearance of the dwelling if outline permission is established.
- Impact on character of No. 7 Seapark Terrace.
- Impact on character of immediate neighbouring properties - Nos. 1-6 Seapark Terrace were built in the 1800s and No. 7 in 1926.
- A modern design will be out of keeping with the area.
- Proposal will not in keeping with the properties along Seapark Terrace and Avenue.

These matters have been addressed in detail under section 4 above.

### **Open Space**

- Loss of open space to the detriment of the area.
- Removal of green space which should be retained.
- The area is close to the sea and open space (Praeger's Field). The building work will have a negative impact on this recreation area.

These matters have been addressed in detail under section 4 above.

### **Landscape Features**

- Impact on natural habitat.
- Impact on water body and lough.
- Removal of mature hedging to accommodate new entrance.
- Removal of mature garden area.

The proposal has utilised the existing landscape features of the site including the mature natural features of the site and by using the water body as a design feature without impacting it as demonstrated by positive responses from the statutory consultees.

The hedge will be required to be removed to allow access, but this will be supplemented at RM stage with new planting.

### **Environmental Quality**

- Impact on wooded area.
- Impact on flowers and fauna.

The wooded area is unaffected and whilst some flora and fauna will be removed to accommodate building works, the RM will include a new detailed landscaping plan.

### **Biodiversity**

- Impact on wildlife which utilises the woodland and waterbody – badgers, roosting bats and birds, other mammals including foxes and shrews, as well as amphibians and insects.
- This habitat will be destroyed if it is built upon.
- Impact on the DAERA reserve on the shore nearby.

- The site is a biodiverse plot that has been allowed to re-wild and is a haven for wildlife in the locality.
- Impact on the species that frequent the area.
- A proposal involving earthworks, concreting etc. will have a negative impact on this area.
- The proximity of the proposed site to Praeger's field and the small crop of trees.

NED are content subject to conditions.

### **Access**

- The proposed access in the cul-de-sac will create a through road to the site.
- The access is via a right of way across an existing garden (No. 7 Seapark Terrace).

The proposed access will permit a right of way to the development which has been deemed to be acceptable under planning policy.

The developer has indicated that they are in ownership of all lands – as indicated in blue on site location plan. Agent has been asked to provide requisite P2A form and this has been submitted.

### **Parking Along Seapark Terrace**

- Parking is a problem in the area.
- The site is at the end of a cul-de-sac with no turning circle.
- Parking spaces will be lost, and the area cannot afford to lose any parking spaces.
- The proposal will also require 2 new additional spaces.
- Households have as many as 2 or 3 cars – there are a total of 14 cars in ownership of the residents at Nos. 1-7 Seapark Terrace.
- There will be no off-street parking and no space for residents to park outside their properties – each terrace house should have a designated parking space outside of their property – at present there is a 'first come, first service' parking arrangement.
- Cars will now need to be parked along Seapark Avenue.

DFI Roads have confirmed that they are content with the proposal subject to conditions. They have stated that objector comments have been noted and raised no objection.

Planning is content with parking within the site which can accommodate 2 no. vehicles and room for manoeuvring within the site so the public road will be unaffected.

### **Parking in the Area**

- In summertime, the parking problem escalates due to the influx of visitors to the nearby parkland and beach.



- Parking has become such an issue that the residents have had meetings with the Council and PSNI to try to resolve the matter.
- Car owners often park across driveways and alleyways and on corners or at junctions.

DFI Roads have raised no objection following note of objections.

### **Overall Traffic, Road Safety and Congestion**

- Turning the existing cul-de-sac into a through road to access the site will be unsafe.
- Traffic problems – residents, visitors, tradesmen must find parking spots and room to manoeuvre vehicles.
- Seapark Terrace is already congested – overspill traffic from the terrace makes its way to the avenue.
- Both the terrace and the avenue are narrow/tight due to parking on both sides - residents and visitors are often inconvenienced.
- The area is already struggling for parking at busy times particularly during the summer when visitors, walkers and dog walkers visit the area.
- Any additional cars will have a negative impact and increase congestion.
- The proposal will result in increased and unsafe levels of traffic.
- Emergency vehicles will not be able to access the properties along Seapark Terrace and Avenue.
- Impact on elderly residents going to and from their homes to their vehicles. Impact on children playing in the area, walkers and cyclists who use the coastal path.
- Extra traffic will have an impact in the area.
- Extra traffic will impact Seapark Road and the A2 which is difficult to navigate especially when turning right.

DFI Roads have not indicated that the proposed dwelling or increase in vehicle activity from it will be a road safety risk. The proposal will have space within the site for parking and manoeuvring meaning the public road.

The parking spaces that will be lost as specified are not assigned and right of way to the proposed dwelling will be necessary as it meets all planning policy requirements.

The loss of unassigned spaces is not convenient for the affected residents (approx. 2 to 3 spaces) but it is not a reason to withhold granting permission given that the proposal meets policy.

### **Built Heritage**

- Seapark has deep connections to local history and is an area of great natural beauty.
- The Croft Burn River has a unique past history.

There are no built heritage zonings in this area.

### **Impact on Seapark Terrace**

- The road to the front of Seapark Terrace is a public space.
- The area will turn from a safe place into a through road.
- The proposal will compromise residents' comfort and safety.
- Residents consider this area to be a local shared resource - children have learned to cycle here, and adults socialise in the area.
- Residents enjoy and share their community in this space.
- The proposal will make the space a private road for the proposed dwelling.
- There will no longer be the possibility of using this space for parking without blocking the proposed access to the site.
- There has been no consolation or permission given regarding the occupiers of the proposed dwelling becoming the de facto owner of the public road in front of the terraces.

Seapark Terrace is a public street and has no designations relating to community space. Within walking distance there is a large area of open space and a playpark meaning there is a safe area of high quality at which residents can continue to meet and socialise.

If approved the access road will allow a right of way to the proposed dwelling but it will remain a public street.

### **Impact on Water Body**

- Environmental impact/ecological effects on water body.
- Contamination from building works which will lead to Belfast Lough.
- A 5m buffer zone from the water body is not achievable.
- The banks of the water body often erode after periods of heavy rain.
- Building a bridge over the water body will cause damage to the banks and create an erosion problem.

These matters have been addressed in detail under section 4 above. All statutory consultees are content.

### **Services**

- Impact on the sewer pipe of No. 7 Seapark Terrace.
- The proposal will have problems connecting to the sewer system.
- The site is too small to accommodate a septic tank.

- Impact on the sewer system of the area.
- The existing sewer system struggles at present during periods of heavy rainfall causing the pipes to back up.
- Impact on gas pipes under the front garden of No. 7 Seapark Terrace.

Statutory consultees are content including NI Water and DAERA WMU.

The onus will be on the developer to ensure all services are in place.

### **Flooding**

- The water body is prone to erosion during periods of heavy rain (which will cause flooding).

DFI Rivers are content.

### **Health and Safety**

- There is no public pavement along Seapark Terrace.
- The right of way and construction works inhibit and endanger residents.
- Heavy plant and machinery will block vehicle and pedestrian access to Nos. 4, 5 and 6 Seapark Terrace.
- Danger to local pets.

These matters are not material planning matters.

### **Impact of Building Works**

- The site is lower than the adjoining plot meaning there will be an impact on existing sewage and water pipes.
- Building works will impact residential amenity - heavy plant, machinery and materials will need to be brought on site - this will disturb residents through noise and general disturbance.
- Building works will impact:
  - Pedestrian and vehicular access to existing residential properties along Seapark terrace.
  - Existing parking.
  - Wildlife and fauna.
  - Biodiversity – foxes, bats, badgers, rabbits, field mice, birds and shrews.
  - The water body on site – even with a 5m buffer it would not be impossible for heavy plant and machinery to navigate the site.
  - The structure and foundations of adjacent property No. 7 and the terraces along Seapark through subsidence (sinking).

All development works will require a period of construction works but this will only occur for a temporary period. The proposal has been assessed against planning policy and meets all policy requirements.

### **Invasive Species**

- Japanese knotweed will spread and enter the stream.

This is not within the remit of the planning authority. However, I have visited the site and did not see any evidence of an invasive species and the adjacent property has objected, but not indicated that it is on the site.

The onus will be on the developer to ensure all appropriate surveys and checks have been carried out. If it is found that knotweed is present it should be disposed of in accordance with the appropriate guidance.

### **Climate Change**

- Climate change and rising sea levels means the stream within the site will rise in levels given the proximity to Belfast Lough.

Both DFI Rivers and DAERA have made comments in relation to climate change. The proposal has been assessed against planning policy and it has been deemed to be acceptable.

## **(ii) Recommendation**

### **Grant Planning Permission**

## **(iii) Conditions**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be constructed in accordance with the details to be submitted and approved under condition 3 above, prior to the commencement of any other development hereby approved.

