

ARDS AND NORTH DOWN BOROUGH COUNCIL

25 October 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 on **Tuesday 01 November** which will be held via Zoom 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 04 October 2022
4. Planning Applications

LA06/2018/1198/F	<p>Replacement of sports changing rooms and addition of gymnasium and dancestudio on site of existing pavilion. Full size artificial grass hockey pitch associated facilities and replacement carparking of existing car park. Section 54 application for non-compliance with Condition 3 and variation of Condition 4 of approval W/2014/0411/F.</p> <p>Sullivan Upper School, Belfast Road, Holywood</p>
LA06/2018/1196/F	<p>Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch. Section 54 application for non-compliance with Condition 2 and variation of Condition 3 of Planning Approval W/2014/0422/F</p> <p>Sullivan Upper School, Belfast Road, Holywood</p>
LA06/2022/0335/F	<p>Proposed/ Part replacement wastewater rising main connecting Stricklands Glen Wastewater Pumping Station (WWPS) to Brompton Road WWPS with associated temporary site access and material storage areas</p>

	Lands 46m North of no. 7 Brompton Road and 80m West of no. 29 Stricklands Bay, Bangor, to include Brompton Road and Stricklands Glen pumping stations and the coastal path between
LA06/2021/0466/F	Tensile canopy structure for public use Hibernia Street (Pedestrianised Section), Holywood

5. Update on Planning Appeals (report attached)

In Confidence

6. Report on LDP Affordable Housing Options (report attached)

7. Verbal Update on Planning Portal replacement project

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Tuesday, 4th October 2022 at 7.00 pm via Zoom.

PRESENT:

In the Chair: Alderman Gibson

Aldermen: Keery (7:22 pm)
Mcllveen

Councillors:	Adair (7.22 pm)	McClellan
	Brooks	McKee
	Cathcart	Moore
	Kennedy	P Smith
	McAlpine (7:04 pm)	Walker

Officers: Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough) and Democratic Services Officers (M Mcllveen & S McCrea)

1. APOLOGIES

An apology was received from Councillor McRandal and Councillor Thompson.

2. DECLARATIONS OF INTEREST

No declarations were made.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 6 SEPTEMBER 2022

PREVIOUSLY CIRCULATED:- Minutes of the meeting held on 6 September 2022.

RECOMMENDED that the minutes be noted.

AGREED, on the proposal of Councillor Moore, seconded by Councillor McKee, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 LA06/2021/1031/F- Two storey replacement dwelling with integral garage 3 Bridge Road, Helen's Bay (Appendix I)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Hollywood & Clandeboye

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

Proposal: Two storey replacement dwelling with integral garage.

Site Location: 3 Bridge Road, Helen's Bay

Recommendation: Approval

The Head of Planning advised that the proposal was for the demolition of an existing dwelling and construction of replacement dwelling, incorporating integral garage at 3 Bridge Road, Helens Bay. The proposal was being presented at committee as it attracted 17 objections from 10 separate addresses.

The site consisted of detached two-storey dwelling along with an attached outbuilding and carport, sitting within its own grounds. The site was accessed by a laneway leading from Bridge Road with boundaries of the site defined by hedging and thick vegetation. The topography of the site was predominantly flat and was located within the settlement limit of Helen's Bay as defined by extent and draft Plans. The site lay within the proposed Helen's Bay Area of Village Character and had attracted a number of objections from 10 separate addresses; 6, 6a, & 9 Church Road objected, but other objections had been submitted from addresses not within the Borough, and those submitted by elected members, which tipped the trigger for referral to Planning Committee.

The proposal as originally submitted was considered to be unacceptable, so the agent worked with the Council and reduced the overall scale and massing as well as removing a first-floor terrace which 3rd parties had raised concerns about.

The plans were amended reducing the ridge height from 8.3 to 7m, 1st floor windows and a 1st floor terrace on gable elevation removed and better window placement to improve solid to void ratio.

Objections raised were concerned with:

- Overlooking from terrace and first floor windows facing No6 and 6A
- noise disturbance from terrace; both of which have been addressed by removal of the terrace and subject windows from the plans.

The remaining issues to consider were as follows:

Scale, overdevelopment of plot, design, overlooking of church, impact on setting of listed building, sewers, precedent, and overlooking and overshadowing of 6 and 6A, which have been comprehensively addressed within the Case Officer Report.

This proposal was in line with the SPPS as it was the reuse of existing land within the settlement limit and would be of high-quality design and landscaping. Of note, this proposal was to replace one single-family unit house with another single-family unit house and did not represent an increase in density within the established residential area.

The relevant policies for this proposal were PPS2, PPS3, PPS6A, PPS7 and PPS7A Safeguarding the character of Established Residential Areas. The principle of development was acceptable as the site lay within the settlement limit and was for

housing within a residential area. The existing dwelling on site did not make a significant material contribution to the AVC and therefore its demolition was considered acceptable.

The area was characterised by predominantly detached dwellings. The proposed replacement would not lead to any subdivision of the existing plot and there would be no change to the plot size or the intensification of the use of the plot. The replacement would be for one dwelling with an integral garage in its own gardens and grounds.

The proposed dwelling would be two-storey with a single storey portion to the side to break up the massing and scale with a ridge height of 7.5m at the highest point. Whilst larger in scale than the existing, the proposed dwelling would have a similar footprint. When taking in the surrounding context, the proposed dwelling appeared appropriate for the locality. When considering scale, it was important to note that the existing dwelling on site could avail of householder extensions as it stood and therefore the footprint and scale had the potential to increase in the absence of this proposal. The scale of this proposal was not considered out of character for the area. The finishes proposed were of high quality and included a natural slate roof, smooth render, stone cladding and grey/black aluminium windows and doors. Those finishes were to be in keeping with the surrounding area. The proposal would maintain the character of the AVC.

The setting of the listed church was assessed by HED which was content with the proposal subject to conditions regards finishes *'To ensure the detailed design respects the listed building in terms of scale, height, massing and alignment; and To ensure the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building.'*

With regard to residential amenity, it was noteworthy that a dwelling already existed on the site which could be extended. The main neighbouring dwelling to consider was No. 6 Church Road directly adjacent to the site to the east which was already located in close proximity to the site. The proposed replacement dwelling was to be sited so that the gable end of the house was the elevation directly facing the rear elevation of No. 6. There were no 1st floor windows proposed in this gable end to ensure no direct overlooking due to the limited separation distance (2m). With regard to No. 6's garden area, due to positioning of the dwelling and the oblique angle, there would be no significant overlooking. The height of the first-floor windows at 4m (to mid-point) would also ensuring overlooking was limited. At the time of writing, 3 existing first-floor windows directly overlooked No.6 therefore this proposal would be a betterment with regard to overlooking. The provision of a 1.8m fence along this boundary would also help screen the dwelling and any potential for overlooking.

In terms of overshadowing, this proposal would have no greater impact than what already existed. The agent amended the plans to have a single storey element closer to No. 6 and also reduced the overall ridge height of the proposal (8.3 to 7m). The proposal would not be dominant considering the existing arrangement. With regard to the overlooking of the church, any overlooking of this public building or its external space was not deemed as a loss of residential amenity.

There was to be 62sqm of private amenity space provided as well as usable front garden area with it noted that the existing amenity space was also limited. As for natural heritage, a bat survey was submitted and NIEA consulted which was content with its methodology.

The proposed dwelling was to use an existing access and did not represent an intensification of use. The proposal was a replacement dwelling in the settlement limit of an appropriate scale and design with no significant further impact on residential amenity than what already existed and therefore approval was recommended.

Mr Marc Ballard and Mr Nick Bell were present to speak in support of the application. Mr Bell gave thanks to the Planning Department and asked for Members to consider that the dwelling's owners were part of a local family and would continue to add character to the village and do so respectively. As for objections, they had been with regard to an earlier version of plans which had long since been rectified and believed that only four to five of the original objections would exist with the current version.

As there were no questions from Members the Chairman thanked the gentlemen for attending and they were moved back to the public gallery.

Councillor P Smith proposed, seconded by Councillor Cathcart that the recommendation be adopted, and outlying planning permission be granted.

Councillor P Smith believed the proposal was for a like-for-like dwelling with a similar footprint and, given that the existing dwelling was uninhabitable as well as most objections being related to an earlier iteration, he was happy to propose.

Councillor Cathcart agreed but asked for some clarification on the considerations of overlooking adjacent to non-residential areas. The Head of Planning explained that the windows on the side of a church tended to be of stained or opaque glass and that objections appeared to be with regard to a communal area outdoors. However, the current dwelling had windows that overlooked this area as did the dwelling on the opposite side of the church and it was believed that the residents within those dwellings would more likely be affected by those attending the communal area as opposed to vice-versa. Councillor Cathcart asked if the plans impinged upon church grounds given some of the plans that had been shown to Members appearing to show such. The Head of Planning advised this was only an overlay issue in the plans and that grounds would not be taken over.

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

4.2 LA06/2022/0115/F - Demolition of existing garage and erection of two storey rear extension, 8 Demesne Park, Holywood
(Appendix II)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Hollywood & Clandeboye

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

Proposal: Demolition of existing garage and erection of two storey rear extension

Site Location: 8 Demesne Park, Hollywood

Recommendation: Approval

The Head of Planning explained that the application sought full planning permission for demolition of an existing garage and erection of a two-storey rear extension at 8 Demesne Park, Hollywood. The application had been brought before Planning Committee as six or more individual objections contrary to the officer's recommendation to approve had been received.

The site was located in a well-established residential area in Hollywood, characterised by detached and semi-detached dwellings within the proposed Hollywood South Area of Townscape Character. The site contained a detached one and a half-storey dwelling which was, at the time of writing, unoccupied. There was a mix of single-storey, one and a half storey and two storey dwellings along Demesne Park.

The plot at No.8 benefited from a generous rear-garden with an existing detached garage which was proposed for demolition. The garage made no material contribution to the appearance of the ATC, therefore the Planning Department had no objection to its demolition. The original application consisted of a large rear extension and a separate garden room. This original proposal was deemed to be unacceptable by the Planning Department due to its design, scale and materials which were considered to be unsympathetic to the host dwelling. It had consisted of a very box like flat roof contemporary design which did not respect the form and character of the existing dwelling. Six separate objections were received from or on behalf of neighbouring properties in relation to this original proposal raising concerns regarding the design and appearance of the extension and loss of privacy. At the request of the Planning Department, the agent amended the scheme and submitted a revised proposal for a smaller scale rear-extension of a more sympathetic design.

The proposed extension was to be located 12.5m from the rear boundary with No. 7 Demesne Avenue in excess of the 10m recommended in Creating Places and would also be 20m from the rear elevation of No. 7, therefore ensuring that there would be no unacceptable degree of overlooking from the proposed first floor windows on the rear elevation. Furthermore, there were to be no proposed windows on the side elevations of the extension which ensured that adequate privacy would be maintained for Nos. 6 and 10 Demesne Park.

The proposed extension was now much more in keeping with the form and character of the host dwelling. The scale of the extension had been reduced, a more traditional pitched roof incorporated, and the materials of smooth render and slate would match the existing dwelling. There would also be no proposed windows on the side elevations of the extension, ensuring that adequate privacy would be maintained for Nos. 6 and 10 Demesne Park. It was also now comparable to scale and design of numerous other rear extensions to properties in the immediate vicinity and it was

noted that no further objections had been received following the submission and advertisement/notification of the amended proposal.

In regard to objectors, four addresses objected, however, the application was being considered because of two additional objections submitted on behalf of residents by a then MLA and a Councillor.

In summary, it was considered that the proposal complied with all of the policy requirements of PPS7 Addendum, Residential Extensions and Alterations. This was a rear-extension and its size and the scale was not considered to be excessive within the generous-sized plot nor would it appear overly dominant from any public viewpoint within the area. Furthermore, all representations had been carefully considered and the Planning Department was content that the amended proposal would ensure that there would be no adverse impact on the amenity of adjacent properties. On that basis it was recommended that full planning permission should be granted.

Councillor P Smith proposed, seconded by Councillor Cathcart that the recommendation be adopted, and planning permission be granted.

Councillor P Smith agreed that the second iteration of plans was much improved and in keeping with other locations in the locality, even to a lesser extent. Councillor Cathcart agreed in that the original design was more of an office design than a residential one and he commended Officers for their assistance in reaching a satisfactory conclusion. Councillor McClean added that this and the previous item had been great examples of planning work in creating locality-appropriate designs for areas.

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

4.3 LA06/2022/0774/F - Installation of roller shutter and ball net Blair Mayne Wellbeing Complex and Leisure Centre 1 Dairy Hall Lane, Newtownards
(Appendix III)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Newtownards

Committee Interest: An application made by the Council

Proposal: Installation of roller shutter and ball net

Site Location: Blair Mayne Wellbeing Complex and Leisure Centre, 1 Dairy Hall Lane, Newtownards

Recommendation: Approval

The Head of Planning explained to Members the issue of the leisure centre suffering from periods of ongoing anti-social behaviour, especially in the blue entrance area subject of this application. The proposed solution was to install a roller shutter and net nearer the opening end of the entrance to keep perpetrators outside and away from the most affected area, i.e. the blue wall entrance corridor and entrance doors.

The roller shutter would be used to secure the area during out of hours and the netting was designed to prevent climbing over to cause damage or graffiti to the walls and doors and to stop rubbish and objects being thrown over, and; as it was suspected that the roller shutter would be used to kick balls against, to stop the ball going over and prevent climbing over to retrieve.

If any rubbish was to be thrown at the net, it was hoped that it would not attach itself to the netting but just accumulate at the outside of the shutter, which could then be easily lifted. It was also suspected that the shutter may suffer from graffiti, but staff would monitor accordingly. The proposal had been assessed and it was considered that planning permission should be granted.

Councillor P Smith proposed, seconded by Alderman McIlveen that the recommendation be adopted, and planning permission be granted.

Both Councillor P Smith and Alderman McIlveen expressed disappointment that such measures were required, especially considering the millions of pounds of investment which had been intended to improve a local area, only to be treated in such a manner.

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

5. UPDATE ON PLANNING APPEALS (Appendix IV)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

New Appeals Lodged

1. No new appeals had lodged since date of last report.

Decisions

2. The following appeal was withdrawn on the 2 September 2022.

PAC Ref	2021/A0100
Application ref	LA06/2018/0324/O
Appellant	Belfast Central Mission
Subject of Appeal	Development of 24 no. extra care living units and shared communal facilities
Location	Lands at 95 & 97 Donaghadee Road, Millisle

3. The following appeal was upheld on 15 September 2022.

PAC Ref	2019/A0234
Application ref	LA06/2018/0417/F
Appellant	J & W Wightman

Subject of Appeal	Erection of farm shed as cattle house and general purpose shed with underground slurry tank and hardstanding
Location	Agricultural fields 415m SW of No. 4 Drumhirk Way, Newtownards

The Council refused planning permission on 04 December 2019 for the following reasons:

- i. The proposal was contrary to Policy CTY 1 and Policy CTY12 of PPS 21 - Sustainable Development in the Countryside in that it had not been demonstrated that the site was on an active and established agricultural holding and:
 - it was necessary for the efficient use of the established agricultural holding;
 - it was appropriate to this location due to the unacceptable scale of the development;
 - the development, if permitted, would visually integrate into the local landscape; and
 - the development would not have an adverse impact on natural heritage.
- ii. The proposal was contrary to Policy CTY12 of PPS 21 -Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm:
 - there were no suitable existing buildings on the holding that could be used; and
 - why the proposal was not sited beside existing farm buildings.
- iii. The proposal was contrary to Policy CTY12 of PPS 21 -Sustainable Development in the Countryside, and did not merit being considered as an exceptional case as it had not been demonstrated that health and safety reasons existed to justify an alternative site away from existing farm buildings or that the alternative site away from existing farm buildings was essential for the efficient functioning of the business.
- iv. The proposal was contrary to Policy FLD 3 of PPS 15, Revised Planning and Flood Risk as insufficient information had been submitted to demonstrate that the proposal would not be at risk from flooding or that it may increase the risk of flooding elsewhere.
- v. The proposal was contrary to Policy NH1 of PPS 2, Natural Heritage, as insufficient information had been submitted to demonstrate that the proposal, if permitted, would not be likely to have a significant effect on Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, Outer Belfast Lough ASSI, Blaeberry Island Bog ASSI, Ballymacormick Point ASSI, Craigantlet Woods ASSI, Outer Ards ASSI/SPA/Ramsar, Strangford Lough SAC/SPA/Ramsar/Part 1 ASSI, Scrabo ASSI & Whitespots ASSI.
- vi. The proposal was contrary to Policy NH5 of Planning Policy Statement 2, Natural Heritage, as insufficient information had been submitted to demonstrate

that the proposal, if permitted, would not have an unacceptable adverse impact on priority habitats and other natural heritage features worthy of protection.

