

ARDS AND NORTH DOWN BOROUGH COUNCIL

March 2024

Dear Sir/Madam

You are hereby invited to attend an in-person meeting of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 09 April** commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee meeting of 05 March 2024
4. Planning Applications

4.1	LA06/2023/1505/F	Development of three self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers. The Old Inn, 15-25 Main Street, Crawfordsburn
4.2	LA06/2023/1573/O	Dwelling Approximately 70m East of No.18 Hillsborough Road, Comber
4.3	LA06/2022/0930/F	Infill dwelling, garage, and associated site works (in substitution for approvals LA06/2018/1123/O and LA06/2023/1878/RM) Lands 70m south of No. 38 Springvale Road, Ballywalter
4.4	LA06/2023/2012/F	APPLICATION DEFERRED UNTIL 7 MAY 2024 COMMITTEE AT EARLIEST (SPEAKER AGAINST

		PROPOSAL AND PLANNING AGENT CONTACTED BY PLANNING ADMIN) Dwelling (change of house type from approval W/2011/0015/RM) Land between 3 and 4 Sheridan Grove, Helen's Bay
4.5	LA06/2023/1946/F	Lighting, planting and renewal of street furniture Kircubbin Promenade, (to include land immediately adjacent to Strangford Lough and to rear of 1-15 Main Street, the Village Green Carpark, Kircubbin Presbyterian Church and Kircubbin Playpark)

Reports for Approval

5. Service Unit Plan 2024/2025
6. Update on funding for Living with Water Programme – Belfast Plan
7. Update on resourcing issues within DFI Roads

Reports for Noting

8. Update on Planning Appeals
9. Quarter 3 DFI Planning Statistics Report

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Alderman McDowell (Vice Chair)
Councillor Creighton	Alderman McIlveen (Chair)
Alderman Graham	Councillor McKee
Councillor Harbinson	Councillor McLaren
Councillor Kendall	Councillor McRandal
Councillor Kerr	Councillor Morgan
Councillor Martin	Alderman Smith
Councillor McCollum	Councillor Wray

ITEM 7.1

3

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held at the Council Chamber, Church Street, Newtownards on Tuesday 5 March 2024 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Alderman: Graham
McDowell
Smith

Councillors:	Cathcart	McRandal
	Creighton	McKee (Zoom)
	Harbinson	McCollum
	Kerr	Morgan
	Kendall (Zoom)	Wray
	Martin	

Officers: Director of Prosperity (A McCullough), Principal Professional & Technical Officers (C Blair & L Maginn), Senior Professional & Technical Officers (C Rodgers & P Kerr) and Democratic Services Officer (R King)

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor Cathcart declared an interest in Item 4.1 - LA06/2015/0677/F, explaining that he had not been present at its previous hearing in December 2023.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE 4 FEBRUARY 2024

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

NOTED.

4. PLANNING APPLICATIONS**ORDER OF BUSINESS**

The Chair advised that he had agreed to amend the order of the schedule to accommodate the speakers in attendance.

The applications would be dealt with in the following order:

- 1) Item 4.1
- 2) Item 4.2
- 3) Item 4.5
- 4) Item 4.4
- 5) Item 4.6
- 6) Item 4.3
- 7) Item 4.7

4.1 LA06/2015/0677/F - 251a Bangor Road, Whitespots, Newtownards - Replacement of existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet
(Appendix I - V)

PREVIOUSLY CIRCULATED:- Case Officer's Report and Addendum.

DEA: Bangor West

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation – and deferred from the Planning Committee meeting of 05 December 2023

Proposal: Replacement of existing structure with 1no. single storey unit to accommodate 5no. stables, donkey shelter, tack room/feedstore/WC, tool store, and circulation space/carriage store, with associated septic tank and landscaping (Revised description and amended plans).

Site Location: 251a Bangor Road (77m southwest of 251 Bangor Road, and 135m north to northwest of The Ark Farm at 290 Bangor Road), Whitespots, Newtownards

Recommendation: Approval

(Having previously declared an interest, Councillor Cathcart withdrew from the meeting – 7.03pm).

At the outset, Alderman Smith advised that he had not attended the previous meeting where the decision had been taken to defer the above application. He asked the Chair for guidance in terms of his participation on this item and he was advised that he could read the minutes but that the decision was for himself to make. Alderman Smith then determined to exclude himself from the discussion and voting.

The Principal Professional and Technical Officer (C Blair) outlined the application, explaining that LA06/2015/0677/F had been before the Planning Committee on 5 December 2023. The outcome of that meeting had been to defer the application in order that further investigations could be carried out into an alleged area of hard standing adjacent to the existing shed, as identified by the objector.

The Planning Department had also considered the alleged abandonment of the site, which was raised by the objector. The planning application's site address had been updated to more accurately reflect its location in the surrounding area and the proposal description had been amended slightly to read as follows –

“Replacement of existing structure with 1no. single storey unit to accommodate 5no. stables, donkey shelter, tack room/feedstore/WC, tool store, and circulation space/carriage store, with associated septic tank and landscaping.”

The change to the site address and proposal description had been re-advertised and re-neighbour notified; however, no further representations had been received.

A Google Earth 3D aerial image used by the objector’s solicitor during the previous Planning Committee could not be relied upon as it was undated. This image comprised a combination of a number of images from different times in order to give it a 3D appearance.

In terms of the hard standing, this was investigated by the Council’s Planning Enforcement section in 2015. The hard standing area was found to constitute a breach of planning control and consequently the Council served an Enforcement Notice on the site requiring this area and another section of hard standing to be removed from the site. Full compliance with the Enforcement Notice was achieved in 2017.

A further slide showed a photo of the specific area of hard standing relating to this site being removed on 12 May 2017.

Since this time and as could be seen in further slides 06-07 – dated 19/09/19 and 24/04/21, the hard standing had not been re-installed at the site. It should be noted that whilst the Enforcement Notice was fully complied with, it remained live on the site meaning should it be breached again in the future, this will constitute a new offence which would be investigated by the Council’s Planning Enforcement section.

The fourth Addendum Report detailed the legal principles of abandonment through the courts. The findings had concluded that the applicant had been unable to keep his horses permanently on the site for safety reasons with instances of unknown persons trespassing and releasing horses onto the dual carriageway below. There had also recently been issues of ill-health, which the applicant had alluded to in previous Planning Committee hearings.

It could not be concluded that the use of the land had been abandoned, moreover it had temporarily ceased due to extenuating circumstances, which the applicant’s agent had previously outlined to Members.

The fourth Addendum provided a number of photographs of the site and a further slide showed an OSNI ortho image dated March 2022 with animals grazing in a field at the site.

The case officer’s report concluded that it was evident following further investigations the area of hard standing alluded to by the objector’s solicitor was no longer in place and was subject to enforcement action; the use had not been abandoned; and the site’s address and proposal description had been clarified. The Planning Department’s recommendation remained unchanged in that approval should be granted for the proposed shed for domestic hobby use by the applicant.

The Chair invited Mr Patrick Finnegan and Mr Stuart Magee forward, who were in attendance to speak in support of the application.

Referring to the Planning Committee's protocols for deferred hearings, the Chair advised that there was a time limit of three minutes for the speakers' address.

Mr Magee referred to speaking notes which he had submitted in advance of the meeting and were summarised as follows:

The applicant had contended that the deferral of what was a minor application had been unfair. The minor application was to replace one established structure with another, the detailing of which the applicant had accepted amended at a further defined address and had also accepted amended proposal description (to provide further clarity since that meeting).

The applicant concurred with the Council's reinforcement of its recommendation to approve after reconsideration of the case following its deferral.

The applicant concurred with the thorough processing, detailed and well documented case written by the Council since 2015 in which all material planning matters, policy, legislation, site history and third-party representations had been considered to reach its decision to approve.

The applicant wished to place on record serious concern in respect of the meeting of 5 December which he contended had contravened procedural rules published within the 'Protocol for the Operation of the Planning Committee'.

The speaker referred to Point 31 which stated, 'No additional information will be accepted by the Council after 5pm on the Tuesday prior to the Planning Committee', Point 32 stated, 'In addition, no documentation should be circulated at the meeting' and Point 41 stated 'The planning committee can seek clarification from those who have spoken but must not enter into a debate on any issue raised'. The applicant believed that this had been 'disregarded' and in allowing new evidence to be voiced, discussed and considered that evening, (map) visuals circulated and debate entered with third party representatives, a decision to defer was reached, the reasons for which in the applicant's opinion contravened the Protocol.

