

## ARDS AND NORTH DOWN BOROUGH COUNCIL

3 May 2022

Dear Sir/Madam

You are hereby invited to attend a virtual meeting of the Planning Committee of the Ards and North Down Borough Council which will be held via Zoom on **Thursday 19<sup>th</sup> May 2022**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid  
Chief Executive  
Ards and North Down Borough Council

### A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee meeting of 05 April 2022  
(Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2021/1136/O	Dwelling and garage on an infill site  Lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry
4.2	LA06/2022/0130/O	Dwelling (Renewal of LA06/2018/0938/O)  Lands immediately South of 84 Crawfordsburn Road, Bangor
4.3	LA06/2022/0118/LBC	Emergency repairs to the south pediment, comprising stone repairs, re-rendering of the tympanum and installation of lead weathering details  Ards Arts Centre, Town Hall Newtownards

5. Update on Planning Appeals (Report attached)

6. Update on Notice of Motion on Revision of Mineral Planning Permissions (ROMPS) (Report attached)

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

Alderman Gibson	Councillor Cooper
Alderman Keery	Councillor McAlpine
Alderman McDowell	Councillor McClean
Alderman McIlveen	Councillor McKee (Vice Chair)
Councillor Adair	Councillor McRandal
Councillor Brooks	Councillor P Smith
Councillor Cathcart (Chair)	Councillor Thompson
Councillor Kennedy	Councillor Walker

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Tuesday, 5 April 2022 at 7.00 pm via Zoom.

### PRESENT:

**In the Chair:** Councillor Cathcart

**Aldermen:** Gibson Mcllveen (7.02 pm)  
Keery

**Councillors:** Adair McClean  
Brooks McRandal  
Cooper (7.27 pm) Thompson  
Kennedy (7.32 pm) Walker

**Officers:** Director of Regeneration, Development and Planning (S McCullough), Principal Planning and Technical Officer (G Kerr), Senior Professional and Technical Officers (A Todd, C Rodgers, P Kerr) and Democratic Services Officers (M McElveen and J Glasgow)

### **1. APOLOGIES**

Apologies for inability to attend were received from Alderman McDowell, Councillor McAlpine, Councillor McKee and the Head of Planning.

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

The Chairman sought Declarations of Interest at this stage.

Councillor Adair declared an interest in Item 4.9 - LA06/2021/0353/F - Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie.

**NOTED.**

(Alderman Mcllveen entered the meeting – 7.02 pm)

### **3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 1 MARCH 2022**

PREVIOUSLY CIRCULATED:- Copy of the above.

**AGREED TO RECOMMEND, on the proposal of Alderman Keery, seconded by Alderman Gibson, that the minutes be noted.**

#### 4. PLANNING APPLICATIONS

To accommodate the speakers in attendance, the Chairman advised that the applications would be taken in a slightly different running order.

##### 4.1 LA06/2020/0714/O - Land between 45 Ballyhay Road and 11 New Line Road, Donaghadee - Erection of 2 No. detached dwellings and garages with associated site works (Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Ards Peninsula

**Committee Interest:** A Local development application 'called-in' to Planning Committee from the delegated list w/c 07 March by a member of that Committee- Called in by Councillor Adair: *"I wish to call in the above application to give the committee the opportunity to consider loss of amenity of existing properties and lack of infrastructure in the area to accommodate further developments"*

**Proposal:** Erection of 2 No. detached dwellings and garages with associated site works

**Site Location:** Land between 45 Ballyhay Road and 11 New Line Road, Donaghadee

**Recommendation:** Approval

The Principal Planning and Technical Officer (G Kerr) outlined the detail of the application. She firstly noted that as this was an outline application it was the principle of development which was being considered with further details to be submitted with any reserved matters application. None of the statutory consultees had any objection to the proposal. There were 5 letters of objection from 3 addresses received in relation to the application which had been addressed in the case officer report.

The Officer detailed that the site was located in the countryside. There were no designations on the land. The area was characterised by agricultural land with dispersed dwellings and agricultural buildings. In the immediate area there were several dwellings and farm buildings at the junction of New Line and Ballyhay Road.

The site was part of grassed fields with a gravel area adjacent to an outbuilding. The site sloped slightly downwards from the roadside towards the rear of the site. There was hedging along the roadside boundary and timber fencing along part of the rear boundary. There were trees along the adjoining boundary with No. 11 New Line and the south-eastern boundary adjacent to the outbuilding was undefined.

It was considered that there was a substantial and continuously built-up frontage in accordance with Policy CTY 8 as there was a row of three buildings along New Line.

The site lay between a dwelling and outbuildings and a shed. At this location there was a line of three or more buildings along New Line – travelling north-west along New Line at the junction with Ballyhay Road there was a dwelling at No. 45 Ballyhay Road, an agricultural shed then the gap site and a dwelling with outbuildings beyond



at No. 11 New Line. The dwelling at No. 45 Ballyhay Road was considered to have frontage onto New Line as the plot on which it sat abuts the road along New Line. To provide some context, the Officer took Members through pictures of the site. Although an outline application, an indicative layout of the proposal was submitted. This demonstrated satisfactorily how two dwellings could be accommodated on the site which respected the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposed dwellings would be sited to front the road and although built slightly in front of the adjacent dwelling at No. 11 New Line, there was no established building line along the frontage and the agricultural shed and dwelling at No. 45 Ballyhay Road were built closer to the road. The rear boundary of the site would tie in with the rear boundary line of No. 11 New Line and No. 45 Ballyhay Road to ensure the proposed dwellings would have similar plot sizes.

As the application was for outline permission, full details of the height and design of the proposed dwellings had not been included. However, an indicative site section drawing had been provided which demonstrated the dwellings would have a maximum height of 6m above finished floor level. This height would be conditioned in any approval.

The adjacent dwelling at No. 11 New Line was single storey and the dwelling at No. 45 Ballyhay Road was 1 and a half storeys therefore the proposed height would tie in with the character along the frontage and aid integration of the proposed dwellings.

New hedging was to be planted behind the visibility splays. A landscaping plan would be conditioned to be submitted at the reserved matters stage and a condition added that all new boundaries shall be post and wire fencing with native species hedgerow planted on the inside to aid integration and soften any visual impact of the dwelling.

In finishing, the Officer stated that the recommendation was to grant outline planning permission.

The Chairman invited questions from Members.

As there were no questions at that stage, the Chairman invited Mr Patrick O'Reilly (Agent) to address the Committee, speaking in support of the application.

Firstly, Mr O'Reilly confirmed that on behalf of the applicant he fully supported and was happy with the approval recommendation. The proposed development was a development opportunity under the Policy CTY8 of PPS21 and he endorsed the comments of the Case Officer's report. In respect of the flood risk, a flood risk assessment had been undertaken which fully engaged and dealt with any issues. The site would be designed in keeping with the area and the access would be safe. In terms of the objections, he was unsure as to where those had come from however he noted there may be some neighbouring properties that were not happy that development was occurring beside their property. The site was an infill opportunity, the dwellings would be built at low elevation and would not interfere with the area.

As there were no questions for Mr O'Reilly he was returned to the public gallery.

The Chairman asked if there were any questions for the Planning Officer.

Councillor Walker wished to make a couple of observations. He wondered why the application had been referred to the Committee if there were no questions to be asked. He appreciated the area was a gap site under the current policy however expressed concerns regarding what could be identified as a gap site and the future abuse of the countryside. He felt that was a matter which the Committee should look at in the future.

Councillor Adair concurred with Councillor Walker and expressed concern regarding the application. He welcomed the conditions that had been placed on the application however he was worried that such an application could set a precedent for the abuse of the countryside. The area was a very rural area, the road was narrow and he would be concerned regarding the impact such a development would have on the infrastructure in the area. Councillor Adair questioned if the current outline application could lead to an application for a larger development coming forward in the future.

The Planning Officer noted that there were instances in the countryside that a planning agent would look at and see as an opportunity for an infill development. Such instances needed to be assessed under CTY8. She had carried out a site visit and was in total agreement with the Case Officer that the site was an infill site which fulfilled policy required under CTY8. The gap could accommodate the maximum of two dwellings and therefore could not encourage further development of that site. Any other application that was submitted for that area would have to be assessed under the relevant policy.

Councillor Adair was reassured that two dwellings would be the maximum that could be seen for that site. If an application was brought forward further down the lane that would be considered as ribbon development and that would be discouraged.

**RESOLVED, on the proposal of Alderman Keery, seconded by Councillor Thompson, that the recommendation be adopted and that Planning Permission be granted.**

Councillor Adair wished to be recorded as against.

**4.2 LA06/2020/0464/F - Lands at 101 Quarry Heights, Newtownards - Demolition of existing industrial buildings and replacement with 23 unit Social Housing development comprising 10no. 2 bedroom townhouses, 11no. 2 bedroom apartments (including 3 wheelchair needs GF apartments) and 2no. 1 bedroom apartments, associated access, parking and landscaping**

**DEA:** Newtownards

**Committee Interest:** A Local development application 'called-in' to Planning Committee from the delegated list w/c 14 March by a member of that Committee- Called in by Alderman McDowell: *"I wish to call in Planning Application LA06/2020/0464/F land at 101 Quarry Heights Newtownards on the grounds of*

*Traffic Safety and the site is situated in former Industrial Lands in a major Industrial Estate in Newtownards"*

**Proposal:** Demolition of existing industrial buildings and replacement with 23 unit Social Housing development comprising 10no. 2 bedroom townhouses, 11no. 2 bedroom apartments (including 3 wheelchair needs GF apartments) and 2no. 1 bedroom apartments, associated access, parking and landscaping

**Site Location:** Lands at 101 Quarry Heights, Newtownards

**Recommendation:** Approval

The item had been withdrawn in advance of the meeting.

**NOTED.**

- 4.3** **LA06/2019/1007/F - Seacourt WWPS, Lands 20m North of 1 Seacourt Lane, Bangor - Retention of a fence and gate surrounding an existing pumping station (Retrospective)**  
(Appendices II, III, IV)

PREVIOUSLY CIRCULATED:- Case Officer's Report and two addendums.

**DEA:** Bangor Central

**Committee Interest:** A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation

**Proposal:** Retention of a fence and gate surrounding an existing pumping station (Retrospective)

**Site Location:** Seacourt WWPS, Lands 20m North of 1 Seacourt Lane, Bangor

**Recommendation:** Approval

The Senior Professional and Technical Officer (P Kerr) outlined the detail of the application. She recalled that the application was presented at Committee last September to allow NIW time to explore amendments/alternatives to the proposal. There were 65 objections from 55 addresses, 6 of those were received after the more recent amendments were re-advertised and re-neighbour notified, those raised no new issues and were largely concerning visual impact.

The Officer advised that she had engaged with NIW on numerous occasions after September Committee and they were fully aware of the expectation on them. The changes submitted involved small 10 and 20 cm reductions to parts of the fence that top the wall and also a significant reduction of 1.2m at the gates and fence that was erected from the ground. This left the fence at approximately 1.8m around the whole site.

The site lay within the settlement limit of Bangor within the extant plan and Draft BMAP. It lay within an area of recreation and open space and an LLPA. The site was located within close proximity to Outer Ards Ramsar site and SPA, Coastal Policy Area, Outer Ards Area of Special Scientific Interest, and an area of constraint on mineral development. There were no new policy considerations raised by the amendments and the main policy considerations that applied were SPPS, PPS2, PPS8 as well as ENV3 in Draft BMAP relating to LLPAs.

Due to the sensitive nature of the proposal NIEA and SES were both consulted and had no objections to the proposal.

The Officer highlighted to Members that the basis for discussion this evening was to be focused around the content of the addendum that was uploaded on 23<sup>rd</sup> March 2022. As outlined in the addendum there were inaccuracies in the initial drawings and the fence on site was not reflected accurately in the drawings. There was no further intended increase in the fence but rather a correction of inaccurate drawings submitted by the applicant.

With regard to investigation into the possibility of using land not within NIW ownership, that was looked into and the statutory body decided not to pursue this avenue as that was dependant on whether or not they felt that planting of some description would be effective. Under planning legislation, Planning had to assess the application before them.

With regard to the aforementioned planting and additional screening through shrubs and trees, NIW decided not to pursue this due to the potential of it looking more visually obtrusive with views becoming entirely restricted when the vegetation was at maturity as well as the impact that the vegetation had with regard to attracting rodents and vermin to their site. That said, although the reduction in the fence may not have gone far enough to allay third party concerns, planning was content that the health and safety impact still outweighed the visual impacts which, due to the amended plans would be somewhat less than before. The concern for potential injury at the site was an important consideration.

The Case Officer recommendation for this application remained approval.

The Chairman invited questions from Members.

Councillor McClean asked the Officer to summarise the changes made since the application was last heard. The Planning Officer explained that there had been minimal reductions of 10 cm and 20 cm on the fence that topped the wall. The increased more significant reduction had occurred at the fence and gate from the ground which was reduced to 1.8m, that was located on the coastal side rather than the path side.

Councillor McClean referred to the 'translucent finish' that was detailed and questioned that aspect in relation to the visual impact. The Planning Officer clarified that meant the mesh finish rather than Perspex.

Councillor McRandal sought clarity that the sole change being made was in relation to the height of the fence and that the type of fencing and colouring had not changed. The Planning Officer confirmed that the only change was the height of the fencing.

The Chairman invited Councillor Gilmour to address the Committee who was speaking against the application.

(Councillor Cooper entered the meeting – 7.27 pm)

Councillor Gilmour highlighted that it had been three years since the fence was erected, without planning permission, and it was now the third meeting of the Planning Committee discussing the application. She believed the issues to be fairly clear and fairly stark, there were planning issues and there were judgement issues. The relevant Planning consideration was PPS6 which stated that permission should not be given for development that would damage the environmental quality of an LLPA. Councillor Gilmour felt the first judgement call was whether the fencing was detrimental to the local amenity. The Committee had already considered that matter and had reached a view in principle. The Committee's view was that the fencing was visually unacceptable, and they resolved that they were minded to refuse the application. That judgement was shared by everyone of the 60 people, including Councillors and MLAs, who commented on the application. Even NI Water agreed that there was a definite visual impact. Councillor Gilmour stated that she disagreed with the planning reports interpretation of 'minimal' visual impact. She viewed the fencing as a big ugly eyesore along the beautiful coastline which was totally unacceptable. She advised that many residents had been in contact with her saying they considered it a bizarre judgement on the part of the planning report when it suggested that the visual impact was "minimal" and she found it fortunate that it was the Committee's view that was decisive, not any officials.

Councillor Gilmour recalled at the September meeting the Committee deferred a final decision, in order "to allow NI Water to consider other options and to engage with local landowners" – which referred mainly to the Council, who own all the adjoining land and she questioned what had occurred in the last 7 months. She advised that she recently contacted the Council's Lands Officer to confirm if any contact had been made from NI Water in relation to Seacourt WWPs and the response was clear that no contact had been made. There were now amended plans, which proposed a minor reduction in the height of one part of the existing fence and she felt that for all intents and purposes, that was to keep what was already there. The amendments did not in any way change the visual impact of the fencing.

Councillor Gilmour expressed frustration that no action had been taken by NI Water, they had not engaged in any meaningful dialogue with the Council and they had no proposals for use of adjoining land. NI Water had not been willing to discuss their plans, and the reasons for them, with members of the local community. She was of the understanding that an MLA had asked for a meeting with NI Water on this subject, and they had declined. NI Water had not commissioned any architectural or engineering study, as this Committee had asked them to do or consider any alternative approaches to the problems. All NI Water had done was to see whether they might tweak the existing fencing in some minor degree. Councillor Gilmour described the approach from NI Water as tunnel vision, it was a fence or nothing. She did not see any evidence of an attempt to address the very legitimate concerns of the local community and the Planning Committee. Seven months on, the Planning Committee were being asked to endorse essentially the same proposal that the Committee were minded to reject in the first instance and she hoped the Committee would not provide that endorsement. Councillor Gilmour stated that the Coastal Path was an asset for the whole of Bangor and it should not be allowed to be spoiled.