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

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

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

6. At reserved matters stage, the method of sewage disposal shall be submitted by the developer for approval to the Council and agreed with Northern Ireland Water, or proof of a consent to discharge presented from NIEA's Water Management Unit. The development shall be carried out in accordance with the approved details.

Reason: To ensure no adverse effects on the integrity of Belfast Lough SPA/Ramsar site.

7. At reserved matters stage, a final Construction Method Statement (CMS) shall be submitted for approval to the Council and agreed with DAERA's Water Management Unit and Natural Environment Division. All measures detailed in the Outline Construction Environmental Management Plan (DOC 01) within Appendix 3 of the Preliminary Ecological Appraisal (DOC 02) by WM Associates, bearing the date stamp 4th August 2020, and all the stream protection measures (DOC 03) listed by Ecology NI, bearing the date stamp 11 October 2019, must be included. The development shall be carried out in accordance with the details as approved.

Reason: To prevent polluting discharges entering local watercourse and ensure no adverse effects downstream on the integrity of Belfast Lough SPA/Ramsar site.

8. Prior to any development activity commencing, a final Construction & Environmental Management Plan and final Site Drainage Plan shall be submitted by the developer to Council for approval. These shall reflect and detail all the pollution prevention, mitigation and avoidance measures as outlined within the Preliminary Ecological Appraisal report (DOC 02) and the outline Construction Environment Management Plan (DOC 01). The Plans shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Council.

Reason: To prevent polluting discharges entering local watercourse and ensure no adverse effects downstream on the integrity of Belfast Lough SPA/Ramsar site.

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

Reason: Protection of environmental receptors to ensure the site is suitable for use.

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

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

12. There shall be no first-floor windows on the north-east side elevation with the exception of obscure bathroom, hall or landing windows. There shall be no first-floor windows on the section of the north-west front elevation of the dwelling as highlighted in BLUE on Drawing Number 02/A, bearing the date stamp 26th July 2022, with the exception of obscure bathroom, hall or landing windows.

Reason: To ensure resident's privacy is not adversely affected.

13. The existing trees and natural screenings of the site, as indicated in GREEN on approved drawing No.01, bearing the date stamp 11th October 2019 shall be

retained, with the exception of any tree required to be removed for access purposes, or unless removal is necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

14. If any retained tree or hedge is removed, uprooted or destroyed or dies within 5 years from the date of commencement of the development it shall be replaced within the next planting season by another tree or hedge in the same location of a species and size as specified by the Council.

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

15. Details of tree management and works to trees within the development site shall be submitted to the Council for approval at Reserved Matters stage. Details shall include a dimensioned tree protection plan and a detailed Arboricultural Method Statement. Details of all existing trees on site with a stem diameter of 100mm or greater shall be submitted to the Council concurrently with the submission of site layout drawings and shall include the following information:

- (a) Location, species, reference number, girth or stem diameter, accurately planned crown spread and an assessment of condition;
- (b) Existing ground levels at the base of trees shall be given where nearby changes in levels or excavations are proposed;
- (c) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan; and positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees shall be submitted to and agreed with the Council prior to carrying out any works on site.

Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees.

16. A detailed landscaping plan shall be submitted at reserved matters stage. The plan to be agreed in writing by the Council shall include details of the site preparation, planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting. The landscaping plan shall indicate the retention and protection of the trees adjacent to the site as well as suitable compensatory planting with native species. More information can be found at: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>. The approved landscaping scheme shall be completed during the first available planting season following the occupation of the dwelling.

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

17. At reserved matters stage, a site layout plan must be submitted which allows for the retention and protection of the Crack Willow tree, labelled as No. 3 in Map 2 of the

PEA (Doc 03) bearing the date stamp 4<sup>th</sup> August 2020, assessed to have moderate bat roost potential and other trees within the vicinity of the application noted as Compartments 7 and 8 within the PEA.

Reason: To protect bats and their refuge.

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

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

19. The layout of the proposed development shall be broadly in line with the indicative layout detailed on drawing No. 02/A, bearing the date stamp 26th July 2022.

Reason: To ensure that the development preserves the amenity and privacy of the neighbouring dwellings.

20. A new 1.8m high close boarded fence shall be erected along the boundary with No. 7 Seapark Terrace as indicated in ORANGE on Drawing No. 02/A, bearing the date stamp 26th July 2022, prior to the occupation of the dwelling hereby approved.

Reason: To protect the amenity of neighbouring properties.

21. Details of proposed parking provision within the curtilage of the dwelling shall be submitted for approval at reserved matters stage. The dwelling hereby approved shall not be occupied until the parking provision as approved has been made within the curtilage of the site and this parking provision 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.

22. The dwelling hereby permitted shall be two-storey in height and shall have a ridge height not exceeding 8m when measured from finished floor level.

Reason: To ensure that the proposal is in keeping with the character of the area.

23. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

Reason: In the interests of visual amenity.

24. The curtilage of the proposed dwelling shall be as indicated in YELLOW on the approved plan Drawing No. 01, bearing the date stamp 11th October 2019.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the open space designation.



25. No development shall proceed beyond sub-floor construction until an extension to the existing surface water network to serve the development is provided. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

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

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

27. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings shall be erected within the curtilage of the dwellinghouse hereby permitted without the grant of a separate planning permission from the Council.

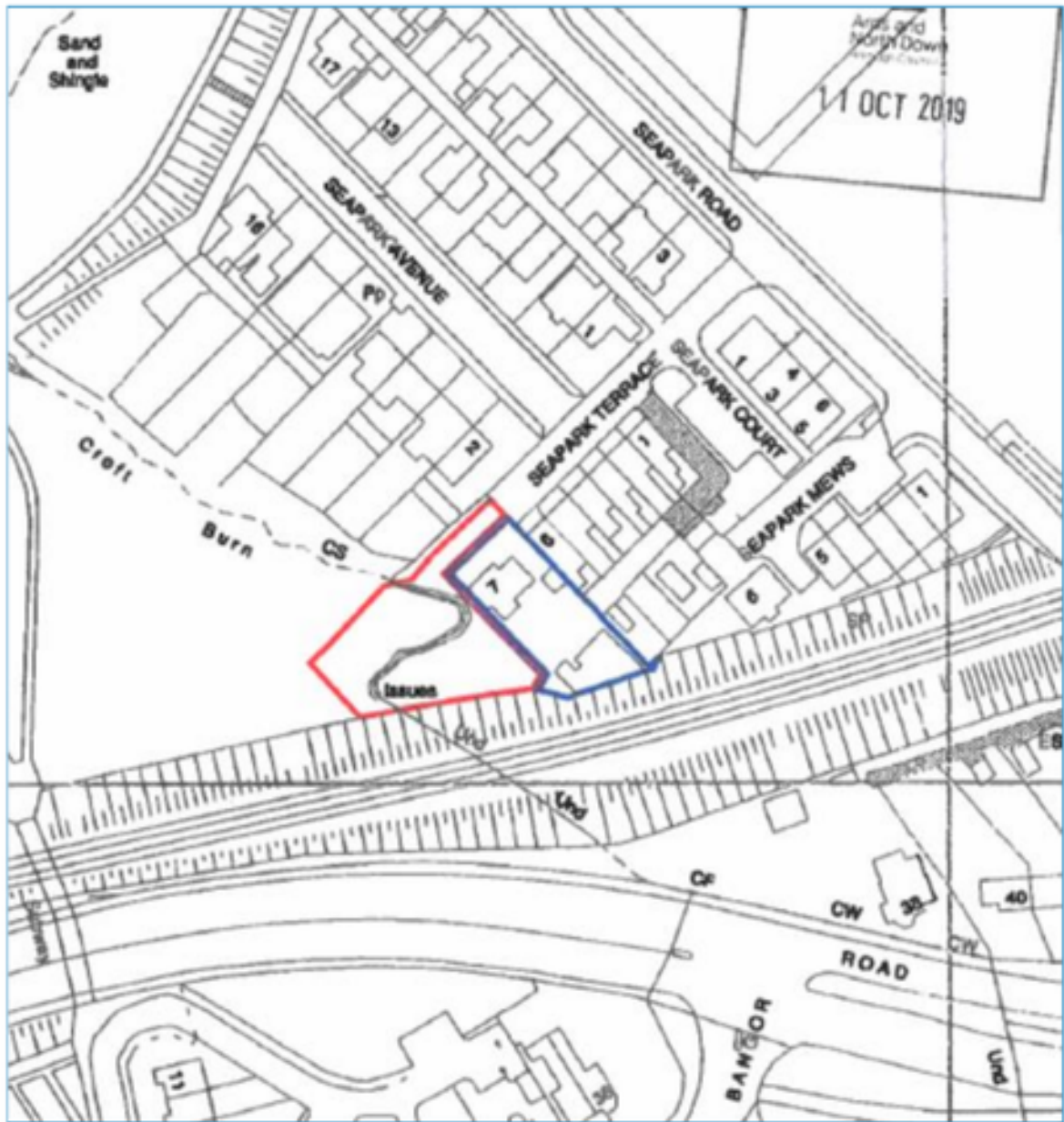
Reason: The erection of buildings within the curtilage of this dwelling requires detailed consideration to safeguard the amenities of the surrounding area.