Additionally, he asked for it to be recorded that, 'unfairly', as applicant and agent they had not been allowed to clarify any of the newly presented evidence which, if allowed, may have resulted in a different decision being reached.

At this meeting, however, the applicant simply wanted his concerns recorded as; further to that meeting, Council should provide the applicant with reassurances this protocol would not be disregarded tonight. Additionally, he said that Council had provided assurances and clarification in its Addendum that new evidence (which he claimed had been illegally presented on December 5th) would not be further considered as all matters were conclusively documented.

Mr Magee added that his client, Mr Finnegan, had accepted an address and description change and subsequent re-advertisement which had resulted in further

delay. He accepted all to provide additional clarity to Council, Committee and third party representatives regarding the domestic nature of his application; all to supplement a Section 76 agreement.

Finally, he wished to return Council to the material facts as set out below:

The unit (replacing an established structure of 15+ years) was needed to provide a modern fit for purpose building for Mr Finnegan – fit for purpose meaning simply a warm, weatherproof structure with running water, a toilet and winter stabling for his horses, this building allowing Mr Finnegan to ‘tinker away’ in retirement making his own horse equipment, fixing his carriages and tending to his ponies and horses, all of which were bred and trained by him on these, his lands owned now for 20 plus years – in short, his hobby.

This unit and surrounding lands continued to be used non-commercially - Mr Finnegan fixed carriages which he used with his horses for charity events off-site – in 20 plus years those charity events had never required customers (or business) to visit his lands. Tending to his horses and hobby were all he had now and in continuing this in a weatherproof building allowed him to further tidy and upkeep those lands for his horses – in ‘layman’s’ terms, retire in peace doing what he had done and been involved with since a child with his father.

It was his hope now that the Planning Committee could accept his ‘minor’ proposal considering all he had endured since 2015 and throughout the Committee procedure, however importantly considering all material planning matters had been accepted by the Council in continually recommending approval.

The Chair invited questions from Members of the Committee to the speakers but as there were no indications Mr Magee and Mr Finnegan returned to the public gallery. There were no questions raised to the Officer, so the Chair requested a proposal.

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

Speaking to his proposal, Councillor McRandal recalled the previous discussion of this application at the December 2023 Planning Committee meeting and that Ms O’Loan, speaking in opposition, had raised a number of objections including claims of abandonment and creation of a hard standing at the application site. He was now satisfied that those matters had been dealt with by Planning Officers and that, over numerous meetings, this application had been considered rigorously.

The seconder, Alderman McDowell expressed a similar view, believing that the application had been well scrutinised and that the process had gone on for too long. He hoped that the Committee would accept the Officer’s recommendation to grant planning approval.

Councillor McCollum was confident that the section 76 agreement conditioned on the recommended consent should provide some comfort to the objectors.

The Chair sought agreement and the voting was as follows:

FOR (12)
Aldermen
 Graham
 McDowell

AGAINST (0)

ABSTAINED (1)
Alderman:
 McIlveen

ABSENT (3)
Alderman:
 Smith

Councillors
 Creighton
 Harbinson
 Kendall
 Kerr
 Martin
 Morgan
 McKee
 McCollum
 McRandal
 Wray

Councillor
 Cathcart
 McLaren

RESOLVED, on the proposal of Councillor McRandal, seconded by Alderman McDowell, that the recommendation be adopted, that planning permission be granted.

(Councillor Cathcart returned to the meeting – 7.16pm)

- 4.2 LA06/2022/0873/F- Vacant site north of Balloo Road, West of Bangor Grammar sports pitches and to the rear of No's 1 to 13 Rowan Glen, Balloo Road, Bangor - Relocation and redevelopment of Bangor Central Integrated Primary School to provide a new 22 class primary school building and recreational areas**
 (Appendix VI)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor Central

Committee Interest: Major Planning Application

Proposal: Relocation and redevelopment of Bangor Central Integrated Primary School on vacant site North of Balloo Road to provide a new 22 class primary school building and recreational areas. New vehicular access with right turn lane off Balloo Road, internal vehicular configuration and site layout to include car parking, car and bus pick up/drop off areas and pedestrian crossing points. Other work to include school meal service area, bin storage areas, boundary fencing, entrance walls and gates, underground drainage, landscaping and associated site works.

Site Location: Vacant site north of Balloo Road West of Bangor Grammar sports pitches and to the rear of no's 1-13 Rowan Glen, Balloo Road, Bangor

Recommendation: Grant Planning Permission

The Principal Professional and Technical Officer (C Blair) outlined the application, explaining that it was before the Planning Committee as it fell within the major category of development.

Members were advised that the current location of Bangor Central Integrated Primary School was Castle Park Road, Bangor, just behind the Premier Inn.

In September 2020, the Education Authority announced that a new school would be built for Bangor Central Integrated Primary with a proposed opening date for this new state of the art Integrated school of 2025 on the Balloo Road in Bangor for the benefit of 618 pupils. It was intended that the school would be built without any disruption to the pupils in the existing primary school.

This proposal related to its relocation and new build on a site north of Balloo Road, adjacent to the current Bangor Grammar School.

The proposed new school would consist of a new 22 class primary school building with associated recreation areas, internal vehicular configuration and site layout to include car parking, car and bus pick up/drop off areas, and new vehicular access with right turn off Balloo Road.

The site was currently grassland located immediately south of the Upritchard Park cricket/rugby facility, and west of Bangor Grammar School's playing fields. Historically the site was playing fields associated with the Clanmorris Campus, which was then redeveloped as the Bangor Grammar school site.

Further slides showed the location of the existing site in relation to the proposed site. Within the extant North Down and Ards Area Plan, the site was not zoned for any particular use, but within the draft Belfast Metropolitan Area Plan the site was proposed for housing.

The current school site at Castle Park Road opened in 1958 and was part of a larger Campus which included Bangor Academy and Bangor Central Nursery School. Throughout the years there had been numerous additions including mobile classrooms and a modular school meals block.

This existing accommodation fell significantly short of EA minimum design standards in respect of both accommodation and play areas.

This proposed 22-class based primary school with an enrolment number of between 631- 660 had been agreed in principle with the Department of Education, taking into account school admissions, enrolments and projected pre-school birth rates. The school had therefore been specifically designed and planning permission was sought on this basis.

Page 6 and 7 of the Case Officer's Report set out that 40 sites were assessed that met the minimum size for such a replacement school and the reasoning for discounting those and determining this site as the most appropriate. Further slides showed the proposed layout of the site and provided some CGIs of the final development.

The officer displayed slides indicating the appropriate scale and massing. Differentiation in ridge height would ensure that the building was not overly dominant in the streetscape.

The finishes to the buildings were to be a mix of Portland render and coloured render, as well as brick with powder coated aluminium fenestration. The roof was to be PPC metal coping. There was to be a dual pitch roof light. The design was acceptable and was of a high quality and was of a standard and character expected for a school building within the urban area.

Given the location of the built form in the middle of the site, there was not considered to be any unacceptable adverse impacts on the adjacent residential properties or in relation to the existing school site or Upritchard Park.

The Case Officer's Report assessed the proposal in the context of the extant Local Development Plan (which did not zone the site for any particular use) and the draft BMAP which proposed the site for housing.

The Plan-led system as introduced by the commencement of the Plan Act in 2015 set out that primacy must be attributed to the extant Development Plan. In this case the proposal accorded, but officers had further assessed the proposal against the draft BMAP as a material consideration.

The Southeastern Education and Library Board (SEELB) was in control of the site at the time of the publication of draft BMAP in 2004. The then planning authority, Department of the Environment, had consulted with relevant bodies with statutory responsibility for service provision, such as education, during preparation of the draft Plan, and where the Department had been advised of a specific proposal for provision of facilities such as a school site over the course of the Plan period (to 2015), land was identified within the relevant District Proposals section of the draft Plan. This accounted for the site not having been designated for educational purposes at that time.