- vii. The proposal was contrary to the SPPS as insufficient environmental information had been submitted to demonstrate that the proposal would not have significant adverse impacts on the water environment.

The appellant submitted information not made available during the processing of the application including farm maps and other supporting evidence relating to the location of the rented lands and buildings. Whilst the Commissioner was of the view that it would have been helpful for the Council to have had this information earlier, it nevertheless had to be considered and he did not consider that its introduction posed any prejudice to any party.

The Commissioner was of the view that the appeal site, although being a more recent acquisition compared to the long-term rented lands along with the farm business when taken as a whole has, nevertheless, had been established for more than 6 years.

It was pertinent to highlight the following dates:

- The Refusal Decision issued **04 December 2019**
- The Appeal was lodged on **26 February 2020**
- The Appeal Hearing took place on **11 November 2021**
- Compliance with the requisite six-year period was achieved in **June 2022**
- The Commissioner's decision issued on the **15 September 2022**

From the submitted evidence and the Commissioner's own observations, it was considered that there were no suitable buildings on the holding that could be used therefore the first additional criterion of Policy CTY12 was met. There was no dispute that the appeal development would not be sited beside an existing building given it would be the first building on that part of the holding. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. This element of the policy includes the matters pertaining to necessity of the building encompassed within criterion (a) of Policy CTY12. It was accepted that the appeal building would be essential for the efficient functioning of the business and although the Appellants would have to travel from their home to the appeal development, that did not persuade him that the proposed building would not be essential. The exceptional test under Policy CTY12 of PPS21 is therefore met.

The Commissioner considered that although the building would be evident in the landscape travelling either direction, it would have the benefit of backdrop from the line of vegetation to the east, along with sections of intervening vegetation along the roadside, obscuring a large proportion of the overall development, including much of the hardstanding therefore it was considered that the appeal development satisfies criteria (b) and (c) of Policy CTY12.

The Commissioner considered that the proposed development satisfies Policy CTY12 of PPS21 read as a whole and accordingly it also met Policy CTY1 of PPS21 and the related provisions of the SPPS and therefore the Council's first, second and third reasons for refusal were not sustained.

The application as considered by the Council required a Drainage Assessment given the expansive area of hardstanding accompanying the proposed building. However, as referenced earlier the additional information submitted included an amended Site Layout showing a reduced hardstanding area below the threshold in the policy of 1000m² therefore Policy FLD3 is not engaged and the Council's fourth reason for refusal is not sustained.

During processing of the application, Council was advised of potential for contaminants in the land given the previous nearby industrial uses, constituted of several quarries and lands associated with an old railway line. The Council stated that there was insufficient information to assess the extent of any contamination at the site, the nature and extent of unacceptable risks and whether they could be mitigated through a remediation strategy. Concerns were also raised at potential adverse impacts on the water environment.

The Commissioner's assessment of the evidence submitted at the appeal and on-site observations led him to have no reason to disagree with the analysis and conclusions of the information submitted and found the development would satisfy the policy provisions of the SPPS in this respect and the Council's seventh reason for refusal was not sustained.

During the processing of the application NIEA Natural Environment Division and Shared Environmental Service considered there was insufficient information provided to undertake an assessment on any features of protected designations against the appeal development. The concerns pertained to the potential impacts of ammonia emissions altering the vegetation community structure within those sites and degradation of the aquatic environment arising from contaminated run-off during construction and operation of the development, as well as nitrogen deposition.

The Commissioner considered the submitted information and was of the opinion that subject to conditions relating to a maximum number of cattle housed in the proposed building at any one time, along with implementation of the Nitrates Management Plan as submitted there would not be likely to have a significant effect on any of the identified designated areas. In addition, the recommendation pertaining to implementation of a buffer along the eastern site boundary during construction to protect the watercourse would be necessary and could be secured by a condition in the event of permission being granted. The Commissioner therefore considered Policies NH1 and NH5 of PPS2, as well as the related provisions of the SPPS were satisfied and the Council's fifth and sixth reasons for refusal were not sustained.

The PAC report is attached to this report.
Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes this report.

Councillor Cathcart proposed, seconded by Alderman Keery that the recommendation be adopted, and the report be noted.

Councillor Cathcart was curious as to the late withdrawal by the Belfast Central Mission and asked if any indications existed as to a new planning application. The Head of Planning explained that the power existed to refuse future applications of the same content if policy context remained unchanged, and that no reason had been given by the Belfast Central Mission. Alderman Keery was pleased to hear that the Wightman shed had gone through.

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

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Keery seconded by Councillor Cathcart, that the public/press be excluded during the discussion of the undernoted item of confidential business at 7.42 pm.

Councillor Adair left the meeting.

6. UPDATE ON PLANNING PORTAL REPLACEMENT PROJECT

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

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

7. UPDATE ON JUDICIAL REVIEW STATUS

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

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

READMITTANCE OF PUBLIC AND PRESS

RESOLVED, on the proposal of Councillor McClean, seconded by Councillor Cathcart, that the public/press be readmitted to the meeting.

TERMINATION OF MEETING


The meeting terminated at 8:29 pm.


ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2018/1198/F
Proposal	<p>Replacement of sports changing rooms and addition of gymnasium and dance-studio on site of existing pavilion. Full size artificial grass hockey pitch associated facilities and replacement carparking of existing car park.</p> <p>Non-compliance with Condition 3 and variation of Condition 4 of Approval W/2014/0411/F</p> <p>Condition 3 reads as:</p> <p>Sports facilities and hockey pitch hereby approved shall be solely for use of Sullivan Upper School and shall not be used at any time by any other organisation or any event or purpose other than those associated with operation and function of the school.</p> <p>Reason: To safeguard the living conditions of residents in adjoining and nearby properties</p> <p>Variation of Condition 4 which reads</p> <p>The development hereby permitted shall not be used outside of following times:</p> <p>9.00am to 8.00pm Monday to Friday 9.00am to 6.00 pm Saturdays nor at any time on Sundays, Bank Holidays or Public Holidays Reason: To safeguard living conditions of residents in adjoining and nearby properties.</p> <p>Revised to</p> <p>The artificial grass hockey pitch shall only be used between 0800 and 2200 Monday to Friday; 0830 and 1800 on Saturdays; and 1200 to 1700 on Sundays</p>
Location	<p>Sullivan Upper School, Belfast Road, Holywood</p> <p>DEA: Holywood and Clandeboye</p>
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	28/11/2018
Summary	<ul style="list-style-type: none"> Approval W/2014/0411/F relates to gymnasium and dance-studio and artificial grass hockey pitch for Sullivan Upper. Non-compliance with Condition 3 sought which restricts the

	<p>use of the approved development to Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.</p> <ul style="list-style-type: none"> • Variation of Condition 4 sought to remove time restrictions on the gymnasium and dance studio, extend the times of use for the hockey pitch and to permit use of both on public and bank holidays • Proposed increase - from 8pm to 10pm and 1 hour earlier from 8am Monday to Friday, 30 minutes earlier at 8.30am on a Saturday and use on a Sunday from 12 noon to 5pm. These times will also apply for bank and public holidays. • This proposal follows many other schools for example such as Regent House School, Newtownards and Bangor Grammar School in making their facilities available to the wider community • Use of school facilities is actively promoted by the Department of Education, with an extract from the 'Every School a Good School' stating that "<i>School premises are a valuable facility for community use and schools are actively encouraged to consider making their premises available as a community facility where possible.</i>" • 5 letters of support received - welcome improved access to facilities and extended times of use subject to mitigation measures which include limited traffic through the school grounds in the evenings and weekends, floodlights positioned to limit light pollution and noise reducing cushions on the goal posts during training. • 27 letters of objection received from 8 addresses – issues raised include use of the pitch, commercial gain, residential amenity including noise and light pollution, increase in traffic and parking and proposed conditions to be included in approval of planning permission • All material planning issues fully addressed in case officer report • Env Health and DfI Roads content subject to conditions
<p>Recommendation</p>	<p>Approval</p>
<p>Attachment</p>	<p>Item 4.1a – Case Officer Report</p>

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2018/1198/F	DEA: Holywood & Clandeboye	
Proposal:	<p>Replacement of sports changing rooms and addition of gymnasium and dance-studio on site of existing pavilion. Full size artificial grass hockey pitch, associated facilities and replacement carparking of existing car park. Section 54- Non-compliance with Condition 3 and variation of Condition 4 of approval W/2014/0411/F.</p> <p>Condition 3 - Sports facilities and hockey pitch hereby approved shall be solely for use of Sullivan Upper School and shall not be used at any time by any other organisation or any event or purpose other than those associated with operation and function of the school. Reason: To safeguard the living conditions of residents in adjoining and nearby properties.</p> <p>Variation of Condition 4 - The development hereby permitted shall not be used outside of following times: - 9.00am to 8.00pm Monday to Friday - 9.00am to 6.00 pm Saturdays nor at any time on Sundays, Bank Holidays or Public Holidays Reason: To safeguard living conditions of residents in adjoining and nearby properties.</p> <p>Revised to - The artificial grass hockey pitch shall only be used between 0800 and 2200 Monday to Friday; between 0830 and 1800 on Saturdays; and 1200 to 1700 on Sundays</p>	Location:	Sullivan Upper School, Belfast Road, Holywood

Applicant:	Sullivan Upper School				
Date valid:	28/11/2018	EIA Screening Required:	No		
Date last advertised:	28/04/2022	Date last neighbour notified:	16/06/2022		
Consultations – synopsis of responses:					
DFI Roads		No objection			
Environmental Health		No objection subject to conditions			
Letters of Support	5	Letters of Objection	27 from 8 addresses	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Residential Amenity 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/					
1. Site and Surrounding Area					
					



The site is located within the grounds of Sullivan Upper School. The site is currently occupied by an artificial all-weather sports pitch. The pitch is enclosed by wire fencing and is located at a slightly higher level than the Belfast Road and the access road into the school grounds. Close boarded timber fencing

has been erected adjacent to the short sides of the pitch. There are mature trees along the Belfast Road boundary which provide screening to the site. Views of the artificial pitch and associated fencing are intermittent as you travel past the school grounds. There are grass rugby pitches located between the application site and the school building.



2. Site Location Plan



3. Relevant Planning History

W/2014/0411/F - Replacement of sports changing rooms and addition of gymnasium and dance-studio on site of existing pavilion. Full size artificial grass hockey pitch, associated facilities and replacement carparking of existing car park – Permission granted 15/05/2015

W/2014/0422/F - Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch (amended floodlighting details - reduction from 500lux to 300lux and confirmation of school use only) – Permission granted 01/06/2015

LA06/2018/1196/F - Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch.
Section 54 - Non-compliance with Condition 2 and variation of Condition 3 of Planning Approval W/2014/0422/F

Condition 2 - The floodlighting hereby approved shall be solely for the use of Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.

Condition 3 - The floodlighting hereby approved shall not be operated outside of the following times:

- 9.00am to 8.00pm Monday to Friday
 - 9.00am to 6.00pm Saturdays (Additional information)
- nor at any time on Sundays, Bank Holidays or Public Holidays

Revised to - The floodlighting hereby permitted shall only be used between 0800 and 2200 Monday to Friday, between 0830 and 1800 on Saturdays; and between 1200 and 1700 on Sundays.

Application under consideration.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan (BMAP) 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Principle of Development

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. Under NDAAP, the site lies within the settlement limit of Hollywood. The site is designated as an Area of Existing Open Space in dBMAP. The Plan states that proposals within areas of open space will be determined in accordance with the provisions of prevailing regional policy.



Regional planning policies of relevance are set out in the SPPS. The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning reference W/2014/0411/F relates to the approved gymnasium and dance-studio and artificial grass hockey pitch. The proposal is for non-compliance with Condition 3 which restricts the use of the approved development to Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.

The proposal also involves the variation of condition 4 to remove time restrictions on the gymnasium and dance studio, extend the times of use for the hockey pitch and to permit use of both on public and bank holidays.

The increase is from 8pm to 10pm and 1 hour earlier from 8am Monday to Friday, 30 minutes earlier at 8.30am on a Saturday and use on a Sunday from 12 noon to 5pm. These times will also apply for bank and public holidays.

The Supporting Planning Statement advises that the new artificial pitch has greatly improved the sporting and recreational facilities available to pupils. They have found that local community, including youth groups, sports clubs, individuals beyond the school community are debarred from using this excellent facility. Community use of school facilities is actively promoted by the Department of Education, with an extract from the 'Every School a Good School' stating that "*School premises are a valuable facility for community use and schools are actively encouraged to consider making their premises available as a community facility where possible.*"

Sullivan Upper School has various facilities which are already made available for use by local clubs, community groups, individuals etc. These facilities include the outdoor grass pitches, tennis courts, indoor swimming pool and various rooms and halls within the school.



Fencing from footpath north of school access

It is noted that the synthetic pitch, rugby pitch, pavilion and floodlighting approved under W/2007/0566/F at Sullivan Upper did not have use restricted to school use only and it was conditioned so that it could be used until 11pm and between 8am and 6pm on weekends. (The floodlighting

hereby approved shall not be operated between 23.00 and 08.00 Mondays-Fridays and between 18.00 and 08.00 on weekends (Saturdays and Sundays)). Use of the pitch on bank and public holidays was also not restricted on the 2007 application.

The school has advised that there is demand for the facilities by local and national hockey teams and local young peoples' football clubs. For insurance purposes, the school has advised that they could only hire the pitch out to registered clubs with their own insurance. The sports clubs which are interested in hiring the facilities tend to operate in the evening and would need to continue operating after the current 8pm time restriction. It was highlighted that school sports facilities in similar urban locations (e.g. at Bangor Grammar School and Strathearn) are regularly utilised in the evenings by local sports clubs.

Policy OS 7 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation indicates that floodlighting of recreational facilities will be permitted where there is no unacceptable impact upon the amenities of people living nearby; there is no adverse impact on visual amenity or character; and public safety is not prejudiced.



Orthophotography image of site

The sports pitch is existing with the only alteration proposed is the erection of 1.8m high timber fencing at either end of the pitch as a mitigation measure to limit noise impacts from the goals hitting off the backboards. The fencing is in situ and whilst covered by permitted development legislation, they shall be conditioned to ensure that they remain in situ. The fencing is screened from the public road by existing vegetation and therefore does not have an adverse impact on the visual amenity of the area. The fence is located on the opposite side of the access avenue into the school carpark and due to the intervening vegetation and its low elevation, I have no concerns with regards to the visual impact from Nos. 2 and 4 Belfast Road. The fencing adjacent to Abbey Ring is screened by an existing

hedgerow and trees.

The fencing does not have an adverse impact on visual amenity of the character of the area. The proposal is also not considered to have an adverse impact on public safety as the sports pitch and associated safety fencing is in situ.

Residential Amenity

The nearest sensitive receptors are 2 and 4 Belfast Road, the flats at 3 and 5 Belfast Road and the dwellings abutting the south-western boundary on Abbey Ring. Noise and impacts on traffic have been raised as concerns by neighbouring residents. The Council's Environmental Health Department (EHD) and DfI Roads have been consulted on the proposal and neither have concerns with the proposal subject to planning conditions being added to the decision notice.

The pitch is a minimum of 18m from the dwelling boundaries on Abbey Ring and there is an intervening public road, boundary fencing and planting. The pitch is approx. 23m

View within the site from acoustic barrier towards the boundary with Nos. 2 & 4 Belfast Road



from the boundary hedging with Nos. 2 and 4 Belfast Road. There is intervening timber acoustic fencing and large mature trees. The flats on the opposite side of the busy Belfast Road are approx. 45m to the front elevation from the pitch. The pitch is also screened along the Belfast Road by mature planting.

Objections have been received from neighbouring residents raising concerns about potential noise levels. I must highlight that the pitch is utilised by the school and no noise complaints have been received to date by Environmental Health. Objections were also raised with regards to the potential additional usage in a commercial capacity for the facilities including evenings, weekends and holiday time by external groups, with a consequential use 7 days per week.

The hours of use, as previously stated, are to be extended from 8pm to 10pm and 1 hour earlier from 8am Monday to Friday, 30 minutes earlier at 8.30am on a Saturday and use on a Sunday from 12 noon to 5pm. It is proposed that the usage of the pitch will no longer be restricted to the school only.

The application was accompanied by a Noise Impact Assessment which included ambient noise monitoring on the boundary of the pitch and No. 4 Belfast Road. In March 2018 the levels ranged from 53.4dB LAeq(20mins) and in May 2019 the levels ranged from 52.4dB LAeq(15 mins) to 57.1dB LAeq(15 mins).