28. At reserved matters an Invasive Species Management Plan (ISMP) must be submitted detailing measures to remove the Japanese knotweed on site. The approved ISMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved ISMP, unless otherwise agreed in writing by the Council.

Reason: To avoid the spread of a Schedule 9 invasive species.

#### **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.



Drawing Number 01 – Site Location Plan



Drawing Number 02/A – Proposed Site Layout
















## ITEM 4.4

## Ards and North Down Borough Council

Application Ref	LA06/2022/0855/F
Proposal	Electric Vehicle Charging Hub & Canopies
Location	69 Belfast Road, Holywood (Maxol Service Station) DEA: Holywood & Clandeboye
Committee Interest	An application on land in which the Council has an interest
Valid	12/09/2022
Summary	<ul style="list-style-type: none"> <li>• Site within the settlement limit of Holywood as designated in North Down and Ards Area Plan 1984-1995 and draft BMAP 2015</li> <li>• Land for the EV Hub is on a long lease from ANDBC to the applicant (Maxol)</li> <li>• Proposal represents opportunity for positive energy and climate benefits and is well-sited, being directly adjacent to existing garage</li> <li>• Paragraph 3.1 PPS18 on Renewable Energy seeks to facilitate renewable energy facilities in appropriate locations - Maxol has advised of proposal intention to be a flagship EV hub with capacity to charge 6 EV Cars at any time contributing to Maxol's investment in sustainability initiatives</li> <li>• All consultees content with some recommending conditions</li> <li>• No objections received</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.4a – Case Officer Report

<b>Development Management Case Officer Report</b>		 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2022/0855/F	<b>DEA:</b> Holywood & Clandeboye	
<b>Proposal:</b>	Electric Vehicle Charging Hub & Canopies.		
<b>Location:</b>	69 Belfast Road, Holywood (Maxol Service Station)		
<b>Applicant:</b>	Maxol Oil Ltd		
<b>Date valid:</b>	12.09.2022	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	29.09.2022	<b>Date last neighbour notified:</b>	14.09.2022
<b>Letters of Support: 0</b>		<b>Letters of Objection: 0</b>	<b>Petitions: 0</b>
<b>Consultations – synopsis of responses:</b>			
DfI Roads		No objections	
DAERA (Single combined response)		No objection subject to conditions & standing advice	
Environmental Health		No objection	
NI Water		Approval Recommended with standard conditions	
NI Electricity Networks - Belfast		No objection with guidance	
DfI Rivers		No objection with informatives	
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Energy &amp; Sustainability</li> <li>• Visual amenity</li> <li>• Parking, Access, and Road Safety</li> <li>• Drainage and Flood Risk</li> <li>• Contamination</li> </ul>			

**Recommendation: Grant Planning Permission**

**Report Agreed by Authorised Officer**

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

**1. Site and Surrounding Area**

The site is located on land at the existing Maxol Filling Station at 69 Belfast Road, Holywood. The filling station has a retail unit, forecourt with petrol pumps, canopy, totem sign and associated car parking. An open flat grassed area is to the South of the existing buildings, with trees along the western boundary. There are two exit/entrance accesses onto Belfast Road.



View towards area for EV Hub, Photo 1 (adjacent to Maxol shop extension); Photo 2 (looking north to Site) & Photo 3 (towards site on left from West)

The site is within the settlement limit of Holywood as designated in North Down and Ards Area Plan (NDAAP) 1984-1995 and draft BMAP 2015. The immediate area is predominantly residential with the A2 carriageway along the western boundary of the site. The land for the EV Hub is on a long lease from ANDBC to the applicants Maxol.

**2. Site Location Plan**



Site for EV Charging Hub & Canopies at 69 Belfast Road (Maxol Garage)

### 3. Relevant Planning History

On 30<sup>th</sup> December 2021, under reference **LA/06/2021/0097/F** planning permission was granted for extension to the existing supermarket at the Maxol Garage to include additional retail space, additional storage and welfare facilities and extension to car park.

### 4. Planning Assessment

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

- North Down & Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 15 (Revised) – Planning and Flood Risk
- Planning Policy Statement 18 - Energy

Planning Guidance:

- Parking Standards

#### Principle of Development

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

Until the new Development Plan Strategy is adopted the North Down and Ards Area Plan 1984-1995 is the statutory Development Plan for the legacy North Down area, with draft Belfast Metropolitan Area Plan remaining a material consideration. The site is within the settlement limit of Holywood. Within settlement limits in principle development is looked on favourably.

Regional planning policies of relevance are set out in the SPPS and other retained policies.

#### Strategic Planning Policy Statement & Planning Policy Statement's

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.

Planning Policy Statement 5 – Retailing and Town Centres was cancelled by the introduction of the SPPS. Paragraphs 6.267 – 6.292 of the SPPS set out the policy in relation to retailing and town centres.

The current proposals are for an Electric Vehicle Charging Hub, Canopies, and associated development. It follows on from the recent granting of planning permission on 30<sup>th</sup> December 2022, under reference **LA/06/2021/0097/F** for the extension to the existing supermarket at the Maxol Garage to include additional retail space, additional storage and welfare facilities and extension to car park. This permission has already been implemented and works for the extended car parking area were underway at the time of the site inspection. Canopies sit adjacent to and will visually connect the EV Hub to the extended retail premises and provide an additional sustainable ancillary service for existing users. Amendments exclude the totem from the current application. While the SPPS directs retail developments to the town centre as the petrol station and retail use are well established at this location and the scale of the EV Hub proposal is subordinate to the existing garage function, the principle of development is considered acceptable and to have no unacceptable adverse impact on the vitality and viability of Hollywood Town centre. As located close to Hollywood Town Centre the EV Hub may also bring new users off the by-pass and into Hollywood Centre, with positive benefits.

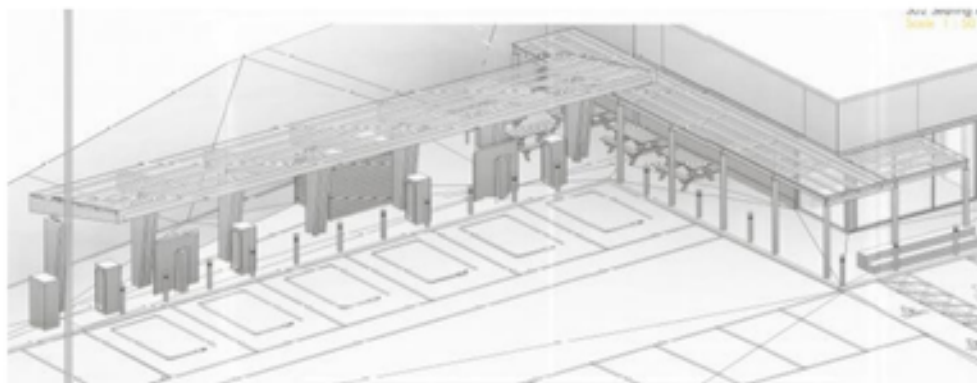
In terms of legislation and policy recent changes with The Planning (General Permitted Development) Amendment Order (Northern Ireland) 2020 include certain provisions for the installation of EV chargers, with many domestic chargers falling within the parameters of this. In respect of strategic planning policy on Renewable and Low Carbon Energy the former Minister for Infrastructure (DfI) announced her decision to review this consideration on 21 April 2021. Decarbonisation of road transport is critical to achieving green-house gas emission targets. In the meantime, paragraph 6.214 of the current SPPS states Northern Ireland has *“...a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and a significant provider of jobs and benefits across the region.”* Also, in paragraph 6.216 that *“Renewable energy reduces our dependence on imported fossil fuels ...It also helps Northern Ireland achieve its targets for reducing carbon emissions and reduces environmental damage...”*

Paragraph 3.1 PPS18 on Renewable Energy seeks to facilitate renewable energy facilities in appropriate locations. The applicant, Maxol have said the intention of this proposal is to be a flagship EV hub on the Island of Ireland with the capacity to charge 6 EV Cars at any time contributing to their investment in sustainability initiatives. This proposal represents a positive sustainable energy sector development, ideally located at an existing Service Station. In principle the EV Hub will have positive energy and climate benefits and is well-sited in accordance with this. This report will look further at detailed material considerations associated with this.