The proposal was in accordance with the extant Local Development Plan, but not the draft Plan. But it was important to consider that, even if BMAP were to be lawfully adopted, and the zoning remain given there were no objections to its zoning, its loss to education use would not significantly prejudice the implementation of the plan's objectives and policies. This conclusion was reached taking account of its size against the wider housing allocation to the legacy North Down area (2.2%) and the fact that there was unlikely to be any adverse precedent set whereby other sites owned by the Department of Education had been zoned for housing in the draft Plan. Additionally, the land was in full ownership of the Education Authority and immediately adjacent to an existing school site. It had made it clear that it required the site for educational use, therefore the Officer could only conclude that the possibility of achieving housing on the site was so remote as to be beyond any reasonable prospect of occurring, even if the site was confirmed in any lawfully adopted Plan.

Members would note the wording of Condition 20 which required submission of a detailed Landscape, Planting and Management Plan to include lowland meadow habitat creation within the site which would contribute more to biodiversity.

The site layout indicated potential to create pedestrian linkages through to the Grammar school and also to the right of way which could lead to Rowallene Close and Upritchard Park.

Referring to representations made in respect of the planning application, Members would note there were 10 objections from 10 separate addresses. The detail was set out within the Case Officer's Report, however the main thrust related to anticipated traffic and congestion issues. These matters had been fully assessed by DFI Roads, and indeed there was an official attending this evening from DFI Roads who was available to respond to any specific queries in that regard.

Matters relating to how this site came to be selected, and other high level strategic concerns were not within the scope of this assessment of the planning application. On balance it was considered that the proposal would not cause any significant adverse impact on the character of the area, nor would it result in any significant loss of amenity for surrounding residents.

The proposal would bring significant community benefit and given that the loss of housing land would have negligible impact on the overall housing allocation and availability, it was not considered that the proposal would significantly prejudice the implementation of Draft BMAP's objectives regarding housing provision. Additionally, it was important to note that the proposal was in accordance with the extant local development plan.

Accordingly, the Officer recommended approval of the application, with delegated authority to further refine the conditions where appropriate.

The Chair invited Ms Sarah McDowell, Mr Martin Hoy and Mr Paul Campbell, all speaking in support of the application, to come forward.

Ms McDowell, the planning agent, explained that she was acting on behalf of the Education Authority which was seeking approval of this application. She was joined by the principal of Bangor Central Integrated Primary School, Mr Campbell, and also Mr Hoy, a transport consultant working on the design team.

Ms McDowell praised the Council's Planning team and all of the statutory consultees that had been involved in processing this application. Having progressed through pre-application discussion, pre-application public consultation and full application processes within the last three years and three months, they welcomed the recommendation to approve this major redevelopment of the primary school on the Balloo Road site.

Through the application process, all material planning matters had been fully considered by Environmental Health, DAERA, Rivers, NIW, NIE, Shared Environmental Service, Historic Environment Division, Council's Development Plan team and DFI Roads in terms of noise, natural environment, water connection and wastewater capacity, local plan, car parking and road safety. Points of objection and clarification raised by submitted representations had either been addressed or amendments made to facilitate requested changes. All material considerations were set out and assessed in section 6 (page 4) and section 8 (page 16) of the case

officer's report, consultees had offered no objections and there were 22 conditions, no further representations had been made and no additional speaking rights had been requested.

On behalf of the Education Authority, Ms McDowell hoped that Committee members would ratify the recommendation this evening. In doing so, it would mark the school's aspirations of creating a modern and welcoming environment for pupils, staff and visitors alike.

Mr Campbell stated that he was delighted to have the opportunity to support the planner's recommendation and that this was the culmination of a lot of hard work from all that commenced 17 years ago in 2007. He trusted that the Planning Committee would be able to ratify the recommendation. He added that that Bangor Central Primary School's building opened in 1958 and over the years had grown to the extent that five classes were taught in temporary accommodation and the dining hall was also a temporary building. In 1998, the school transformed to become the only integrated school in Bangor with 360 pupils and the growth had continued. However, the upkeep of an older building was expensive and maintaining temporary classrooms that had been there for over 20 years was like painting the Forth Bridge. The school's current building was below standard for a school of its size and the site was undersized.

He added that the children of Bangor deserved to be taught together in a building which enabled all abilities and backgrounds to learn together. This new building would enable all children to access the same ethos and high quality of education in a modern, fit-for-purpose building. The funding of the build had been given a temporary set-back by the Secretary of State's decision to remove earmarked Fresh Start capital funding. However, he was very optimistic that the funding would be provided in the near future. Gaining planning permission of this development this evening would be an important milestone as they continued to focus on delivering this much needed integrated primary school for the community, staff, parents and, most importantly, the pupils.

In closing, he hoped that Members of the Planning Committee could see the benefit that this new build would have for Bangor, for the current pupils and for future generations to come.

The Chair invited questions from Members to the speakers.

Councillor Morgan queried the energy efficiency ratings of the proposed new school and Ms McDowell advised that the school had been designed to achieve a BREEAM standard of Excellent, explaining that particular industry accreditation and its aims to achieve high levels of environmental sustainability. The design also included use of low carbon renewable energies, greywater recycling, natural ventilation using wind catchers, rainwater harvesting tanks, air source heat pumps and it would include 30 square metres of PV panels on the roof.

Councillor Cathcart appreciated the school's concerns about its existing site and its requirement to grow and he thought those arguments had been made well. He

queried the proposed traffic management and parking plans for the proposed site, particularly in the context of two other schools close by.

In response, Ms McDowell advised that plans included the creation of a controlled pedestrian crossing at Balloo Road where there was currently an uncontrolled pedestrian crossing. There would be several new footpaths linking existing footpaths into the site with a footpath linking from the northwest of the site and a second one coming from Balloo Road. Those would be diverted away from the vehicular access points. She explained that the network would have safety in mind and there would be several access points into the school with children able to access their own classrooms through the rear of the site. There would be different play areas for each Key Stage.

Continuing, Ms McDowell added that for cars there would be a right turning lane linking to the Balloo Road which would provide a 16-metre stretch of road to facilitate up to six cars. Drop off areas on the site itself would accommodate up to 50 vehicles with further parking for a total of 101 vehicles. For exiting the site there would be a right turn and left turn lane on to the Balloo Road.

Expanding on that, Mr Hoy explained the design would allow drop-offs on the school site rather than in the vicinity of the school. In terms of wider traffic, he advised that an extensive traffic assessment was carried out and pointed out that the traffic was already on the road network as this was replacing an existing school.

Referring to Active Travel benefits, Councillor Harbinson asked if there would be provision for bicycle lock ups. Ms McDowell advised that there was provision for 20 bicycle spaces which exceeded the requirement of 15 spaces. This was designed to future-proof and encourage safer and greener modes of transport to the school. She added that the footpath at Balloo Road would be widened to accommodate any future blue-green corridors.

Alderman Graham welcomed the proposed layout, in particular the one-way looped drop-off system directly on site. He asked if there would be sufficient parking for large events where parents would need to attend and remain on site for a long period. Ms McDowell advised that there was a hard standing which would primarily be a play area but would be made available for additional parking of up to 30 cars in those circumstances. This was in addition to the parking already available.

There were no further questions and the speakers returned to the public gallery.

As there were no questions from Members to the Officers, the Chair sought a proposal.

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

While welcoming the plans, Councillor Cathcart commented on what had been a ridiculous decision by Central Government to withdraw the Fresh Start capital funding that would have enabled the building of the much-needed new school to commence following planning consent at this meeting. He was aware that the

Education Minister, along with many others, was raising the matter with the Northern Ireland Secretary of State and he hoped to see construction start in the not-too-distant future.

The seconder, Councillor Harbinson, welcomed the plans, in particular the energy efficiency and active travel measures that would be built in for the next generation. He, too, was hopeful of the capital funding becoming available for the construction of the new site as soon as possible.

The Chair sought agreement and the voting was as follows:

FOR (15) Aldermen Graham McDowell McIlveen Smith	AGAINST (0)	ABSTAINED (0)	ABSENT (1) Councillor: McLaren
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Councillors:

Cathcart
Creighton
Harbinson
Kendall
Kerr
Martin
Morgan
McKee
McCollum
McRandal
Wray

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

4.5 **LA06/2020/0322/F - Lands at High Bangor Road, Donaghadee - Opposite Rocklyn Avenue (Hadlow Development) and to the North and North-West of Donaghadee Rugby Club Playing Fields - Development of 16 No. dwellings and garages, with new access to High Bangor Road and associated landscaping and ancillary works** (Appendix VIX)

PREVIOUSLY CIRCULATED:- Case Officer’s Report.