In finishing, Councillor Gilmour stated that by installing the fence without planning permission NI Water had shown contempt to this Committee and the people of



Bangor. Their lack of engagement had further demonstrated their disrespect for the views of the Planning Committee and the local community. The issue of the height and kiosk was one which created by NI Water and was not a matter which the Council was in anyway to blame. A number of years ago, NI Water had reconfigured the site to create the kiosk again without planning permission. Councillor Gilmour felt that if NI Water were minded to they could change the configuration of the fence to something much more acceptable. Councillor Gilmour urged the Committee to vote against the application.

Members had no questions for Councillor Gilmour and she was returned to the public gallery. Following which the Chairman invited further questions from Members for the Planning Officer.

Councillor McClean noted that there had been scarcely any change to the proposal which the Committee had considered to be detrimental to the visual amenity of the area and did not address the concerns.

(Councillor Kennedy entered the meeting – 7.32 pm)

He appreciated NI Water had every right to be concerned about mitigating any risks on their land and ensure public safety however he did not feel the Council should refuse the application over those concerns until the Committee further looked at its own considerations with proper scrutiny. If Council was to adopt the same approach most of the coastal path would need to be fenced off. Consideration had not been given to the harm to the visual amenity and he could not add his support to the proposal.

As there were no further questions, the Chairman steered Members towards a proposal.

Proposed by Councillor McClean that the recommendation is not accepted and that planning permission is refused.

The Director reminded the Member that a planning reason was required for a refusal.

Councillor McClean stated that the fundamental planning reason for his proposal was the harm to the visual amenity of the area under PPS6.

The proposal did not receive a seconder.

Councillor Walker shared the concerns and agreed the proposal was unacceptable. The difficulty was that if planning permission was refused and NI Water had to remove the fence that put the Council in jeopardy. He would not be content if the fence was to remain for the foreseeable and expressed concern that NI Water had not engaged with the Council with an alternative. Councillor Walker was unsure how the Council could proceed and asked for guidance in that regard.

The Principal Planning and Technical Officer (G Kerr) stated several matters needed to be born in mind. She recognised that the Committee had been frustrated with NI Water's approach to the matter and process. However, Members needed to be mindful that it was the structure that the Committee needed to vote on. Also, in



respect of the proposal, PPS6 was not a relevant policy in this instance as that policy dealt with planning archeologically and built heritage. Therefore, if Members were minded to refuse that would need to be done under a different policy.

The Chairman outlined the options for deferment.

Alderman McIlveen wondered if it would be useful to have a site meeting with the applicants and was minded to make a proposal in that regard.

The Director stated that the Committee could ask for a site visit however within the planning protocol it outlined that neither the applicant, agent, objectors/supporters or any other member of the public would be permitted to address the Committee as part of that site visit. Therefore, a site meeting could not occur with NI Water. The Director outlined options that were available to the Committee.

Given those circumstances, Alderman McIlveen was unsure if site meeting would be useful.

The Principal Planning and Technical Officer highlighted that the protocol did state that site visits should only be held in exceptional circumstances where the expected benefit would be substantial. The site was well known and the application had now been to Committee three times with considerable debate having already been held. If the Committee were minded to refuse the application, paragraph 62 of the protocol stated that it was her duty to advise that the Planning Committee and Members tabling motions to overturn recommendations of the Planning Department should be mindful of the ability to seek costs on appeal to the Planning Appeals Commission or potential costs liability that may arise through any legal challenge brought against such a contrary decision.

Councillor McRandal agreed with Councillor McClean in respect of the risk exposure along the coastal path and that the fence was an eyesore. He expressed concern in respect of the risk exposure if the application was to be refused and made a proposal that legal advice was sought. He questioned if Council refused the application and NI Water had the fence in place to mitigate the risk exposure how Council's public liability insurance was affected and was there any exposure for individual Members of the Committee.

To her knowledge, the Principal Planning and Technical Officer advised that there had been no legal advice sought to date as to public liability or health and safety obligations. NI Water had erected the fence in the first instance as they were receiving complaints in respect of potential accidents around the site. If the application was refused an enforcement case would be opened again for removal of the fence and NI Water could appeal the refusal.

The Director stated that if the Committee were minded to refuse they needed to be clear as to the Planning reasons why. In terms of the liability issue, that was a separate issue from planning policy she noted the Council could enlist the advice from the legal team.

Proposed by Councillor McRandal, seconded by Councillor McClean, that the application be deferred to seek legal advice.

Councillor McClean felt there was unanimity that the fence was an unacceptable development. The legal and liability issues were an important aspect and he agreed that they should be explored.

In the interest of expediency and moving the application forward, the Principal Planning and Technical Officer suggested that when the application came back to Committee a clear reason for refusal would be provided. In terms of the proposal on the floor she questioned if the application was going to be refused on visual grounds.

The Chairman was of the understanding that the proposal was solely for deferment based on legal reasons and sought clarity from the proposer in that regard.

Councillor McRandal stated that the issue with the proposal was the visual amenity and he was unsure what policy would be valid in relation to that.

The Principal Planning and Technical Officer highlighted that a refusal reason was required and reference could possibly be made to visual amenity and the local area plan.

Councillor Walker was happy to support the proposal and felt it was unfair to ask the Planning Officers to provide a reasoning for refusal when their recommendation was approval. The Committee was not objecting that NI Water was trying to protect the public from hurting themselves rather it was their approach to the matter. Councillor Walker wondered if there was any value meeting with NI Water. He expressed a degree of concern going down the legal route to reach agreement. The Committee needed to have a clear refusal reason.

The Chairman noted that discussions had taken place with NI Water for some time and he was unsure if additional time would assist.

Alderman Gibson recognised that Members were unhappy regarding the adverse visual impact of the proposal. However, Officers had documented less weight on the visual impact in their considerations and were recommending approval.

The Chairman noted that visual amenity was relatively subjective.

The Principal Planning and Technical Officer explained that the assessment of any planning application was the balance of any material matters in line with SPPS and local policy. There was a visual impact from the structure and Officers needed to provide balance if the structure was so bad visually that it would warrant a refusal. Along the coastal path there was sewerage works and different fences which Officers were mindful of in the context. Planning Officers had used their professional planning judgement and did not feel the visual impact was so bad to warrant a refusal.

Alderman Gibson stated that the problem was that the fence was already in existence. He was concerned that the application had come before Committee now on a number of occasions and the Planning Officers position remained the same.

The Chairman indicated he would like Members to ascertain the information they needed to make the right decision on the matter. He felt the fundamental question was the necessity of the fence.

Alderman McIlveen felt there was a form of conflict for members of the Committee and that needed to be borne in mind with such applications. In respect of the liability issues, the outcome could potentially affect the Council and Committee Members individually and he sought guidance in that regard.

The Director advised that she had not come across such a case and agreed that the Committee should be able to make judgement. That question would be also be asked when legal advice was being sought.

The Principal Planning and Technical Officer reminded Members that they were to make decisions based on material planning matters.

**RESOLVED, on the proposal of Councillor McRandal, seconded by Councillor McClean, that application be deferred for legal advice to be sought.**

- 4.7** LA06/2020/1054/F - Lands immediately NE of 6 Craigavad Park, Holywood - 2 No. detached dwellings on Site 4 (previously approved detached house ref: W/2006/0314/RM) with detached garages, landscaping and associated site works  
(Appendix IX)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Holywood & Clandeboye

**Committee Interest:** A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation

**Proposal:** 2 No. detached dwellings on Site 4 (previously approved detached house ref: W/2006/0314/RM) with detached garages, landscaping and associated site works

**Site Location:** Lands immediately NE of 6 Craigavad Park, Holywood

**Recommendation:** Approval

The Senior Professional and Technical Officer (A Todd) outlined the detail of the application. The site was located within a larger residential development previously granted planning permission in 2007 for a total of 26 dwellings. The development remained under construction with only some of the dwellings adjacent to Station Road having been completed. The site was located on land zoned for housing in both the North Down and Ards Area Plan and Draft BMAP. The site also lay within the proposed Marino, Cultra and Craigavad Area of Townscape Character. The site had been cleared and the topography sloped gradually downwards to the east with mature trees located along the rear boundary of the site. The existing dwellings already constructed were substantial two and two and a half storey properties.

The development would involve an increase in the number of approved units at site 4 from one detached dwelling to two detached dwellings. In terms of the potential impact on the character of the area, the proposed dwellings would sit in a similar position to the dwelling previously approved on the site. The position of the dwellings would respect the established building line and their height would also be comparable to the adjacent existing dwellings. The proposed plots would be generous in size at around 0.1Ha each with private amenity space measuring between 300 - 450sqm per unit, well in excess of the average 70sqm recommended in Creating Places. Adequate parking would be provided within the curtilage of each dwelling and the mature trees protected by a TPO would be retained and measures taken during construction to ensure that they would not be adversely impacted upon. Additional landscaping was also proposed to help screen and soften the impact of the development. Generous separation distances between the existing and proposed dwellings would also be incorporated to ensure that no unacceptable adverse impact on the amenity of existing dwellings would occur.

The scale, height and massing of the buildings would be very comparable to the size and scale of the other adjacent dwellings already constructed which were substantial two and two and a half storey properties. The design and finishes would be of a high quality and completely in keeping with existing dwellings within the area. Similar to the previous approval on the site, render and natural slate were proposed along with hardwood doors and sliding sash windows.

Referring to the image, the Officer displayed the footprint of the original approved dwelling outlined in blue in comparison to the proposed dwellings. As could be seen the frontage width of the development was similar as was the building line. While the proposed plot sizes and footprints of the dwellings were both slightly smaller than the large detached dwellings immediately adjacent, it was not considered that this in itself would render the development out of keeping with the established built form in the wider area or that it would result in any harm to the overall character and appearance of the area.

With regard to density, the development plan key site requirements place no restriction on the maximum density allowed for the site. An *appropriate* mix of house types and sizes was welcomed within the overall development and was indeed encouraged by policy. Paragraph 4.3 of policy QD1 of PPS7 stated that *'quality design requires variety and contrast within developments'*. Paragraph 4.26 also states that on greenfield sites *'innovative layouts and higher densities will be encouraged where they will provide an attractive contrast to existing urban form and on large sites, a range of densities, building forms and a mix of house types will be required to help enhance quality and sustainability.'*

The density of the proposed development would equate to approximately 10 dph which fell well within the definition of low density as outlined in PPS12 Housing in Settlements which was considered as developments less than 15dph. The 10dph was also not considered to be significantly greater than that already found within the area. There are numerous examples of mixed densities within the wider area including 55 Station Road at 20dph, 62 Station Road at 13dph and 31 Station Road at 12dph. There have also been a number of planning approvals in recent years for developments of a similar density to that proposed. Members may also recall that

planning permission for a similar increase in the number of units from one detached dwelling to two semi-detached dwellings at site 25 of the development was previously approved by Planning Committee in June 2020.

Nevertheless, a significant number of objections to the proposal had been received. Those had been considered in detail in the case officer's report. The main concerns raised included:

- Road and pedestrian safety
- Piecemeal development
- Impact on the environment of Station Road
- Excessive density and smaller plot sizes
- Difference in design to the previous approval
- Impact on the amenity of 57 Station Road.

A number of the objections had raised particular concerns regarding road safety. DfI Roads was consulted and raised no objections to the proposal. Station Road was a private road up to the railway bridge where it then became an adopted public road up to the main Bangor Road protected route. DfI Roads were satisfied that the application does not represent intensification of use from the private road onto the public road adjacent to the railway bridge. This assessment had taken into account the number of existing units and future committed development. Policy AMP3 Access to Protected Routes was not applicable as the proposed application did not have direct access onto the A2 protected route.

However, DfI Roads was content that the existing signalised junction where Station Road meets the A2 provided a safe means of access onto the Protected Route. Where the private section of Station Road meets the adopted section, DfI Roads had advised there was no evidence of a collision history or record of delays and/or inconvenience caused due to traffic within its vicinity. Observation of traffic movements made during site visits had also indicated that while some delays were experienced in the vicinity of the railway bridge they were not of a level that would raise concerns regarding road safety.

While concerns had been raised that the approval of the development would set a precedent for similar proposals, that was not the case as each application must be considered on its own merits. Any future applications for similar developments would be assessed as to whether individually or cumulatively they would harm the character or appearance of the area or result in an unacceptable intensification of use onto the public road.

In summary, this development of two detached family homes of high-quality design and finishes, was considered to be acceptable on this site and would not cause any harm to the character or appearance of the area. The site was located within an area zoned for housing and must be considered within the context of the Plan led system. The proposal had been carefully assessed having regard to PPS6 Addendum Areas of Townscape Character, PPS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas and the Planning Department was satisfied that the development would meet all of the relevant policy requirements. All of the statutory consultees were content with the proposal and the objections raised have been fully considered in the officer's report.



On that basis, the Planning Officer stated it was recommended that full planning permission should be granted.

The Chairman invited questions from Members.

Councillor McClean referred to the requirement of the Planning Committee to consider the cumulative impact of such developments yet look at each application in isolation. He expressed concerns that such applications were coming forward on a phased basis rather than a full application for the applicants desired outcome. Councillor McClean asked if the Officer could recognise his concern.

The Planning Officer explained that while Planning considered each application on its own merits part of the consideration of an application included looking at what had been approved previously in the area as that made up part of the character and context of the area. Therefore, with this application Planning Officers had taken into account the previous approval, visually what did the proposal look like in the area and cumulatively what was the impact. In that regard, Planning were satisfied that there was no harm caused by the cumulative impact. If there were to be further applications submitted in the future, planning would continue to assess those in the context of what had been previously approved.

Councillor McClean highlighted the need to give due weight in the first instance to setting precedence.

The Chairman welcomed Neil Davison to the meeting to who was speaking against the application.

Mr Davison advised that over 70 Residents had signed a letter of concern regarding road safety, specifically highlighting the choke point at the railway bridge. Many residents often expressed concern that the bridge area was an accident waiting to happen. As the only option open to the residents to bring road safety to the attention of Public Authorities, those letters of concern addressed this application for densification. Mr Davison explained that the objection centred upon piecemeal densification of Craigavad Park, not the overall approval cited on page 3 of the Case Officer's Report. The Case Officer's report referenced various Policies governing development in the wider area, including the ATC. All of those policies brought to bear the latest and best practices governing development, road and public safety. However, he noted there was no mention of how Authorities were to address access to a development across a Private Road which was not up to DoE Roads criteria and therefore pedestrians (many of whom were children) were at risk.

The Planning Committee was being asked to approve densification of a development across a road which failed all criteria set out by all Public Authorities. There was insufficient width of road. There was no footpath and yet many residents, the Guides and the public, accessing the Coastal Path, walked the road. In 2000, Lorne Guides received 27,500 visitors, 13,000 under the age of 14. The 2006 Roads Service Report C.P. King, referenced by the Case Officer, made no mention of traffic or pedestrian volumes. The report was silent on road safety issues on the Private Road. On page 16 of the Case Officer's Report, it stated; "Objectors have expressed health and safety concerns given there is no footpath along Station Road. This



concern it is beyond the remit of this planning application." The Planning Committee was being asked to close its eyes to the dangers created by its decisions because it was a private road. That defied common sense and all the safety improvements fed into the ATC and other Policies. As per the DFI letter of 13 October 2021, the DFI conclusion was based upon an increase of two dwellings to Station Road on top of the already permitted densification. The methodology used to reach the conclusion was not mentioned, whereas that to determine access from Craigavad Park onto Station Road was documented. As a result of the DFI assessment, the objections of the Residents were being ignored as to future levels of densification which may occur in Craigavad Park as no undertaking had been given by the Developer to restrict further Applications which would give certainty to the residents. Additionally, there was no mention in the DFI assessment of the dangers faced by pedestrians. Any child or pedestrian, following the Highway Code, was exposed to severe danger by vehicles driving down the road and under the railway bridge as the lines of sight effectively blinded drivers to oncoming pedestrians. That was further aggravated by the volume of commercial plant, lorries and goods vehicles going to and from Craigavad Park, which was likely to continue for many years to come.