### **Visual Impact**

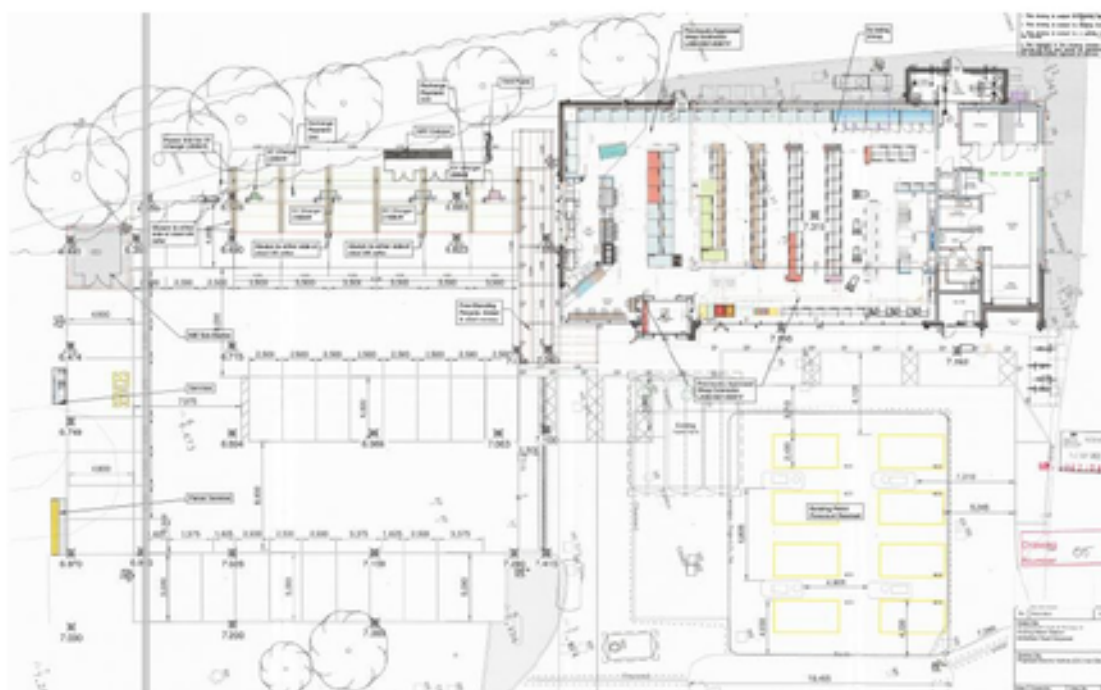
It is considered that the proposal will have no adverse impact on the visual amenity of the area. The EV Hub & Canopies will primarily be located to the side of the existing premises. The proposal is for a free-standing pergola and steel canopy adjacent to the

existing shop and a canopy over the EV Charging bays - the frames are contemporary and light comprising powder coated galvanised steel columns and beams with a top layer of Douglas Fir Rafters. The design will complement existing.



**Proposed Electric Vehicle (EV) Hub & Canopy Elevations**

Under the previous application, permission was granted for extension of the parking into an area of green space to the south of the existing site. Also, for retention of existing trees and a grassed area at the front and rear of the site will be retained and additional planting will be added to soften the visual impact and aid integration. An area of grass is to remain at the junction of Belfast Road and the A2 to provide a landscaped wedge at the entrance to Hollywood settlement to provide an attractive viewpoint. The current proposals do not affect the approved landscaping.



**Proposed Electric Vehicle (EV) Hub Site Plan – Showing approved shop extension under LA06/2021/0097/F**

As the existing retail and petrol station use is well established on the site, the extension to the building and parking area will read with the existing use and will have no adverse impact on the character of the area.

### **Residential Amenity**

The proposal will have no unacceptable adverse impacts on residential amenity. The EV Charging Hub and Canopies are located on the southern side of the existing garage buildings and away from any residential properties, on a triangle of land between the Belfast Road and the A2. The dwellings on the opposite side of Belfast Road are at a sufficient distance away from the site and separated by the road. Environmental Health was consulted and had no objections.

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

DfI Roads were consulted and have no objections to this application. In relation to car parking the recently approved application, LA06/2021/0097/F for the extension of the retail premises at the garage parking included an extension to the existing parking. The parking extension included land that ANDBC long term lease to Maxol. The applied standards were 1 space per 14 m<sup>2</sup> gross floor area (GFA) for the retail element. With a floor area of 562 m<sup>2</sup>, 40 spaces were required. The approved site layout plan under LA06/2021/0097/F indicates that 42 spaces will be provided which exceeded parking standards in Policy AMP 7.

The current proposals, the EV Charging Hub, will utilise 6 of the approved parking spaces and have the capacity to charge 6 electric vehicle cars at a time as follows:

1. One 200kW fast charger dedicated to one single parking space. By dedicating this charger to a single space, its full electrical capacity is always available to this space and will not be divided in two by being shared between two vehicles.
2. Two 150kW fast chargers, each servicing two car park spaces. These chargers will each have 2 CCS connectors.
3. One 50kW charger dedicated to a single space.

As all but one of the proposed chargers are rapid/fast facilitating a rapid turnover of vehicles at the same time providing an additional service for customers it is not considered that existing parking (which exceeded required provision) for the garage will be unduly impacted. For example, the 200kW charger will charge a car in circa 20m's and the 150kW charger in circa 35mins. Customers can use the shop in the interim. There will also be 2 outdoor payment terminals (OTP's) to service the six bays.

The proposal will use the existing accesses onto Belfast Road which is not a protected route. DfI Roads was consulted and offers no objections therefore it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

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

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of

Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required. A Biodiversity checklist was submitted which demonstrates that the proposal is not likely to impact any protected species or priority species or habitats.

DAERA commented that as the site is situated approximately 0.5km away from the marine environment, separated by several main roads (including the A2) and significant infrastructure, they are content there should be no adverse impacts on marine conservation providing standing advice is adhered to.

### **Drainage and Flood Risk**

NI Water are content there is available capacity in terms of water supply and at the wastewater treatment works. They consider that existing premises may already be connected to both the public water supply and the wastewater network and are content subject to standard conditions and refer agent to guidance notes.

DAERA Water Management Unit were consulted and considered the impacts of the proposal on the surface water environment. They are content with the proposal subject to Conditions and the applicant referring to the Explanatory Notice and Standing Advice.

DfI Rivers Planning Advisory Modelling Unit considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated September 2014. They have confirmed that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the site. The site may be affected by undesignated watercourses of which they have no record. Taking account of PPS15 they confirmed the development is not considered at risk of flooding and a Drainage Assessment is not required and are content with reference to planning informatives.

### **Contamination**

Due to the proposal being located at the Maxol Filling station there is the potential for the site to be contaminated. Environmental Health and DAERA Regulation Unit were consulted. Environmental Health had no objections. DAERA refers the applicant to standing advice in this capacity on Petrol Stations.

DAERA Regulation Unit Land and Groundwater Team commented that they had previously considered an intrusive site investigation and risk assessment provided in support of Planning Application LA06/2021/0097/F. They have no objection to this application with conditions and informatives.

## **5. Representations**

No objections have been received.



<b>6. Recommendation</b>
<b>Grant Planning Permission</b>
<b>7. Conditions</b>
<ol style="list-style-type: none"> <li>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.</li> <li>2. In the event that fuel tanks are removed or decommissioned, the development hereby permitted shall not commence until these tanks (and associated infrastructure) are fully decommissioned and removed (if applicable) in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG 27). The quality of surrounding soils and groundwater shall be verified through suitable sampling and assessment and, should any additional contamination be identified during this process, the requirements of Conditions 4 and 5 shall apply.  Reason: Protection of environmental receptors to ensure the site is suitable for use.</li> <li>3. Suitable groundwater monitoring and risk assessment shall be completed at existing boreholes prior to, during and on completion of development works at the site. Groundwater quality shall be verified in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. Should unacceptable risk to receptors be identified, the requirements of Conditions 4 and 5 shall apply.  Reason: Protection of environmental receptors to ensure the site is suitable for use.</li> <li>4. If during the development works, new contamination and risks are encountered which have not previously been identified, works shall cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCMR) Guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</li> </ol>

Reason: Protection of environmental receptors to ensure the site is suitable for Use.