DEA: Bangor East and Donaghadee

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers’ recommendation.

Proposal: Development of 16 No. dwellings and garages, with new access to High Bangor Road and associated landscaping and ancillary works

Site Location: Lands at High Bangor Road, Donaghadee - Opposite Rocklyn Avenue (Hadlow Development) and to the North and North-West of Donaghadee Rugby Club Playing Fields.

Recommendation: Approval

Presenting the case officer's report, the Senior Professional & Technical Officer (C Rodgers) stated that this was a full planning application for 16 dwellings at High Bangor Road in Donaghadee.

The application was before the Committee as it was a local application attracting six or more separate individual objections which are contrary to the officer's recommendation.

A further slide showed the location of the site opposite the recently constructed Hadlow housing development and to the north of playing fields associated with Donaghadee Rugby Club. A new development of seven dwellings was located immediately to the west of the site.

The site was located within the settlement limit of Donaghadee as per the Ards and Down Area Plan and was not subject to any particular zonings or designations. The site was adjacent to other similar housing development and the principle of development on this site was therefore acceptable.

A further slide showed photographs of the site from the High Bangor Road and the entrance to Rocklyn Avenue. Another image showed the surrounding residential context characterised by two storey dwellings finished in a mix of render and red brick.

All house types would be detached, two storey and finished in smooth render. The variation in design would create visual interest. The scale, form, massing and materials would respect the character and appearance of the surrounding area.

The design, layout and landscaping would secure the formation of an attractive and quality residential environment. The dwellings would be set back from the High Bangor Road and would have frontage onto this road. The density and plot sizes compared favourably with existing development in the area.

Existing landscaping would be retained where possible and substantial new landscaping would be provided to soften the built form of the development. A communal landscaped area adjacent to the main road would provide an attractive frontage to the development. A landscape buffer would also be provided along the watercourse to the southeast marking the distinction between the settlement limit and the countryside.

Private amenity space for each dwelling exceeded recommended standards. The nearest dwellings were nos. 6 and 7 Montgomery Meadows to the west of the site. Separation distances were in accordance with Creating Places standards and would, together with the intervening boundary, prevent any unacceptable adverse impact on residential amenity.

A further slide showed the proposed road layout. A new right hand turning lane would be created to access the site. The policy limited the circumstances in which access could be obtained from a protected route. The High Bangor Road was classified as an 'other Protected Route - within settlements. No alternative minor road existed to serve the proposed development and following consultation with DFI Roads, the Planning Department was content that the access is safe and will not result in an unacceptable proliferation of access points along the road.

A Transport Assessment Form had been prepared by a chartered roads engineer acting on behalf of the applicant. It indicated that based on TRICS Data - traffic during peak periods travelling to and from the proposed development is estimated to be 7-9 vehicles per hour. The document stated that this represented a very small increase in traffic on the local road network and was unlikely to have any significant impact in terms of highway capacity or risk of accidents.

The internal streets had been determined for adoption by DFI Roads, and a 2m wide footway would be provided across the entire site frontage to assist pedestrian access towards Donaghadee Town Centre. The site also benefited from public transport links to encourage alternatives modes of transport. Adequate provision had been made for parking in accordance with current standards.

Subject to mitigation no objection had been provided from key consultees in terms of natural heritage interests or designated sites. Significant new natural species landscaping is proposed to provide suitable compensatory habitat for wildlife – with development to be carried out in accordance with the Construction Environmental Management Plan.

DFI Rivers reviewed the Drainage Assessment and provided no objection to the proposal subject to a negative condition that requires the submission and agreement of a final Drainage Assessment prior to the commencement of development to safeguard against flood risk.

NI Water had advised that a high-level assessment indicated that the site was affected by network capacity issues. The Planning Department was satisfied that this matter could be dealt with through a negative condition to prevent any development taking place on-site until the method of sewage disposal had been agreed in writing with Northern Ireland Water or a Consent to discharge had been granted.

No objection had been received from any other consultee.

Nine separate objections had been received from members of the public. Matters raised related to the principle of additional housing in the area, the impact on existing infrastructure and services, wildlife, traffic, flood risk, construction noise, loss of rural views and the impact on property values. These matters had all been addressed in detail in the Case Officer's Report.

Having weighed all the material planning considerations it was recommended that this application proceed by way of an approval of planning permission subject to the conditions listed in Case Officer's Report.

(Councillor Kerr, attending remotely, withdrew from the meeting – 7.46pm)

The Chair invited questions to the Officer from Members for clarification.

Alderman Graham welcomed what appeared to be a very attractive development. He referred to the drainage situation and asked why that had been emphasised in the Case Officer's report.

The Officer advised that the intention was to connect the site to NI Water infrastructure, but the water would be collected in attenuation tanks that would then discharge to the watercourse on the southeastern boundary. Due to the outstanding agreement with NI Water however there was a condition placed on the application for a final drainage assessment to be submitted and agreed with the Council prior to any commencement of the development. That would ensure that those drainage proposals were achievable in terms of calculations of the discharge rate.

The Chair invited Mr David Donaldson, speaking in support of the application to come forward.

Mr Donaldson spoke briefly to welcome the Planning Service's recommendation to approve and advised that he was in attendance to take any questions from the Committee.

In terms of footpaths, Councillor Morgan asked if it was possible to walk continuously to Donaghadee town centre from the application site without crossing the main road and Mr Donaldson advised that there was a pinch point at the location of an NI Water substation between the proposed site and the next footpath. Pedestrians would be required to cross the road to the opposite footpath to be able to walk into Donaghadee uninterrupted. He further advised to Councillor Morgan that there was no pedestrian crossing but there could be a pedestrian crossing points installed with dropped curbs. In response to a further query from Councillor Morgan, he accepted that this was a busy road but there was nothing that could be done due to the location of the NI Water substation but there could be discussions as part of the arrangement to connect the site to the wastewater treatment works.

Councillor McCollum was aware of the road and the volume of traffic, but she felt that the sight lines were good and felt assured that the pedestrian crossing points would assist the majority of pedestrians. She had sympathy with the objections in relation to the sewage capacity and she asked if there was an estimated time frame of when the issues with NI Water could be resolved.

Mr Donaldson explained the position with NI Water regarding the site and that a Wastewater Impact Assessment had been submitted when the planning application was lodged which had taken some time to come back from NI Water. He explained that the wastewater treatment site was around 300 to 400 metres up the road from the site and a solution had been agreed with NI Water but the biggest issue for this particular site and others in Donaghadee was the cost of delivering the solution. While the condition was acceptable at this point, it was now a case of moving forward to finding a way of delivering a solution which he understood it was

technically possible to achieve due to the location of the site being in reasonable proximity to the works. He was however unable to offer a timeframe.

There were no further indications and Mr Donaldson returned to the public gallery.

The Chair invited questions for clarification to the Officers and Councillor Cathcart asked why the application had taken so long to process, noting that it dated back to 2020.

The Officer advised that this had been delayed due to the NI Water issues and in addition there had been multiple consultations with NIEA and DfI Rivers given the location of the undesignated watercourse along the boundary of the site.

Returning to her road safety concerns, Councillor Morgan asked that it be recorded that Council urge the developer to engage with NI Water to address the pinch point to enable people to be able to avoid having to cross what was a busy road She recalled success over a similar issue in Ballyhalbert for a playpark development.

Proposed by Alderman Graham, seconded by Councillor McCollum, that the recommendation be adopted, and planning permission be granted. Alderman Graham clarified that this would be subject to the negative condition referred to.

Praising the development’s design, Alderman Graham felt it was important to have a variety of housing accommodation and he hoped the development would progress quickly.

The seconder, Councillor McCollum welcomed what she felt was a fine development that would complement other equally fine developments in the area and encourage young families into Donaghadee.

(Councillor Kerr had returned to the meeting at this stage – 7.58pm)

The Chair sought agreement and the voting was as follows:

FOR (14)	AGAINST (0)	ABSTAINED (0)	ABSENT (2)
Aldermen			Councillor:
Graham			McLaren
McDowell			Kerr
McIlveen			
Smith			
 Councillors			
Cathcart			
Creighton			
Harbinson			
Kendall			
Martin			
Morgan			
McKee			
McCollum			

McRandal
Wray

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor McCollum, that the recommendation be adopted, and that planning permission be granted.