The assessment referred to collision information. The residents were concerned that road safety, in particular for pedestrians, was on the brink of serious injury – in fact neighbours were aware of uncomfortable situations under the bridge as a matter of routine. In the light the concerns having been expressed as objections to densification, it would shed a very negative light if safety was not treated with the utmost care. Mr Davison questioned if a health and safety assessment had been undertaken at the railway bridge. On the point of each application being assessed on its own merits, he stated that there was a cohort of signatures that were prepared to protest on each and every future application for development in the area which was not in the interests of the public purse. Mr Davison asked the Committee to give consideration to turning down the application on the basis of health and safety concerns at the bridge.

As there were no questions, Mr Davison was returned to the public gallery.

The Chairman then invited Mr David Donaldson to address the Committee who was speaking in support of the application.

Mr Donaldson stated that the application related to two detached houses within the settlement limit of Holywood. The site was within an approved housing development of 26 houses, with a large house already approved on this site. It was acknowledged that the application had attracted representations from a number of local residents. The objections related primarily to concerns over traffic, precedent and privacy. Mr Donaldson endorsed the comprehensive officer report, which addressed all of those matters in considerable detail. However, he wished to stress that Planning in NI operated on the basis of the plan led system. Section 6 of the Planning Act stated that decisions must be made in accordance with the development plan unless material considerations indicated otherwise. Mr Donaldson highlighted that was an important point, this site was within the settlement limit of Holywood, and on land which had been zoned for housing since the North Down and Ards Area Plan was adopted 31 years ago. It remained zoned in draft BMAP, which indicated a minimum gross density of 5 dwellings per hectare. Mr Donaldson stated that it was not a case

of garden grabbing or town cramming it was simply the planned development of zoned housing land. It was 10ph or 4 houses to the acre and therefore remained a remarkably low density – most housing zonings were in the range of 20-25dph. In the light of the complete compliance with the development plans, the Committee must consider whether any of the comments raised by the objectors were of such overwhelming weight that they outweigh this development plan compliance and justify refusal of permission. To assist the Committee, Mr Donaldson wished to comment briefly on the key points. Mr Davison had expressed concerns about additional traffic, construction traffic, lack of footpaths etc. Station Road was a private road but it had traffic lights where it met the A2. DfI Roads had no objections. The concerns must be considered in the context of the site already having permission for 27 houses. It was on a road which already served over 100 houses, a Golf Club and Lorne Guide Centre. This proposal would increase that traffic figure by just one house. That fell way below the figure of 5% increase which was the normal threshold for consideration of intensification. Refusal on the basis of traffic generation or road safety could not possibly be supported by policy or practice. The development plan indicated a minimum of 5 houses per hectare and these houses would each be on the site approximately  $\frac{1}{4}$  of an acre. They would be classically styled and be of a scale, form and appearance which would be complementary to the Craigavad Park and the surrounding area. In relation to precedent, Mr Donaldson highlighted that there were four large detached houses and a pair of semi-detached houses already built and sold; and one further detached house was currently under construction. 'Creating Places' encouraged variety on development sites such as this site. In conclusion, Mr Donaldson stated that that was an application for two large and exclusive detached house on zoned land. It was on a sustainable location within the settlement limit of Holywood. There was no policy basis whatsoever to oppose the development and the objections could not be sustained in view of the facts. Mr Donaldson asked the Committee to endorse the Officers recommendation and grant permission.

The Chairman invited questions from Members.

Councillor McRandal asked when DfI Road considered the application would they have considered road safety on the unadopted section of the road. Mr Donaldson stated that generally DfI Roads would look at road safety in relation to the adopted road network. He highlighted that Station Road was long established serving a number of houses and when you look at the level of intensification proposed as a result of this application it was very minor.

Councillor McRandal concluded from those remarks that the agent/applicant had been left to their own devices in respect of the road network within Craigavad Park and how it accessed onto Station Road. Mr Donaldson did not agree in that regard. He stated that the site had been sold as suitable for development 32 years ago, since the North Down & Ards Area Plan was adopted. This was not garden grabbing; it was zoned development on a zoned housing site. The area had been looked at many times through the development and planning process.

Councillor McRandal asked if any reassurance could be given on how road safety was considered in terms of the layout of the site. Mr Donaldson recognised that Station Road was a narrow road however the traffic in the area moved slowly. The

internal layout of Craigavad Park was designed to a higher standard than Station Road itself and there were footpaths, a wider road and space available. The development itself had been set out using Creating Places and the modern standards.

The Chairman noted the residents' concerns in relation to the road. Whilst there could be argument for one additional dwelling he highlighted the piece meal approach that was being used and did not feel that was the ideal way for planning. Councillor Cathcart sought Mr Donaldson's views in that regard. Mr Donaldson outlined that the current planning permission on the site dated back to 2006, within those years seven houses had been built and now the two houses in the proposal were coming forward. With the exception of two, all of those were detached houses which sat on large plots. The demand in the area was for high quality, large houses set on spacious plots and that was what the developer was seeking to achieve. There were some plots within the development, such as the one in the application that were larger which had lent itself to the creation of two detached houses on the site. Any further applications would need to be looked at carefully in relation to the market demand, planning policies and road safety. Mr Donaldson felt the development would always remain at the upper end of the housing market and a low density development.

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

The Planning Officer recognised the level of objection in relation to proposal and for that reason the application had being held back to allow DfI to consider the issue in more depth. Having done that they remained satisfied that they could not sustain a reason for refusal on road safety grounds. This current application when considered with the previous applications would not trigger or exceed the threshold of the 5% intensification of use of the access, looking at where the private part of the road joined the adopted road. DfI had been on-site a number of times, taken observations and had advised Planning that they were content.

On the issue of intensification, Alderman McIlveen noted that the issue had been raised along the same stretch of road previously. He recalled a number of meetings ago when the issue of intensification had been debated and that legal opinion had been obtained in that respect and questioned if that had been taken into account. The Planning Officer stated that in that instance that was more to do with the potential impact on the protected route. As this application did not involve a direct access onto the protected route policy AMP3 was not engaged. DfI Roads had advised that the road onto the protected route was a safe junction and it was signalised.

The Chairman questioned if there was another exit off Station Road and was of the view that it could only be accessed onto the A2. The Planning Officer confirmed that Station Road was not a through road and the A2 was only access/exit. The private road came onto the adopted part of Station Road first before moving to the protected route.

Councillor McRandal recalled that this was the second application that had been seen in recent times whereby there had been extent planning permission for one property and a new application was being presented with a proposal for two properties on the plot. In respect of the issue of intensification, he questioned would it be legitimate to give consideration to that issue in the cumulative. Having spoken to DfI Roads, the Planning Officer advised that they would be content to consider the applications cumulatively and take account of the changes to the large residential site. However, an assessment would need to be undertaken as to the threshold of the 5% intensification. There were in the region of 110 existing properties in the area, extant permissions and traffic associated with the Golf Club and Guide Centre and therefore the Planning Officer imagined the threshold would be high given the amount of development and traffic already on the road.

Councillor McRandal referred to the concerns of Mr Davison and intensification on the unadopted part of the road. There was pedestrian and vehicle traffic to give consideration too. The Planning Officer explained that if the intensification did not exceed 5% then DfI could not ask for any improvements and therefore each application needed to be considered on its own merits.

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

Alderman McIlveen highlighted that the Committee had gone through the application in detail. He noted that there were concerns however he believed the Officers had demonstrated how the assessment had dealt with those concerns and the application fell within current policy.

Councillor Thompson was content that the concerns had been addressed and had been adequately explored by DfI.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor Thompson, that the recommendation be adopted and that planning permission be granted.**

Councillor McClean and Councillor McRandal wished to be recorded as against.

**4.8 LA06/2021/0169/F – 12 Rugby Avenue, Bangor – Demolition of dwelling to accommodate replacement dwelling and garage, landscaping and associated site works**  
(Appendix X)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Bangor West

**Committee Interest:** A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation

**Proposal:** Demolition of dwelling to accommodate replacement dwelling and garage, landscaping and associated site works

**Site Location:** 12 Rugby Avenue, Bangor

**Recommendation:** Approval



The Senior Professional and Technical Officer (C Rodgers) outlined the detail of the application. The site was located within the settlement limit of Bangor as shown in both the North Down and Ards Area Plan and Draft BMAP. It was not affected by any other plan designation and the area was characterised by residential development. St. Comgall's Primary School was located beyond the western boundary of the site.

The existing dwelling was a two-storey detached property with a hipped roof. There were a range of house types in the surrounding area including two-storey detached and semi-detached dwellings and detached single-storey dwellings. The finishes of the surrounding dwellings include render and brick. The original proposal involved the erection of two dwellings on this site but was amended to a single replacement dwelling during the processing of the application.

The Officer further explained that the design and finishes of the dwelling were in-keeping with other dwellings in the area and the proposed ridge height was consistent with the scale of dwellings in the vicinity (8.3m above finished floor level). Density and plot size remained as existing as that was a like for like replacement. The proposed replacement dwelling occupied a similar footprint to the existing dwelling and the established building line along Rugby Avenue was respected. The existing access would be retained, and adequate provision was made for parking.

The impact on residential amenity had been assessed in detail in the case officer report. The proposal would have no unacceptable adverse impact on residential amenity in terms of overlooking, loss of light, overshadowing or other disturbance. The proposed upper floor landing window on the gable facing No.14 Rugby Avenue (to the south of the site) would be finished in obscure glazing and that could be secured via planning condition.

She confirmed that a completed NIEA Biodiversity Checklist was submitted with the application, and it did not identify a scenario where the development could have an adverse impact on designated sites or other natural heritage interests.

The site was within a potential inundation area associated with Clondeboy Lake. No condition assurances were provided and DFI Rivers deemed the overall hazard rating as high. To address that concern, the original scheme of two units was amended and a single replacement dwelling was now proposed. As the proposal was for a like for like replacement dwelling, there was no greater flood or safety risk associated with this application.

Following advertisement and neighbourhood notification of the original scheme 21 letters of objection from 11 separate addresses were received. No further objections were received following advertisement and neighbourhood notification of the amended scheme for a single replacement dwelling.

Having considered all material planning matters, the Officer concluded that it was recommended that this application was approved.

As there were no questions from Members, the Chairman asked that Mr Colin McAuley (Agent) be brought into the meeting. He then invited him to address the Committee to speak in support of the application.

Mr McAuley thanked the Committee and endorsed the Council's Planning Officers' recommendation to approve this application. By way of background, he clarified that this application started out as a proposal to replace the existing dilapidated detached dwelling with a pair of semi-detached dwellings, including the formation of an additional access onto Rugby Avenue. It was this original scheme for a pair of semi-detached dwellings that attracted some local objection, despite the Planning Officers' feedback that the semi-detached scheme was acceptable to them in principle.

As a result of the DfI Rivers Agency response following their recent review of the Clandeboye Reservoir, the site was identified as falling within a potential area of inundation, an issue which Members may now be familiar with. As a result of that, the scheme was revised to remove any intensification in use of the site, to a 'like-for-like' replacement dwelling and garage. The planning policy for development in proximity to reservoirs was set out in PPS 15 Policy FLD 5. It stated the following with regard to replacement buildings, 'planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere'.

Mr McAuley noted that DfI Rivers confirmed in their final response that 'from the submitted plans this proposal does not exceed the size of the previous building and therefore DfI Rivers would have no concerns of additional run off being generated as a result of these proposals.' He stated that the proposal for a replacement dwelling satisfied the policy requirements of PPS 15 Policy FLD 5. It was also important to note that no objections had been received in respect of the revised scheme for a like-for-like replacement dwelling and garage.

In addition to the above, Mr McAuley believed that Members may wish to note that following the submission of the revised scheme for a replacement dwelling, they had engaged with a neighbour who resided in the adjoining dwelling at 14 Rugby Avenue, granting his request for a first floor landing window to be fitted with opaque glass. He emphasised that the revised proposal was compliant with all prevailing planning policy set out within the SPPS, PPS 7, PPS 7 Addendum and PPS 15 regarding flood risk. Rivers Agency had no objections to the revised scheme, and no third party objections had been received. Considering the foregoing points, Mr McAuley on behalf of the applicant endorsed the Planning Officer's professional recommendation to approve and respectfully requested the Committee to do likewise.

As there were no questions from Members, the Chairman thanked Mr McAuley for his attendance at the meeting and asked that he was escorted into the virtual public gallery.

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



**4.4 LA06/2020/0014/F – Lands approximately 200m East of 155b Movilla Road, Newtownards – Single-storey amenity building to serve established fishery with kitchen, clubroom, overnight guest accommodation, hardstanding and associated site works**  
(Appendix V)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Ards Peninsula

**Committee Interest:** A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation

**Proposal:** Single-storey amenity building to serve established fishery with kitchen, clubroom, overnight guest accommodation, hardstanding and associated site works

**Site Location:** Lands approximately 200m East of 155b Movilla Road, Newtownards

**Recommendation:** Approval

The Senior Professional and Technical Officer (P Kerr) outlined the detail of the application. The site was located on the fishery facility between the car park and the fishing pond. There was currently a container within the site used as an office/kitchen as part of the facility, which was in disrepair and was to be removed as part of this application. The proposal if approved by Committee would have a condition attached to any approval ensure that there was no cumulative impact. That proposal would have much less of a visual impact in this area than the existing container to be replaced. All consultees were content with the proposal.

She verified that the proposal was being presented to Committee as it had attracted more than six objections. It was important to note that there was a fall back position for this application as there was extant outline (LA06/2017/0882/O) planning permission on the site for a single storey amenity building to serve the established fishery with small café/clubroom, storage, managers facilities and overnight accommodation which was granted 20.09.19. The proposal being presented was for full permission rather than reserved matters as it involved a slight relocation of the building in comparison as to what was approved in the outline. All the other outline conditions had been adhered to in this proposal.

The Officer highlighted that there was currently a live enforcement case for unauthorised building works at the site which was still pending an outcome (LA06/2021/0304/CA). That was an entirely separate issue to the subject matter of this proposal and had no bearing on the processing of this application being presented tonight.

There were nine objections received from seven different addresses in respect of this proposal which raised the following relevant planning issues:

- increase in traffic on the lane
- littering on the lane
- increase in noise/entertainment licence being issued/anti-social behaviour

The above matters would be addressed throughout her presentation.

Turning to the development plan, she commented that the proposal site lay within the countryside in the Ards and Down Area Plan 2015. No other designations effected the site.

With regard to regional policy, the main policy considerations fell under PPS21, PPS8 Open Space Sport and Outdoor Recreation and PPS16. PPS21 Sustainable Development in the Countryside CTY1 directed towards PPS8 and PPS16 for this type of development. PPS8 Policy OS3 Outdoor recreation in the countryside applied in particular to part 6 where it stated that any ancillary buildings or structures were designed to a high standard, were of a scale appropriate to the local area and were sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment. The proposed building was of an appropriate scale and massing in order to be considered as ancillary to the fishery. In relation to its design, it was appropriate for the local area and had high quality finishes and material, smooth render Scrabo stone cladding and natural roof slates.

Regarding Planning Policy Statement 16 Tourism, the relevant policy considerations were TSM5 Tourism in the Countryside and TSM7 which was the general criteria for tourism development. She stressed that it was important to note that Movilla Fishery was considered a tourist amenity (Discover NI) and an attraction in its own right. Therefore, criteria b of TSM5 applied where a cluster of three or more units located at or close to the tourist amenity could be provided. That, alongside consideration under PPS8 OS3 had been assessed as policy compliant.

Regarding TSM7 which dealt with design criteria and general criteria for all tourism development all design criteria were met. The general criteria stated that the proposal had to be compatible with surrounding land uses and would not harm the amenity of nearby residents. This proposal in front of us, as had been submitted, would not significantly impact upon the residential amenity of the surrounding residents and was deemed compatible with the use of the fishery and adjacent land uses due to the nature of its scale and use. Due to its scale and nature, there would be little traffic creation and noise or litter creation caused by such a proposal. This was for very small scale guest accommodation and ancillary building/clubhouse. What had been applied for did not involve any areas that would require an entertainment licence nor could it accommodate any type of event that would result in loss of adjacent residential amenity. The proposal was also in place of the existing office/kitchen/clubhouse container that already existed on the site.