Typical noise levels for artificial grass pitches are taken from 'The Sport England Guidance on the Planning Implications of Artificial Grass Pitch Acoustics 2015' (AGP). This guidance has been used in support of a number of similar approved planning applications on a regional basis.

The noise level criterion outlined in the AGP is 50dB LAeq,1 hour, or the existing ambient levels in the vicinity of the nearest residential premises. The reports submitted have assessed the predicted impact with reference to the AGP target level of 50 dB LAeq,1 hour and made a comparison with existing ambient levels in the vicinity of the nearest residential premises. A typical free field noise level from an AGP at 10m from the side-line halfway marking is 58dB LAeq 1hour. The predicted noise impact at the façade of the closest residential premises has been confirmed as 47dB LAeq 1hour at the properties on Abbey Ring and 44 dB LAeq, 1 hour at No. 4 Belfast Road. Further addendums to the original Noise Impact Assessment were submitted for clarification purposes. The EHD has considered all submissions. The predicted noise levels are in compliance with the AGP.

The Council's Environmental Health Department (EHD) conducted its own longer term unattended noise survey in both the front and rear gardens of No. 4 Belfast Road to ascertain existing background noise levels. Levels of 59 LAeq(daytime) and 56dB LA90(daytime) were obtained in the front and 53dB LAeq(daytime) and 49dB

LA90(daytime) in the rear. The dominant background noise is from vehicle traffic. EHD is content with the ambient noise monitoring levels provided by the noise consultant.

The objector is concerned that the primary use of the pitch will be for hockey and that the AGP considered a variety of sports in their assessment. They are also concerned that the most significant and intrusive noise is when a player hits the hard plastic hockey ball against the back board of the goal and has likened the sound to gunfire. The guidance clearly states, 'that the most significant noise from AGP sports sessions is the voices of players with the exception of hockey where impact noises of balls hitting the goal back boards and perimeter boards were more noticeable'. The AGP does state that 'the impact noises were found to be significantly reduced by the use of padding....and goes on it goes on to state that once shock absorbing noise reduction measures are incorporated, the voices of players will then again become the most significant noise source.

Whilst the predicted levels are in accordance with the AGP, the applicant has confirmed that padding will be fitted to each of the goals to reduce the impact of the ball against the goals. These pads will provide mitigation against ball strikes hitting off the backboards of the goal. The padding shall be conditioned so that it is fitted to the goals to reduce the impact on residential amenity, prior to any approval being commenced.

The EHD had previously requested a condition be attached requiring the construction and maintenance of two acoustic barriers along both ends of the pitch. The noise barriers at both the Abbey Ring and Belfast Road end are in situ.

The use of barriers and bunds has been included in the Sport England guidance as a useful mitigation measure. The objector has referred to the requirement for a 3m barrier but the guidance does not specifically advocate the use of a 3m barrier. The 3m barrier is included as an example only, depicting modelling contours to show potential barrier effect. The guidance promotes the use of barriers as they break the line of sight between the noise source and the receiver location. The barrier creates a path difference compared to the direct sound path between the noise source and the receiver. The height of the proposed barriers is 1.8m. This barrier adjacent to No. 4 Belfast Road is positioned on top of an earth bund so the height will be greater than 1.8m from the level of the access of the access avenue. The barrier at the Abbey Ring end is located at ground level. The EHD has noted that the submitted model has made no allowance for the difference in ground level between the pitch and the nearest houses on the Belfast Road. The houses are located at a lower level so EHD consider that the effective barrier height or screening provided is greater in practice than predicted in the model.

It is noted that the acoustic barrier does not extend the full width of the pitch at the Belfast Road end. The length of the barrier, as built, was not in accordance with what was specified in the noise model drawing in Figure 1, Page 4 of in the FR Mark Report

dated April 2021. As a result, there were concerns that it was not providing full screening at that location.



Approved site layout of pitch and gymnasium/dance studio building

However, in order to clarify the situation, and as requested, FRM built a new Cadna 3D model, using the shorter length 1.8m high acoustic barrier at the northern end. Results presented indicate the predicted noise level at head height (1.5m) in the garden (44.5 dBLAeq 1hr) and the noise level at a first-floor window (4.2m) of No. 4 facing onto the pitch (48.4 dBLAeq 1hr) which are both considered to be acceptable noise levels.

In conclusion, the noise levels associated with the proposal have been considered acceptable by EHD. The pitch is currently in use by the school, and it is not considered that use by external organisations or the use during the extended times will exceed the noise levels provided above. I have also considered the use of the pitch on bank and public holidays (New year's Day, St. Patrick's Day, Good Friday, Easter Monday, May Day holiday, Spring Bank holiday, 12th July, August Summer Bank holiday, Christmas Day and Boxing Day) and highlight that the proposed hours of use will apply to these days. As noise levels are considered acceptable and DfI Roads has no concerns with road safety, I see no reason to prevent use of the pitch on these particular days. A site management plan shall be required by the Council prior to the extension of the hours of use and it shall detail access and parking restrictions/arrangements and visitor management. This will ensure that external organisations have guidance to abide by to ensure that the residential amenity of the neighbouring residential properties is safeguarded.

The second element of the proposal relates to the gymnasium/dance studio building. This building is located some 120m from the nearest residential property and is located immediately adjacent to the main school building. The original approval included a blanket condition to restrict the time and use of the facility along with the artificial pitch. There are no such restrictions on the rest of the school building. This is an indoor

facility so noise generated would be largely contained within the building and considering the distance to the nearest sensitive receptor, I consider the impact on residential amenity to be negligible. The proposed extension of time for the use of the gymnasium is outside normal school hours when there would likely be lower traffic movements and greater parking availability within the school grounds.

I consider that the proposed hours of use are acceptable in noise terms in the context that the mitigation strategy (the combination of the installation of the proprietary pads and the erection of acoustic barriers) is implemented accordingly and that the use of the artificial pitch by external organisations will benefit the community.

Road Safety and parking

Parking remains within the school car park. There is a one-way system operating in the school with double yellow lines and cones preventing parking on the side of the



Position of gymnasium on east in relation to nearest residential property

access avenue adjacent to 2 and 4 Belfast Road. This will ensure that cars are not parking adjacent to the pitch and causing an adverse impact in terms of noise on the neighbouring dwellings.

No changes are proposed to the access to the site. DfI Roads was consulted, and it offered no objections to the proposal.

The proposal is not considered to prejudice road safety or significantly inconvenience the flow of traffic.

5. Representations

5 letters of support have been received from the occupier of 2 Belfast Road, Rachel Woods MLA, Councillor Andrew Muir, Councillor Kathryn McNickle and Councillor Gillian Greer. The support letters welcome the improved access to the facilities and extended times of use subject to mitigation measures which include limited traffic through the school grounds in the evenings and weekends, floodlights positioned to limit light pollution and noise reducing cushions on the goal posts during training. In response to the letter of support from Rachel Woods MLA, mitigation measures including the goal pads will be conditioned to ensure that they will be implemented. I would also confirm that the Environmental Health Department completed light monitoring from No. 4 Belfast Road and confirmed that at present floodlighting does not result in a statutory nuisance. This is the closest property to the floodlighting so light pollution is not considered to be a significant adverse impact on the neighbouring dwellings.

27 letters of objection have been received from 8 No. addresses – 4 Belfast Road; flat 4, 3 Belfast Road; 5 Abbey Ring, 136 Abbey Ring and 138 Abbey Ring and Alex Easton MLA. An objection was also received from 2 Belfast Road but a later letter was received from the occupier expressing support for the planning application.

The concerns raised include:

- Use of the pitch – this has been considered in the body of the report.
- Commercial gain – this is irrelevant and not considered to be a material consideration.
- Residential amenity
 - Noise – this has been considered in detail in the body of the report and also in the EHD consultation responses which are available to view on the planning portal. The closest sensitive receptors, 2 and 4 Belfast Road; the flats at 3-5 The Parks; and Nos. 1, 2, 3, 5, 7, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150 Abbey Ring; Flats A, B, C and D, 1 West Link; Flats A, B, C and D, 2 West Link; Flats A, B, C and D, 1 Carn End; Flats A, B, C and D, 2 Carn End; and 1 and 3 Priory End are all subject to high levels of background noise due to the busy roads adjacent to their properties. The potential noise levels during the additional hours of operation are not considered to be at a significant level to adversely affect residential amenity. The school have also proposed to use pads on the inside of the goal posts and have erected timber acoustic fencing to reduce the noise impacts further.
 - Noise assessment may not represent the worst-case use of the pitch - It is highlighted that for coaching and training practice pitches are often sub divided and there could be several possible configurations of the pitch and noise levels from different areas of the pitch - the modelling employed has assumed the source noise level for the pitch by defining it as an area source and calibrated using the typical free field noise level of 58dB LAeq at 10m from the side-line

half- way marking at a height of 1.5m as per the Sport England Guidance Note. EHD is content that by using this method, the assessment assumes that the full pitch is being used simultaneously and not just a small area. This should ensure that any sub-division of the pitches has been considered.

- Light pollution – light has been considered under planning application LA06/2018/1196 which relates specifically to the floodlighting. EHD has considered light pollution and subject to the hoods being retained on the floodlights, loss of amenity due to the lighting is not considered to be a concern.
- Increase in traffic and parking – Parking spaces are provided within the school grounds as is a one-way drop-off system through the school grounds. DfI Roads has considered the variation of the conditions and offers no objections.
- Conditions - Noise level condition restricting to 50dB – Noise levels taken from the garden on 4 Belfast Road are already exceeding 50dB due to the proximity of the adjacent main roads so it would not be reasonable to attach such a condition. EHD are content that the extended hours of the pitch and use by the wider community should not adversely affect the occupants of nearby residential premises in terms of noise.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The acoustic barriers at both the Belfast Road and Abbey Ring goal sides of the pitch shall be retained at a minimum height of 1.8m in the locations as indicated on Drawing Nos. 01 and 02 bearing the date stamp 24 March 2022. The barriers shall be formed of double sided close boarded fence (no gaps) with a minimum surface weight of 15kg/m². The barriers shall be maintained and retained in perpetuity.

Reason: In the interests of residential amenity.

2. A detailed specification of the proposed material to be used for the proprietary shock absorbing pads shall be submitted to the Council for review and approval in writing within 21 days of the date of this decision notice. Once approved, the pads shall be finished in the agreed material and fitted within 14 days.

Reason: In the interests of residential amenity.

3. Following approval in line with Condition 2, the shock absorbing pads/ material shall be fitted to all sets of hockey goals including the back boards and vertical and horizontal bars. The pads/material shall be maintained and retained in perpetuity.

Reason: In the interests of residential amenity.

4. Prior to the extended use of the hockey pitch, all perimeter boards shall be fitted with impact resistant material. This material shall be maintained and retained in perpetuity thereafter.

Reason: In the interests of residential amenity.

5. Prior to the extended use of the hockey pitch, a site management plan, shall be submitted and agreed in writing with the Council which will detail access and parking restrictions / arrangements and visitor management. All approved measures shall be implemented as agreed and carried out in perpetuity during the operation of the proposed development to the satisfaction of the Council.

Reason: In the interests of residential amenity.

6. The existing trees within the curtilage of the site shall be retained. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Tree Work Recommendations.

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

7. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of/commencement of use of the development hereby approved, another tree or trees shall be planted at the same place and (that/those) tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