4.4 LA06/2023/1791/F - 64 Ballyholme Esplanade, Bangor - Replacement dwelling with a detached garage. (Appendix VIII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor East and Donaghadee

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation

Proposal: Replacement dwelling with a detached garage

Site Location: 64 Ballyholme Esplanade, Bangor

Recommendation: Grant Planning Permission

The Senior Professional and Technical Officer (P Kerr) advised that the application was for a replacement dwelling with a detached garage at 64 Ballyholme Esplanade Bangor. Demolition of buildings on site were included within the proposal.

The proposal was being presented at Planning Committee as it had attracted nine objections from nine separate addresses. It had also received three letters of support.

DFI Roads, Environmental Health, NI Water, Shared Environmental Service and NIEA had all been consulted and all consultees returned no objection aside from NIEA which wanted further consideration given to climate change and coastal erosion but as this was a replacement this was set aside.

The objection letters all largely related to the design of the proposal, with one airing concerns of residential amenity for No 65 Ballyholme Esplanade and loss of light. There was an amended design submitted in January 2024 and there was only one objection received after notification of this relating to concerns about the balcony which the Officer would address later in the presentation. A further letter was received on 1 March 2024 from no.65 stating that they were much happier with the design but had concerns about drainage regarding the rear garden landscaping and building process which was the developer's responsibility.

The site currently consisted of a two-storey detached dwelling with a detached garage with an existing vehicular access. It was considered that there was no distinct style of dwelling within the immediate area. The existing dwelling on site was not replicated within the area and did not possess any features that would merit its retention.

With regard to the Development Plan context, the site lay within the settlement limit of Bangor in both the North Down and Ards Area Plan and Draft BMAP 2015. The

site also lay within a proposed ATC in Draft BMAP. The site was adjacent to but not within the Outer Ards Ramsar, ASSI and SPA.

NED was content with the proposal. The proposal was deemed to comply with PPS2 Natural Heritage.

The replacement of a dwelling with one dwelling in the settlement limit was acceptable in principle and in line with policy requirements of the SPPS. The proposal was compliant with policy LC1 of APPS7 as there was to be no increase in density.

The main policy consideration for this proposal was PPS7 Quality Residential Developments. With regard to the design and visual impact on character of the area it must be noted that the design of the original proposal had been significantly amended and had now taken cues from surrounding dwellings and was now deemed appropriate. The pitched roof and chimney created a more traditional design more in keeping with the area.

The materials were high quality and had been changed to reflect surrounding dwellings. The roof would be dark grey in colour (zinc) rather than the initially proposed bronze. The external finishes would consist of off white render and light beige coloured brick which would reflect other external finishes within the area. There would be timber cladding to the gym with limited views.

With regard to the inclusion of a balcony, there was no policy that precluded balconies and therefore each was taken on its own merits within the character of the area. Balconies were a common feature of many seaside towns in Northern Ireland and indeed the Borough and in this proposal due to its design and scale it was not deemed to have a negative impact on the character of the area.

The proposed dwelling sat comfortably within the site and retained the building line. With regard to increase in ridge height, according to Creating Places historically rooflines had contributed to the character of townscape, and a diverse roofline with a variety of pitches could be considered to improve the richness of the townscape. Contextual drawings had been provided and it was considered that the dwelling would sit within the streetscape without reading as incongruous.

With regard to any impact on the proposed ATC that the site lay within, a very recent appeal decision 2021/A0227 stated that ‘.. the policies within APPS6 and the related provisions of the SPPS refer to ATCs. No reference was made to draft ATCs, which did not have the same status or legal standing as a designated ATC.’ The Commissioner was therefore not persuaded that Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS are applicable to the consideration of the appeal development. Notwithstanding this, the impact of the proposal on the overall appearance of the proposed ATC remained a material consideration and could be assessed. It was considered as outlined above that there would be no significant impact on the proposed ATC and appearance and character of the area.

With regard to residential impact for surrounding residents, the balcony was on the front elevation and would not impact upon surrounding private amenity space nor

create any overlooking into living space. The only properties that had the potential to be impacted by the proposal were Nos. 63 and 65 Ballyholme Esplanade. As set out in the Case Officer Report there would be no significant loss of residential amenity for those properties. It should be noted that an existing residential dwelling already existed on site.

With regard to No.63, the proposed elevation adjacent to No. 63 had no windows on the ground floor and only one on first floor which was for an ensuite and was to have opaque glazing. No. 63 sat on a higher ground level which would help to mitigate against any overshadowing. The 45 degree angle test used for residential extensions was used as a guide and the angle test was not breached in relation to No. 63. The existing dwelling at No. 64 gable-to-gable with No.63 is approximately 5.7m reducing to approx. 4.5 m to the rear. The proposed dwelling will be approx. 4m gable-to-gable. The proposal involved a 2m ridge height increase. The gable-to-gable arrangement that was proposed was common in this area with many dwellings having windows on the side gables with similar separation distance of 4-5 m.

With regards to No.65 the proposed garage had potential to break the light test; however, No. 65's own garage breached this and intervened the impact of the proposed garage. The existing dwelling on site gable-to-gable with No.65 had approx. 5.5m of a separation distance - this was reduced by 0.5m by the proposal. There was a distance of 2.5m from dividing boundary to allow for driveway and No. 65 also had a driveway to access garage beyond.

Due to the separation distance and layout of the proposal the dwellings to the rear at Sandhurst Drive would suffer no loss of amenity. There was a separation distance from rear-to-rear of approx. 50m.

The ridge height proposed of 9 metres would not be overbearing or over dominant and was broadly comparable with many dwellings on Ballyholme Esplanade. There was an excess of 70sqm amenity space remaining.

With regard to PPS3, there were no roads or parking issues. DFI Roads was content that the proposal complied with PPS3.

In conclusion, this proposal was replacing one dwelling with very little architectural merits with a dwelling that was of a high standard of design and materials. It would not have a significant impact on the character or appearance of the area, nor would it significantly impact on adjacent residents considering a dwelling already exists on site. Approval was therefore recommended.

The Chair invited questions from Members to the Officer and Councillor Cathcart queried the latest objection, noting it was the only remaining objection given others had related to the previous design. He asked what the nature of that objection was, and the Officer advised it related to the balcony and concerns of overlooking. The objection noted that it would be the only balcony along the Esplanade.

He queried this further, and it was established that the balcony would only be facing the sea. While there was a very small element at the side the Officer was satisfied

that it would not be overlooking into the living space or private amenity space of the neighbouring property.

In a further query, Councillor Cathcart referred to the proposed ATC and asked if this included any policy regarding balconies and the Officer explained that there was no policy that precluded balconies and that there were many developments within the proposed ATC that included balconies. She returned to the relevant slide which showed the balcony to illustrate that there was no intrusion on the landscape.

Mr Robert Gilmour was attending remotely to speak in support of the application, and the Chair invited him to make an address to the Committee.

Mr Gilmour explained that a series of concerns had been raised during the neighbour notification stages and by the Planning Service which had led to the dramatic redesign of the development to address those initial concerns. That had included engagement a site meeting with Planning Officers.

He thanked officers for their assistance in reaching a recommendation to grant planning approval for what would be a replacement dwelling for a new forever home for a local family.

There were no questions for Mr Gilmour, and he was returned to the virtual public gallery.

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

On proposing, Alderman Graham gave credit to the designers in what he felt was clearly a genuine attempt to alleviate the concerns raised by objectors. He queried the Planning Policy in terms of when it was and was not required to retain the existing character of an area. The Officer advised that it depended on a particular area and advised that any proposed design should take its cues from the surrounding area, and it had been felt that the initial design had failed to do that.

(Councillor Harbinson withdrew from the meeting – 8.11pm)

Councillor Cathcart agreed that the initial design had not been appropriate, but he now felt that this amended proposal had addressed many of the initial concerns. He had no issues with the demolition of the existing house as he felt it did not add any character to the area, admitting that when he had canvassed the area during the election, he had been unable to locate the front door of the house.