In relation to the roads and access aspect of this criteria as well as assessing the proposal against PPS3 access movement and Parking, DFI had no objections to the proposal. The existing access and existing parking area would remain unaltered and a proposal of this scale would have little or no impact. Notwithstanding the fact that it was replacing an existing container being used as an amenity building. Once again, she reiterated there was already an extant outline approval on this site which the applicant could submit reserved matters for with or without this permission.

Concluding, the Officer remarked that the proposal had an extant permission, the proposal was policy complaint and therefore approval was recommended. She would however ask if the Committee would allow delegated powers to add an extra

condition to ensure that this permission, if granted, would be in place of the extant outline as although they would be too close to build both, it was a possibility.

## **RECESS**

The meeting went into recess at 9.07 pm and resumed at 9.18 pm.

(At this stage, Councillors Adair, Brooks and Cooper left the meeting – 9.07pm)

Following the Officer's report, the Chairman sought questions from Members.

In terms of the accommodation offered and tourism aspect, Councillor Thompson noted that the current provision was in a state of disrepair and thus he would be pleased to see improvements. He asked how many bedrooms were proposed, did they have an ensuite and if they were intended for overnight use.

The Planning Officer confirmed that there would be two bedrooms both ensuite and they were being planned for overnight stays by guests utilising the fishery. Presently located on the right hand side of the site, she pointed out that there was already an amenity building, an angler's lounge, a kitchen and reception area.

Within the Officer's report, it had outlined that there would not be full self-catering facilities provided and Councillor Thompson sought further clarity on that.

Taking account of the floor plan and description, the Planning Officer verified that statement to be correct. The kitchen and angler's lounge were currently available for day to day use. She assumed that those staying in the guest accommodation could also use the communal kitchen and lounge alongside other anglers and club members.

Alderman Gibson requested clarification regarding the additional condition placed on the application and wondered if that was in response to recent objections received.

The Planning Officer explained that she had checked through the application prior to the meeting and had also explored the extant file. She was aware that the extant planning permission and the proposed amenity building were quite closely positioned. Although there was no overlap of those, she wanted to ensure that both permissions could not be built out although it was unlikely it would be possible. Hence, following the proposed works, there would only be one amenity building on the site.

Bringing attention to the enforcement notice, Alderman Gibson wondered if that action was ongoing and would it impact on the decision.

The Planning Officer stated that it was indeed an ongoing issue in relation to building works on the facility but separate from the application under discussion.

At this point, the Principal Planning and Technical Planning Officer further clarified that the original outline planning permission had been granted but the applicant wished to make some changes. Those would not have been part of the Reserved

Matters as they had to comply with the outline application and thus, the condition was added to guarantee that both could not be built out.

Proposed by Alderman Gibson, seconded by Councillor Thompson that the recommendation be adopted.

As seconder, Councillor Thompson acknowledged that it was a facility well supported by anglers and he was satisfied that a better tourism attraction would be accessible at that location.

**RESOLVED, on the proposal of Alderman Gibson, seconded by Councillor Thompson, that the recommendation be adopted and that planning permission be granted.**

**4.5 LA06/2020/0823/F – Land at 160 High Street, Holywood – Construction of 29 No. dwellings (16 No. houses and 13 No. apartments) with associated car parking and landscaping**  
(Appendix VI)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Holywood & Clandeboye

**Committee Interest:** A major development application

**Proposal:** Construction of 29 No. dwellings (16 No. houses and 13 No. apartments) with associated car parking and landscaping

**Site Location:** Land at 160 High Street, Holywood

**Recommendation:** Approval

The Principal Planning and Technical Officer (G Kerr) outlined the detail of the application which was appearing before Members as it was a major application. There were also seven objections which had been received from six addresses with all material issues raised being addressed in the case officer read. A wide range of consultation was carried including HED, SES, NIEA, Roads, Rivers, Env Health, NI Water with all having no objections to the proposal. The Officer detailed that Members would be aware that Section 27 of the Planning Act (NI) 2011 placed a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals.

The PAN submitted complied with the legislation and community consultation was carried out through online and remote means due to current COVID-19 social distancing restrictions a website was designed for the consultation to allow residents and stakeholders an opportunity to view plans for the development, details to get in touch with members of the project team and provide feedback on the plans before the planning application was submitted. For those with no internet access, hard copy project information packs were delivered to their addresses as well as enclosed feedback forms and pre-paid envelopes.

The Officer referred to a slide which displayed the application site and surrounding area and explained that this was the former Council for Catholic Maintained Schools, with buildings on the site having been demolished. The site topography rose



gradually from High Street towards the rear boundary. There were protected trees on the site. There was a watercourse that ran from the west corner of the site, across the site and along the eastern boundary. There was an existing access to the site off High Street. The surrounding area was predominantly residential with a mix of house types and designs. There were also some schools and churches and the site was approximately 175m south of Holywood's town centre.

She detailed that the application site was located within the settlement development limit of Holywood as designated in the North Down and Ards Area Plan 1985-1994, Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan 2015. The site was also designated within the proposed Holywood South Area of Townscape Character (ATC). The proposed ATC designation in draft BMAP was a material consideration relevant to this application. The principle of development of housing on this site was considered acceptable as the site was within the settlement limit of Holywood and on a brownfield site where housing development was encouraged.

In terms of the layout of the site, the proposal was considered to be a quality residential development bringing a now derelict site back into use within walking distance of Holywood town centre. The proposals for 16 dwellings and 13 apartments were set on a site surrounded by predominately residential development. The proposed dwellings would be detached and would be located towards the rear of the site with two separate apartment blocks closer to the entrance to the site. All properties would face onto the road network and would have in-curtilage car parking and private amenity space which was a similar pattern of development to the surrounding streets and area. The apartments would have shared car parking at the rear and shared amenity space surrounding the buildings which was characteristic of apartment developments. The properties were set on generous plots with adequate car parking.

As the proposal was for greater than 25 units, she said that an area of open space had been provided within the site as per Policy OS 2 of PPS 8. It had been demonstrated that the area of useable open space was greater than 10% of the total site area as advised under policy. There was a watercourse within the site with a 5m landscaped buffer maintained adjacent to it and many trees that were protected by a TPO with sufficient space around the layout would not harm any tree protected by the TPO and that any trees to be felled were not part of the TPO.

In respect of the design of the dwellings, the Officer detailed that they would comprise a mix of two and two and a half storeys with pitched roofs with the apartment blocks would be two and a half and three and a half storeys with pitched roofs which would respect the massing within the surrounding area. The dwellings and apartments would be finished in a mix of render and red brick with a mix of grey natural slate or terracotta tiled roofs. That was considered as sympathetic and in keeping with the character of the surrounding area. Within the Design and Access Statement, the agent had demonstrated how the design, materials and detailing had been drawn from similar properties within the surrounding area. It was therefore considered that the proposal would have no unacceptable adverse impacts on residential amenity.

The proposal would use an existing access onto High Street, Hollywood, which was not a protected route. The site was within walking distance to Hollywood Town Centre and has pedestrian links to other shops/ services, schools and recreational facilities within the wider Hollywood area. It was well served by public transport with bus stops within 100m from the development access and Hollywood Train Station was 800m walk from the site.

The Officer concluded that the recommendation was to grant planning permission.

The Chairman sought questions from Members.

Councillor McRandal made reference to the enforcement case relating to the site and queried if it was relevant to the application.

The Principal Planning and Technical Officer verified that there had been a breach of planning legislation involving the removal of trees prior to the new applicants purchasing the land. She stressed that it was not directly relevant to this development proposal and was being dealt with by the Planning Enforcement Team. The Tree Officer had indicated that she was content with this current application. The Planning Officer verified that the breach was in respect of LA06/2018/0035/CA – *'unauthorised removal of trees which were covered by a TPO without benefit of consent of the Council. The Council thoroughly investigated the matter and a replanting notice is to be served in line with the current development proposal to ensure that all trees removed without the benefit of consent are replaced on a one to one basis'*.

Proposed by Alderman McIlveen, seconded by Alderman Gibson that the recommendation be adopted.

Having listened to the presentation and read the report, it was perceived by Alderman McIlveen that certain matters highlighted by objectors were taken into consideration and the necessary amendments made. He was satisfied that the application had been thoroughly examined by Officers and met policy requirements.

Alderman Gibson echoed the comments of the previous speaker.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman Gibson, that the recommendation be adopted and that planning permission be granted.**

**4.6 LA06/2020/0273/F – 17 Moss Road, Ballygowan – Ground floor extension to NE side of existing offices, to replace existing ground floor offices**  
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Comber

**Committee Interest:** Local application involving development which constitutes a departure from the Development Plan and which is recommended for approval



**Proposal:** Ground floor extension to NE side of existing offices, to replace existing ground floor offices

**Site Location:** 17 Moss Road, Ballygowan

**Recommendation:** Approval

The Principal Planning and Technical Officer (G Kerr) outlined the detail of the application. Initially there had been seven objections from six addresses received, however the Officer noted that when the proposal was amended from a two-extension to a single storey extension only two objections were received. All consultees had no objections with some requesting conditions.

The site was located on the southern side of Moss Road within the development limit of Ballygowan. The site was occupied by a long-established engineering company called CCP Gransden which was a company specializing in advanced composite design and manufacture. It was comprised of one main building set back from the Moss Road with ample areas to the side and front for parking and turning of vehicles. There were a variety of land uses in the vicinity including housing adjacent to the west of the site, a quarry to the east of the site and agricultural fields.

The site was located within the settlement limit of Ballygowan as defined in the Ards and Down Area Plan 2015 where there was a presumption in favour of development. The site was within lands designated for proposed housing under HPA 4. As this application was to expand the business and given that the site was located within a zoning for proposed housing, although not considered to be a major departure from the development plan, the proposal the proposal required to be presented before Members as the number of objections also exceeded six from separate addresses

The Officer referred to the planning history which was a material consideration as there was a long-established factory use on this site which pre-dated the construction of the housing with a recent approval for an office building presented to Members of the Committee in October 2016 voting to grant planning permission.

In respect of the proposal, a ground floor extension to the NW side of existing offices was proposed which would replace existing ground floor offices which were to be demolished. When travelling from the east towards the site, the proposed development would be well screened by the existing mature planting along the eastern boundary which would aid its integration. As the proposal sought permission for a minor extension and would not introduce a new use, the principle of development was acceptable. The extension would have a sloping roof rising to 6.8m high, 9.5m deep and 61m long.

There was a row of 14 dwellings along the north-west boundary of the site, adjacent to where the proposed extension was to be constructed. The original submitted design was for a two-storey extension to the building, with first floor windows facing the row of dwellings along the NW boundary. Concerns were raised with regard to the first-floor element of the proposal. The design had since been amended so that there were no first-floor windows now proposed and no first floor. The proposed extension was to have only ground-floor office space, ground-floor windows and roof lights on the slanted roof structure.

Environmental Health had been consulted with regard to any potential impact the development proposal may have on the dwellings with respect to noise, air pollution, general amenity, ambient air quality and contaminated land. Environmental health responded with no objection to the proposal in this regard and confirmed that the extension would provide additional office space. It was noted that no externally mounted plant or equipment was to be located on the facade. Taking into consideration the proposed future office use, Environmental Health was satisfied that the development proposed should not cause significant adverse noise impact to the occupiers of nearby residential dwellings.

No alternations to the access with the public road were proposed. An increase of 10 car parking places was proposed for five visitors and five staff in addition to existing parking to the front and rear of the building. DFI Roads were consulted and had no objection.

The site did not carry any special designations in recognition of any nature conservation. However, the site was in close proximity to Special Protection Areas, Special Areas of Conservation and Ramsar sites. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites had been assessed.

In conclusion, the Officer stated that given the assessment of the proposal, policy and consultee responses grant of full planning permission was recommended.

Following scrutiny of the points raised by objectors, Alderman McIlveen felt it concerning that many had related to the overlooking of children's bedroom windows. With that borne in mind, he questioned how much higher the windows would be set in the new offices in comparison to the current office block.

The Principal and Technical Planning Officer referred to the slides depicting the original elevation and concurred with the Member that the two storeys had been deemed unacceptable to Officers.

Alderman McIlveen voiced unease that the windows appeared substantially higher than the existing block whereby windows were positioned at a lower level. The roof was also higher in the new building, albeit no longer comprising two storeys but it was difficult to ascertain from looking at drawings exactly how high they were. He asked if there were any proposals to raise the level of the internal flooring as regards the views from inside that particular office block. Perhaps with an alteration of the angle of view towards adjacent houses.

The Principal and Technical Officer specified that the elevations would be built to tie in with the original building. The distance was approximately 20m to the shared boundary and the 3m high boundary wall would prevent a direct view. The distance was 25-33m back to back between the dwellings and proposed extension. She observed that there were no overlooking concerns or an amenity issue given the design and the fact that the windows in the adjacent houses were at a higher level.

Returning to the issue of objections raised, Alderman McIlveen discerned that noise was one of those and Environmental Health had been duly consulted. A comment

had mentioned that noise was occurring throughout the day and affecting the times when children were sleeping. To that end, he queried if there were any previous conditions on the factory pertaining to hours of operation, as he thought it would be odd to have houses in close proximity to a factory without those.

In response, the Planning Officer believed it to be a case of 'buyer beware', considering it was a long established factory based in the area before the houses were constructed. House buyers would be fully aware that they were situated beside an existing operational factory. At this stage, Officers were undertaking a determination of the extension and she was mindful that no hours of operation could be affixed to an extension. If there was a breach of time conditions pertaining to the main factory itself, then that would permit an investigation by the Enforcement Team.

Alderman McIlveen sought an assurance that the extension was to be utilised for administration purposes only.

The Planning Officer verified that it was for storage and administration offices with no manufacturing element included.

Proposed by Alderman Gibson, seconded by Alderman Keery that the recommendation be adopted.

Holding local knowledge of the area, Alderman Gibson accepted that the factory had been operational for 30-40 years. The former use had been a major industrial site which contained several factories. As the size had diminished, he recognised that the level of objections had also significantly reduced. He maintained that it offered much needed employment for the area and the factory seemed to be closed at night. The neighbouring houses were constructed 15 years ago and when those plans had been submitted, Members of the legacy Ards Borough Council had welcomed them.

**RESOLVED, on the proposal of Alderman Gibson, seconded by Alderman Keery, that the recommendation be adopted and that planning permission be granted.**

(Having declared an interest in Item 4.9, Councillor Adair had left earlier in the meeting)

- 4.9 LA06/2021/0353/F – Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie – Environmental Improvement Scheme consisting of creation of a new civic focal point and reorientation of the memorial statue. Installation of street furniture, pillars and raised planters. Replacement of street lighting with feature columns. Extension and refurbishment of existing pedestrian wall with feature inlays. New decorative surfaces to all footpaths, artwork to gable wall, winch anchor point, relocation of Armco barrier and concrete hard standing to the existing winch house and all associated site works**  
(Appendix X)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

**DEA:** Ards Peninsula

**Committee Interest:** Application made by the Council

**Proposal:** Environmental Improvement Scheme consisting of creation of a new civic focal point and reorientation of the memorial statue. Installation of street furniture, pillars and raised planters. Replacement of street lighting with feature columns. Extension and refurbishment of existing pedestrian wall with feature inlays. New decorative surfaces to all footpaths, artwork to gable wall, winch anchor point, relocation of Armco barrier and concrete hard standing to the existing winch house and all associated site works

**Site Location:** Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie

**Recommendation:** Approval

The Senior Professional and Technical Officer (C Rodgers) outlined the detail of the application. The site was within the settlement of Portavogie as per the Ards and Down Area Plan 2015. Referring to the slide, the Officer highlighted the layout of the proposed works which would update the existing public realm along Harbour Road.