5. After completing the remediation works under Condition 4 and prior to operation of the development, a verification report shall be submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

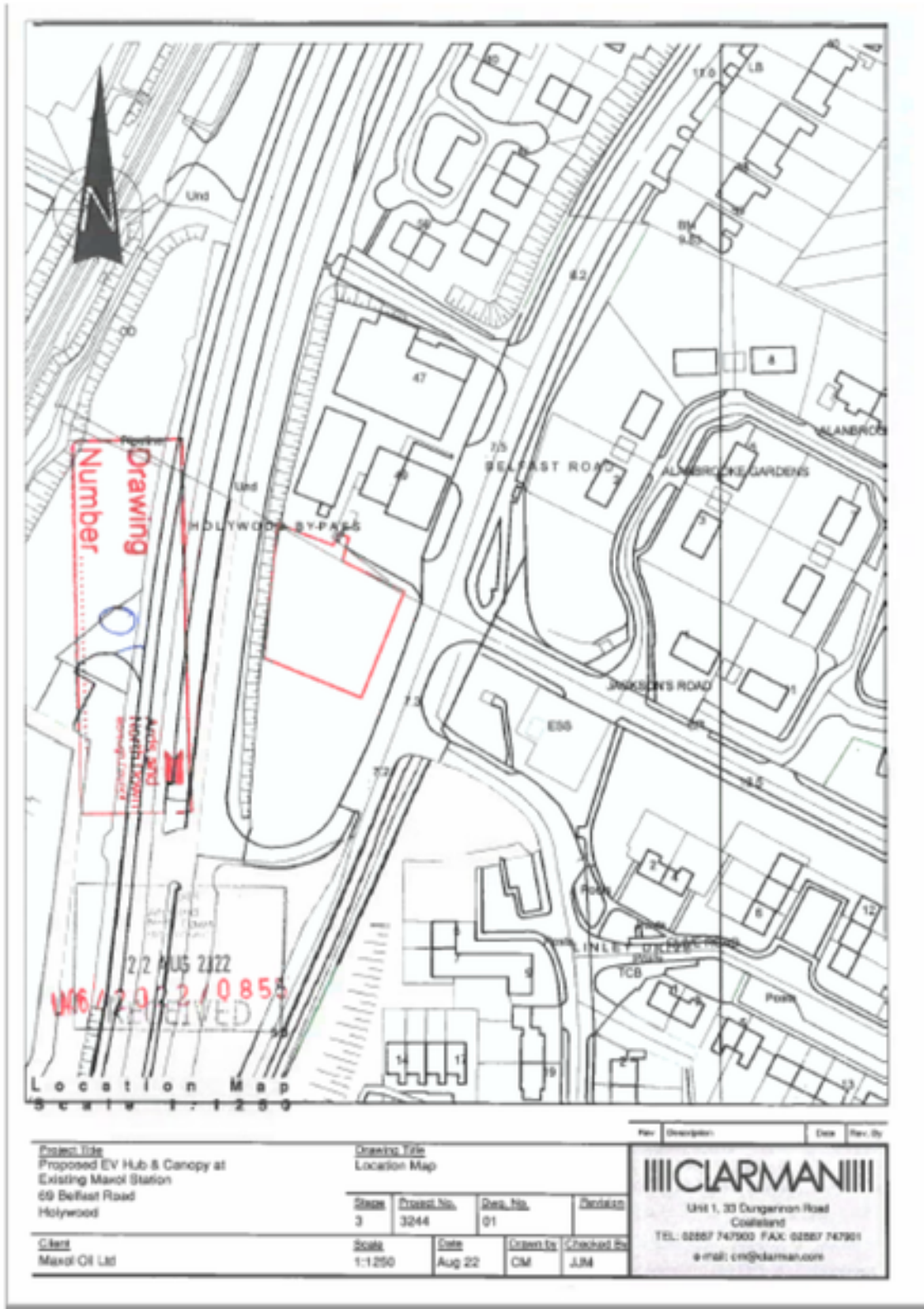
Reason: To the safe development and end use of the site.

**Informatives:**

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.
2. This approval does not preclude the need for advertisement consent for signs and adverts to be erected.

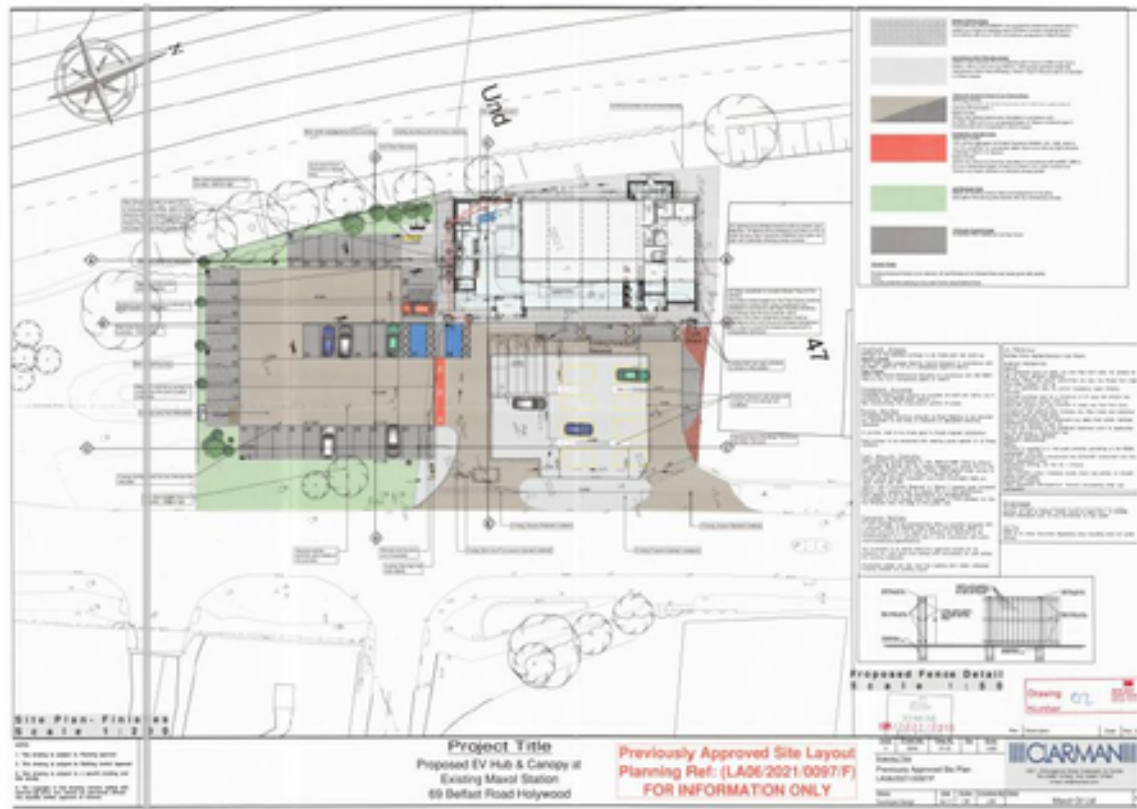
**Case Officer  
Signature:**

**Date:**



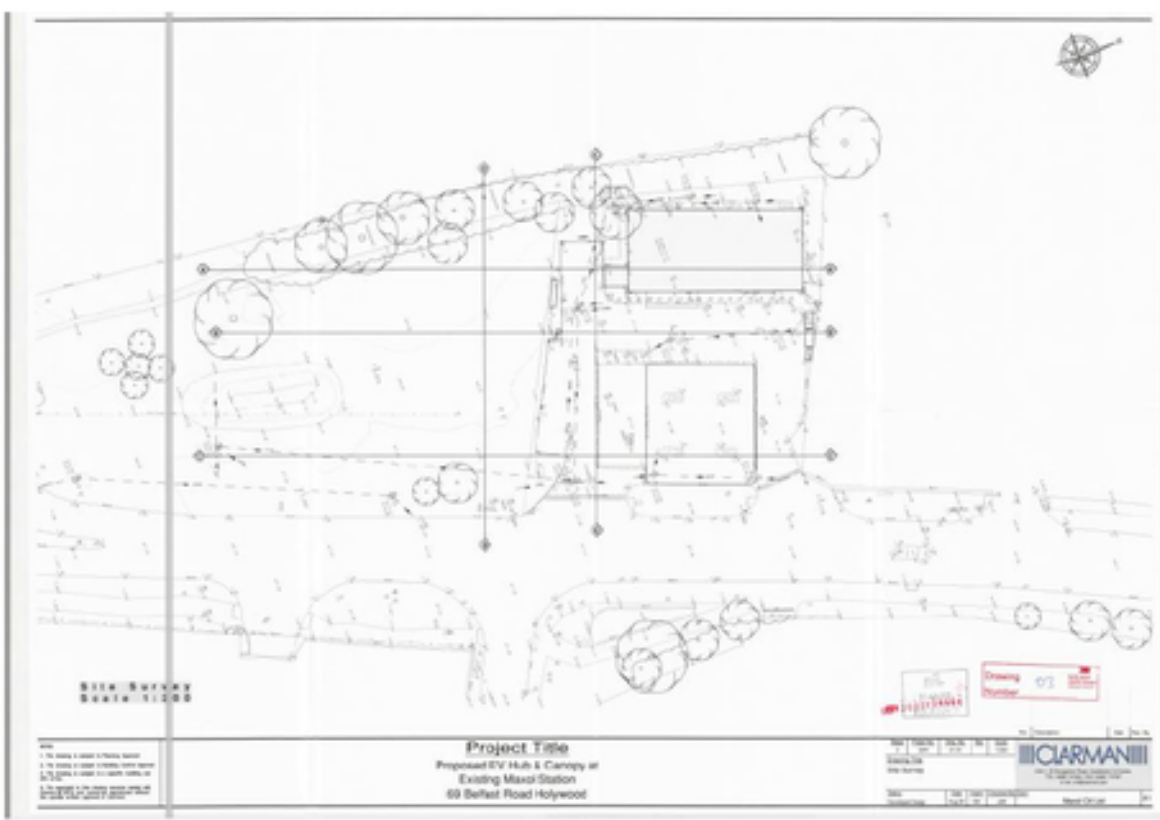
Drawing LA06/2022/0855 01: Site Location Plan (Site for EV Hub)