The Chair sought agreement and the voting was as follows:

FOR (14)
Aldermen
 Graham
 McDowell
 McIlveen
 Smith

AGAINST (0)

ABSTAINED (0)

ABSENT (2)
Councillor:
 McLaren
 Harbinson

Councillors

Cathcart
 Creighton
 Kerr
 Kendall
 Martin
 Morgan
 McKee
 McCollum
 McRandal
 Wray

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Martin, that the recommendation be adopted, and that planning permission be granted.

4.6 LA06/2022/1286/F- 28 and 30 Bryansburn Road, Bangor. Erection of 2no. dwellings and garages and associated site works and landscaping
 (Appendix X)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor West

Committee Interest: A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.

Proposal: Erection of 2no. dwellings and garages and associated site works and landscaping

Site Location: 28 and 30 Bryansburn Road, Bangor

Recommendation: Approval

Presenting the Case Officer's Report, the Senior Professional and Technical Officer (P Kerr) explained that the proposal was for the erection of 2 no. dwellings and garages and associated site works and landscaping at 28 and 30 Bryansburn Road Bangor. The site comprised of the rear garden areas associated with 28 and 30 Bryansburn Road which are two storey semi-detached dwellings.

The proposal was being presented at Committee as it had received more than six objections contrary to the officers' recommendation. The application received a total of 12 objections from seven different addresses. Issues raised were: residential amenity with regard to loss of privacy and loss of light, town cramming and back garden development, plot size, character of area, design and materials concerns, drainage, loss of open space, loss of amenity space, impact on utilities, density, impact on bats and other ecology, impact and loss of trees and vegetation.

Amendments had been requested and received to remove balconies to address overlooking concerns. One objection letter was received after this amendment had been neighbour notified.

With regards to consultee responses, NIW recommended refusal based on potential network capacity issues - this could be dealt with via a negative condition. DFI Roads and Environmental Health had no objections to the proposal.

With regard to the development plan context, the application site was located within the development limit of Bangor as identified in the North Down and Ards Area Plan and Draft BMAP 2015. The site was located within Bangor West Proposed ATC as set out in Draft BMAP. The principle of development within the settlement limit is acceptable. In line with the SPPS this proposal promoted sustainable development within an existing urban area.

With regard to main policy considerations, PPS2 Natural Heritage was complied with - a biodiversity checklist was completed and there was nothing to suggest that there were any protected species on the site. With regard to PPS3 DFI roads was content and there are no issues pertaining to parking as Parking Standards had been met. The Officer explained how the proposal had been assessed against PPS7 Quality Residential Environments as the main policy consideration.

With regard to residential amenity at Nos. 1, 3 and 5 Farnham Park, the proposed dwellings were approximately two and four metres respectively from shared boundary which fell short of the Creating Places guidance. However there was over 35m from the rear elevations of the dwellings at Farnham Park which was ample separation to ensure no significant loss of amenity was suffered as also laid out in Creating Places. Nos. 1 and 3 Farnham Road were perpendicular to the site and due to separation distance and the fact that any first floor windows proposed were not serving living space no significant overlooking would be suffered.

Looking at No. 10 Bryansburn Gardens and potential impact on amenity, it had the majority of private amenity space to the other side of the proposed development and so would suffer no loss of amenity in this regard. No. 1's master bedroom had a bedroom window facing the gable; however, there was over 12m separation distance from this window to the gable and as No. 10 was single storey there will be no direct view.

With regard to No.26 Bryansburn Road there would be no significant impact due to separation distance.

With regard to Nos. 28 and 30 Bryansburn Road and the two storey garages there was to be no upper floor window in the side elevation that faced those properties and adequate separation distances.

Due to generous plots and separation distances as well as layout no significant overlooking, over shadowing, dominance or loss of light would be suffered by neighbouring dwellings.

The Officer referred to the visual amenity and character and appearance of area.

Firstly with regard to the proposed ATC, a very recent appeal decision 2021/A0227 stated that 'the policies within APPS6 and the related provisions of the SPPS referred to ATCs. No reference was made to draft ATCs, which did not have the

same status or legal standing as a designated ATC. The Commissioner was not persuaded that Policy ATC2 of APPS6 and the provisions of the SPPS were applicable to the consideration of the appeal development. Notwithstanding this, the impact of the proposal on the overall appearance of the proposed ATC remained a material consideration and could be assessed. This proposal was deemed to have no significant impact on the character and appearance of the proposed ATC. The officer discussed this further.

The design was acceptable - the materials proposed consisted of a white render finish, grey framed windows and grey/black roof tiles with areas of stone masonry cladding. The design was simple with a pitched roof and chimney breast reflecting other designs in the area. The dwellings would sit neatly behind Nos. 28 and 30 Bryansburn Road and tucked to the side of No. 10 and would therefore have no significant impact on appearance and character of the area or indeed the proposed ATC. Due to the location of the two storey garages and their scale and design, there would be no impact on character or appearance of the area from these either. Density was acceptable under Policy LC1 - the proposal equated to a density of approximately 12.5 dwellings per hectare. The majority of development in the immediate context was either similar in density or indeed higher as stated in the Case Officer's Report.

Plot size was comparable to surrounding area. There were six semi-detached dwellings close to the site. The length of plot was approx. 80m. The proposal broadly respected the building line although this was less important due to location of proposal. The plot size and building-to-plot ratio was comparable to surrounding dwellings as shown on the location plan.

There were no longer balconies proposed and flat roof areas would be conditioned to ensure that they were not used as such.

Having regard to Development Control Advice Note (DCAN) 8 regarding Backland Development it stated that there was the potential in appropriate circumstances to integrate new residential development into backland areas to produce a high-quality residential environment. There were a number of important design principles that should be followed. One was that the proposals should relate to a site which had appropriate plot depth and configuration. A fundamental requirement for successful backland development was for the backland plot to be of sufficient depth to accommodate new housing in a way which provided a quality residential environment for new and existing residents. Backland development on plot depths of less than 80m was unlikely to be acceptable. This proposal had an overall plot depth of approx. 80m. DCAN 8 went on to state that it was important to ensure that new development respected the scale and density of existing development. The scale and massing of new housing in backland areas should not exceed that of the existing dwellings fronting the surrounding streets. It should be able to achieve a coherent and legible form which this proposal did. This proposal would be of an appropriate scale and massing for the area and respected the density. This proposal was comparable to many of the dwellings existing on the surrounding streets.

The proposal was compliant with PPS7.

With regard to PPS15, the Officer had checked flood maps and there was no history of flooding on the site.

The site did not constitute open space. It was privately owned land that had clearly been previously in use as garden and amenity space. There were no protected trees on the site.

The site was quite unique compared with the immediate area with extensive backland that lent itself appropriately to the development of housing within the urban area in line with the SPPS. The proposal had been fully assessed against the SPPS and relevant planning policy and it was considered to be appropriate development for the site and policy compliant. Approval was recommended.

(Councillor Harbinson returned to the meeting – 8.13pm)

The Chair invited questions from Members and Councillor McCollum asked for clarity on the access point to the site. The Officer returned to the relevant slide, pointing to a grey strip, explaining that the access point was located at Bryansburn Gardens, off Bryansburn Road.

In a further query, the Officer clarified to Alderman Graham that the access point would be a private road.

The Chair invited Ms Jenny Mawhinney (planning consultant) forward, who was in attendance to speak in support of the application.

Ms Mawhinney stated that both the applicant and Like Architects were well known for their high-quality residential design evidenced across many sites in Northern Ireland and also within this Local Authority. From the outset, the applicant recognised that this was a sensitive site which required a careful assessment of context and a design response that respected the natural and man-made features of the site and surrounding area.

Consistent with that, early engagement with the Planning Department took place in January 2022 through a PAD process. This confirmed the principle of development was acceptable but sought a reduced density.

The applicant took this advice on board in designing the final submission to the Council. It also looked extensively at the detailed design policy requirements which had two key features: respecting surrounding residential amenity and protecting the established character of the area. Every aspect of the proposed development from the layout, density, orientation, location of windows and open space, as well as the bulk, scale and massing took full consideration of both those matters.

The result was a scheme which would enhance the townscape and urban design of the area. It was a good design which was endorsed by the fact that throughout the application process the only limited change sought was the removal of the balconies and some further detailing on landscaping proposals.