Raised planters would soften the appearance of the northern portion of the application site and benches would be introduced. The existing wall along the footpath would be extended and refurbished with a rendered finish and coping with artwork. Resurfacing of paving would create a much more modern, accessible and safe space. Uncontrolled pedestrian crossing would be introduced to ensure safe access for all.

All consultees were content subject to conditions and no objections had been received.

The development would make a positive contribution to the character and appearance of the area and would create an attractive space for the public to view the harbour. The Council would secure funding for proposed works subject to granting of planning permission

In finishing, the Officer stated that the recommendation was to grant planning permission subject to a number of conditions including a condition to restrict hours of construction to protect residential amenity and a condition to ensure mitigation was implemented to protect designated sites.

The Chairman invited questions from Members.

Proposed by Alderman McIlveen, seconded by Councillor Thompson that the recommendation be adopted.

As proposer, Alderman McIlveen declared that this application presented a very exciting development for Portavogie and the village had long awaited such an enhancement scheme. It would certainly brighten up the heart of the village particularly around the harbour area. He commended Officers for bringing it forward adding that he was pleased that the scheme had been thoroughly looked at and complied with the policies in place.

Concurring with his colleague's remarks, Councillor Thompson also believed the proposed works to be a wonderful addition to the Portavogie area. He hoped that the development scheme would avail of the necessary Seaflag funding and it would be passed through the planning system as soon as possible. Without doubt, it would provide a further tourism offering for the Ards Peninsula as well as across the rest of the Borough.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor Thompson, that the recommendation be adopted and that planning permission be granted.**

## **5. UPDATE ON PLANNING APPEALS (FILE 160051)**

(Appendix XI)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching Planning Appeals Commission Decision.

1. The following appeal was allowed on 11 March 2022.

<b>Appeal reference:</b>	2019/A0099
<b>Application Reference:</b>	LA06/2018/1392/F
<b>Appeal by:</b>	King's Church Bangor
<b>Subject of Appeal:</b>	Demolition of existing church building and erection of 17 apartments over 4 floors with 30 enclosed car parking spaces, with 5 further retained off-street spaces and a loading bay
<b>Location:</b>	196 Seacliff Road, Bangor

The Council refused this application on 6 October 2020 for the following reasons:

- The proposal was contrary to policy QD1(a) and (g) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the development would, if permitted result in the overdevelopment of the site and cause unacceptable damage to the local character and environmental quality of the area by reason of its layout, scale, proportions, massing, hard surfaced areas, design and appearance of buildings.
- The proposal was contrary to Policy LC 1 (a) of the Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, in that the proposed density is significantly higher than that found in the locality would not be in keeping with the overall character and environmental quality of the established residential area
- The proposal was contrary to Policy LC 1 (b) of the Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, in that the proposed development would not be in keeping with the overall character and environmental quality of the established residential area



- The proposal was contrary to Policy ATC 2 of the Addendum to Planning Policy Statement 6, Areas of Townscape Character, in that the proposed development would not respect the built form of the area and would not maintain or enhance the overall character of the area by reason of its layout, scale, massing, design and density.

The Council's first and fourth reasons for refusal were not sustained. Whilst it was acknowledged the impact on the proposed ATC remained a material consideration to be objectively assessed, the Commissioner believed the policies within APPS6 and the related provisions of the SPPS refer to ATCs, but no reference was made to draft ATCs, which do not have the same status or legal standing as a designated ATC. He was therefore not persuaded that Policy ATC2 of APPS6 and the provisions of the SPPS were applicable to the consideration of the appeal development.

With regard to Policy QD1 of PPS7, it stated that planning permission would only be granted for new residential development where it was demonstrated that the proposal would create a quality and sustainable residential environment. The policy went on to state that in Conservation Areas and Areas of Townscape Character housing proposals would be required to maintain or enhance their distinctive character and appearance. Again, as the policy referred to ATCs, but no reference was made to draft ATCs, the Commissioner was not persuaded that this element of Policy QD1 was applicable to the appeal development. Notwithstanding this, the potential impact of the appeal development on the proposed ATC remained a material consideration.

The Council considered that the overall appearance and consequent visual impact of the appeal building was unacceptable given its design and incompatibility with the surrounding design context. It also considered that the resulting visual impact would also fail to conserve or enhance the proposed ATC designation. The Commissioner acknowledged that the appeal building was a large structure that would occupy a prominent frontage position on a corner / road junction location. It was undeniable that it would be readily apparent in the street scene. However, he considered that this location facilitates such a building on the site without detriment to the character of the area given the transitional role the site plays.

The Commissioner was not persuaded that the size, massing, siting and overall design and finish of the apartments would render the appeal building visually pre-eminent or discordant within the streetscape or surrounding context. It was considered that despite its size, the appeal building had been carefully designed to respect the scale and character of existing buildings using differing but nevertheless sympathetic building materials. It would also respect the existing street pattern, as well as landmarks, topographical and other features which contributed to the character of Bangor.

With regard to density, whilst it was accepted that the density of the proposal would be higher and the pattern of settlement would vary to that generally exhibited in the ERA, these differences when taken together with the corner site position, topography and the large gaps in the surrounding built development constituted by the RUYC grounds, would not render the appeal development disharmonious with,

or result in unacceptable damage to the local character and environmental quality of the area.

The Commissioner was satisfied that although the appeal development did not meet specific elements of Policy LC1 in a purely mathematical sense, it nevertheless satisfied the essential thrust of Policy LC1 taken as a whole. The Council's second and third reasons for refusal were not sustained. The decision was attached to this report.

### **New Appeals Lodged**

2. The following appeal was submitted on 21 February 2022:

<b>Appeal reference:</b>	2021/E0070
<b>Enforcement Case Reference:</b>	LA06/2016/0285/CA
<b>Appeal by:</b>	Mr & Mrs Howard Hastings
<b>Subject of Appeal:</b>	1) Alleged unauthorised infilling and raising of the land without the benefit of planning permission. 2) Alleged unauthorised construction of a timber retaining structure.
<b>Location:</b>	27 Station Road, Craigavad, Holywood BT18 0BP

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

RECOMMENDED that Council notes this report.

Proposed by Councillor McRandal, seconded by Alderman Keery that the recommendation be adopted.

As no questions from Members were forthcoming, the Chairman made reference to the report and the first appeal listed. He recalled that the application in respect of Seacliff Road had been previously discussed at length by the Committee. Not only had it been strongly opposed by the local community but the Committee had also agreed with the Officer's recommendation to refuse the proposal. He expressed disbelief that that decision had been overturned by the PAC, especially pertaining to the ATC. He thought it would be interesting to see what impact that decision would yield when the Council came to examine the issue of ATCs within the Local Development Plan.

Supporting the Chairman's comments, Councillor McClean also recollected how Members were unanimous in the decision taken at that time against that large application. Taking that into account, he said he would welcome an Officer's response on that outcome.

The Principal and Technical Planning Officer emphasised that Officers remained largely content that they had recommended a refusal and that decision had been wholly upheld by the Committee. The Commissioner had disclosed that although ATCs were a material consideration, the opinion was that the design could fit within the site given that it was slightly separate and in a transitional area. However, she wondered how it would appear in reality whenever it had been built out.

Councillor McClean was of the belief that we were not wrong in applying the appropriate policy to the proposed development. He felt it illustrated that in terms of the visual effect, two parties could arrive at a different decision.

**AGREED TO RECOMMEND, on the proposal of Councillor McRandal, seconded by Alderman Keery, that the recommendation be adopted.**

**6. PLANNING SERVICE UNIT PLAN 2022/23 (FILE 160051/160127)**

(Appendix XII)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching Service Plan. The report detailed that since 2017/18 Service Plans had been produced by each Service in accordance with the Council's Performance Management policy.

Plans were intended to:

- Encourage compliance with the new legal, audit and operational context
- Provide focus on direction
- Facilitate alignment between Corporate, Service and Individual plans and activities
- Motivate and develop staff
- Promote performance improvement, encourage innovation and share good practice
- Encourage transparency of performance outcomes
- Better enable us to recognise success and address underperformance

A draft plan for 2022-23 was attached to the report which had been developed to align with objectives of The Big Plan for Ards and North Down 2017-2032; the draft Corporate Plan 2020-24 and the draft Annual Performance Improvement Plan (PIP). The Plan would also support delivery of the ITRDS. The agreement of the plan would also aid toward achievement of the Council's performance improvement duties under the Local Government Act (NI) 2014.

The Service Plan highlighted where the service contributed to the Corporate Plan and, where that was the case, sets out the objectives of the service for the 2022-23 year. It further identified the key performance indicators used to illustrate the level of achievement of each objective, and the targets that the Service would try to attain along with key actions required to do so.

The plan had been developed in conjunction with staff, officers and management and in consultation with key stakeholders where relevant.

The plan was based on the agreed budget. It should be noted that, should there be significant changes in-year (eg due to Council decisions, budget revisions or changes to the PIP) the plan may need to be revised.

The Committee would be provided with update reports on performance against the agreed plan.

RECOMMENDED that Council adopts the attached Planning Service plan.

**AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Councillor Thompson, that the recommendation be adopted.**

## **7. PRESENTATION TO MEMBERS OF STUDIES FOR LDP (RD147)**

PREVIOUSLY CIRCULATED:- Report from Director of Regeneration, Development and Planning detailing that Members should be aware that Nexus Planning was preparing evidence on behalf of the Council for the Local Development Plan (LDP) in relation to Retail Commercial Leisure study. In addition, Ironside Farrar was commissioned to prepare evidence in relation to Open Space Strategy and Landscape Character Assessment review.

The consultants would present to Members in May, following receipt of final documentation. It was proposed to invite:

- (a) Nexus Planning to present at 6.00 pm on Tuesday 3 May
- (b) Ironside Farrar to present at 6.00 pm on Tuesday 17 May

RECOMMENDED that Council approve the arrangements detailed above.

**AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Councillor Walker, that the recommendation be adopted.**

## **8. UPDATE ON QUEEN'S PARADE** (Appendix XIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching DfI Minister's letter dated 9 March 2022. The report detailed that Members would be aware that Council's Planning Committee passed a resolution to approve planning LA06/2020/0097/F for the redevelopment of Queen's Parade, Bangor on 26 January 2021.

As the Council was proposing to grant planning permission for this major development contrary to a consultation response of a statutory consultee (DfI Rivers), the Council was legally required to notify DfI of this resolution. The requirement arose under the terms of a directional order issued by the DfI under the Planning (Notification of Applications) Direction 2017. DfI were duly notified on 27 January 2021.

In February 2021 the Council received a further 'Holding Direction' from DfI preventing it from issuing the planning approval it had resolved to make until further advice was issued by DfI. That was to allow DfI time to consider whether or not the proposed development raised issues that required it to be referred ('called in') to the Department for determination. Those issues were in relation to the noncompliance



of PPS 15 'Planning and Flood Risk' and Policy FLD 5 'development in proximity to reservoirs'.

The Council chased the DfI throughout 2021 to seek a decision as to whether or not DfI Planning would 'call in' the planning application for it to determine rather than the Council. Throughout this period the Council sought to engage with DfI and resolve any questions or issues it had with respect to the development proposal and flooding.

The DfI Minister, Nichola Mallon, wrote to Council on 9 March 2022, confirming that after careful consideration she had decided that it was not necessary for the planning application to be referred ('called in') to Department for determination. The letter confirmed her view that the application did not raise issues of such importance that their impact was considered to extend to a regional or sub-regional level and the circumstances of this case were not exceptional such as to render the use of the DfI's 'call in' power under section 29 of the Planning Act (Northern Ireland) 2011 necessary. In so doing the Minister and DfI did not recommend any additional conditions relating to the issue despite having the power to do so.

The Minister further clarified that the 'Holding Direction', issued by DfI under the terms of Article 17 of the (General Development Procedure) Order (Northern Ireland) 2015 ("the GDPO") was no longer in place and the Council could continue to process this application accordingly. Consequently, the Council was now free to determine the planning application subject to compliance with the legislative requirements noted below.

As Members would recall delegated authority was given to officers to change the conditions and negotiate and draft a planning agreement in conjunction with the Council's solicitor post resolution. That process had been put on hold to avoid the unnecessary expenditure of costs in the event that the DfI 'called in' the planning application.

However, as the application was referred to DfI planning on foot of the directional order under the GDPO, Regulation 7 of the Planning (Development Management) Regulations (Northern Ireland) 2015 was engaged. This regulation meant that the Council must hold a pre-determination hearing to update the Planning Committee on developments in advance of determining the planning application. Following the conclusion of the pre-determination hearing, the Planning Committee should then consider the planning application at Planning Committee and proceed to determine the planning application in light of the outcome of DfI's decision and had any other material considerations which had arisen in the intervening period (from January 2021 to present day) brought to its attention to allow the Planning Committee to consider the Planning Application as a whole taking into account all material considerations and in accordance with Section 6(4) of the Planning Act (Northern Ireland) 2011.

Whilst the legislative procedures required the pre-determination hearing and subsequent Planning Committee to occur it was considered prudent in any event given the protracted consideration by DfI that the Planning Committee be updated as



to any material considerations arising. An updated report would be prepared in advance of the pre-determination hearing and the planning committee in this regard.

The Planning Service would schedule the pre-determination hearing and subsequent planning committee in accordance with the guidance issued by DfI Planning in the form of the Development Management Practice Notes it had issued in respect of the conduct of such meetings.

Subject to consultation with the Chair, the pre-determination hearing and Planning Committee may be undertaken on the same evening, with a date to be agreed. However, further consideration as to the utility of holding the meetings on the same evening was required when all matters were considered.

Planning would work closely with the applicant, following due planning process, to ensure the Pre-determination Hearing and subsequent Planning Committee were undertaken in a timely manner. However, that was subject to the ability to ensure all matters were resolved prior to the scheduling of the meetings and the production of the reports, which was likely to take a number of months.

**RECOMMENDED** that Council notes the correspondence from the DfI Minister, the update within the report, and is asked to endorse the approach of the Planning Service to the scheduling and conduct of the pre-determination hearing in line with the published guidance of DfI and that the Chair is permitted to agree on behalf of the Planning Committee the schedule and conduct of the meetings.

**AGREED TO RECOMMEND**, on the proposal of Alderman Keery, seconded by Councillor McRandal, that the recommendation be adopted.

### **EXCLUSION OF PUBLIC/PRESS**

**AGREED**, on the proposal of Councillor McClean, seconded by Alderman Keery, that the public/press be excluded during the discussion of the undernoted item of confidential business.

### **9. UPDATE ON ENFORCEMENT MATTERS**

(Appendix XIV)

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

**NOT FOR PUBLICATION**

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

### **RE-ADMITTANCE OF PUBLIC/PRESS**

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

**TERMINATION OF MEETING**


The meeting terminated at 10.07 pm.