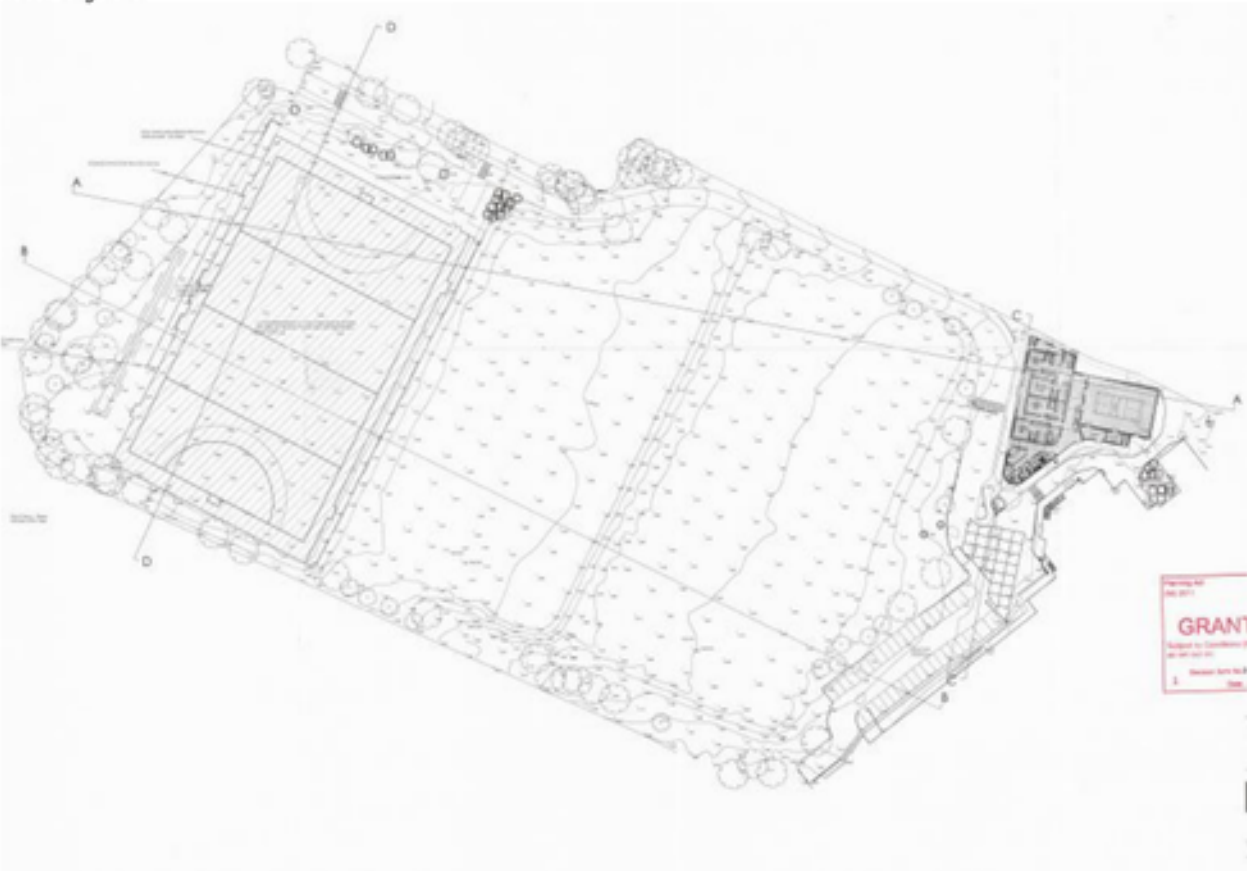
Informative

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

Site location plan



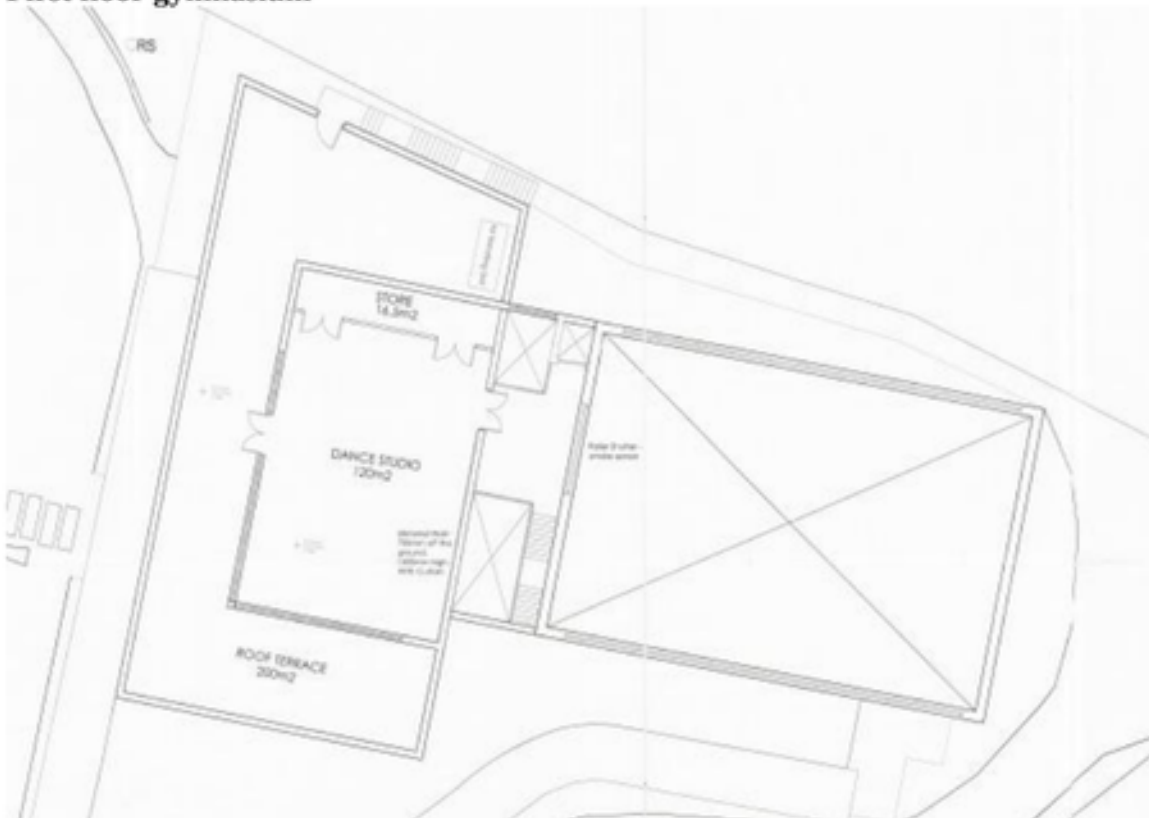
Site layout



Ground floor gymnasium



First floor gymnasium



Front elevation gymnasium




ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2018/1196/F
Proposal	<p>Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch. Section 54 - Non-compliance with Condition 2 and variation of Condition 3 of Planning Approval W/2014/0422/F</p> <p>Condition 2 - The floodlighting hereby approved shall be solely for the use of Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.</p> <p>Condition 3 - The floodlighting hereby approved shall not be operated outside of the following times:</p> <ul style="list-style-type: none"> - 9.00am to 8.00pm Monday to Friday - 9.00am to 6.00pm Saturdays (Additional information) nor at any time on Sundays, Bank Holidays or Public Holidays <p>Revised to - The floodlighting hereby permitted shall only be used between 0800 and 2200 Monday to Friday, between 0830 and 1800 on Saturdays; and between 1200 and 1700 on Sundays.</p>
Location	<p>Sullivan Upper School, Belfast Road, Holywood</p> <p>DEA: Holywood and Clandeboye</p>
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	28/11/2018
Summary	<ul style="list-style-type: none"> • W/2014/0422/F (granted 01/06/2015) for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch (amended floodlighting details - reduction from 500lux to 300lux and confirmation of school use only) • Current proposal for non-compliance with Condition 2 restricting use of floodlighting solely for the use of Sullivan

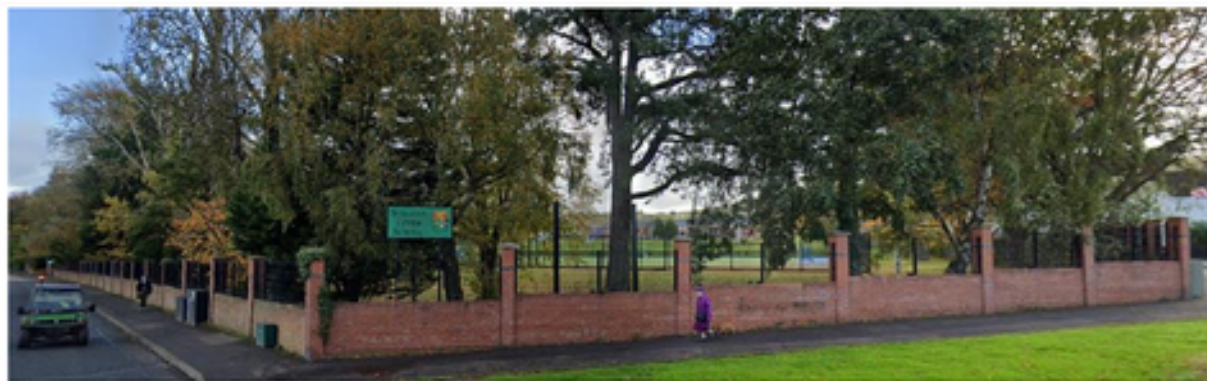
	<p>Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school</p> <ul style="list-style-type: none"> • Current proposal also proposes the variation of condition 3 - relating to hours during which the floodlighting can be used • Proposed increase - from 8pm to 10pm and 1 hour earlier from 8am Monday to Friday, 30 minutes earlier at 8.30am on a Saturday and use on a Sunday from 12 noon to 5pm. The times will also apply on bank and public holidays • The floodlights are in situ and therefore principle of development and impact on visual amenity of area has been accepted • The purpose of this assessment is to examine the further impact of the extended hours requested • A previous application for floodlighting was also approved at the rear of the school building - W/2007/0566/F where the pitch is adjacent to residential dwellings on Demesne Road and Wood End. The floodlights are same height as the ones currently under consideration. The 2007 approval did not have the use restricted to school use only and it could be used daily until 11pm and between 8am and 6pm on weekends. <i>(The floodlighting hereby approved shall not be operated between 23.00 and 08.00 Mondays-Fridays and between 18.00 and 08.00 on weekends (Saturdays and Sundays))</i>. Use of the pitch on bank and public holidays was also not restricted on the 2007 application • Current proposal follows many other schools e.g. Regent House School and Bangor Grammar School in making their facilities available to the wider community • Use of school facilities is actively promoted by the Department of Education, with an extract from the 'Every School a Good School' stating that "<i>School premises are a valuable facility for community use and schools are actively encouraged to consider making their premises available as a community facility where possible.</i>" • 5 letters of support received - welcome improved access to facilities and extended times of use subject to mitigation measures which include limited traffic through the school grounds in the evenings and weekends, floodlights positioned to limit light pollution and noise reducing cushions on the goal posts during training 9 some comments made are applicable to associated application) • 28 letters of objection received from 9 addresses relating to light pollution. Other concerns raised relating to noise and
--	---

	<p>traffic impacts - these are related to the use of the school facilities considered in detail in accompanying application LA06/2018/1198/F</p> <ul style="list-style-type: none"> • Environmental Health consulted - no concerns with proposal subject to conditions. • Light levels emitted from the floodlights considered under assessment of the application permitted under W/2014/0422/F. The levels are not to be amended and will remain bound by Condition 4 of the approval to ensure that hoods are used and compliance with specified lux levels around the margins of the site
<p>Recommendation</p>	<p>Approval</p>
<p>Attachment</p>	<p>Item 4.2a – Case Officer Report</p>

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2018/1196/F	DEA: Holywood & Clandeboye	
Proposal:	<p>Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch.</p> <p>Section 54 - Non-compliance with Condition 2 and variation of Condition 3 of Planning Approval W/2014/0422/F</p> <p>Condition 2 - The floodlighting hereby approved shall be solely for the use of Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.</p> <p>Condition 3 - The floodlighting hereby approved shall not be operated outside of the following times:</p> <p>9.00am to 8.00pm Mon - Fri 9.00am to 6.00pm Saturdays nor at any time on Sundays, Bank Holidays or Public Holidays</p> <p>Revised to - The floodlighting hereby permitted shall only be used 0800 and 2200 Mon – Fri 0830 and 1800 on Saturdays; and 1200 and 1700 on Sundays.</p>	Location:	Sullivan Upper School Belfast Road Holywood
Applicant:	Sullivan Upper School		
Date valid:	28/11/2018	EIA Screening Required:	No

Date last advertised:	28/04/2022	Date last neighbour notified:	16/06/2022
Consultations – synopsis of responses:			
DFI Roads	No objection		
Environmental Health	No objection subject to conditions		
Letters of Support	5	Letters of Objection	28 from 9 No addresses
Petitions	0		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Residential Amenity 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area



View from Belfast Road/ Abbey Ring junction



View from Belfast Road entrance to school grounds



View from entrance avenue

The site is located within the grounds of Sullivan Upper School. The site is currently occupied by an artificial all-weather sports pitch. The pitch is enclosed by wire fencing and is located at a slightly higher level than the Belfast Road and the access road into the school grounds. Close boarded timber fencing has been erected adjacent to the short sides of the pitch. There are mature trees along the Belfast

Road boundary which provide screening to the site. Views of the artificial pitch and associated fencing are intermittent as you travel past the school grounds. There are grass rugby pitches located between the application site and the school building.

2. Site Location Plan



3. Relevant Planning History

W/2007/0566/F - Provision of new synthetic pitch, rugby pitch, new pavilion, spectator area to boundary of synthetic pitch, 12 new car parking spaces and resurfacing existing access, floodlighting, fencing, landscaping – Permission granted 18/03/2010

W/2014/0411/F - Replacement of sports changing rooms and addition of gymnasium and dance-studio on site of existing pavilion. Full size artificial grass hockey pitch, associated facilities and replacement carparking of existing car park – Permission granted 15/05/2015

W/2014/0422/F - Proposal for 6no. 15m high floodlighting poles to new artificial pitch. Additional planting to perimeter of pitch (amended floodlighting details - reduction from 500lux to 300lux and confirmation of school use only) – Permission granted 01/06/2015

4. Planning Assessment

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

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan (BMAP) 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Principle of Development



NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. Under NDAAP, the site lies within the settlement limit of Hollywood. The site is designated as an Area of Existing Open Space in dBMAP. The Plan states that proposals within areas of open space will be determined in accordance with the provisions of

prevailing regional policy.

Regional planning policies of relevance are set out in the SPPS. The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning reference W/2014/0422/F relates to the approved floodlighting. The proposal is for non-compliance with Condition 2 which restricts the use of the floodlighting solely for the use of Sullivan Upper School and shall not be used at any time by any other organisation or for any purpose or event other than those associated with the operation and function of the school.

The proposal also involves the variation of condition 3 which relates to the hours during which the floodlighting can be used.

Presently the approval is conditioned in relation to restricting the floodlighting to use only during the following times:

- 9.00am to 8.00pm Monday to Friday
 - 9.00am to 6.00pm Saturdays
- and at no time at all on Sundays, Bank Holidays or Public Holidays

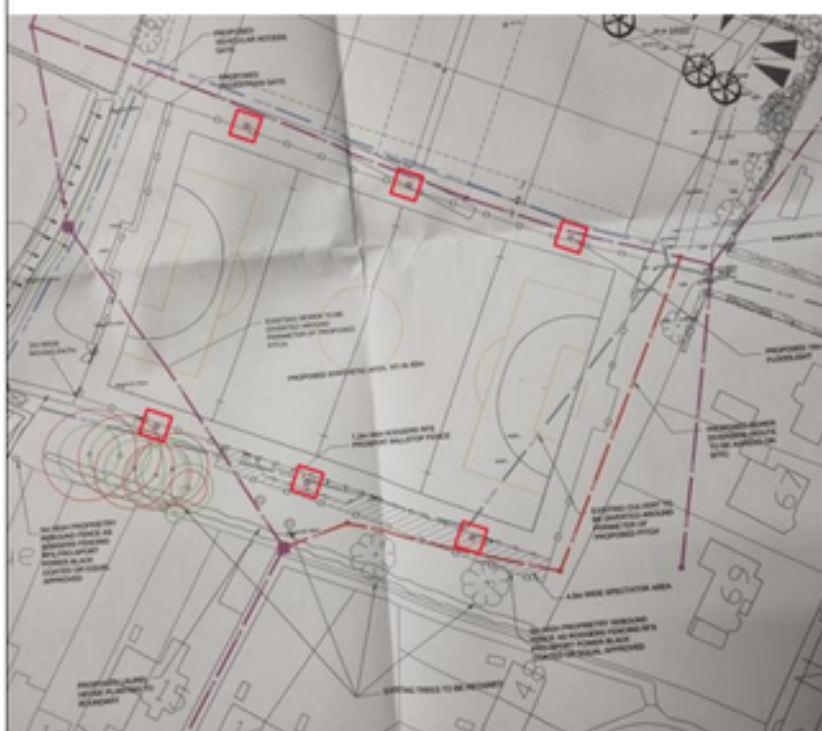
The school as applicant would like to amend the hours of use to

- 8.00am to 10.00pm Monday to Friday
 - 8.30am to 6.00pm Saturdays and
- 12pm – 5pm on Sundays

An increase from 8pm to 10pm and 1 hour earlier from 8am Monday to Friday, 30 minutes earlier at 8.30am on a Saturday and use on a Sunday from 12 noon to 5pm. The times will also apply on bank and public holidays.

The Supporting Planning Statement advises that the new artificial pitch has greatly improved the sporting and recreational facilities available to pupils. They have found that local community, including youth groups, sports clubs, individuals beyond the school community are debarred from using this excellent facility. Community use of school facilities is actively promoted by the Department of Education, with an extract from the 'Every School a Good School' stating that "School premises are a valuable facility for community use and schools are actively encouraged to consider making their premises available as a community facility where possible."

Sullivan Upper has various facilities which are already made available for use by local clubs, community groups, individuals etc. These facilities include the outdoor grass pitches, tennis courts, indoor swimming pool and various rooms and halls within the school.



A synthetic pitch with 15m high floodlighting (position of floodlights indicated by red boxes on adjacent drawing) was approved at the rear of the school building under W/2007/0566/F. The pitch is adjacent to residential dwellings on Demesne Road and Wood End. The floodlights are the same height as the ones currently under consideration. This 2007 approval did not have the use restricted to school use only and it could be

used daily until 11pm and between 8am and 6pm on weekends. (The floodlighting hereby approved shall not be operated between 23.00 and 08.00 Mondays-Fridays and between 18.00 and 08.00 on weekends (Saturdays and Sundays)). Use of the pitch on bank and public holidays was also not restricted on the 2007 application.

The school have advised that there is demand for the facilities by local and national hockey teams and local young peoples' football clubs. The sports clubs which are interested in hiring the facilities tend to operate in the evening and would need to continue operating after the current 8pm time restriction. It was highlighted that school sports facilities in similar urban locations (e.g. at Bangor Grammar School and Strathearn) are regularly utilised in the evenings by local sports clubs.

Policy OS 7 of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation indicates that floodlighting of recreational facilities will be permitted where there is no unacceptable impact upon the amenities of people living nearby; there is no adverse impact on visual amenity or character; and public safety is not prejudiced.

The floodlights are in situ and therefore the principle of development and impact on the visual amenity of the area has been accepted at the site. The purpose of this assessment is to examine the further impact of the extended hours requested, in the context of why the restriction was imposed in the planning permission.

Residential Amenity

With regards to the amenities of people living nearby, the nearest sensitive receptors are the dwellings immediately abutting the application site (2 and 4 Belfast Road, the flats at 3 and 5 Belfast Road and the dwellings abutting the south-western boundary on Abbey Ring). Light pollution has been raised by objectors at 2 and 4 Belfast Road (No. 2 also provided a letter of support to the application), the flats at 3 and 5 The Parks, 5, 136 and 138 Abbey Ring. 136 and 138 Abbey Ring are located in excess of 70m from the floodlights and therefore are not directly affected.

Environmental Health has undertaken light monitoring from inside 4 Belfast Road. Based on the measurement results obtained and professional judgement, Environmental Health confirmed that at present floodlighting does not result in a statutory nuisance.

The light levels emitted from the floodlights was considered under assessment of the application which was permitted under W/2014/0422/F. The levels themselves are not to be amended and will remain bound by Condition 4 of the approval to ensure that hoods are used and compliance with specified lux levels around the margins of the site. It is highlighted in the planning report for the previous approval that the objectors suggested an 8pm finish. Environmental Health did not recommend a condition to restrict the timing of the lights but stated "Consideration should be given to time limiting night time use of the facilities to reduce the impact of noise on adjacent property."

The extension to the lighting times will be apparent from approx. September to April for the 2 hour extension in the weekday evenings and approx. December to February for the additional hours at the weekends, so limited to the winter months. I consider the proposed times to be reasonable considering the site's location adjacent to a busy Belfast Road which would be lit up by street lighting during the hours of darkness 365 days a year. In considering the use of the pitch on bank and public holidays, the approved hours will still apply and the additional days are limited to Christmas and New Years Day. All other bank and public holidays are held between March and August when lighting will not be required in the late evening.

As stated, the hoods on the floodlights will still be required to prevent light spill and the lights should be turned off when not in use to protect residential amenity.

Road Safety and parking

No changes are proposed to the access to the site. DfI Roads was consulted, and it offered no objections to the proposal. The floodlighting is not considered to have an adverse impact on road safety.