Ms Mawhinney had read the Case Officer's Report, and she fully endorsed its analysis and supported its recommendation that planning approval should be granted.

The speaker drew Members to the following significant points:

1. There were recent comparable approvals in the area immediate to the site – indicative of the acceptability in principle of the proposal;
2. While the Area of Townscape Character designation was only a proposal, it was considered that the development would conserve and enhance this designation which signified the high quality of the design;
3. There would be adequate separation distances between the proposed and existing dwellings in line with the recommended standards set out in Creating Places with respect to properties on Bryansburn Road and Gardens and Farnham Road and Park and no adverse overlooking, over shadowing or loss of privacy would arise.

There were no other planning or environmental constraints to the development of this site, and this was confirmed by the various consultees which had contributed to the planning application as competent authority on those matters. A standard negative condition on sewage was to be attached.

Finally, the speaker highlighted the fact that the proposal brought with it, the following benefits:

- Employment of 25 construction workers over its 18-month development period;
- A total investment of £1.8million;
- Utilisation of sustainable building technologies in the construction of the units to create energy efficient dwellings providing quality residential stock within the area;
- A long-term solution for an otherwise vacant piece of land that has been severed from its original host property with a scheme that will considerably enhance the character and amenity of the area.

For all of those reasons, Ms Mawhinney commended the scheme to the Planning Committee and the applicant endorsed the conclusions and analysis by officers and now invited the Committee to ratify the recommendation.

Referring to the speaker's claims of recent comparable approvals in the immediate area, Councillor Martin asked officers if there had been any refusals. The Chair felt that the question was unrelated to the application before Members and the Director advised the information was not readily available anyway.

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

Councillor Morgan felt this was a good proposal while Councillor McKee also welcomed the application feeling it was a betterment compared to an apartment

block, referring to previous options. He felt that a so-called back garden development of this quality was a good way forward and while he appreciated the objections to the removal of trees, he pointed out that those were not protected which only reinforced the importance of tree protection.

The Chair sought agreement and the voting was as follows:

FOR (14)	AGAINST (0)	ABSTAINED (0)	ABSENT (2)
Aldermen			Councillor:
Graham			McLaren
McDowell			Harbinson
McIlveen			
Smith			

Councillors

Cathcart
Creighton
Kerr
Kendall
Martin
Morgan
McKee
McCollum
McRandal
Wray

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

- 4.3 **LA06/2022/0823/F- 25m East of Seaview Farm, 1 Ballyvester Road, Donaghadee- Erection of dwelling and conversion of three existing outbuildings for incidental usage (in substitution for planning application LA06/2017/0376/F).**
(Appendix VII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor East and Donaghadee

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list by a member of that Committee – Cllr McCollum:

- The barn has not been used agriculturally for over 20 years and is seen by local residents as a landmark building when approaching Donaghadee.
- It would be contradictory to integrate it into the landscape as, presently it sits in full view and is a landmark building. The proposal is to build on the same footprint, height and similar elevations, like for like.
- The application is compatible with Policies CTY2, CTY2a and many points in CTY4.

- The site itself is of historical interest as there are two armoury boxes from WW2, also two stone buildings and the shed which have all been there for over 70 years and haven't been used as farm buildings for at least 20 years.
- The surrounding area is now built up with residential housing.
- The site sits on a T-junction of main road with a bus stop right outside.
- There has been a biodiversity list provided that has not been issued on the planning portal.
- The site has a previous planning application already passed; however it involves the armoury boxes being removed. The applicant states that the current planning application is much more sympathetic and would be a huge enhancement to the surrounding area, while keeping the integrity of all the buildings.

The applicant stated that there are two very weak reasons on Policy CTY3 to object to this proposal, however there are very many strong reasons for approval under CTY2, CTY2a and CTY4 to support application. The application has had no objections and all departments have come back positively.

On the above grounds, it was appropriate to be called in and considered by the Planning Committee.

Proposal: Erection of dwelling and conversion of three existing outbuildings for incidental usage (in substitution for planning application LA06/2017/0376/F).

Site Location: 25m East of Seaview Farm, 1 Ballyvester Road, Donaghadee

Recommendation: Refusal

Presenting the case officer's report, the Officer (P Kerr) stated that this proposal was for the erection of a dwelling and conversion of three existing outbuildings for incidental usage.

The proposal description also stated 'in substitution for planning application LA06/2017/0376/F' which was for the sympathetic conversion, adaption and re-use of existing vernacular outbuilding to create a dwelling house which was granted full permission under LA06/2017/0376 on 18 October 2018 but had expired in October 2023 without evidence of commencement after the most recent site visit in January of this year.

Another application to renew the expired permission had been submitted by applicant but has not yet been validated. There was an Enforcement case on site under investigation for unauthorised worked with a recommendation that it was not expedient to pursue.

The site was located 25m East of Seaview Farm, 1 Ballyvester Road, Donaghadee. The site was comprised of a disused steel framed agricultural building and a linear vernacular stone outbuilding which was not listed by HED. The disused agricultural building was to be demolished to make way for the dwelling.

The proposal was being presented at Committee as it has been called in.

There were no objections received in respect of this proposal - DFI Roads, NIW, HED, NIEA and SES were consulted, and no objections came back from any consultee.

As previously stated, it appeared that the Pre commencement condition for LA06/2017/0376/F had not been carried out as no access had been put in aside from splays and therefore this application being presented at Committee was not deemed to be in substitution of the above as it was no longer extant.

With regard to the development plan context the proposal was located outside any settlement limit and within the countryside as designated in the Ards and Down Area Plan 2015.

The policy context for the proposal was contained within PPS2, PPS3, PPS6 and PPS21.

The proposal complied with PPS2 Natural Heritage, PPS6 Planning Archaeology and the Built Heritage and PPS3 Access, Movement and Parking.

Referring to PPS21 (Sustainable Development in the Countryside) as the main policy consideration, in respect of Policy CTY1 it stated that there were a range of types of development which in principle were considered to be acceptable in the countryside and that would contribute to the aims of sustainable development. Other types of development would only be permitted where there were overriding reasons why that development was essential and could not be located in a settlement, or it was otherwise allocated for development in a development plan. Policy CTY1 directs us to Policy CTY3 to assess an application for a replacement dwelling which is essentially what this proposal was trying to attain.

Policy CTY3 stated planning permission would be granted for a replacement dwelling where the building to be replaced exhibited the essential characteristics of a dwelling and as a minimum all external structural walls were substantially intact.

The building proposed to be replaced did not have the essential characteristics of a dwelling; in fact, in the design and access statement that was submitted alongside this application, it highlighted that this building had been used for agricultural purposes. It quite clearly stated in Policy CTY3 that buildings designed and used for agricultural purposes, such as sheds or stores like this one, would not be eligible for replacement under this policy. Therefore the proposal failed the policy requirements of CTY3 and therefore CTY1.

The part of Policy CTY3 that provided favourable consideration in respect of replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building was not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality, was also assessed and was considered not to apply to this proposal. The part of Policy CTY3 that would lend itself to a non-agricultural building replaced with a single dwelling would be the likes of an abandoned building that was incongruous to the character of the countryside with a very specific set of circumstances. This type of building that was the subject of this proposal was common place in the countryside and therefore not eligible for replacement under Policy CTY3.

If this proposal was to be allowed it would set a very unwelcome precedent for the Borough welcoming applications to come in to knock down an old agricultural shed and build a new dwelling, which was not considered sustainable development. It would create a harmful precedent that would encourage people to let agricultural buildings fall into disrepair. This was an agricultural building that was in poor repair, of which there were many in the Borough.

Although this proposal had the intention of securing the upkeep of a vernacular building, the building was not listed and a sympathetic conversion as previously approved would also achieve this without an additional dwelling in the countryside. If this proposal were to be approved there was nothing to stop the applicant coming in under Policy CTY4 for the sympathetic conversion of the outbuilding in question. This would result in an additional dwelling on this site and would create further urbanised visual impact at this prominent corner site in the countryside.

Although the proposal was not acceptable in principle it had been assessed against the remaining criteria of Policy CTY3 to ensure a full policy assessment if Committee were minded to approve. The proposal met all of these criteria if the principle of the development were approved.

With regard to Policies CTY 13 and 14 it was considered that due to the roadside location the proposed dwelling would be a prominent feature in the landscape and would rely on the use of new landscaping and is therefore contrary to both CTY 13 and 14.