## ITEM 4.1

## Ards and North Down Borough Council

Application Ref	LA06/2021/1136/O
Proposal	Dwelling and garage on an infill site
Location	Lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry DEA: Ards Peninsula
Committee Interest	<p>A Local development application 'called-in' to Planning Committee from the delegated list w/c 04 April by a member of that Committee- Called in by Cllr Adair:</p> <p><b><i>"Refusal Reason 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</i></b></p> <p><i>The proposed development is in compliance with Policy CTY1 as the development of a gap site or infill site is compliant with this policy and as can be seen from the site location map the gap exists which is compliant with Policy CTY8. Thus the proposal is in compliance with Policy CTY 1 which allows for such a development in the countryside.</i></p> <p><b><i>Refusal Reason 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the creation of ribbon development along the Cloughey Road.</i></b></p> <p><i>It has to be stated that the site is compliant with Policy CTY8 as it is compliant with the requirements of the said policy and it could even be considered that the site has the capability of accommodating 2 No dwellings if the Officers average figures are to be considered. The proposed site has a frontage onto Cloughy Road of some 40m which is similar to the frontage quoted by the Officer for No 63 Cloughy Road while the bookend site No17 Ballygalget Road has a frontage greater than 50m. In relation to depth of site the application site is of similar proportions. It is contended that the proposal fronts onto Cloughy Road as infect does a</i></p>

	<p><i>small portion of No 17 Ballygalget Road while the greater portion front on to the Ballygalget Road. It is contended that the proposal for a dwelling fronting onto Cloughy Road under Policy CTY8 meets with the prescribed policy and should benefit from the grant of a planning approval.</i></p> <p><b>Refusal Reason 3</b> <i>The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.</i></p> <p><i>Compliance with Policy CTY8 (which is contended by the writer that this proposal does) would render this refusal reason unreasonable as it is contended that the proposal is a gap site under Policy CTY8 and as such this would render this reason a nonsense. Development of this site would result in suburban build up rather it would complete the gap that exists along the Cloughy Road which is precisely what Policy CTY8 was designed to achieve</i></p>
Validated	21/09/2021
Summary	<ul style="list-style-type: none"> <li>• Site located in the countryside</li> <li>• Proposal is for outline planning permission therefore it is the principle of development which is being considered</li> <li>• CTY8 of PPS 21 deals with proposals for infill dwellings</li> <li>• Consultees have no objection</li> <li>• 1 objection - dealt with in case officer report</li> </ul>
Recommendation	<b>Refusal</b>
Attachment	Item 4.1a – Case Officer Report

<b>Development Management Case Officer Report</b>			 <b>Ards and North Down</b> Borough Council	
<b>Reference:</b>	LA06/2021/1136/O	<b>DEA:</b> Ards Peninsula		
<b>Proposal:</b>	Dwelling and garage on an infill site			
<b>Location:</b>	Lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry			
<b>Applicant:</b>	Mr Brendan Watson			
<b>Date valid:</b>	21/09/21	<b>EIA Screening Required:</b>	No	
<b>Date last advertised:</b>	07/10/21	<b>Date last neighbour notified:</b>	N/A	
<b>Letters of Support: 0</b>		<b>Letters of Objection: 1</b>		<b>Petitions: 0</b>
<b>Consultations – synopsis of responses:</b>				
DFI Roads		No objection in principle		
NI Water		Content		
NIE		Advice		
NIEA		Standing Advice		
<b>Summary of main issues considered:</b>				
<ul style="list-style-type: none"> <li>• Impact on Biodiversity</li> <li>• Access &amp; Road Safety</li> <li>• Principle of Development</li> <li>• Neighbour Amenity</li> <li>• Impact on Character and Appearance of the Area</li> <li>• Integration within the countryside</li> </ul>				
<b>Recommendation: Refuse 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 is located on lands between 61 Cloughey Road and 17 Ballygalget Road, Portaferry. The site consists of an agricultural field with sheep currently using it for grazing. The field slopes gently towards the roadside boundary. The boundaries are defined by a mixture of ranch style fencing, post and wire fencing and hedging and vegetation.



The site is located in the countryside, outside the settlement limits of both Portaferry and Cloughey. Immediately south of the site is No 17 Ballygalet Road, a single storey detached dwelling and outbuilding, and to the north of the site is No 61 Cloughey Road, a single detached dwelling.

## 2. Site Location Plan



**3. Relevant Planning History**

There is no relevant planning history.

**4. Planning Assessment**

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

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

Planning Guidance:



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

### Principle of Development

ADAP currently acts as the LDP for this area. There are no material provisions in the Plan that are pertinent to the proposal and therefore the determination will be based on other material considerations. The application site is located within the countryside outside any settlement designated in the Ards and Down Area Plan 2015.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. CTY 1 allows for the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8.

### Policy CTY 8 – Ribbon Development

In order to assess whether an infill opportunity exists, it is first necessary to ascertain whether a substantially and continuously built-up frontage, containing a gap, is present. The application site is located along the eastern side of Cloughey Road. The policy states that the definition of a substantial and continuously built-up frontage includes a line of 3 or more buildings. The dwelling at No. 61 Cloughey Road fronts onto this road, however the dwelling and outbuilding at No. 17 have frontage onto the Ballygalget Road. The 3 buildings must all have a frontage to the same road without any physical breaks otherwise the frontage is not considered to be continuous. The dwelling and outbuilding at No. 17 are angled to front onto the Ballygalget Road, with only the corner of the plot abutting the Cloughey Road. Given there are two different frontages, the first criterion of the policy is not met as there is not a substantial and continuously built-up frontage. Please see image 1 which shows the two different frontages, with the proposed site in the middle.



*Figure 1: Google image of the two 'frontages' along Ballygalget Road and Cloughey Road*

It is acknowledged that no two sites can replicate exactly the same set of circumstances. However, the Council has had regard to various planning appeal decisions as they outline the Planning Appeals Commission's general approach and policy interpretation in cases where a gap site relies on two separate frontages. In

Appeal 2017/A0014 the commissioner highlights how the policy refers to one frontage:

*'No 76 and the development along the Glenavy Road frontage to the southeast are separated from the appeal site by the Ballybeen Road. This road constitutes a break in the built development along the frontage of the Glenavy Road. Consequently, there is no continuous built-up frontage along the road. Even if the proposal had full frontage onto the Glenavy Road, it would rely on development along two frontages. The policy refers to frontage; not frontages. In this case, there is no small gap site within a line of three or more buildings along a singular frontage to meet the policy definition.'*

Building on Tradition guidance states that gap sites within a continuous built-up frontage exceeding the local average plot width may be considered to constitute an important visual break. If it is considered that No. 17 Ballygalget Road and No. 61 Cloughey Road act as bookends to the gap site, the gap between these two buildings measures approximately 57.3m. The depth of the gap site measures approximately 28.9m. The plot width of the proposed site is approximately 52m.

In terms of plot sizes for the local area, I have measured the depths and widths of several plots and have included a table below to demonstrate this:

	Width	Depth
No. 17 Ballygalget Road	45.8m	30.3m
No. 61 Cloughey Road	18.8m	29.8m
No. 58 Cloughey Road	29.7m	34.8m
No. 60 Cloughey Road	35.2m	28.4m
No. 63 Cloughey Road	45.4m	36.4m
<b>Average:</b>	35m	31.9m

The proposed plot for the infill dwelling has a comparable depth to other plot sizes within the area, falling slightly below the average depth. The width of the site is much wider than other plots within the area, over 15m above the 'local' average. Given this exceeds the local average plot width, the site could be considered an important visual break.

Building on Tradition guidance also stated, *'A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.'* The frontage of No. 17 Ballygalget Road measures approximately 42.7m in width, and the frontage of No. 61 Cloughey Road measures approximately 23.2m therefore the average frontage width is 33m. The gap site has a frontage of approximately 45.7m therefore is larger than the average of these two plots. It is therefore my planning judgement that the proposal is not in-keeping with planning policy, or the guidance provided in Building on Tradition.

In summary, the proposal fails to satisfy the policy under CTY8 as there is no small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Furthermore, development on this site would add to an existing ribbon of development, creating a sub-urban style build up when viewed with existing and approved buildings.

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

#### Integration into the countryside

A dwelling on the site could be integrated into the landscape without causing an unacceptable adverse impact on the visual amenity and character of the surrounding rural area. As this is an outline application details of the design and external finishes have not been provided. It is not expected there will be any detrimental impacts as a result of this dwelling being constructed on the site, provided they are designed in accordance with the supplementary planning guidance 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside'.

The application site has well defined boundaries, consisting of mature hedgerows and vegetation. I am satisfied the proposal would blend sympathetically into the landform without reliance upon new landscaping. As long as care is taken in the design of a future dwelling, I consider the proposal to visually integrate in accordance with the above policy. If the application went forward as an approval, a condition restricting the ridge height to 6m would likely be included given the dwellings at No. 17 Ballygalget Road and No. 61 Cloughey Road are single-storey.

I do consider that the proposal would result in a suburban style build-up of development when viewed with existing and proposed buildings. Additionally, it would add to the existing ribbon of development situated here between No. 61 Cloughey Road and No. 17 Ballygalget Road. The amplification of the above policy (5.80) states that 'ribbon development is always detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern in the countryside'. The impact of ancillary work would be minor, and as such it is considered that the development to be compliant with part (e).

#### **Sewerage Disposal**

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. As this is an outline application, specific details regarding the sewerage arrangement have not been provided on the plans however the P1 form stated that there will be both a septic tank and soakaways used for the proposed dwelling. Following consultation with NIEA: Water Management Unit they have no objection to the proposal. Consent to Discharge will need to be obtained from NIEA WMU as a separate matter.

#### **Residential Amenity**

It is considered that the dwelling proposed on this site will not cause any unacceptable adverse impacts to neighbouring properties regarding residential amenity due to the ample size of the site and the existing boundary treatments.

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



The proposal includes a new access onto Cloughey Road. Access arrangement details have not been provided given this is an outline application. Cloughey Road is not a protected route. Ample parking will be provided in accordance with Creating Places standards. DFI Roads have been consulted and have offered no objections to the proposal in principle.

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

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

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

### **5. Representations**

One objection letter was received. Those material planning matters raised in submitted representations are summarised below:

- **Principle of Development:** The objector has stated that the proposal does not represent a gap site and the houses included in the line of development front onto different roads. In addition, the objector stated that even if the houses were considered to be part of the same frontage, an entire field with a hedge would need to be removed to provide the sightlines and thus this would have a detrimental impact on rural character. I have assessed the principle of development in my main assessment above and have agreed with the position taken by this objector.

### **6. Recommendation**

#### **Refuse Planning Permission**

### **7. Refusal Reasons**

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

- 2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the creation of ribbon development along the Cloughey Road.
  
- 3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

**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.

**Case Officer  
Signature:**




## ITEM 4.2

51

## Ards and North Down Borough Council

Application Ref	LA06/2022/0130/O
Proposal	Dwelling (Renewal of LA06/2018/0938/O)
Location	84 Crawfordsburn Road, Bangor DEA: Holywood and Clandeboye
Committee Interest	Application made by an elected member of the Council
Validated	08/02/2022
Summary	<ul style="list-style-type: none"> <li>• Outline application – seeking approval of proposal in principle – no detailed plans submitted</li> <li>• Principle of development in garden</li> <li>• Consideration of planning history on adjacent site</li> <li>• Impact on character of area</li> <li>• Consideration of road access and parking</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.2a – Case Officer Report

<b>Development Management Case Officer Report</b>		 <b>Ards and North Down Borough Council</b>	
<b>Reference:</b>	LA06/2022/0130/O	<b>DEA:</b> Holywood & Clandeboye	
<b>Proposal:</b>	Dwelling (Renewal of LA06/2018/0938/O)		
<b>Location:</b>	Lands immediately South of 84 Crawfordsburn Road, Bangor		
<b>Applicant:</b>	Mr S Smith		
<b>Date valid:</b>	08.02.2022	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	24.02.2022	<b>Date last neighbour notified:</b>	24.02.2022
<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 objection (subject to condition)	
DEARA Water Management Unit		Refer to standing advice	
NI Water		Refer to standing advice	
ANDBC Environmental Health		No objection	
<b>Summary of Main Issues Considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Parking and Access</li> <li>• Impact on Residential Amenity</li> <li>• Visual impact</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 application site is located to the front garden area of No. 84 Crawfordsburn Road, Bangor. The site consists of a well maintained lawn and landscaped planted areas.

The levels of the garden drop down into the site from the northern boundary, with a rock face and steps leading down into it. The road frontage is defined by a red-brick wall and hedging. A 1m high trimmed hedge defines the eastern and western boundaries. The northern boundary is undefined as it comprises the rest of the garden area of the existing dwelling. The site slopes down gradually towards Crawfordsburn Road.

The dwelling at No. 84 Crawfordsburn Road is two-storey in nature, and finished in red-brick and white render. Other finishes include a brick chimney, white upvc window frames and white pvc guttering. A tarmac driveway leads up the house to the east of the application site.

The surrounding area is residential in nature, with large detached dwellings found on long linear plots, for the most part. The dwellings along this part of the Crawfordsburn Road benefit from large front gardens. Carnalea Golf Club is located to the rear of the site.

No. 86 has benefitted from planning permission for a dwelling in the front garden, similar to this proposal, whilst No's 86A & 86B already respect a building line further to the west of No. 84A. There is no real established building line along this side of Crawfordsburn Road whereas the opposite side of the road is very formal in terms of building line.



Site Frontage to Crawfordsburn Road & No 84a adjacent to western boundary



## 2. Site Location Plan



## 3. Relevant Planning History

**LA06/2018/0938/O:** No. 1 Three Bedroom Chalet Bungalow

**Site Address:** Immediately south of 84 Crawfordsburn Road, Bangor

**Permission Granted:** 07.03.2019

#### 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 *'Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations. Consequently, dBMAP is a material consideration relevant to this application'*
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas

#### **Planning Guidance:**

- Living Places
- Development Control Advice Note 8, Housing in Existing Urban Areas
- Creating Places

#### **Principle of Development**

The application site is located within the settlement limit of Bangor. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.

The site described is located within the development limit of Bangor as defined in the Draft BMAP and the North Down and Ards Area Plan 1984-1995 (NDAAP). There are no other designations on site therefore, the proposal is considered to be in accordance with the development plan.

In addition to this, the principle of residential development on the site has been established by the directly preceding application LA06/2018/0938/O, which had remained extant on the site until 06/03/2022.

The subject application was received and validated prior to this expiry date, and I am therefore satisfied that the proposal can be duly considered as a renewal of the planning approval granted under LA06/2018/0938/O.

### Quality Residential Environments

All proposals for residential development will be expected to conform with the detailed Criteria of Planning Policy QD1 of Planning Policy Statement 7.

In context of the same, the proposal has been duly assessed and found to be in compliance with the same as detailed in the remainder of this report.

The site lies within the front garden area of No. 84 Crawfordsburn Road, with a new access proposed onto the Crawfordsburn Road and as an outline application, its purpose is to renew the principle of development on the site, established by LA06/2018/0938/O.

This section of the Crawfordsburn Road is characterised by detached dwellings, with the exception of the semi-detached houses at Nos. 86a & 85a Crawfordsburn Road. Apartment buildings and semi-detached dwellings are also located along Worcester Avenue and Worcester Lane which are located further along the Crawfordsburn Road to the west of the site.

In addition to the aforementioned 2018, the approval issued under W/2004/0823/F for the adjacent dwelling (No. 84A Crawfordsburn Road) is of note and was of material significance when the original application for this site was determined.

Given that both plots are similar in size and shape, it must be considered that the subdivision of No. 84's site is acceptable given the physical comparisons which can be drawn.

As per conclusions reached in assessment of LA06/2018/0938/O, I therefore believe the principle of development to be acceptable and would assert that an appropriately scaled dwelling in this location would be suitable.

In addition, if a site layout is submitted at Reserved Matters stage is broadly compliant with that shown on Drawing 02, over 40sqm of private amenity space will be provided for the detached dwelling.

The site is situated on a main transport route with relatively easy access to the town centre and public transport and again, in context of Drawing No 02, it is reasonable to suggest that the site could accommodate a dwelling and two in-curtilage parking spaces.

As per the original application, I would concur that any future dwelling on the site will be conditioned to have a ridge height of no more than 6m. This will reduce the impact of any overlooking, loss of light or dominance.

The adjacent dwelling (No. 84A) is split-level, with the ridge height 5m above ground level at the highest point. To the rear of the proposed site there is existing planting and hedging which will help with screening the proposal from the front of No. 84 Crawfordsburn Road. This will be further assessed at the reserved matters stage. Any noise will be during the construction phase only.



Prevailing policy also determines that development should protecting local character, environmental quality and residential amenity, and in accordance with the same, I am satisfied that the proposed density is acceptable, the pattern of development is in keeping with the surrounding area and the residential amenity of existing dwellings will not be harmed.

In overview then, I am satisfied that the proposed renewal of LA06/2018/0938/O is acceptable in context of prevailing policy requirements contained within PPS 7.

### **Access and Roads Safety**

Following a consultation with DFI Roads; it has offered no objections to the proposed development in terms of the new access and parking arrangements. A new access is proposed from the Crawfordsburn Road into the site and has been considered acceptable by Roads.