Proposed EV Hub & Canopies at 69 Belfast Road (At Existing Maxol Station, Holywood)



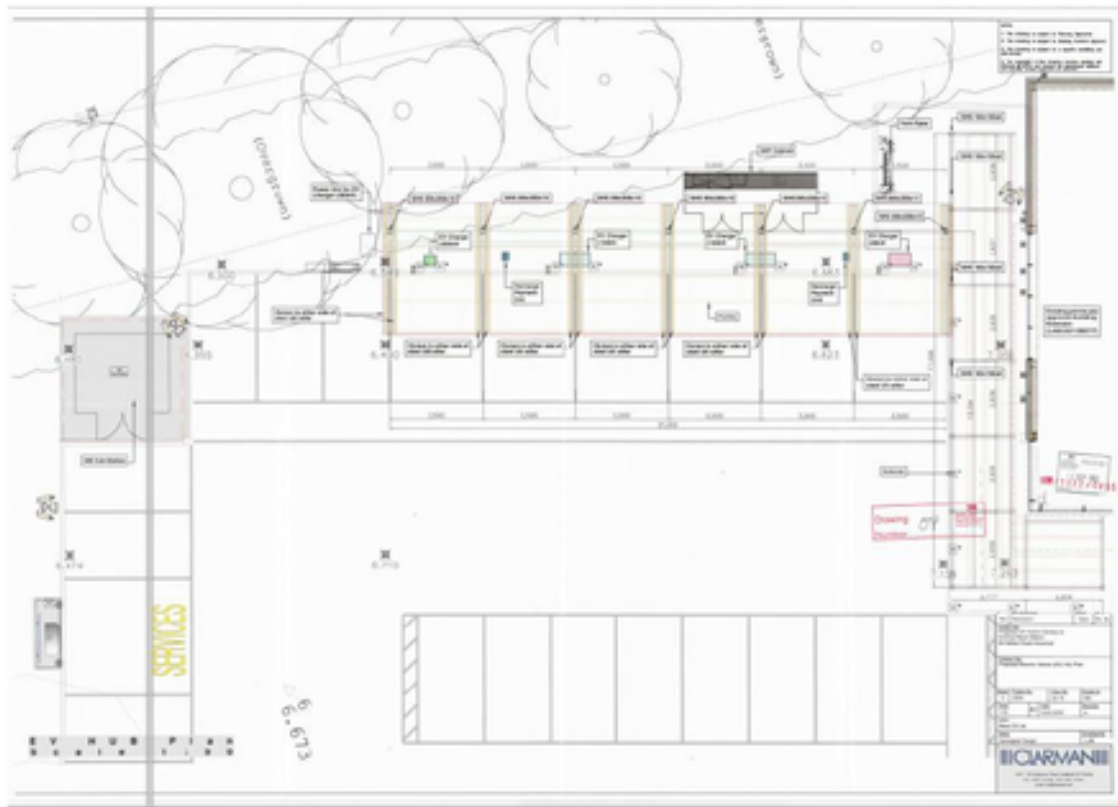
Drawing LA06/2022/0855 02: Previously Approved Site Layout under Ref: LA06/2021/0097/F (FOR INFORMATION ONLY)

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Holywood)



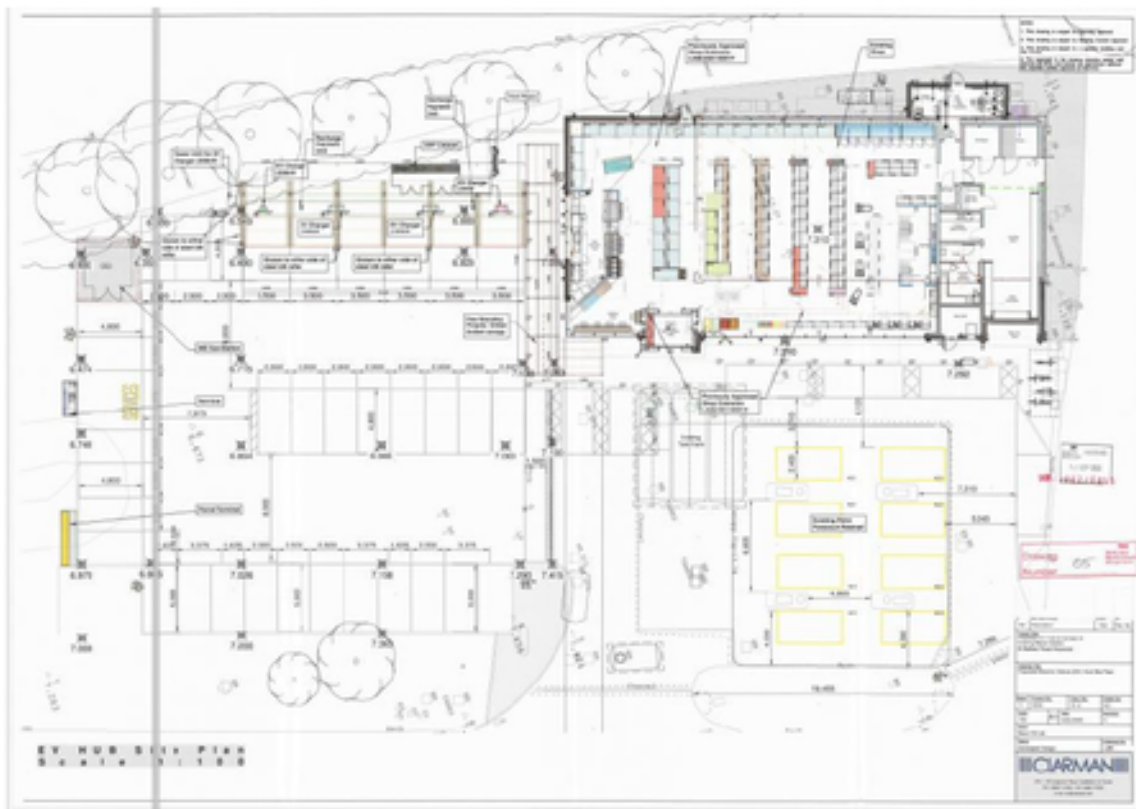
Drawing LA06/2022/0855 03: Site Survey

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Holywood)



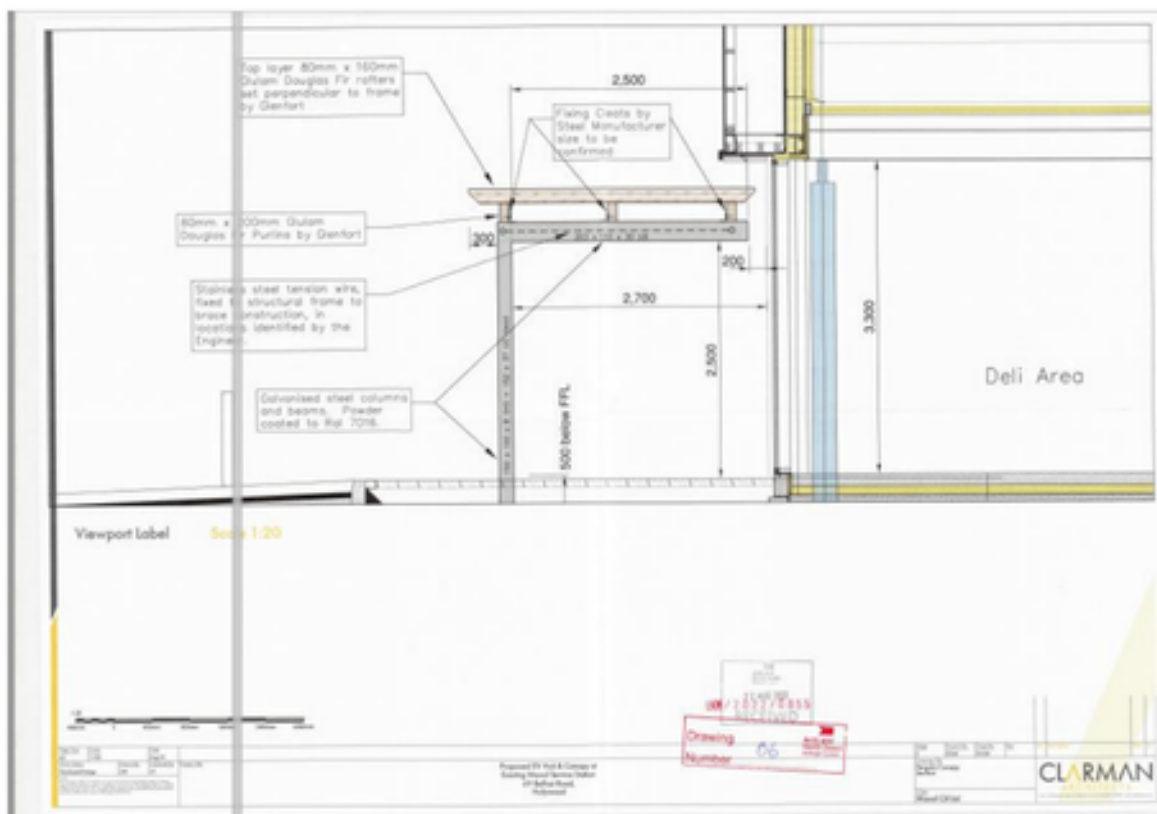
Drawing LA06/2022/0855 04: EV Hub Plan

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Hollywood)