5. Representations

5 letters of support have been received from the occupier of 2 Belfast Road, Rachel Woods MLA, Councillor Andrew Muir, Councillor Kathryn McNickle and Councillor Gillian Greer. The support letters welcome the improved access to the facilities and extended times of use subject to mitigation measures which include limited traffic through the school grounds in the evenings and weekends, floodlights positioned to limit light pollution and noise reducing cushions on the goal posts during training. In response to the letter of support from Rachel Woods MLA, mitigation measures including the goal pads will be conditioned to ensure that they will be implemented. I would also confirm that the Environmental Health Department completed light monitoring from No. 4 Belfast Road and confirmed that at present floodlighting does not result in a statutory nuisance. This is the closest property to the floodlighting so light pollution is not considered to be a significant adverse impact on the neighbouring dwellings.

28 letters of objection have been received from 9 No. addresses – 4 Belfast Road; flat 4, 3 Belfast Road; a proforma letter from flats 1,3, 4, 6 The Parks, 5 Belfast Road; 5 Abbey Ring, 136 Abbey Ring and 138 Abbey Ring and Alex Easton MLA. An objection was also received from 2 Belfast Road but a later letter was received from the occupier which expressed support for the planning application.

The concerns raised include:

Light pollution – This has been considered in the body of the report. Nos. 136 and 138 Abbey Ring, whilst abutting the curtilage of the school grounds, are in excess of 70m from the artificial pitch. Therefore these properties are considered to be sufficiently removed from the floodlighting to ensure that the proposal will not have an unacceptable adverse impact on residential amenity.

Other concerns have been raised which relate to noise and traffic impacts however these are related to the use of the artificial pitch and will be considered in detail in the accompanying application LA06/2018/1198/F.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The floodlighting hereby permitted shall only be used between 0800 and 2200 Monday to Friday, between 0830 and 1800 on Saturdays; and between 1200 and 1700 on Sundays.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

2. The floodlights shall be switched off when the pitch is not in use.

Reason: In the interests of residential amenity.

3. The floodlighting columns hereby approved shall be hooded and shall operate in accordance with the lux level plan as indicated on Drawing No. W/2014/0422/09A bearing the date stamp 23 February 2015. In the event that any of the lux levels as indicated on the plan are exceeded at any time, the lights shall be switched off and shall cease to be used until the necessary repairs have been made or steps have been taken to restore the correct levels.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

4. The existing trees within the curtilage of the site as indicated on Drawing No. W/2014/0422/02 bearing the date stamp 29 May 2015 shall be retained. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Tree Work Recommendations.

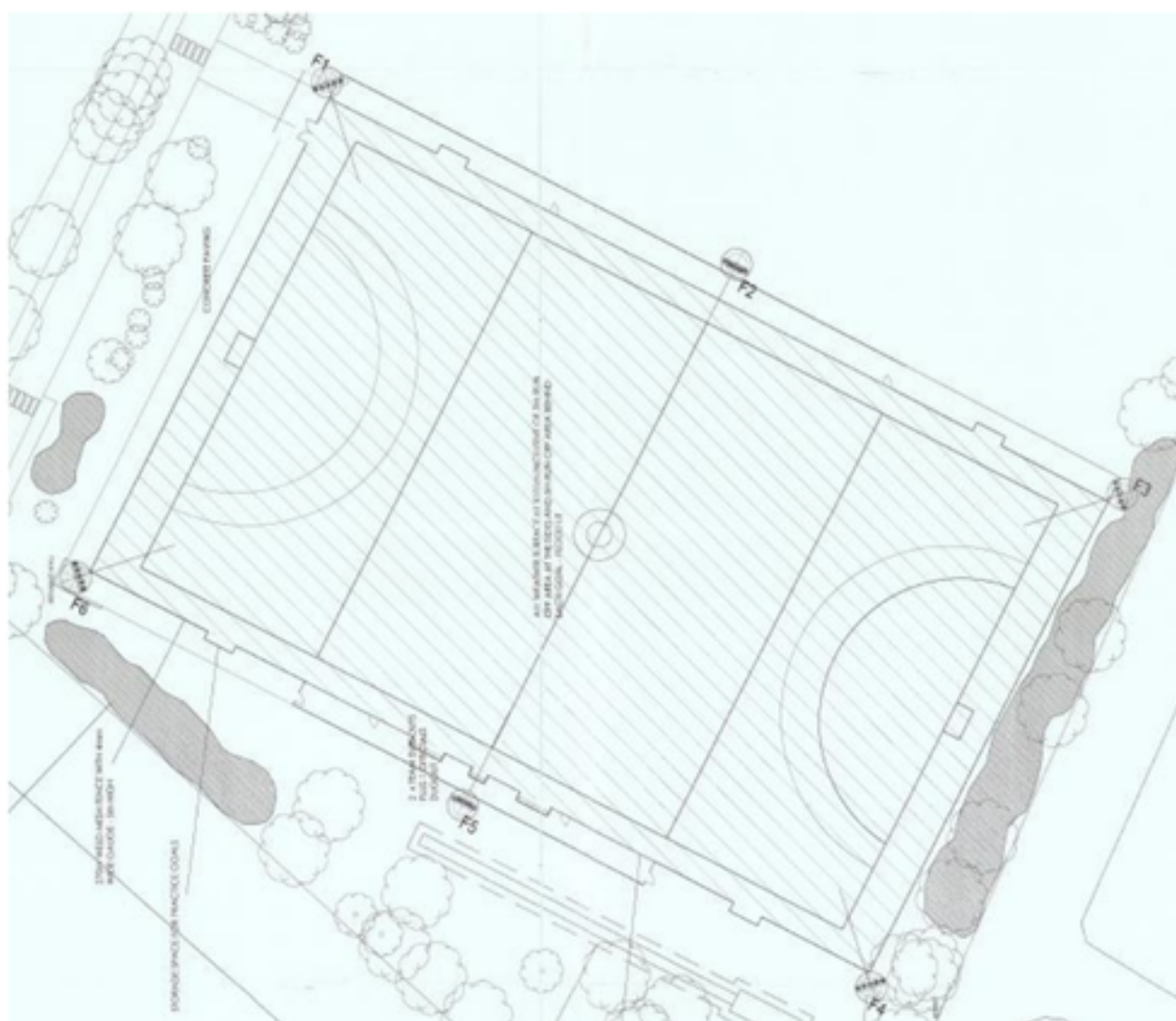
Reason: To ensure the continuity of amenity afforded by existing trees.

5. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of/commencement of use of the development hereby approved, another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

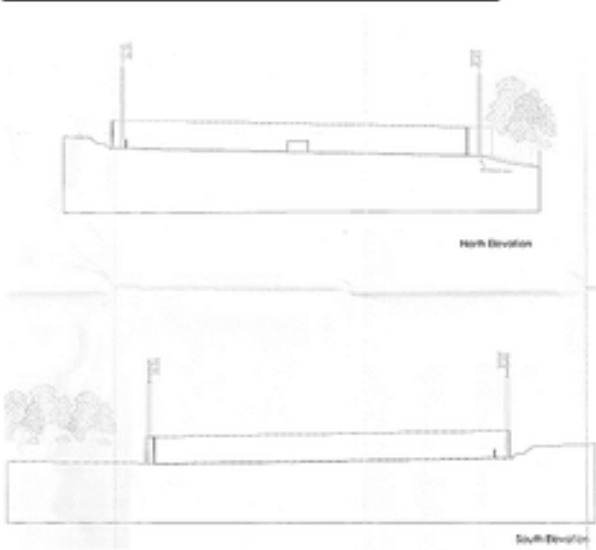
Reason: To ensure the continuity of amenity afforded by existing trees.

Informative

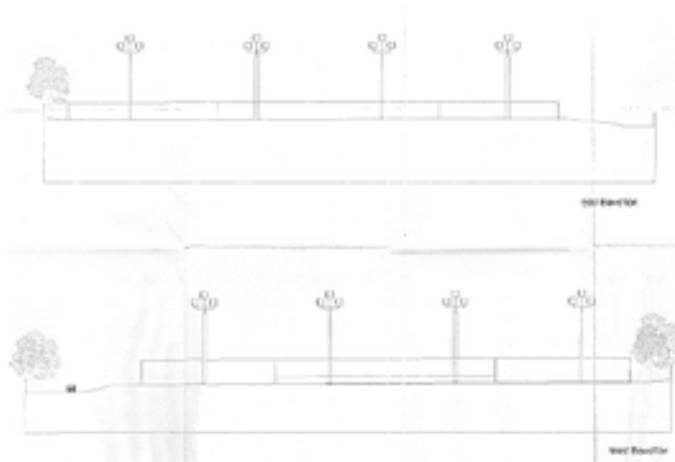
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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



Site plan




Floodlight elevations



ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2022/0335/F
Proposal	Proposed/ Part replacement wastewater rising main connecting Stricklands Glen Wastewater Pumping Station (WWPS) to Brompton Road WWPS with associated temporary site access and material storage areas
Location	Lands 46m North of no. 7 Brompton Road and 80m West of no. 29 Stricklands Bay, Bangor, to include Brompton Road and Stricklands Glen pumping stations and the coastal path between DEA: Holywood and Clandeboye
Committee Interest	Application relating to land in which the Council has an estate
Validated	17/05/2022
Summary	<ul style="list-style-type: none"> • Proposal seeks essential works along section of coastal path comprising of construction of a new wastewater rising main to be installed beneath existing coastal path to connect the two pumping stations at Brompton Road and Stricklands Glen • Proposal will improve and maintain the existing wastewater infrastructure network. • The works will reduce the aggregate number of spills from the Combined Sewer Overflow (CSO) discharging to Belfast Lough to meet NIEA standards therefore improving the coastal water quality. • The proposal will benefit the local area and environment and communities utilising coastal waters for swimming • 2 objections from one address – querying detail on submitted plans and details about an air vent • Matters raised fully detailed in case officer report and objector stating satisfaction with clarification provided regarding air vent • All consultees content with some recommending conditions
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report Item 4.3b – Addendum to Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0335/F	DEA: Bangor West	
Proposal:	Proposed/ Part replacement wastewater rising main connecting Stricklands Glen Wastewater Pumping Station (WWPS) to Brompton Road WWPS with associated temporary site access and material storage areas.		
Location:	Lands 46m North of no. 7 Brompton Road and 80m West of no. 29 Stricklands Bay Bangor to include Brompton Road and Stricklands Glen pumping stations and the coastal path between.		
Applicant:	NI Water		
Date valid:	17.05.2022	EIA Screening Required:	Yes
Date last advertised:	09.06.2022	Date last neighbour notified:	01.09.2022
Letters of Support: 0	Letters of Objection: 2 from the same address	Petitions: 0	
Consultations – synopsis of responses:			
NIEA Water Management Unit		Content subject to conditions	
NIEA Natural Environment Division		No concerns subject to recommendations	
NIEA Marine		Content	
Shared Environmental Service		Content the project would not have an adverse effect on the integrity of any European site.	
Environmental Health		No objection subject to conditions	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design and impact on character and appearance of the area • Impact on residential amenity • Impact on designated sites and natural heritage 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			

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

1. Site and Surrounding Area

The site is located at lands 46m North of no. 7 Brompton Road and 80m West of no. 29 Stricklands Bay, Bangor and includes Brompton Road and Stricklands Glen pumping stations and the coastal path between. The pumping station at Brompton Road is located on a grassed area and consists of a stone building and hard surface area. There are currently some temporary storage containers and a mobile building on site with temporary fencing around the site.

The Stricklands Glen pumping station contains some cabinets, hard standing and graveled surface areas with temporary fencing around the site.

The coastal path in between both pumping stations is a hard surfaced area which follows the coastline and has vegetation and residential properties on one side and coastal habitats, vegetation, rocks and the shore etc. on the other side.

The area is within the settlement limit of Bangor as designated in the North Down and Ards Area Plan 1984-1995 and draft Belfast Metropolitan Area Plan 2015. The area is predominantly residential with the coastline and coastal path to the west of the residential area.

2. Site Location Plan



3. Relevant Planning History

LA06/2016/0708/F – Brompton Road Pumping Station Lands 46m north of No.7 Brompton Road Bangor - The erection of a new underground pumping station (storage capacity 2170m³) with control building, telemetry pole with lighting column and associated works. Proposal includes a new vehicle access at the existing turning head – Permission Granted 29.11.2018

LA06/2016/0707/F - Stricklands Glen Pumping Station Lands 54m north-west of no. 5 Lochglen and 60m west of no. 29 Stricklands Bay, Bangor - The erection of a new underground pumping station (storage capacity 240 cubic metres) with control building, telemetry pole with lighting column and associated works. Proposal includes a hard standing vehicle access and the deconstruction of the existing control station – Permission Granted 10.07.2017

The history demonstrates that both pumping stations have planning permission.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995
- Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 11 – Planning and Waste Management

Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment 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. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations.

Work on the adoption of BMAP has not been abandoned and the Chief Planner clarified in his update to Councils on 25 November 2019 that the draft BMAP remains an emerging plan and, as such, the draft plan, along with representations received to the draft plan and PAC Inquiry Reports, remain as material considerations to be weighed by the decision-maker.

The North Down and Ards Area Plan 1984-1995 (NDAAP) is therefore the statutory development plan for the area. Under the NDAAP the application site is located within the development limits of Bangor.

Within dBMAP the application site is located with the development limits of Bangor, Bangor West Area of Townscape Character and parts of the site are within Local Landscape Policy Area (LLPA) Stricklands Glen (designation BR29), LLPA Wilson's Point (designation BR31) and a Site of Local Nature Conservation Importance (SLNCI) (designation BR 17/05).

The Planning Appeals Commission considered objections to the proposed Bangor West ATC designation within its report on the BMAP public inquiry. As a result, the Commission recommended slight changes to the ATC boundary, however the application site is unaffected by the proposed changes. It is likely, that if and when BMAP is lawfully adopted, a Bangor West Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

Both LLPAs refer to the coastal path as contributing to the environmental quality, integrity and character of the area. It is considered that as the proposed works will be under the coastal path and the coastal path will excavated and reinstated as existing that the proposal will not harm the environmental quality, integrity or character of the area. The proposal will improve the environmental quality of the area by reducing the aggregate number of spills from the Combined Sewer Overflow discharging to Belfast Lough which will improve coastal water quality.

The SLNCI is characterized as streams surrounded by a mixture of broadleaf trees in an amenity setting. Again, it is considered that as the works are temporary and the coastal path will be reinstated as existing that there will be no adverse impact on the features of the SLNCI and its amenity value will remain.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 2, PPS 8 and PPS 11.

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.

Supporting statements submitted as part of the application detail that the proposal comprises of the construction of a new wastewater rising main which will be installed beneath the existing coastal path to connect the two pumping stations at Brompton Road and Stricklands Glen. The existing path will be excavated to lay the pipework then reinstated as per the existing path with bituminous surface material. The proposal intends to improve and maintain the existing wastewater infrastructure

network. The works will essentially reduce the aggregate number of spills from the Combined Sewer Overflow (CSO) discharging to Belfast Lough to meet NIEA standards, thereby improving the coastal water quality. The proposal will therefore result in a benefit to the local area and environment.

Both NDAAP and draft BMAP contain no material policies for the type of development proposed, therefore the proposal is considered to be in conformity with the plan and acceptable in principle, provided it complies with the relevant regional planning policies.

The impact of the proposal on the appearance of the area and ATC will be considered below.

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

The proposal involves installing a wastewater rising main pipeline beneath the existing coastal path between the Brompton Road and Stricklands Glen pumping stations. The length of the route is approximately 540m and the proposal involves excavating the existing path to lay the pipework then reinstating the existing path with bituminous surface material. During excavation works, the excavated material will be temporarily stored in the Brompton Road pumping station compound.

It is detailed in the supporting statements that the works will take 5 weeks to complete with the coastal path being closed during that period.

It is considered that as the works are only temporary for 5 weeks, the pipeline will be located beneath the coastal path and the path will be reinstated with bituminous material that there will be no adverse impact on the character of the area and once the work is complete the path will have a similar appearance.

For the same reasons, it is also considered that the proposal will have no adverse impact on the appearance of the Bangor West Area of Townscape Character and the appearance of the ATC as a whole will remain.

The proposal is therefore considered to comply with the relevant parts of Policy WM1 of PPS 11 and Policy ATC 1 and all relevant guidance.

Impact on Open Space and Recreation

The coastal path functions as open space and recreation. The supporting statements submitted as part of the proposal detail that the coastal path will be closed to the public for 5 weeks. As this is only a temporary period and the path will be reinstated as existing it is considered that the long-term open space and recreation use of the site will be protected in line with PPS 8 and Policy OS 1.