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

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

The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. The NI Biodiversity checklist has been completed and indicates that there are no ecological assessments required.

## **5. Representations**

No objections have been received.

## **6. Recommendation**

The proposal has been considered having regard to all the material considerations, the relevant planning policies and comments from statutory consultees.

With particular regard to the 2018 planning approval on the site, the proposed development remains acceptable in context of the prevailing planning policy framework.

On balance it is therefore considered that the proposed development should therefore proceed by way of an approval of planning permission.

### **Grant Planning Permission**

## 7. Conditions

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

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

2. Except insofar as expressly conditions 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 RS1. The access shall be constructed in accordance with the approved details prior to the commencement of any other development on this site.

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

4. The development hereby permitted shall have a layout which is broadly in line with the indicative proposed Site Plan Drawing No.02 bearing the Council date stamp of 14<sup>th</sup> February 2022, but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.

Reason: In the interests of visual amenity in the surrounding area and residential amenity with regard to adjacent properties.

5. The proposed dwelling shall have a ridge height no greater than 6m above finished floor level.

Reason: To ensure the dwelling integrates into the area.

6. A plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels shall be submitted simultaneously with the detailed drawings (for the development hereby approved) at the Reserved Matters stage.



Reason: To ensure the dwelling integrates into the landform.

7. A landscaping plan must be submitted to and approved by the Council at reserved matters stage. This plan must include details of all existing vegetation within the site indicating those trees to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, details of all boundary treatments, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; an implementation and maintenance programme. The landscaping shall be completed during the first available planting season following occupation in accordance with the approved details.

Reason: To ensure the proposed dwelling will not be prominent feature in the local area.

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

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

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.

<b>Case Officer Signature:</b>		<b>Date:</b>	
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Figure 1: Site Location Plan

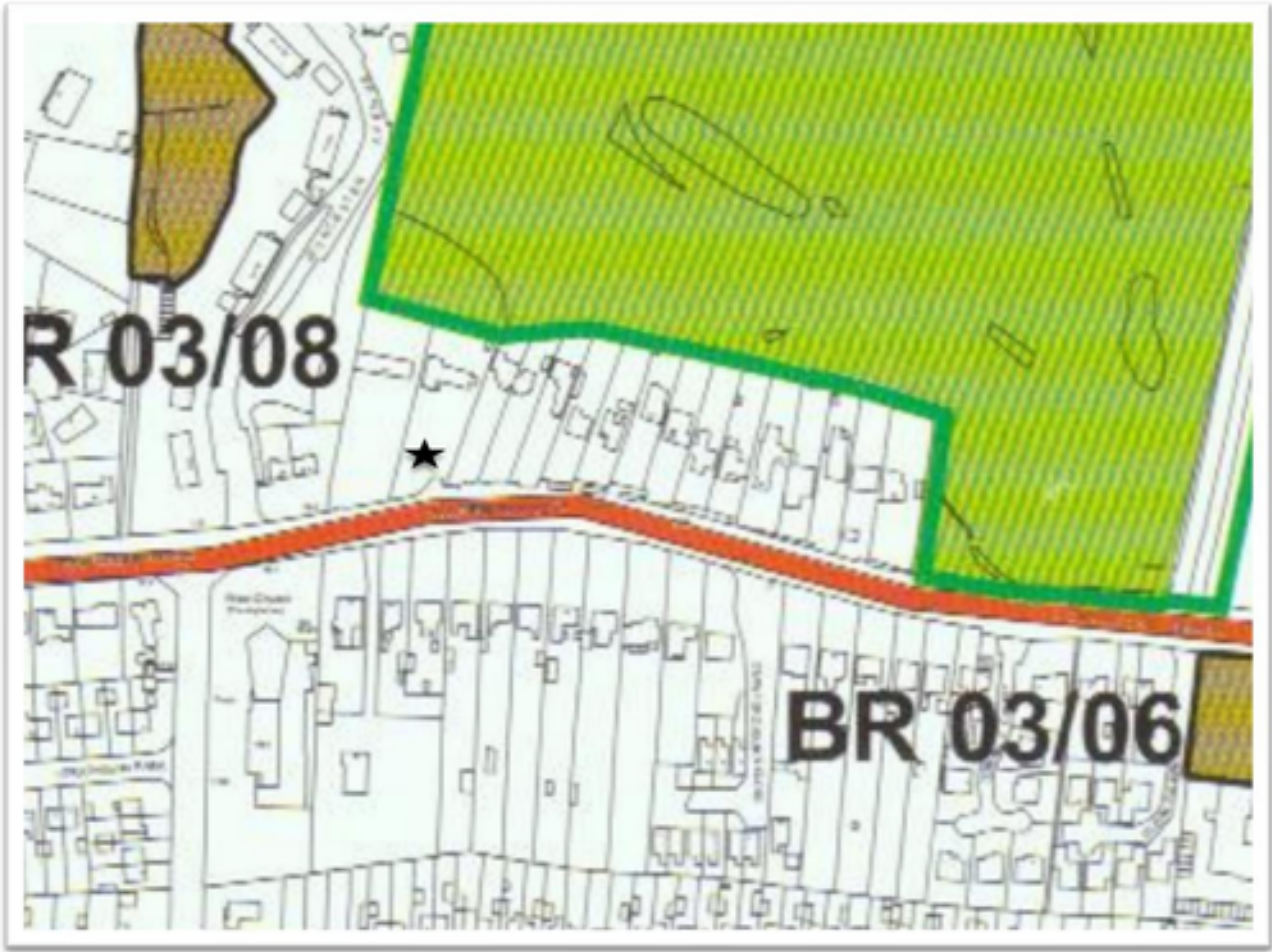


Figure 2: Site located within draft BMAP

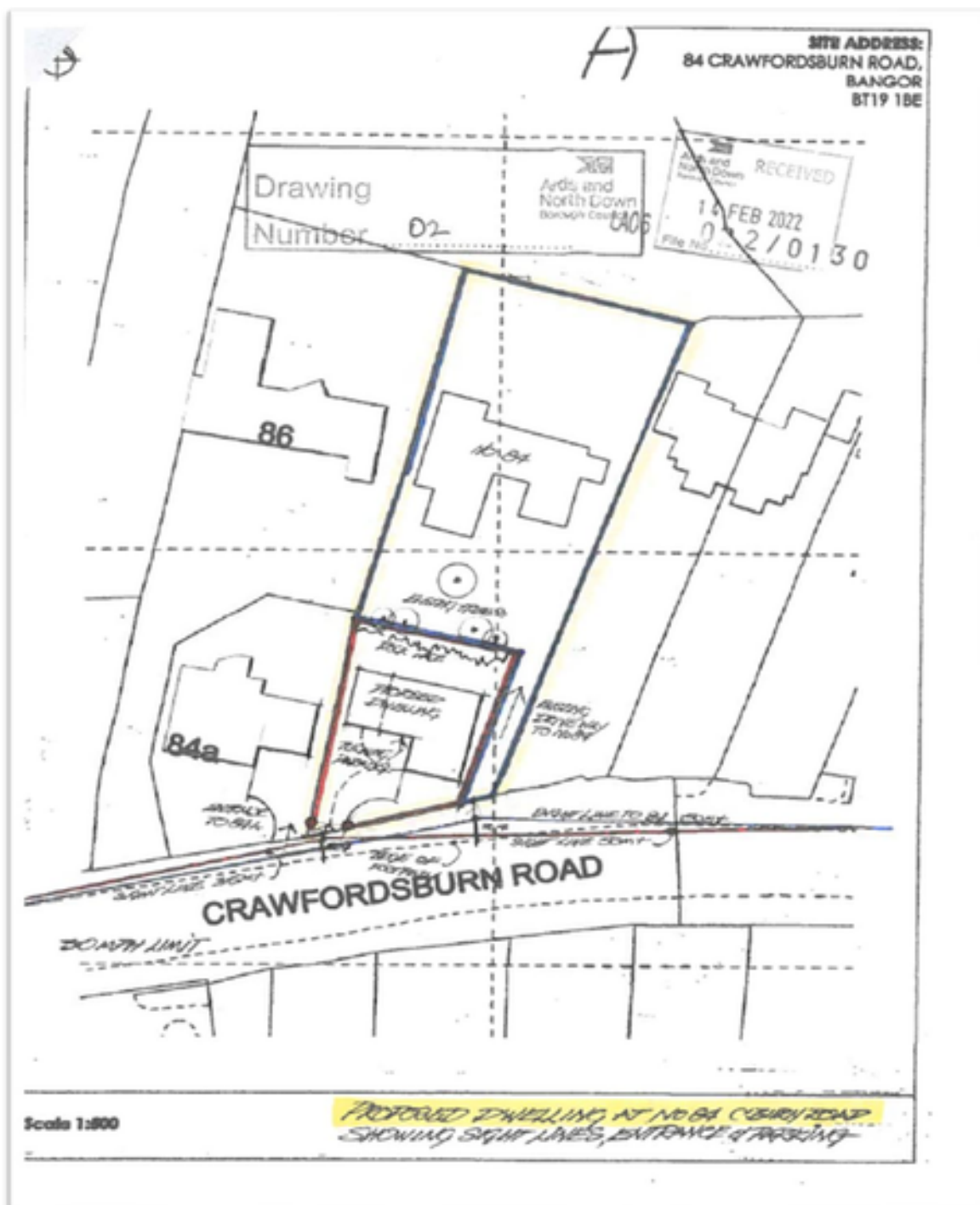


Figure 2: Proposed Block Plan



**Site Pictures**



*View of Site from roadside boundary. The rock face and planting to the rear boundary screens No. 84 from view*



*View of Western boundary and No. 84A*



*View from northern boundary of site*



*No. 84 Crawfordsburn Road*



*No. 84A Crawfordsburn Road (adjacent)*




*Existing access for 84 Crawfordsburn Road*



## ITEM 4.3

## Ards and North Down Borough Council

Application Ref	LA06/2022/0118/LBC
Proposal	Emergency repairs to the south pediment, comprising stone repairs, re-rendering of the tympanum and installation of lead weathering details
Location	Ards Arts Centre, Town Hall, Newtownards DEA: Newtownards
Committee Interest	An application made by the Council
Validated	04/02/2022
Summary	<ul style="list-style-type: none"> <li>• Emergency works required</li> <li>• Consultee HED content with proposed works</li> <li>• HED recommend conditions</li> <li>• No representations received</li> </ul>
Recommendation	<b>Consent</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>	LA06/2022/0118/LBC	<b>DEA:</b> Newtownards		
<b>Proposal:</b>	Emergency repairs to the south pediment, comprising stone repairs, re-rendering of the tympanum and installation of lead weathering details	<b>Location:</b>	Ards Arts Centre Town Hall Newtownards	
<b>Applicant:</b>	Ards & North Down Borough Council			
<b>Date valid:</b>	04.02.2022	<b>EIA Screening Required:</b>	No	
<b>Date last advertised:</b>	24.02.2022	<b>Date last neighbour notified:</b>	N/A	
<b>Consultations – synopsis of responses:</b>				
HED		No objection with conditions		
<b>Letters of Support</b> 0 <b>Letters of Objection</b> 0 <b>Petitions</b> 0				
<b>Summary of main issues considered:</b>				
<ul style="list-style-type: none"> <li>• Design and Appearance</li> <li>• Impact on the character and appearance of the area, including the impact on the listed building.</li> <li>• Impact on landscape features and environmental quality</li> </ul>				
<b>Recommendation: Grant Consent</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 is located at Ards Arts Centre, Town Hall, Newtownards. The building on site is located at the north of Conway Square in the centre of Newtownards town. The building is used as the town hall for Newtownards and is finished in Scrabo sandstone. The building has a rectangular shape footprint with a central column which projects forward. There are two storey wings on either side of the central column with hipped roof. The central column has an entrance door-way on the ground floor, window at first floor level and a clock above this with a spiral roof.

The building is listed and is of historical importance to Newtownards and its history as a market town.

The site is located inside the settlement limits of Newtownards, the primary retail core and town centre as shown with the Ards and Down Area Plan 2015.

## 2. Site Location Plan



### 3. Relevant Planning History

There is no planning history of relevance on or adjacent to the site.

### 4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 6: Planning, Archaeology and the Built Heritage

#### **Principle of Development**

The main considerations in assessment of this application are whether:

- the alterations have an unacceptable impact on the listed building they are proposed to.

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

ADAP currently acts as the LDP for this area. Under ADAP, the site lies within the settlement limit of Newtownards. As there are no material provisions in the Plan that are pertinent to the proposal, the determination will be based on other material considerations.

#### **Strategic Planning Policy Statement SPPS**

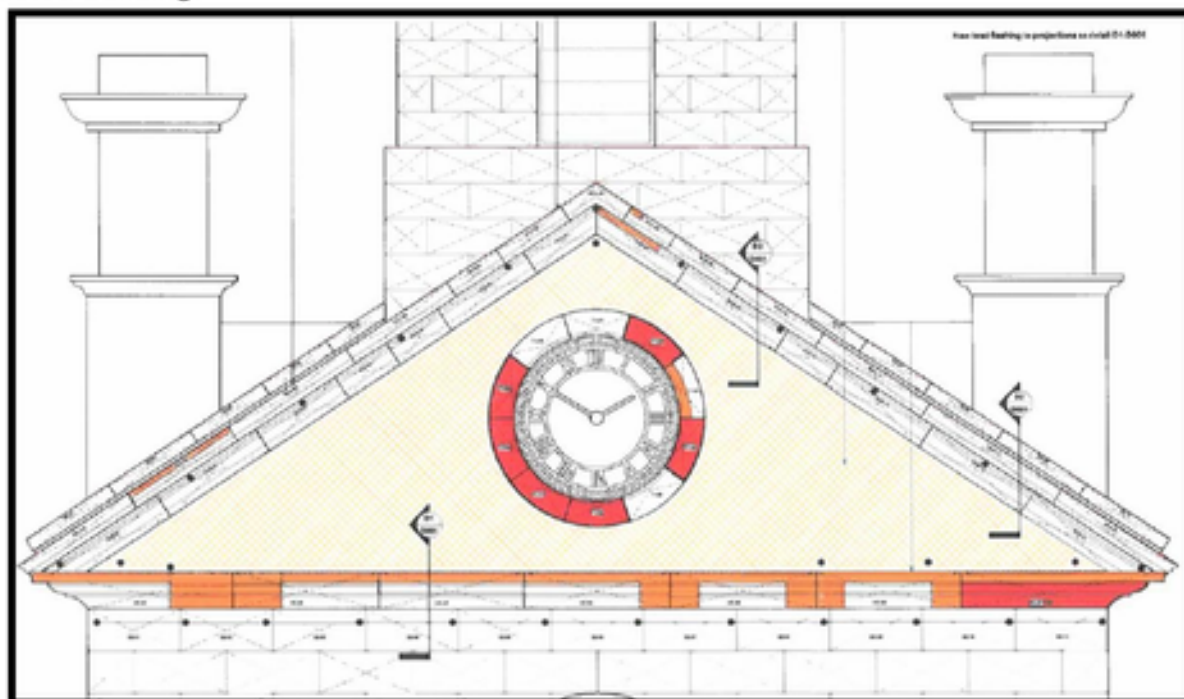
Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal has the potential to impact upon the Town Hall, due to its special architectural and historic importance. Section 80 of the Planning Act (NI) 2011 is applicable to the proposal along with PPS6.

#### **Planning, Archaeology & the Built Heritage**



The proposed works are minor in terms of development and detailed drawings have been submitted and assessed by Historical Environment Division. The proposed alterations to the building are deemed to be acceptable and will not detract from the listed building.



Proposed drawing showing areas of repair, including mortar, lead and removal of vegetation.



Area of building to be repaired.

Within the consultation response HED states that it met with the agent of the proposal and examined replacement materials. HED also states the proposed works are repair in nature to the historic fabric and consider they do not affect the essential character of the listed building. The proposed alterations to the building are minimal, in keeping with the character of the existing building, and the essential character of the building and its setting will be retained, and its features of special interest remain intact.