Drawing LA06/2022/0855 05: EV Site Plan & Wider Context

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Hollywood)



Drawing LA06/2022/0855 06: Pergola Canopy Section

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Hollywood)



Drawing LA06/2022/0885 07: Proposed EV Canopy Elevations & Sections – 3D Perspective

Proposed EV Hub & Canopies at 69 Belfast Road (Existing Maxol Station, Hollywood)



**Photo 1: 69 Belfast Road (Existing Maxol Station, Hollywood) – View North**



**Photo 2: 69 Belfast Road (Existing Maxol Station, Hollywood) – View West Across Belfast Rd towards Site**



Photo 3: 69 Belfast Road (Existing Maxol Station, Holywood) – View West towards Site for EV Hub



Photo 4: 69 Belfast Road (Existing Maxol Station, Holywood) – View towards Site for EV Hub & wider Garage Context






## ITEM 4.5

## Ards and North Down Borough Council

Application Ref	LA06/2022/1000/F
Proposal	Practice nets with security fencing (max height 4.5m)
Location	Lands immediately adjacent and SE of the Bowling Green, Seapark Pavillion, Holywood DEA: Holywood & Clandeboye
Committee Interest	An application on land in which the Council has an interest
Valid	10/10/2022
Summary	<ul style="list-style-type: none"> <li>• Use already on site – this proposal will result in an improvement of facility on offer and additional safety</li> <li>• Consultee EH no objections</li> <li>• Proposal will not detract from ATC</li> <li>• No objections received</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.5a – Case Officer Report

<b>Development Management Case Officer Report</b>			 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2022/1000/F	<b>DEA:</b> Hollywood & Clandeboye		
<b>Proposal:</b>	Practice nets with security fencing (max height 4.5m)			
<b>Location:</b>	Lands immediately adjacent and SE of the Bowling Green, Seapark Pavillion, Hollywood.			
<b>Applicant:</b>	Hollywood Cricket Club			
<b>Date valid:</b>	10.10.2022	<b>EIA Screening Required:</b>	No	
<b>Date last advertised:</b>	20.10.2022	<b>Date last neighbour notified:</b>	none	
<b>Letters of Support: 0</b>		<b>Letters of Objection: 0</b>		<b>Petitions: 0</b>
<b>Consultations – synopsis of responses:</b>				
Environmental Health Department		No objections		
<b>Summary of main issues considered:</b>				
<ul style="list-style-type: none"> <li>• Scale, design and appearance;</li> <li>• Impact on privacy or amenity of neighbouring dwellings;</li> <li>• Impact on character and appearance of the area;</li> <li>• Impact on biodiversity.</li> </ul>				
<b>Recommendation: Grant Planning Permission</b>				
<b>Report Agreed by Authorised Officer</b>				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://epicpublic.planningni.gov.uk/publicaccess/">https://epicpublic.planningni.gov.uk/publicaccess/</a>				

## 1. Site and Surrounding Area

The site consists of a section of Council-owned playing fields associated with Holywood Cricket Club. The site is part of a larger park consisting of a bowling green, tennis courts and a cricket and football field. Four metre fencing defines the northern boundary which is shared with the adjacent bowling club. Mobile bowling bays/netting (for cricket) are visible on the site.

Playing fields are bound on two sides by residential properties; southeastern boundary defined by the railway; northwestern boundary is defined by a car park and informal open space giving access to the coastal footpath.

## 2. Site Location Plan



### 3. Relevant Planning History

Material to the current application is an application for a 6-10m ball stop fence around the tennis courts and cricket ground (W/2006/0872/F). Permission was granted by the then Planning Authority in 2007.

### 4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)

### Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Holywood, the site is designated as 'Existing Recreation and Open Space' and a Local Landscape Policy Area. In relation to the built environment, the site is within the Marino, Cultra and Craigavad Area of Townscape Character (ATC). There are no archaeological or architectural designations affecting the development.

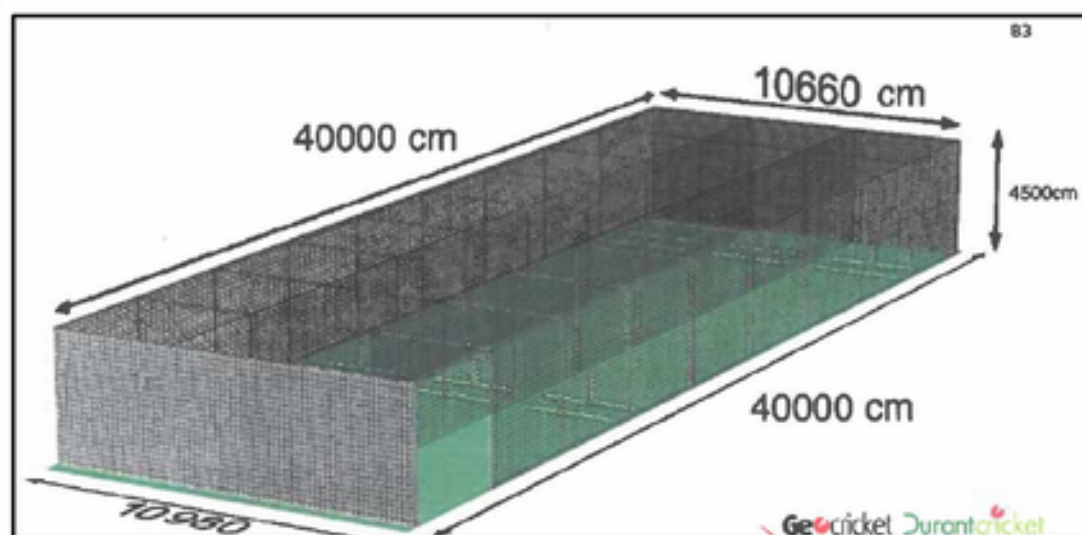
Whilst there are no material provisions in the plan in relation to this specific type of development, the area is designated for recreation, and it is therefore considered that the principle of the proposal is acceptable given the existing use on the site.



*Site located adjacent to hedge - mobile practice nets visible*

### Impact on Character of Area and ATC

The proposal will have the appearance of a fenced cage – open on one side to allow bowling into the netting. The nets will be 40m in length, approximately 11m in breadth and will have a maximum height of 4.5m. The nets will back onto the bowling green. There is at present a 4m fence separating the bowling green from the site. Similar fencing surrounds tennis courts farther to the north. Mobile nets and equipment are currently used by the club at the proposed location. The proposal will therefore be a more permanent feature to replace the current temporary training equipment.



*Elevation of proposed nets*

The playing fields are located at the southern end of 'Marino, Cultra, Craigavad ATC'. In relation to the ATC, key features include late Victorian and Edwardian villas set in large plots with views over the Lough, listed buildings and demesnes (namely Ardnalea, Cragavad House, Cultra House, Dalchoolin and Rockport'), and narrow meandering roads bounded by tall hedges and rubble stone walls. The site will have no material impact on any of the listed features referred to above. No listed buildings, or demesnes are affected by the proposal. The location, and the scale of the nets, within a much larger recreational environment will ensure there will be no material impact on the ATC. The Local Landscape Policy Area refers to the narrow coastal strip and associated panoramic views of the Lough extending from Farmhill Road in the south to the grounds of the Transport Museum in the north. It is not expected the proposal will undermine the integrity of any of these features.

### Impact on Residential Amenity

The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

The closest neighbours will be 33m to the southwest (No.33 Seapark Road). The cricket club has used the site for a number of years, and I do not consider the introduction of the proposed facility to detrimentally harm living conditions of neighbours. The nets are side on to the housing on Seapark Road and their 'open

side' will face out towards the rest of the park. Nets by their very nature should help in ensuring there are less wayward balls which may cause a risk to property. No objections were raised by Environmental Health.

### **Road safety/Parking**

The proposal does not involve a new access or alterations to an existing access and will not result in a reduction in parking. The application form indicates there be no increase in visitors. The proposal relates to the provision of better equipment rather than to an increase in capacity for additional activities.