Impact on Residential Amenity

The proposal will have no unacceptable adverse impacts on adjacent dwellings and the residential amenity of the area due to the nature of the development being underground. There may be some temporary disturbance to local neighbours from noise and dust during the excavation phase of the proposal and digging the trenches to lay the pipework, however it has been detailed that this will only last for a 5-week period.

In relation to noise and dust from the proposal during the excavation works, Environmental Health was consulted and commented that 'this Department notes that along the route, there are a number of sensitive residential receptors located near the proposed works, including dwellings at Downshire Road/ Lane and Stricklands Bay. Subsequently there could potentially be disturbance from noise and vibration effects during construction mainly created by breaking through the existing path and associated plant and machinery used. Therefore, this Department would request that the contractor pay due regard to BS 5228:2009+A1:2014 Code of practice for noise and vibration on construction and open sites, and IAQM Guidance on the Assessment of dust from demolition and construction 2014. In addition, the contractor should also be proactive in engaging with neighbours and should notify them of any works forecast to generate appreciable levels of noise, explaining the nature and duration of the works.'

Environmental Health requested that conditions are added to any approval to ensure there is no construction activity on Sundays, Bank Holidays, or outside the hours of 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on Saturdays. This will protect residential amenity from any potential noise impacts.

It is therefore considered that the proposal complies with the relevant parts of Policy WM1 of PPS 11 and all relevant guidance.

Access and Roads Safety

There is access to the site for construction vehicles via Brompton Road and Downshire Road, with turning heads at the Brompton Road and Stricklands Glen pumping stations. Access to the site by construction vehicles will only be temporary during a 5-week period and therefore it is considered that the roads can accommodate the increase in traffic for a short temporary period and the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

It is therefore considered that the proposal complies with PPS 3 and the relevant parts of Policy WM 1 of PPS 11.

Archaeology and Built Heritage

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

Designated Sites and Natural Heritage

The application site is within the national, European and international designated sites of Outer Ards SPA/RAMSAR, which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and Outer Ards ASSI, which is declared under the Environment Order (Northern Ireland) 2002. Part of the site is also within Stricklands Glen SLNCI.

To demonstrate that the proposal will have no adverse impact on the environment and designated sites, several documents were submitted such as an Environmental Management Proposal, a Sedimentation and Erosion Control Plan, Pollution Control and Contingency Plan, Water Management Plan, Landscape and Soil Management Plan, EIA Screening Report and Habitats Regulations Assessment.

DAERA Water Management Unit, Marine and Fisheries Division and Natural

Environment Division were consulted. Shared Environmental Service was also consulted.

Water Management Unit commented that it 'has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal.'

Marine and Fisheries Division commented that it 'has considered the impacts of the proposal and on the basis of the information supplied is content that there should be no adverse impacts on marine conservation, provided standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. The proposed location of the pipeline (underneath the coastal path) is satisfactory in minimizing impacts to marine conservation.'

A condition will be added to any approval to protect the marine environment by ensuring that all proposed works are confined to the existing hard standing man-made coastal path and where widening of the path is required to enable plant equipment access, this should be confined to the landward side of the coastal path not the marine side.

In relation to designated sites Natural Environment Division commented that it 'has considered the impacts of the proposal on designated sites, on the basis of the information provided, has no concerns subject to recommendations.'

It recommended that no disturbance of vegetation or removal of structures shall be carried out during bird breeding season which is start of March to end of August. The applicant has indicated that they hope to start the work in November 2022 therefore this will be outside of bird breeding season.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Ards and North Down Borough Council which is the competent authority responsible for authorising the project.

Shared Environmental Service commented that 'following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval.'

A condition will be added to any approval to ensure the project will not have an adverse effect on the integrity of any European site by ensuring the Sedimentation & Erosion Control Plan and the Environmental Management Proposal submitted as part of the proposal is adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Council.

In relation to the potential impact of the proposal on protected or priority species, habitats or features of natural heritage importance, a Biodiversity Checklist and Ecological Statement was provided by a qualified ecologist. This details that the proposal will have no adverse impact on protected or priority species or habitats and no further surveys are required.

There was no evidence of badgers or otters, however the Statement recommends that as there is habitat for both species that measures to safeguard both species during the construction phase should be included. Any approval will therefore be conditioned that all excavations shall be covered every evening with a suitable material to prevent badgers and otters from entering and shall incorporate slopes allowing an escape should any badger or otter enter excavations to protect both species.

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

5. Representations

Two letters of representation were received from the same address. The main issues of concern are:

- *The maps do not show any of the houses that have been neighbour notified and people are going to have difficulty determining where the pipeline will be located in relation to their property. Faint lines on the maps. Existing development at Thalassa not shown on maps.*

It is considered that the site location plan, drawing no. 01 clearly shows the area of the site and where the pipeline will be located in relation to the existing properties. On the planning portal any interested person can zoom in to the plan to determine more clearly where the pipeline will be located or contact the office to view the plans in person or discuss with the case officer.

The exact footprints of nos. 17-25 Downshire Lane have not been included on the plan, however the plan shows some evidence of buildings at this location and all these properties have been neighbour notified to make them aware of the proposal. Only one property has submitted a representation.



- *DRG 03 shows an air vent, how will this operate, will fumes have noxious smell, how often will air be expelled, will it be vandalism proof?*

The agent was contacted to provide further details to answer these queries. A technical note was submitted, and all neighbours re-notified. The technical note details how the air vent will operate, no noxious odours are likely given the flows through the pipeline and the air vent will be no closer than 20m to the curtilage of any residential property, air will be expelled up to 10 times per hour and no vandalism will occur as it will be contained underground and accessed via a manhole. Further to the submission of this the objector provided additional comment that this 'clarifies the workings of the valve and that it will be hidden from public view' and made no further objection to the air valve.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The BSG Belfast Lough - Coastal Path Raising Main Installation Sedimentation & Erosion Control Plan and Management of Groundwater and Storage of Construction Materials for Works Relating to North Down Coastal Path Sewer Main Installation Rev B dated 25.11.2021 shall be adhered to and implemented throughout the construction period in accordance with the approved details,

unless otherwise agreed in writing by the Council.

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

3. There shall be no construction activity or deliveries to the site on Sundays, Bank Holidays, or outside the hours of 08:00 – 18:00 Monday to Friday and 09:00 – 13:00 on Saturdays.

Reason: In the interests of public amenity.

4. All proposed works shall be confined to the existing hard standing man-made coastal path. Where widening of the path to enable plant equipment access is required, this shall be confined to the landward side of the coastal path not the marine side.

Reason: To protect the marine environment.

5. All excavations shall be covered every evening with a suitable material to prevent badgers and otters from entering and shall incorporate slopes allowing an escape should any badger or otter enter excavations.

Reason: To prevent harm to badgers and otters.

Informatives:

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

Case Officer Signature:		Date:	
------------------------------------	--	--------------	--

Site Location Plan



Aerial image of the site



Photos of site

Brompton Road pumping station



The Coastal Path





Stricklands Glen Pumping Station



Item 4.3b

Addendum to LA06/2022/0335/F

Proposal: Proposed/ Part replacement wastewater rising main connecting Stricklands Glen Wastewater Pumping Station (WWPS) to Brompton Road WWPS with associated temporary site access and material storage areas.

Address: Lands 46m North of no. 7 Brompton Road and 80m West of no. 29 Stricklands Bay Bangor to include Brompton Road and Stricklands Glen pumping stations and the coastal path between.

Following publication of the Case Officer Report, the agent acting on behalf of NIW contacted the Planning Service to advise that Condition 4 as worded would pose potential problems during works on site as it could not be complied with. The wording of Condition 4 reads as follows:

All proposed works shall be confined to the existing hard standing man-made coastal path. Where widening of the path to enable plant equipment access is required, this shall be confined to the landward side of the coastal path not the marine side.

Reason: To protect the marine environment

There are some sections within the application site, namely between the fork of the path and Brompton Road, where the path is narrow, and the contractor would be heavily constrained on the landward side due to rockface and private residential properties.

The agent has advised that any temporary encroachment on the seaward side would only be undertaken where absolutely necessary and where all other options to deliver solely on the landwards side were exhausted, including the use of smaller plant machinery in these sections.

Given the short-term nature of the works proposed, it is considered appropriate that Condition 4 be re-worded to add limited flexibility in this regard. Condition 4 will now be worded to read as follows:


All proposed works shall be confined to the existing hard standing man-made coastal path. Where widening of the path to enable plant equipment access is required, this shall be confined to the landward side of the coastal path where possible, not the marine side.

*Reason: To protect the marine environment, the applicant will still be required to comply with Condition 2 regarding storage of materials. **The recommendation to approve planning permission remains, subject to the revised condition as stated above.***

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2022/0466/F
Proposal	Tensile canopy structure for public use
Location	Hibernia Street (Pedestrianised Section), Holywood DEA: Holywood & Clandeboye
Committee Interest	An application made by the Council
Valid	28/4/2022
Summary	<ul style="list-style-type: none"> • Canopy extends for 11m across the section of Hibernia Street closest to the High Street. • The fabric will have 80% opacity. Columns to be a mix of 2.5m and 3m in height. • No objections by consultees – DFI Roads have recommended conditions • No objections received from members of the public.
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0466/F	DEA: Hollywood & Clandeboye	
Proposal:	Tensile canopy structure for public use		
Location:	Hibernia Street (Pedestrianised Section), Hollywood		
Applicant:	Ards & North Down Borough Council		
Date valid:	28.04.22	EIA Screening Required:	No
Date last advertised:	19.05.22	Date last neighbour notified:	15.06.22
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health		No objection	
DfI Roads		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a pedestrianised section of Hibernia Street in the centre of Hollywood.

The pedestrianised area essentially links the High Street to the car park and other businesses at the lower end of Hibernia Street. The northern boundary of the site is largely defined by the gable wall of Stewart Miller's newsagents; the southern boundary is defined by a couple of shop fronts and the gable of a retail unit facing onto the High Street. Hibernia Street slopes down from the High Street towards the war memorial.

Area is commercial in character with a mix of businesses and parking areas in the immediate vicinity.

2. Site Location Plan



3. Relevant Planning History

There are a number of planning applications material to the current proposal.

An almost identical application was withdrawn earlier in the year (LA06/2022/0008/F). Application withdrawn as the location of the canopy needed to be relocated due to a right of way.

There was an historic application from 1998 when the then Planning Authority approved use of the land as an open street market with canopy over. I am aware that the street has been used for market stalls in the past years, but the canopy was never erected.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Holywood, the site is within the Town Centre. The site is within the Holywood South Area of Townscape Character but is outside the Holywood Conservation Area. The site is also within an Area of Archaeological Potential but as the land is currently developed (paved) and the works do not require any material excavation works it has not considered expedient to consult Historical Environment Division.

Whilst there are no material provisions in the plan in relation to the proposal, dBMAP seeks to promote an urban renaissance and recognises town centres have a key role as prime foci for retail, service, administrative, leisure and cultural facilities. The proposal is therefore considered in broad agreement with the Plan subject to any prevailing regional policies.

Impact on Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

This application relates to a canopy structure and does not involve creation of additional retail space. Whilst a canopy would not readily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the

Town Centre. Canopy to provide for small-scale outdoor events and markets. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

Impact on Character of Area and ATC

The proposal is essentially a number of columns (5 on each side of the street) with a white pvc waterproof fabric attached. The canopy will extend for 11m across the section of Hibernia Street closest to the High Street. The fabric will have 80% opacity. Columns to be a mix of 2.5m and 3m in height.



Cross-section of canopy of Hibernia Street

The works will not materially harm any of the noted features of the ATC. Key features (closest to the site) to be taken account when assessing development proposals include the historic churches on the High Street, the mid-Victorian Library and clock tower (now a restaurant), several buildings on Sullivan Place (adjacent and west of Hibernia Street) such as the Orange Hall and the McCammon Memorial Hall. The proposal is located in an area of relatively non-descript buildings and will have no material impact on the built heritage of the area. The canopy will be essentially located on a side street and will be subordinate in scale to the buildings on each side and will not have a dominating impact on the character of the surrounding area.



Hibernia Street from High

Impact on Residential Amenity

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

The area is commercial in character and no neighbours will be materially affected by the proposal. As a matter of good practice, the Council's Environmental Health Department was consulted. No objections were raised but comments were made that the proposal may be considered to be 'substantially closed' and therefore be non-compliant with the Smoking (NI) Order 2006. These are matters that fall outside the remit of a planning application, but the comments have been forwarded to the Office responsible for the project.

Road safety/Parking

All works to be carried out in the pedestrianised area; no alterations to any vehicular access. The columns are to be located where there will be minimal impact to rights-of-way and accesses to commercial properties. Whilst DfI Roads initially responded with 'no objections', this advice was withdrawn for further consideration. Their latest response raises no objections but did request a number of conditions and informatives. The Department of Infrastructure is the landowner and the consultation response highlights a number of agreements the applicant requires prior to commencement of works. These agreements relate to Street Lighting, DfI Consent, an indemnity agreement, a certificate from a Structural Engineer, a Maintenance Agreement, and Geotechnical Agreement. These are matters that are to be entered into between DfI and the applicant and would not meet the threshold to be a condition

of planning permission. The applicant is aware of these comments and any Decision Notice to include an informative directing the applicant to comments from consultees and clarifying the need for the applicant to be in receipt of any approvals required by other statutory bodies.

Impact on Listed Buildings

The proposal will not be adjacent to, or be in close proximity to, a Listed Building.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be over 200m from the coast – and from its associated nationally and internationally designated sites. The area is currently paved and there is a roadway, railway lines, and buildings between the proposed works and any environmentally sensitive designation. No reasonable prospect of run-off or pollution. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

None received

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The development hereby permitted shall not be commenced until any structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

3. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved in writing by the Department for Infrastructure Street Lighting Section. The scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure's Street Lighting Section

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

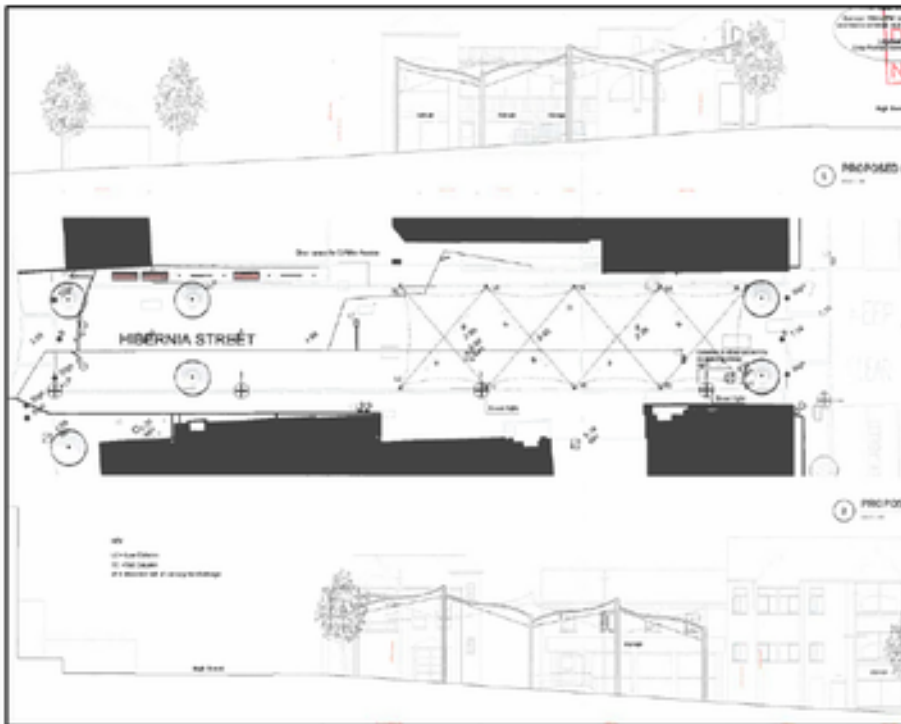
Informative

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 Planning Portal.

ANNEX



Site Plan



Elevations and floorplan



View from Hibernia Street towards High Street

ITEM 5

Ards and North Down Borough Council

Council/Committee	Planning Committee
Date of Meeting	01 November 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	17 October 2022
File Reference	Planning Committee
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Update on Planning Appeals
Attachments	Item 5a – Costs Decision; Item 5b – Appeal Decision

New Appeals Lodged

1. The following appeal was lodged on 18 July 2022.

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

Update on Withdrawal of Appeal

2. Last month Members were advised of the withdrawal on 02 September of the following appeal prior to the hearing date of 13 September 2022.