The design of the proposed refurbishments is sympathetic with the host building.



The design includes retaining special features of the original building and retaining the character of the original building. The proposed development has been considered by DFC HED and all that proposed meets the criteria of the policy.

HED commented that it is content with the proposals, with conditions, when assessed under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

**5. Representations**

No representations received

**6. Recommendation**

**Grant Consent**

**7. Conditions**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The proposal shall be as per planning drawing no. 02 and shall be in line with the 'Repairs at Newtownards Town Hall' specification document, both published 11 02 2022.

Reason: To ensure the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building

3. Replacement stone to be 'cullalo' sandstone as agreed on site with HED unless otherwise agreed in writing with HED (Historic Buildings) and the Council prior to works commencing on site.

Reason: To ensure the architectural details match or are in keeping with the building.

**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.

<b>Case Officer Signature:</b>		<b>Date:</b>	
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Unclassified

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## ITEM 5

## Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	19 May 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	11 April 2022
File Reference	
Legislation	The Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Planning Appeals
Attachments	Item 5a

## Decisions

1. The following enforcement notice was quashed on the 31 March 2022

<b>Appeal reference:</b>	2020/E0028
<b>Application Reference:</b>	LA06/2018/0403/CA
<b>Appeal by:</b>	Mr Mervyn and Julie Philips
<b>Subject of Appeal:</b>	Alleged unauthorised residential dwelling, access laneway and associated hardstanding.
<b>Location:</b>	Land at 80m South of 12 Drumawhey Road, Newtownards

The Commissioner determined that the building, which formed the focus of the appeal, was not being used a residential dwelling.

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The enforcement notice was served during the initial stages of the global COVID 19 pandemic and at this time the owner of the property would not allow the Council access to the site to complete an internal site inspection. Given the unprecedented times the Council was not able to enforce an internal site inspection, and as a result of an approaching immunity date the Council had to serve the EN to protect its position.

The Commissioner determined that the building was being used as a tack store, home office and artist's studio ancillary to the residential property at No. 12 Drumawhey Road and therefore did not constitute a breach.

The decision is attached to this report.

### New Appeals Lodged

2. The following appeals were submitted on 23 February and 23 March 2022 respectively.

<b>Appeal reference:</b>	2021/A0227
<b>Application Reference:</b>	LA06/2021/0413/F
<b>Appeal by:</b>	Mr James Morley
<b>Subject of Appeal:</b>	Demolition of existing dwelling and erection of 4 no.2 Bed apartments
<b>Location:</b>	115 Station Road, Craigavad, Holywood

<b>Appeal reference:</b>	2021/E0077
<b>Application Reference:</b>	LA06/2020/0019/C
<b>Appeal by:</b>	D Graham
<b>Subject of Appeal:</b>	Alleged unauthorised removal of two trees protected by a Tree Preservation Order (TPO)
<b>Location:</b>	Lands adjacent to 5 Bennett House and to the rear of 2b Fort Road, Helens Bay

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 the Council notes this report.



# Enforcement Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
E: info@pacni.gov.uk

<b>Appeal Reference:</b>	2020/E0028
<b>Appeal by:</b>	Mr & Mrs Mervyn & Julie Phillips
<b>Appeal against:</b>	An Enforcement Notice dated 19 <sup>th</sup> May 2020
<b>Alleged Breach of Planning Control:</b>	Alleged unauthorised residential dwelling, access laneway and associated hardstanding.
<b>Location:</b>	Land at 80m South of 12 Drumawhey Road, Newtownards.
<b>Planning Authority:</b>	Ards and North Down Borough Council
<b>Authority's Reference:</b>	LA06/2018/0403/CA
<b>Procedure:</b>	Hearing on 16 <sup>th</sup> November 2021 and accompanied site visit on 22 <sup>nd</sup> November 2021.
<b>Decision by:</b>	Commissioner K Donaghey, dated 31 <sup>st</sup> March 2022

## Grounds of Appeal

1. The appeal was initially brought on grounds (a), (b), (c), (d), (e), (f) & (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. However, it was confirmed at the hearing that the appeal is brought on grounds (b), (c), (d) and (f) as set out in Section 143 (3) of the Planning Act (Northern Ireland) 2011.

## The Notice

### Ground (b) – That the matters stated in the notice have not occurred

2. The onus is on an appellant who pleads ground (b) to demonstrate, on the balance of probabilities, whether the matters alleged in the Enforcement Notice (EN) have occurred.
3. The EN refers to an 'unauthorised residential dwelling, access laneway and associated hardstanding'. This notice was issued on the 19<sup>th</sup> May 2020. The critical consideration in respect of ground (b) is whether, at the time of the service of the EN, the structure was a residential dwelling.
4. The Council have provided orthographic images from May 2009, July 2014 and April 2016 which they allege shows the building being taken from an abandoned state to its current condition. Whilst the photographs indicate there was a building on the appeal site these photographs of themselves do not demonstrate that the building is used as a dwelling.
5. The Council relied on the case of *Hudgens v Secretary of State for the Environment, Transport and the Regions and South Holland District Council* [2000]



EWCA Civ 506 to demonstrate that the existing structure on site was abandoned. Whilst abandonment may be a relevant issue in determining if there has been a breach of planning control, its use in regard to ground (b) is misplaced.

6. The Council visited this site on the 8<sup>th</sup> November 2018 and 13<sup>th</sup> November 2018. The Council did not gain entry the building then or at any point prior to the service of the EN. At the Council's site inspection on 13<sup>th</sup> November 2018 the inside of the building was photographed through the windows. These photographs show a small living room type set-up and a small kitchen. These photos also show a small, enclosed garden to the front of the building and a small, decked area to the south gable of the building. It is evident at this point that the Council reached the conclusion that this structure was being used as a dwelling,
7. The Council then initiated enforcement proceedings, including the issuing of warning letters on the 8<sup>th</sup> January 2019, 31<sup>st</sup> May 2019 and 6<sup>th</sup> December 2019. The Council advised that they were unable to confirm if the remedial steps set out within these warning letters were complied with prior to issuing the EN.
8. The appellant advised that the building was in use as an agricultural store until it was damaged in a storm in the late 90's. He has since refurbished the building installing a roof, windows and doors and rebuilding one of the damaged walls. The building has also been rendered. The appellant advised that the completed building initially acted as ancillary accommodation when his son and his family had returned to Northern Ireland to live. He advised that when his son had found his own accommodation the structure was then used as an artist's studio and a home office. He also advised that the small kitchenette had been removed upon receipt of the Councils warning letters. The appellant argued that at no point did this building act as a separate residential dwelling but rather it is used as ancillary accommodation in association with the dwelling at No. 12 Drumawhey Road. Furthermore, at the time of the service of the EN it was unable to do so as any kitchen facilities had been removed. He advised that this point is reinforced by the building not having any services which are separate from the main dwelling. He stated that the electricity and water supply are all taken from No. 12 Drumawhey Road and that the building is heated by a small electric heater rather than a separate heating system.
9. Whilst it is evident that there has been works undertaken to this structure over time, the focus of the Council's EN is on the use of the structure as a dwelling. Therefore, on the balance of probabilities the Council were of the view, that this structure was in use as a residential dwelling in its own right when the EN was served. The Council have a notable absence of evidence in respect of the use of the building, having not inspected the interior of the building prior to serving the EN. The only documentary evidence provided by the Council in respect of this use is in the form of photographs which pre-date the EN by almost 18 months. This evidence also pre-dates any consequent enforcement actions which were taken by the Council in respect of the alleged breach of planning control.
10. The Council have placed significant weight on the fact that the appellant instructed a professional representative to compile a planning application to resolve the alleged breach. LA06/2020/0084/F was for the '*retrospective conversion of a redundant cottage to holiday accommodation*' and was withdrawn on the 1<sup>st</sup> December 2020. Council argue that this application demonstrates that the building

was being used as a residential dwelling. However, even with this application in the planning system at the time of the service of the EN, the Council cannot produce any records of site inspections or further documentary evidence to demonstrate that this building functioned as a separate residential dwelling.

11. At the time of my accompanied site visit the building was being used as a tack store, home office and artist's studio ancillary to the residential property at No. 12 Drumawhey Road. The main body of the building lacked a heating system and any kitchen units had been removed. Whilst the building had a small bathroom, this appeared to have not been used for a reasonable period of time. It was evident from my visit that the building was not currently in use as a residential dwelling, albeit my visit was some 18 months after the service of the EN. As previously stated, the appellant advised that he had removed the small kitchenette on the receipt of the Council's first warning letter and that the upper floor had always been a home office rather than a bedroom as the Council alleged. In the absence of any documentary evidence from the Council to rebut this assertion I cannot conclude, on the balance of probabilities, that the structure was in use as a single residential dwelling upon the service of the EN.
12. The EN also refers to an area of associated hard standing. The word associated refers that the area of hard standing to which the EN refers is has a connection to the building and its functions. The building is sited within the appellants farmyard and so is surrounded by hard standing to the north and west. I do not consider this hard standing to be associated with the building as it forms part of the appellants historic farmyard. The Councils photographs of the 13<sup>th</sup> November 2018 show an ancillary area to the south of the building which had been fenced off and a wooden decking structure erected at ground level by the appellant. The decking along with any accompanying hardstanding or fencing was not evident at my site inspection. The appellant advised that this decking and any accompanying fencing and hardstanding was removed after receiving the first warning letter. In the absence of any documentary evidence from the Council to rebut this assertion I cannot conclude, on the balance of probabilities, that this associated hard standing was in place at the time of when the EN was served.
13. The Council have referred to an access laneway within the EN. The map which accompanies the EN takes a theoretical line from the building to the roadside. From my site visit and examination of the orthographic images, there is no access delineated within the site by any markings or change of surfacing. Any hardstanding within the site comprises part of the historic farmyard rather than any formal constructed access to the building. From my observations on site and the submitted orthographic images, I cannot detect that an access laneway has ever been created.
14. At the access to the public road there is a set of gates which are stepped back from the road. The appellant advised that this historic access to the farmyard has not been modified for a significant period. The visibility from this access is sub-standard. The Council did not submit any persuasive evidence to demonstrate that there had been any works to the existing access which are a result of the wider works to the appeal building or otherwise. Therefore, I do not consider than an access laneway has been created either where the site joins the public road or within the farmyard.

15. Therefore, as I have found that the breaches as described on the EN have not taken place as stated, the appeal in relation to ground (b) succeeds. Thus, I do not need to consider the remaining grounds of appeal.

### **Decision**

- The decision is as follows:-
- The appeal on Ground (b) succeeds.
  - The notice is quashed.

**COMMISSIONER KENNETH DONAGHEY**

**List of Appearances**

Planning Authority:-	Ms Wendy Murray (Ards and North Down Borough Council)
Appellant:-	Mr Mervyn Phillips

**List of Documents**

Planning Authority:-	"A"	Written Statement of Case
Appellant:-	"B"	Written Statement of Case



Unclassified

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## ITEM 6

**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	19 May 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 April 2022
File Reference	RDP39/RDP14
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Notice of Motion on Revision of Mineral Planning Permissions (ROMPS)
Attachments	Item 6.1: Correspondence from Council to Minister for Infrastructure dated 04.03.2022 Item 6.2: Response from Chief Planner to Council dated 06.04.2022

**Background**

In February 2022 Council adopted a Notice of Motion submitted by Councillor McKee and Councillor Kendall:

That Council notes with concern that, since Local Government Reform in 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Minerals Permissions (ROMPs). Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities resulting from repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

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In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, this Council considers the imposition of these responsibilities and liabilities upon our resources as unreasonable. Therefore, this Council calls on the Minister for Infrastructure, to urgently legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and for her Department to implement, administer and deliver ROMPs.

### **Progress**

Council subsequently wrote to the Minister for Infrastructure on this matter (see letter attached at Item 6.1). The Department for Infrastructure (Dfi) has now responded, and a copy of the Chief Planner's response is attached at Item 6.2.

It reads that Dfi will proceed with passing ROMPs over to Councils for implementation, administration and delivery. It states that, with regard to concerns raised by this and other councils, the Department will consider a phased approach to implementation, the introduction of a fee for ROMPs applications, and the provision of guidance and model conditions.

Officers strongly disagree with the approach outlined by Dfi and it is proposed that Council writes back to the Department in this regard.

### **RECOMMENDATION**

It is recommended that Council writes back to the Minister for Infrastructure and the Chief Planner, opposing the Department's approach.

Our Ref: COR 2022-061

Your Ref:



Ms Nichola Mallon  
Minister for Infrastructure

**Via Email Only: [private.office@infrastructure-ni.gov.uk](mailto:private.office@infrastructure-ni.gov.uk)**

4 March 2022

Dear Minister

**Ref: Review of Mineral Planning Permissions (ROMPs)**

I am writing to advise you that this Council has recently ratified a Notice of Motion regarding section 129 of The Planning Act (Northern Ireland) 2011 as follows:

'The Council notes with concern that, since Local Government Reform in 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Minerals Permissions (ROMPs). Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities resulting from repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, this Council considers the imposition of these responsibilities and liabilities upon our resources as unreasonable. Therefore, this Council calls on the Minister for Infrastructure, to urgently legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and for her Department to implement, administer and deliver ROMPs'.

Your Department's recent report into the Review of the Implementation of the Planning Act acknowledges that whilst the introduction of the legislation relating to the Review of Minerals Permissions (ROMPs) in Northern Ireland has not been commenced, no decision has been taken not to implement ROMPs. I note that you intend to consider options as presented by your officials early this year, and to that end I would urge you to give consideration to this Council's views as set out above.

Our Ref: COR 2022-061

Your Ref:



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**Ards and  
North Down**  
Borough Council

The Council would appreciate your response to the Motion as set out in this letter.

Yours sincerely

**STEPHEN REID**  
**Chief Executive**



**Regional Planning Directorate**

Mr Stephen Reid  
Chief Executive  
Ards and North Down Borough Council  
[stephen.reid@ardsandnorthdown.gov.uk](mailto:stephen.reid@ardsandnorthdown.gov.uk)

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Email: [angus.kerr@infrastructure-ni.gov.uk](mailto:angus.kerr@infrastructure-ni.gov.uk)  
[julie.maroadi@infrastructure-ni.gov.uk](mailto:julie.maroadi@infrastructure-ni.gov.uk)

Your reference: COR 2022-061  
Our reference: CORR-0292-2022

06 April 2022

Dear Mr Reid

**Review of Mineral Planning Permissions (ROMPs)**

Thank you for your email of 4th March. Your correspondence has been received in the Minister's office and passed to me for response.

Firstly, my apologies for the delay in responding. In anticipation of the end of our Assembly mandate the Minister was working on a range of priorities, one of which was her consideration of an options paper on the provisions within the Planning Act (NI) 2011 relating to the review of old mineral planning permissions (ROMPs).

I can advise that on the 27 March 2022 the Minister announced that the ROMPs provisions should be amended and commenced as early as possible in the new mandate. The amendments include the expansion of the provisions to cover both the extraction and processing of minerals as the current provisions as written cover only the extractive element of operations.

I appreciate your concerns regarding the Council's role in managing the resulting applications but the Department remains of the view that local government is the most appropriate level at which these applications should be considered and determined. This is in line with the previous Executive and Assembly's decision to transfer local planning decisions to councils.

However, to address your concerns and those raised by other councils, the Department will work together with both councils and the industry on implementation. This will include considering a phased approach to implementation, the introduction of a fee for ROMPs applications and the provision of suitable guidance and model conditions.

When implemented, ROMPs will secure improved operating and environmental standards for existing quarries across the North. I hope the necessary legislation can be made early in the next mandate and that this will ensure that the anticipated benefits materialise as soon as possible, however this will require Ministerial agreement.

I look forward to your Council and the rest of local government playing its part, along with the Department and the quarrying industry in implementing this important process in the future.

Yours sincerely



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**ANGUS KERR**  
**Chief Planner &**  
**Director of Regional Planning**

See the recent press release available at the following link:-

[Review of Old Mineral Permissions - Minister Mallon Indicates Way Forward | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)