Overall, there will be no prejudice to road users or pedestrians.

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

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 120m from nationally and internationally designated sites. No heavy construction or excavation is required for the nets. Regardless, there are no waterways close to the site and therefore no hydrological link to any designated area. There is no protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of other natural heritage interests, the proposal did not trigger a scenario which would reasonably require additional survey information.

### **5. Representations**

No representations were received.

### **6. Recommendation**

#### **Grant Planning Permission**

### **7. Conditions**

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

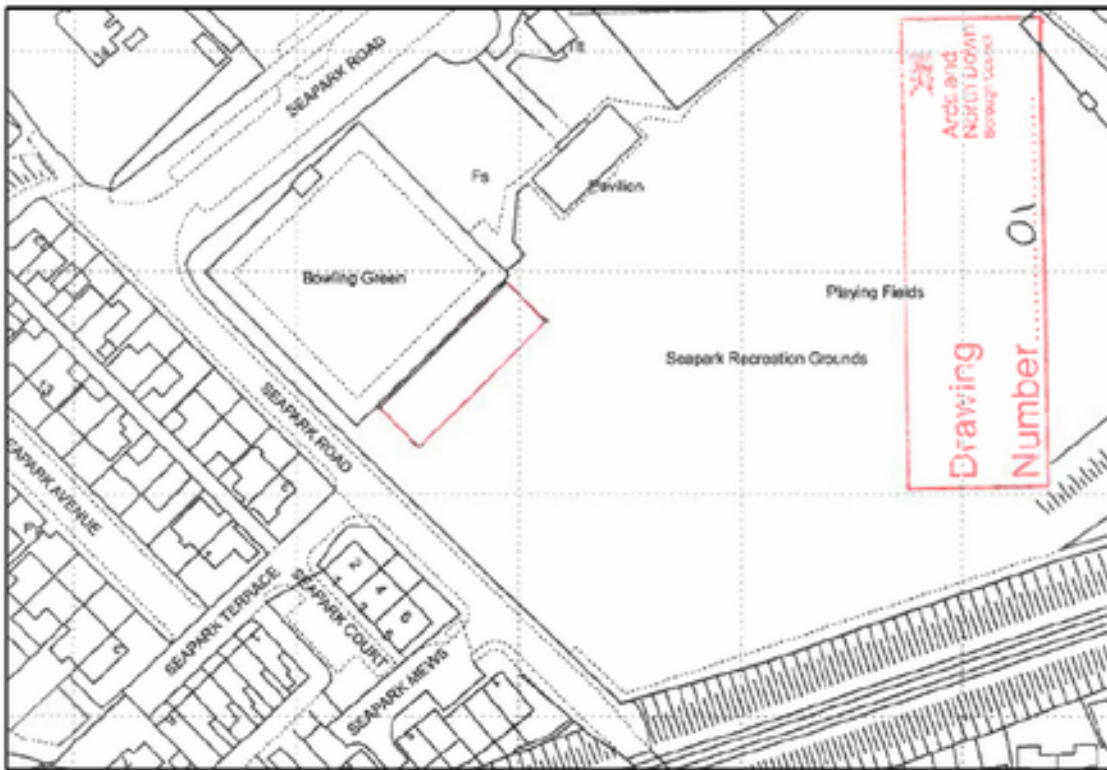
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

### **Informative**

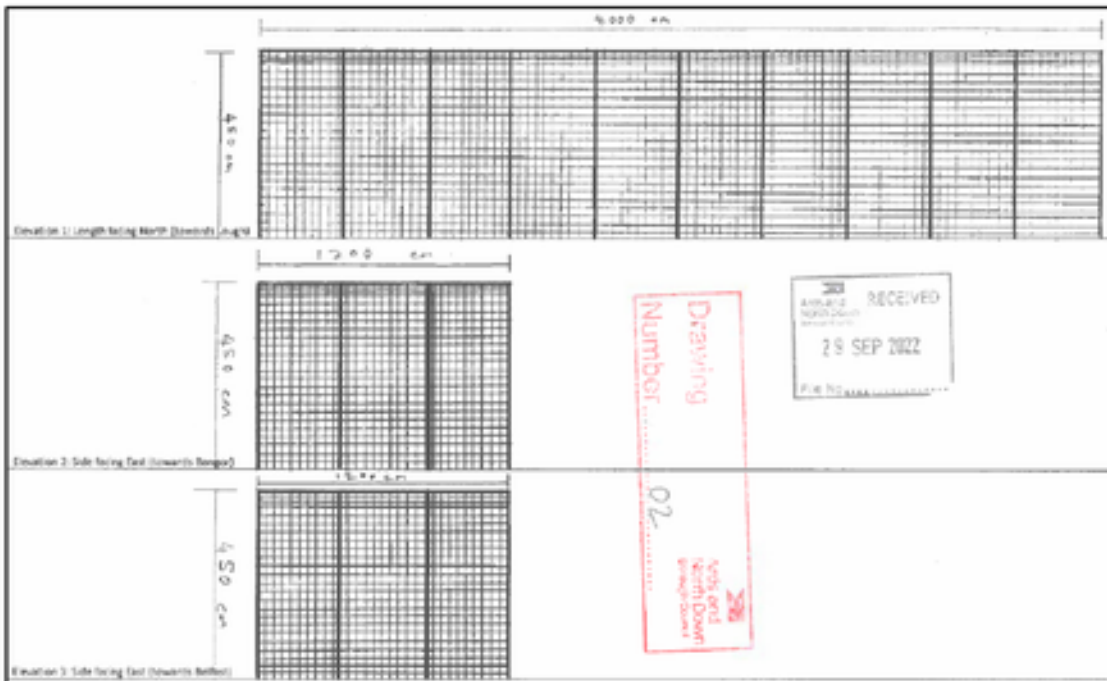
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.



Annex



Site location plan



Proposed elevations



*Proposal expected to be similar to nets in Londonderry Park, N'ards*

## ITEM 5

**Ards and North Down Borough Council**

Council/Committee	Planning Committee
Date of Meeting	06 December 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 November 2022
File Reference	Planning Committee
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Update on Planning Appeals
Attachments	N/A

**Appeal Decisions**

1. No appeal decisions have been received between the date of the last report and the date of this report.

**New Appeals Lodged**

2. The following appeal was lodged on 17 October 2022.

PAC Ref	2022/A0123
Application ref	LA06/2021/1451/F
Appellant	John Furney
Subject of Appeal	Attic conversion to incorporate new dormer window
Location	82 Ward Avenue, Bangor

3. The following appeal was lodged on 20 October 2022.

PAC Ref	2022/A0127
Application ref	LA06/2022/0078/O
Appellant	Adam Clint
Subject of Appeal	1No. dwelling with detached garage using existing site entrance
Location	Site 30m SW of 9a Quarter Road, Cloughey

4. The following appeal was lodged on 16 November 2022.

PAC Ref	2022/A0145
Application ref	LA06/2019/1007/F
Appellant	NI Water
Subject of Appeal	Fence and gate surrounding an existing pumping station (Retrospective)
Location	Seacourt WwPS, Lands 20m North of 1 Seacourt Lane, Bangor

#### Withdrawn appeals

5. The following appeal against service of an Enforcement Notice was withdrawn on 03 November 2022

PAC Ref	2021/E0045
Application ref	LA06/2017/0374/CA
Appellant	Glen Baxter
Subject of Appeal	Alleged unauthorised construction of earth bund adjacent to front boundary along Gransha Road
Location	431a Gransha Road, Bangor

6. The following appeal was withdrawn on 21 November 2022.

PAC Ref	2022/A0080
Application ref	LA06/2019/0518/O
Appellant	David Bryce
Subject of Appeal	Off-site replacement dwelling and garage (Existing building to be retained for ancillary use to the main house)
Location	25m North of 22 Lisbane Road, Comber

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

#### RECOMMENDATION

It is recommended that Council notes this report.

Unclassified

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**ITEM 6****Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	06 December 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	15 November 2022
File Reference	
Legislation	The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Status of Tree Preservation Orders
Attachments	

Further to the Notice of Motion debated by Planning Committee at its meeting of 06 September 2022 (Item 10), it was agreed that officers would bring a quarterly report setting out detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees.

The table overleaf sets out the figures from April 2022 to date.

**RECOMMENDATION**

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

Unclassified

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**Table 1 Tree Preservation Orders served**

<b>TPO (Full or Provisional)</b>	<b>Date Served</b>	<b>Address</b>
Provisional confirmed with modifications	pTPO 01/03/2022  Confirmed 26/08/2022	Lands at 1 Maxwell Drive, Bangor

**Table 2 Consent for Works Decisions**

<b>TPO or Conservation Area</b>	<b>Consent Granted / Notification Accepted*</b>	<b>Consent Refused</b>
Tree Preservation Orders	6	0
Conservation Area	1	0

\* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works