PAC Ref	2021/A0100
Application ref	LA06/2018/0324/O
Appellant	Belfast Central Mission
Subject of Appeal	Development of 24 no. extra care living units and shared communal facilities
Location	Lands at 95 & 97 Donaghadee Road, Millisle

Officers were questioned upon the reason for the withdrawal and at that time were unable to advise; however, upon the recommencement of the PAC's online services, it is apparent that a third party objector submitted an application for award of costs against the withdrawal of the appeal, a copy of the decision thereof being attached.

Paragraph 10 of that decision sets out that, in response to the costs claim, the respondent stated that as a charitable organisation, Belfast Central Mission has a finite amount of financial resources that have been negatively impacted by the effects of Covid-19 and the current economic pressures. In light of this, the decision was made to prioritise the organisation's resources on the delivery of its existing services to support those in need. Since the submission of evidence in the appeal, the organisation has undertaken a review of future care delivery. They considered it prudent, and only fair to all parties, to withdraw the appeal until this review is complete.

The Commissioner then at Paragraph 11 highlights that there was not a significant period of time between the submission of evidence and the planned hearing. Statements of case were requested by 29 July 2022 and rebuttal comments by 17 August 2022. He states that 'Whilst the charitable status of the respondent is acknowledged, the Covid-19 pandemic had been raging for two and a half years at the point of withdrawal and well before the appeal was submitted. It appears unusual that only 11 working days after the final submission of evidence and only 6 working days before the hearing a review of future care delivery should be initiated causing such a significant change in circumstances that would require the respondent to abandon the entire proceedings. Initiation of the review and withdrawal of the appeal were choices made by the respondent and I am not persuaded that they were solely prompted by events outside of its control. It is natural that with only 6 days to go before the hearing, the parties would have been preparing for it and I consider that giving such late notice does constitute unreasonable behaviour.' However, in the absence of any submitted detail, the application for award of costs was denied.

Decisions

3. The following appeal against the Enforcement Notice detailed below was considered and the appeal on Ground (d) failed and the appeal on Ground (a) succeeded and the deemed planning application was granted subject to conditions, resulting in the Enforcement Notice being quashed.

PAC Ref	2020/E0041
Application ref	EN/2020/0224 & LA06/2018/0358/CA
Appellant	Mr Glenn Ford
Subject of Appeal	Appeal against Enforcement Notice dated 21 October 2020 alleging the following: <ol style="list-style-type: none"> i. Change of use of land and domestic stable block to an Animal Rescue Centre; ii. Erection of a detached building being used as dog kennels; iii. Erection of a detached prefabricated building being used as a cattery; iv. Siting of three portacabins, a storage container and portable animal kennels;

	v. Metal fencing/gates more than 2m in height and vehicle entrance gates adjacent to a roadside more than 1m in height
Location	Lands at 'The Barn Animal Rescue Centre', 4 Ballyblack Road East, Newtownards

Ground (d) of the appeal was brought on the basis that when the Enforcement Notice was served, no enforcement action could be taken. This ground was pursued solely in relation to point i. of the above Notice. The Commissioner did not consider that the evidence provided related to the use of the site as an animal rescue centre, therefore that use was not immune from enforcement action and the appeal on that ground failed.

The deemed planning application was considered in relation to the following:

- The principle of development;
- The acceptability of the reuse of an existing building;
- The ability of the development to satisfactorily integrate and the impact on rural character;
- The impact of the development on the safety and convenience of road users; and
- The disposal of waste and effluent from the site.

The appeal under Ground (a) deemed application was allowed subject to a number of conditions restricting the number of dogs on site at any one time, restriction on hours when dogs could be kennelled outside any buildings, and various noise and ventilation mitigation measures to be installed.

The costs award decision and appeal decision are appended to this report.

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

RECOMMENDATION

It is recommended that Council notes this report.



Costs Decision

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

Appeal Reference:	2021/A0100
Appeal against:	The refusal of outline planning permission for development of 24 extra-care living units and shared communal facilities
Location:	Lands at 95 and 97 Donaghadee Road, Millisle
Claim by:	Dr T N Caven
Claim against:	Belfast Central Mission
Decision by:	Commissioner Gareth Kerr, dated 10 th October 2022

Decision

1. An award of costs is denied.

Reasons

2. In accordance with paragraph 12 of the Commission's publication 'Costs Awards Guidance' costs will normally only be awarded where all four of the following conditions are met:
 - the claim relates to a relevant type of appeal;
 - the claim is timely;
 - the party against whom the award is sought has acted unreasonably; and
 - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The planning application to which the appeal relates was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 58 of the above Act against the refusal of outline planning permission by Ards and North Down Borough Council. The Commission therefore has the power to make an order as to the costs of parties in accordance with Section 205 of the Act.

Timeliness

4. The claimant was a third party to the appeal. Statements of case and rebuttals were exchanged and an informal hearing was arranged for 13th September 2022. On 2nd September 2022 the respondent withdrew the appeal, so the scheduled hearing did not take place. The claimant was advised of this on 2nd September 2022. He then submitted a claim for costs on 15th September 2022.
5. Paragraph 20 of the Commission's 'Costs Awards Guidance' states that where an appeal is withdrawn or a hearing was arranged but did not take place, any costs claim must be submitted in writing to reach the Commission no later than 10

working days after the date on which the Commission sent notification to the claiming party that the appeal had been withdrawn or the hearing cancelled. This costs claim was received on the ninth working day after notification of the withdrawal. As this was within the time period specified in the Commission's guidance, the claim was timely.

Unreasonable Behaviour

6. There are two strands to the claimant's submission regarding costs. In the first place, reference is made to the length of the respondent's statement of case and rebuttal, both of which significantly exceeded the 1500 word limit specified in the Commission's request for evidence. The claimant stated that this required time and advice in order to respond.
7. The Commission has published guidance on 'Appeal Procedures' which covers the submission of evidence. At paragraph 36 it states, "Statements of case should not exceed 1500 words, otherwise the main points being made may not be readily identifiable. Statements containing more than 1500 words should be accompanied by a summary of less than 1500 words. Statements of case must include all the evidence to support the party's case, including the evidence of all its witnesses. Relevant maps or drawings at A3 or A4 size may be included in an appendix to the statement of case. Photographs may be used but the location from which they were taken should be marked on a map. Full copies of any case law or previous appeal decisions being relied upon must be provided."
8. The above guidance allows for situations where submissions can exceed 1500 words. The respondent's statement of case was 9 pages long. It was preceded by a shorter executive summary and there were 13 appendices including drawings, photographs, planning history and technical reports in support of the party's case. The rebuttal was 7 pages long with a half-page executive summary and no appendices. I consider that the evidence submitted by the respondent complied with the above guidance, read as a whole. The additional evidence in the appendices was necessary to support the appellant's case and included reports analysing the need for the facility which had been before the Council. Therefore it was appropriate that these be part of the evidence to the Commission. The length of the respondent's evidence was not unreasonable.
9. In the second place, the claimant argued that withdrawal of the appeal without giving any reason only six working days before the hearing was unreasonable. There is no statutory requirement to give a reason for withdrawing an appeal, though paragraph 14 of the Commission's 'Costs Awards Guidance' states that the withdrawal of an appeal by the appellant, resulting in the entire proceedings being abandoned, may be judged to be unreasonable, unless it was prompted by a significant change in circumstances which was outside the control of the party concerned.
10. In response to the costs claim, the respondent stated that as a charitable organisation, Belfast Central Mission have a finite amount of financial resources that have been negatively impacted by the effects of Covid-19 and the current economic pressures. In light of this, the decision was made to prioritise the organisation's resources on the delivery of its existing services to support those in need. Since the submission of evidence in the appeal, the organisation has

undertaken a review of future care delivery. They considered it prudent, and only fair to all parties, to withdraw the appeal until this review is complete. Notice was given of the withdrawal of the appeal at the earliest opportunity after these considerations became apparent. The respondent considered that giving more than a week's notice of withdrawal before the hearing provided sufficient time to ensure no further unnecessary costs were incurred by the other parties.

11. There was not a significant period of time between the submission of evidence and the planned hearing. Statements of case were requested by 29th July 2022 and rebuttal comments by 17th August 2022. Whilst the charitable status of the respondent is acknowledged, the Covid-19 pandemic had been raging for two and a half years at the point of withdrawal and well before the appeal was submitted. It appears unusual that only 11 working days after the final submission of evidence and only 6 working days before the hearing a review of future care delivery should be initiated causing such a significant change in circumstances that would require the respondent to abandon the entire proceedings. Initiation of the review and withdrawal of the appeal were choices made by the respondent and I am not persuaded that they were solely prompted by events outside of its control. It is natural that with only 6 days to go before the hearing, the parties would have been preparing for it and I consider that giving such late notice does constitute unreasonable behaviour.

Unnecessary or Wasted Expenses

12. Paragraph 18 of the Commission's 'Costs Awards Guidance' states claiming parties will be expected to identify the nature of the expenses they are seeking to recover. Paragraph 17 states that expenses arising in the course of the appeal process typically include:-
 - the cost to the appellant of employing an agent to submit the appeal;
 - the cost to the planning authority of assembling background documents to assist the Commission and the other parties in their preparations for the appeal;
 - the cost of employing a member of staff or agent to prepare written evidence and/or appear at a hearing; and
 - the cost of using the services of professional experts (whether from public bodies or the private sector) to provide legal or technical advice, to prepare written submissions or evidence and to attend and/or give evidence at a hearing.
13. The claimant refers to having to take time and advice to respond to the respondent's evidence and prepare for the hearing. However, he has not identified the nature of these expenses such as the costs of using the services of professional experts. The claimant's submissions were written by himself and there is no evidence that other professionals were engaged. Therefore, I am not persuaded that the claimant has incurred any unnecessary or wasted expenses. Accordingly, the claim for costs is denied.

COMMISSIONER GARETH KERR

List of Documents

Planning Authority:-	CC1	Costs Claim Dr T N Caven
Appellant:-	CC2	Response to Costs Claim Gravis Planning



Enforcement Appeal Decision

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

Appeal Reference:	2020/E0041
Appeal by:	Mr Glenn Ford
Appeal against:	An enforcement notice dated 21 st October 2020
Alleged Breach of Planning Control:	<ul style="list-style-type: none"> i) Change of use of land and domestic stable block to an Animal Rescue Centre; ii) erection of a detached building being used as dog kennels; iii) erection of a detached prefabricated building being used as a cattery; iv) siting of three portacabins, a storage container and portable animal kennels; v) metal fencing / gates more than 2 metres in height and vehicle entrance gates adjacent to a roadside more than 1 metre in height.
Location:	Lands at the Barn Animal Rescue, 4 Ballyblack Road East, Newtownards, Co Down.
Planning Authority:	Ards and North Down Borough Council
Authority's Reference:	EN/2020/0224 & LA06/2018/0358/CA
Procedure:	Hearing on 30 th November 2021.
Decision by:	Commissioner Kenneth Donaghey, dated 23 rd September 2022

Grounds of Appeal

1. The appeal was brought on Grounds (a), (d), (f) & (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed planning application by virtue of Section 145(5).

Ground (d) - that the date when the notice was issued, no enforcement action could be taken.

2. The Enforcement Notice (the Notice) was issued on the 21st October 2020. Under ground (d) of appeal the onus is on the appellant to demonstrate, on the balance of probabilities, that on the date when the notice was issued, no enforcement action could be taken in respect of the breaches of planning control as outlined on the Notice. The critical date for the development to be immune from enforcement action is 21st October 2015, some five years before the Notice was issued.
3. This ground is solely pursued in respect of point (i) of the Notice for the change of use of land and domestic stable block to an animal rescue centre. It is not pursued in relation to the other alleged breaches of planning control stated on the Notice (ii-v).

4. The appellant has provided several pieces of documentary evidence to demonstrate the history of the site since 1988. These include;
 - A letter dated 9th February 2021, from the original landowner, Mr James Hooks, details that the house was built in 1986, the shed was built in 1988 and the stables were built in 1990. The shed and stables were used to house cattle, sheep, pigs, horses and dogs. Mr Hooks states that he sold the dwelling and outbuildings around 2001 to a Mr Darragh. Mr Hooks stated that Mr Darragh kept horses and domestic animals in the sheds until his death in 2012. Mr Hooks observed dogs, particularly greyhounds at the site from 2012 until Mr and Mrs Ford moved in during August 2015.
 - A letter dated 25th January 2021 from Mrs Nan Boyd stating that she used kennels at this site on a few occasions to board her dog. The last time being in November 2009 when she boarded her dog for three days.
 - An undated letter signed by Mr M Thompson stating that the field to the rear of the dwelling at 4 Ballyblack Road East was used by Mr J Connelly as a greyhound training, breeding and distribution centre from 2011 to 2016. The dogs were kept in makeshift wooden kennels in the fields as well as the barn and an old Mercedes van in the yard. The greyhounds remained on site for a period of around two months after Mr and Mrs Ford purchased the site.
 - An undated photograph showing a sign for Ards Boarding Kennels.
 - Two business directory entries, taken from the websites 'Cylex' and 'Scoot' showing details for Ards Boarding Kennels based at 4 Ballyblack Road East.
5. The evidence listed above provides a broad timeline for the use of the site and outbuildings. The letter from Mr Hooks illustrates that there were indeed animals kept at the site, as one would expect with stables and other buildings in the countryside but does not refer to any use of the buildings or land as an animal rescue centre. Only the letter from Mrs Boyd provides any substantive detail around any alleged boarding kennel use. This amounts to an anecdotal account of boarding a dog at this premises for three days in November 2009. The signage and business directory records indicate that there may have been registered dog kennels at this address but any further information demonstrating the level or duration of this activity is absent. The letter from Mr Thompson is a third-party account of a Mr Connelly having used the site for the keeping and training of greyhounds. This account does not provide sufficient detail to demonstrate the nature or intensity of the use which was on going at the site during this time. The use of the site as an animal rescue centre is sui generis. Much of the evidence listed above refers to boarding kennels. Whilst these uses are similar as they both involve the keeping of animals, the use of the site as an animal rescue centre is sui generis. This evidence presented of itself does not satisfy me that, on the balance of probabilities, the use of land and domestic stable block to an animal rescue centre.
6. The appellant stated at the hearing that the premises was previously subject to a Department of Agriculture, Environment and Rural Affairs (DAERA) license for boarding kennels until 2015. The site was also visited by a DAERA representative in 2017 asking if the license was to be renewed. The appellant also advised that no license is currently required for an animal rescue centre. A letter from DAERA which was supplied with the background papers details that a license existed for a boarding kennels establishment at the site from 22nd November 2004 until the 16th

March 2007. This letter advised that the Department does not hold any information detailing the number of dogs allowed at the site or where they could be kept. The appellant stated that he did not have any copies of this license in his possession and therefore a copy was not provided to this appeal. Whilst the existence of a license for dog kennels may be of some benefit in demonstrating if there were commercial dog kennels at the site, this license is specifically for boarding kennels. The appellant has not sought to regularise the use as a boarding kennel. The appellant has further stated that no license is required for an animal rescue centre. Therefore, the existence of a historic license at the site does not assist in demonstrating if the use as an animal rescue centre has been established for a period of five years prior to the service of the Notice

7. Any of the evidence provided clearly does not relate to the use of the site as an animal rescue centre. Therefore, I am not persuaded that the use as an animal rescue centre at the appeal site is immune from enforcement action. The appeal on ground (d) fails.

Ground (a) and the Deemed Planning Application

8. The Council have provided nine draft refusal reasons in respect of this ground (a) appeal. In summary the main issues in respect of this appeal are summarised as the following:
 - the principle of development,
 - the acceptability of the reuse of an existing building,
 - the ability of the development to satisfactorily integrate and the impact on rural character,
 - the impact of the development on the safety and convenience of road users, and
 - the disposal of waste and effluent from the site.
9. Third parties contacted the Commission seeking to be involved in the appeal. However, I note that this was not followed up by the submission of written statements or attendance at the hearing. No objections to this appeal were forwarded to the Commission.
10. Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) acts as the LDP for this area as Ards and North Down District Council has not yet adopted a plan strategy for the district as a whole. The ADAP contains no policies pertinent to the appeal development.
11. The Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) is material to all appeals. The transitional arrangements set out in Paragraph 1.10 of the SPPS indicate that until such times as a Plan Strategy for the whole council area has been adopted, planning authorities will apply existing policy within Planning Policy Statements that have not been cancelled together with the SPPS. The relevant planning context is the SPPS, Planning Policy Statement 21: Sustainable Development in the Countryside

(PPS21), Planning Policy Statement 3: Access, Parking and Movement (PPS3) and Planning Policy Statement 4: Planning and Economic Development (PPS4).

12. The matter of potential conflict arising between the SPPS and retained existing policies is addressed in Paragraph 1.12 of the SPPS. It states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications. Policy CTY4 of PPS 21 states that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Paragraph 6.73 of the SPPS states that 'provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses'. This adds an additional requirement for development which relates to the conversion and reuse of existing buildings. The weighting direction in the SPPS indicates that 'locally important building' must take precedence in the first instance over the term "suitable building" in Policy CTY4 of PPS21.
13. Policy CTY 1 of PPS21 lists the range of types of development which in principle are considered acceptable in the countryside, one of which is the conversion and reuse of an existing building in accordance with Policy CTY4 and subsequent revision in the SPPS. Given that the appeal development comprises the conversion of an existing stable block and yard to an animal rescue centre, this is an appropriate consideration.
14. The appeal development is sited approximately 500 metres to the northwest of the village of Carrowdore. The appeal site comprises a hard standing yard which sits adjacent to an existing residential property which is owned and lived in by the appellant. The animal rescue centre utilises the same access as the dwelling and the hard standing to the front of the dwelling acts as a parking area. To the roadside boundary of the yard sits a converted stable block which is used to kennel dogs in individual kennels. This building is referred to on the Notice as being edged in green on the accompanying map. Along the south eastern boundary of the site is a large shed which resembles a typical agricultural style building. This is also used to kennel dogs within individual cage type structures inside the barn. This building is referred to on the Notice and is edged in blue on the accompanying map. There is also a portable building edged orange on the accompanying map which is used to house cats. This building sits within the site and behind the residential garage associated with the dwelling at 4 Ballyblack Road East. Three further portacabins are also mentioned within the Notice along with a storage container and portable animal kennels.
15. The Council have not engaged with the detailed tests set out at criteria (a) – (g) of Policy CTY 4 and have focussed their argument on the additional test set out within the SPPS. The SPPS does not define "locally important" but lists examples such as former schoolhouses, churches and older traditional barns and outbuildings. The building which has been converted is an outbuilding which was erected in 1990. It has no discernible special character or interest. Given the modest size and scale of the stable building and the fact that it sits at a lower level

to the public road, I find that it has little visual impact in the landscape and thus is not locally important in any visual sense. The appellant has provided no persuasive argument relating to the local importance of the building, instead referring to other policies which are of relevance which the appeal development should be assessed against. In this context, I am not persuaded that the converted building is a locally important building and consider that its conversion to an animal rescue centre is not supported by this part of the SPPS.

16. In the consideration of the development, the Council provided case law that, in their view, demonstrates that animal shelters such as this appeal should be assessed against Policy PED 6 (Small Rural Projects) of PPS 4. *Roberts, Re Judicial Review 2013 No 126032/01* was an application of judicial review against a decision to approve a cattery in the countryside for the Cats Protection League. It was held in this instance that the correct means of assessment was by Policy PED 2 of PPS4 and that the principle for development may also be established by Policy CTY 1 of PPS 21. Whilst this case law is helpful in determining the policy context within which the development sits, I must determine this appeal on the basis of the evidence provided.
17. The Council and appellant have both referred to the preamble of PPS 4 as it states that the policy approach and associated guidance contained within it may be useful in assessing proposals for other sui generis employment uses. The Barn Animal Rescue Centre is a charity. Proof of the organisations charitable status and functions were provided which details that the facility is staffed by volunteers and managed on a not-for-profit basis. It is funded by the proceeds of two charity shops in the nearby settlements of Newtownards and Ballywalter which are both around 5km from the site. Whilst the dogs and cats are not sold, a fee is paid to adopt an animal which covers basic medical tests and vaccinations. It also purchases materials and pet food from local suppliers. The facility also pays for veterinary services. Taking account of this, I consider that the development is an enterprise which leans itself to economic activity in the countryside. Whilst it does not create employment in the typical sense as referred to in the preamble to PPS 4, it does indirectly sustain employment through its economic impact. The preamble suggests that the policy context of PPS 4 may be used as a guide therefore it may be applied in this case.
18. Policy PED 2 of PPS 4 sets out the provisions which relate to economic development in the countryside and acts as a signpost to the individual policies which are applicable. The development before me does not fit squarely into any of these categories. It refers proposals which involve the reuse of rural buildings to PPS 21. CTY 1 of PPS 21 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. Accordingly, the appropriate policy consideration is as set out within Policy CTY 1 of PPS 21.
19. As noted above I have considered that the development does not meet the provisions of Policy CTY 4 of PPS 21 as it is reinforced by the SPPS. However, the appellant has put forward overriding reasons why the proposal is essential and that demonstrate why the development cannot be located within a settlement. The Barn Animal Rescue Centre is a registered charity which operates this animal rescue centre. It is staffed entirely by volunteers and governed by a charitable trust of which the appellant is a member. It is run on a not-for-profit basis. The

development functions as an animal rescue centre, dealing mainly with dogs and cats. The shelter operates a 'no kill' policy which means that they will not destroy a healthy animal. The appellant lives in the dwelling adjacent to the site which assists if he needs to attend to animals at short notice or during the night. The shelter accepts animals which, for one reason or another, cannot be cared for by their owners any longer. The shelter also homes stray and anti-social animals. At the time of the hearing the appellant had approximately 25 dogs on site with a further 15 in foster homes and a similar number of cats.

20. The appellant stated at the hearing that this facility is at full capacity. He stated that, amongst other functions, they provide a rehoming service to members of the public who may be no longer capable of caring for their cat or dog. This facility differs to a typical cattery or dog boarding kennel as the appellant acts as a charitable service which cares for and retains the animals until an appropriate home can be found. The appellant also advised that this may involve taking animals who have significant caring needs or that are in need of specific veterinary treatment. He stated that this facility also cares for anti-social animals who may be a risk to the public. The appellant advised that he also responds to requests to rehome animals which Councils cannot care for. He therefore makes the point that this facility can be distinguished from typical kennelling or cattery facilities. The service offered by the facility can be easily distinguished from short term boarding kennels as it is providing a service which ensures that the animals are cared for in the absence of a long term owner. The appellant advised that the facility also has a network of appropriately vetted and experienced foster carers throughout the local area which are used to assist in acclimatising animals to a normal domestic setting and address any behaviour issues before permanent rehoming.
21. Parties to the appeal agreed that this development could not be located within a settlement. The arguments advanced by the Council and the Appellant both agreed that this type of facility is likely to conflict with adjacent land uses in an urban setting due to the impact of noise from barking dogs upon amenity. Whilst there may be some smaller scale boarding kennels or catteries which exist in settlements, I do not consider that this particular facility would be suitable within a settlement. The facility operates at a level of around 30 dogs and a similar number of cats, this is a significant scale. Furthermore, there are animals housed at the facility which have difficult behavioural issues and particular needs which results in more barking than an average pet, adding to noise levels. It is noted that the appellant is the only resident in close proximity to the facility.
22. Housing cats and dogs in significant numbers is likely to result in some level of noise nuisance which could potentially impact residential amenity at close proximity. Housing 30 dogs and cats within a site in a settlement would potentially result in a significant noise impact upon amenity as it would likely be much closer to residential properties. The appeal site has considerable separation from nearby residential properties, with the appellants own home being the neighbouring property. This facility also requires significant space as the animals cannot be caged for their entire duration of stay as this is their home until new owners are found.
23. Policy CTY 1 further adds that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for

drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance. Therefore, these matters must be considered before establishing the principle of development under Policy CTY 1 of PPS 21.

24. Two of the Council's draft reasons for refusal relate to Policy CTY 13 of PPS 21 which considers the integration and design of buildings. The objections raised relate criteria (d) and (e) of Policy CTY 13 and suggest that the temporary structures on site and the access gates do not integrate with their surroundings and that their design is inappropriate for the site and their locality. The site sits approx. 1m below the level of the road, the stable block backs onto the roadside and comprises the roadside boundary, the large shed sits gable end to the road at the south eastern boundary of the site and the dwelling at 4 Ballyblack Road East abuts the site to the north west. Therefore, from approach on both directions on the Ballyblack Road East the interior of the site is screened by the existing built development. This then makes any of the temporary structures within the site almost imperceptible from public view. Thus, I do not consider that any of the temporary structures on site (namely the detached prefabricated building being used as a cattery, the three portacabins, the storage container and portable animal containers) fail to integrate with their surroundings.
25. The access gates define the vehicular access to the yard and are used in emergencies only. The Council allege that the access gates do not comply with Policies CTY 13 and 14 of PPS 21 as they do not integrate with their surroundings and thus have an impact on rural character. They are above 2m in height and comprise two solid black panels on two steel framed gates. The gates are set at an oblique angle to the roadside and are recessed behind the stable block to the south and some conifer hedging of approx. 2m in height to the north. Due to the position of the gates combined with the surrounding vegetation and development they are only visible from the short width of the access along the road frontage, this view is so short range that it is of limited significance in terms of integration. The gates themselves are reasonably typical access gates found in the countryside. Whilst the black screening panels may give them a more imposing appearance, the limited views ensure that the gates integrate into their surroundings and do not impact significantly upon the character of this rural area. Therefore, I do not consider that the development offends Policies CTY 13 (integration and design of buildings in the countryside) and CTY 14 (rural character) of PPS 21.
26. The Council have provided two draft refusal reasons in respect of Planning Policy Statement 3 – Access, Movement and Parking (PPS3). One of which refers to Policy AMP 2, access to public roads, the second relates to Policy AMP 7, car parking provision. In relation to Policy AMP 2 the Council have stated that splays of 2.4 metres by 100 metres are required at the access to provide adequate visibility to ensure the development will not prejudice road safety or significantly inconvenience the flow of traffic. The appellant has provided a drawing which demonstrates that these splays can be provided within the lands under his control. Therefore, I am satisfied that safe access can be provided to the site subject to an appropriately worded condition.
27. In relation to AMP 7, plans submitted with the appellants written evidence demonstrate that six parking spaces have been provided for the development

(including one accessible space). I also observed significant space within the parking area to the front of the dwelling to ensure that vehicles can be easily manoeuvred. Whilst the Council argued that the animal rescue centre was an intensification of the use of the site, they did not quantify the level of parking which would be required for such a development. The appellant has advised that there will be two or three staff vehicles parked on site daily and that the premises uses a booking system for visitors. He stated that the premises is not open to the public unless by appointment. This was evident at my site inspection as no access could be gained to the facility on my first attempt. Whilst I find the estimate of two or three staff vehicles per day to be conservative, I am satisfied that six car parking spaces are adequate for the functioning of the premises as it is not open to the public.

28. Paragraphs 4.11 and 4.12 of the SPPS detail the matters which must be considered in safeguarding the amenity of residential and work environs. Whilst no objections have been presented before this appeal, the Council have raised the issue of noise impact upon amenity within their written evidence. An acoustic report and a noise management plan were provided with the appellant's written evidence. This report details that the nearest noise sensitive receptors are the residential properties at 3a Ballyblack Road East (100m), 3 Ballyblack Road East (170m) and 5 Ballyblack Road east (155m).
29. The appellant has also provided a copy of the Council's Environmental Health Protection and Development team's consultation response to this report. The report acknowledges that the noise from barking dogs could potentially give rise to a significantly adverse impact upon residential amenity at night time. However, the appellant and the Council agree that any noise from the development can be adequately mitigated to the extent that it will not cause an adverse impact upon residential amenity. These mitigations include;
 - A cap on overall dog numbers to 30;
 - No dogs to be kennelled outside between 20:00 and 08:00 hrs;
 - Acoustic attenuation to be added to walls and roof of large building in accordance with report;
 - Installation of adequate agreed ventilation system on indoor dog kennels;
 - No dogs to be kept in any building not adequately attenuated between 20:00 and 08:00 hrs; and
 - Adherence to the noise management plan.
30. The Council have also raised concerns in relation to the disposal of effluent from the site in respect of Policy CTY 16 of PPS 21 which deals with development relying on non-mains sewerage. The appellant has advised that any solid animal waste is bagged at the site and transported to a disposal facility operated by the Council. This was not disputed by the Council. The appellant advised that this is performed under a separate license and that no animal waste enters the septic tank. Any further surface water which is disposed to the septic tank is subject to a separate discharge consent under the Water (Northern Ireland) Order 1999 and is best considered under that legislative framework. Therefore, I am not persuaded that this development would create or add to a pollution problem as set out in Policy CTY 16 of PPS 21.

31. I have considered above that the development is sited and designed to integrate sympathetically with its surroundings. I am satisfied that it meets with other planning and environmental considerations including those for drainage, access and road safety. Therefore, I must now consider other overriding reasons why the development is essential and could not be located in a settlement, in accordance with Policy CTY 1 of PPS 21. Having reviewed all of the submitted evidence, I consider the following specific circumstances to be of relevance: -
- The appeal development is a registered charity which is managed on a not for profit basis, which delivers a charitable function in rehoming stray and unwanted cats and dogs.
 - The appellant lives in the dwelling next to the facility which enables him to provide 24hr support and care for the animals.
 - The appeal development is an animal rescue centre which operates a 'no kill' policy, this means that they will not destroy healthy animal. This provides a humane way for people who can no longer care for animals to ensure their welfare.
 - The appeal development reuses a building in the countryside which was previously used for housing animals and whilst this building is not locally important, it is suitable for the current use.
 - The facility supports economic development within two existing settlements by way of the existing charity shops in Newtownards and Ballywalter.
 - The appeal development is within 500m of the village of Carrowdore. It is therefore close to the edge of an urban area.
 - The potential amenity issues which would arise if this development was to be relocated to a settlement. This size and scale of a dog and cat rescue centre would not be a compatible land use within an existing settlement. Due to the location of the appeal site, impacts on noise can be appropriately mitigated.
 - Adequate access arrangements, parking and manoeuvring areas are provided.
 - The appeal development is capable of dealing satisfactorily with any emission or effluent.
 - The appeal development meets all other planning and environmental considerations and does not cause demonstrable harm to interests of acknowledged importance.
32. The policy test which the proposal offends is within the SPPS that states 'provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest'. This test is present to prevent the conversion of unsuitable buildings. The building which was converted was a former stable building and thus previously used for housing animals. It is therefore suitable for the sympathetic conversion to an animal rescue centre. Whilst it is not of local importance it is suitable for the current use. I place more weight on the considered opinion that this development is necessary and cannot be located in a settlement than the lack of local importance or special character of the building which has been converted. Overall, and on balance I find the unique site-specific matters discussed above to have merit in demonstrating that the development is essential and could not be located in a settlement. I am therefore persuaded that the principle of the development is acceptable under Policy CTY 1 of PPS 21

33. The Council's objections to the development have not been sustained. I consider that conditions are required, as discussed above, in order to protect the residential amenity of proximate residential properties from noise impacts. The appeal on ground (a) therefore succeeds and planning permission is granted. As the appeal is granted, I need not consider the further grounds of appeal.

Decision

The decision is as follows: -

- The appeal on Ground (d) fails.
- The appeal on Ground (a) succeeds and the deemed planning application is granted, subject to the conditions set out below.
- The notice is quashed.

Conditions

- (1) No dogs shall be kennelled outside any buildings between the hours of 20:00hrs and 08:00hrs.
- (2) There shall be no more than 30 dogs accommodated at the animal rescue centre at any one time.
- (3) All noise mitigation measures and necessary acoustic upgrades to the fabric of the buildings which are required to reduce the night time maximum sound levels to 20db L_{amax} F at the nearest residential property, which are stipulated in the submission titled 'Barn Animal Rescue Centre, outward sound level impact assessment prepared by Lester Acoustic referenced MRL/1407/L01 and dated 24th August 2020' shall be incorporated into the indoor dog kennels within 6 months of this appeal decision unless otherwise agreed in writing with the Council. No dogs shall be kept in any building which has not been acoustically upgraded as between the hours of 20:00hrs – 08:00hrs.
- (4) An appropriate ventilation system for the indoor dog kennels shall be agreed in writing with the Council within 6 months of the date of this appeal decision. Following agreement, the associated ventilation system shall be installed into the indoor dog kennels at a time period to be agreed with the Council.
- (5) Visibility splays of 2.4 metres by 100 metres shall be provided in both directions at the existing access within 1 month of the date of this appeal decision, unless otherwise agreed in writing with the Council.

COMMISSIONER KENNETH DONAGHEY

2020/E0041

List of Appearances

Planning Authority:-
Mr Kirk McDowell (Ards and North Down Borough Council)
Mr Chris Blair (Ards and North Down Borough Council)

Appellant:-
Mr David Donaldson (Donaldson Planning)
Mr Glenn Ford (Barn Animal Rescue Centre)

List of Documents

Planning Authority:-
"A1" – Written statement of case and appendices
"A2" – Written rebuttal and appendices

Appellants:-
"B1" - Written statement of case and appendices
"B2" - Written rebuttal and appendices