In conclusion it had not been demonstrated that the proposal was essential in this countryside location. It failed to meet the criteria in Policy CTY3 and therefore failed to meet Policy CTY1. The proposal would be a prominent feature in the landscape and would rely on new landscaping to integrate and therefore failed Policies CTY13 and 14 also. Refusal was recommended.

The Chair invited questions from Members to the Officer.

Through a series of questions, Councillor McRandal was able to establish that the previous expiry of planning approval related to a smaller building conversion to a dwelling and that the application before the Committee now was for conversion of the three smaller outbuildings for incidental usage. The officer was aware that the applicant had recently submitted another application for the sympathetic conversion of the incidental buildings.

Councillor McCollum asked the Officer for her view on the applicant's case that the outbuildings were of historical interest and the officer advised that there was no listing and therefore those outbuildings could not be afforded any protection. Officers could take in to account sympathetic conversion under Policy CTY4.

Councillor McCollum noted there appeared to be an attachment to the armoury boxes and on reflection of that response, added that a sacrifice may have been required.

In a further query, Councillor Cathcart referred to impacts on the countryside and the precedents for conversions from sheds to dwellings. He asked if viewed from the Millisle Road this would be seen as countryside and the Officer confirmed it was designated as countryside in the development plan and as such PPS21 on the countryside applied.

As a matter of accuracy, Councillor Wray noted that earlier in the report it referred to a recommendation to grant planning permission and the Officer apologised for this error and clarified that the recommendation was to refuse planning permission as referred to later in the report.

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

Councillor Morgan felt that approval of this application could have opened a dangerous avenue for more houses in the countryside.

The Chair sought agreement and the voting was as follows:

<p>FOR (14) Aldermen Graham McDowell McIlveen Smith</p> <p>Councillors Cathcart Creighton Harbinson Kerr Kendall Martin Morgan McKee McRandal Wray</p>	<p>AGAINST (0)</p>	<p>ABSTAINED (1) Councillor: McCollum</p>	<p>ABSENT (1) Councillor: McLaren</p>
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RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor Harbinson, that the recommendation be adopted, and that planning permission be refused.

4.7 LA06/2024/0041/A - 45 Metres South of 108 Shore Road, Kircubbin - Static Village Entrance Signage (Appendix XI)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Ards Peninsula

Committee Interest: An application made by the Council

Proposal: Static Village Entrance Signage

Site Location: 45 Metres South of 108 Shore Road, Kircubbin

Recommendation: Consent

Presenting the Case Officer’s Report, the Principal Professional and Technical Officer (C Blair) explained that the application was before Members as it was a Council planning application for Advertisement Consent.

The application site was located on the grass verge entering Kircubbin, south of the existing road signs that demarcated the speed change of the road, and approximately 5m from an existing roadside bench.

The sign was compliant with the Ards and Down Area Plan 2015 and its design, scale and finishes did not have an adverse visual impact on the surrounding Strangford and Lecale Area of Outstanding Natural Beauty or the Local Landscape Policy Area.

There was no proliferation of signage in the area and the proposal does not result in visual clutter in the street scene. DfI Roads had no objections to the proposal and no representations had been received. Accordingly, it was recommended that Advertisement Consent be granted.

Proposed by Councillor Wray, seconded by Councillor Kerr, that the recommendation be adopted, and planning consent be granted.

Councillor Wray welcomed the location for the sign, particularly as he was aware of specific location issues for the signs in other villages. He recognised that there had been a delay which had been out of the control of the Planning Department, but he appreciated that officers had progressed the application quickly once it had been submitted.

Councillor Kerr welcomed the application and felt the sign would be a great addition to Kircubbin.

The Chair sought agreement and the voting was as follows:

**FOR (15)
Aldermen**
Graham
McDowell
McIlveen
Smith

AGAINST (0)

ABSTAINED (0)

**ABSENT (1)
Councillor:**
McLaren

Councillors:
Cathcart
Creighton
Harbinson
Kerr
Kendall
Martin
Morgan

McKee
 McCollum
 McRandal
 Wray

RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Kerr, that the recommendation be adopted, that advertising consent be granted.

5. DEPARTMENT FOR INFRASTRUCTURE (PLANNING) 'CALL FOR EVIDENCE ON A FUTURE FOCUSED REVIEW OF THE STRATEGIC PLANNING POLICY STATEMENT ON THE ISSUE OF CLIMATE CHANGE'

(Appendices XII - XIV)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity providing the undernoted detail:-

1.0 Background

- 1.1 The Department for Infrastructure (Dfi) announced a consultation in the form of a 'Call for Evidence' in relation to the Strategic Planning Policy Statement on the issue of climate change. The associated questionnaire paper was appended at Item 5a and an easy read version at Item 5b. DFI indicates that the primary purpose of the Call for Evidence is to engage with stakeholders on the proposed areas of focus for a review of the SPPS and to invite the submission of evidence on the relevant factors that could assist with determining the best way forward.
- 1.3 The consultation was open at present and ran until 5.00 pm on Thursday 28 March 2024.
- 1.4 The information gathered through the Call for Evidence would be considered by DFI. At the time of the launch by the Department, it was stated that it was envisaged that it would 'help inform any decision by a future Infrastructure Minister on a potential review of the SPPS and the options for it'.
- 1.5 Since the SPPS was published in September 2015, tackling Climate Change had become a legislative requirement and it was a priority consideration in the context of the work and functions of Dfi in relation to water, transport and planning. Members should be aware that DFI was also currently reviewing regional strategic planning policy for renewable and low carbon energy.

2.0 Detail

- 2.1 The aim stated by DFI of the review is part of the process of gathering the necessary information to inform a potential focused review of the SPPS in relation to Climate Change and the options and scope for it.

2.2 DFI intended that the focus on the following policies in the SPPS as it considered these were the areas which were most impacted by, and were most relevant to, Climate Change:

- The Purpose of Planning,
- Furthering Sustainable Development,
- The Core Planning Principles of the planning system,
- Flood risk,
- Transportation, and
- Development in the countryside.

2.3 DFI stated that it was also interested in any evidence on other policies in the SPPS that were also relevant in terms of Climate Change.

Next steps

2.4 Responses to the Call for Evidence Paper were requested by e-mail to DFI by 5pm on 28 March 2024.

2.5 It was suggested to use the response form (at Item 5c), but other responses were welcome. The response should indicate that was submitted ahead of the completion of the Council call in period.

RECOMMENDED that Council notes the Call for Evidence consultation document and agrees the response at Item 5c.

The Principal Professional & Technical Officer (L Maginn) outlined the report and recommendation and referred Members to the attachments which contained the consultation paper and the draft response for the Planning Committee’s consideration and approval.

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

6. UPDATE ON PLANNING APPEALS

(Appendices XV - XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity outlined as follows:

Appeal Decisions

1. The following appeal was upheld on 29 January 2024 following a hearing held on 16 November 2022, some 14 months earlier.

PAC Ref	2021/A0227
Application ref	LA06/2021/0413/F
Appellant	Mr James Morley

Subject of Appeal	The refusal of full planning permission for demolition of existing dwelling and erection of 4 no. 2 bed apartments
Location	115 Station Road, Craigavad, Holywood

The Council refused the above application on 22 February 2022 for the following reasons:

- 1) The proposal was contrary to Policy QD1 of PPS 7 – Quality Residential Environments in that the proposed development involved intensification of site usage within an Area of Townscape Character and it did not meet any of the exceptional circumstances, and would, if permitted, adversely affect the local character of the area.
- 2) The proposal was contrary to Policy QD1(a) of PPS 7 – Quality Residential Environments in that it would, if permitted, result in over development of the site and cause unacceptable damage to the local character and environmental quality of the established residential area by reason of its layout, scale, proportions, massing and appearance of the building which would be out of keeping with the character of the area and which consisted mainly of large detached single houses within large curtilages. The proposed development would also create an unacceptable precedent and the potential cumulative impact of similar development would further detract from the environmental quality, residential amenity and established character of the surrounding area.
- 3) The proposal was contrary to Policy ATC 2 of the Addendum to PPS 6 – Areas of Townscape Character, in that the proposed development would not respect the built form of the area and would not maintain or enhance the overall character of the area by reason of its density, layout, scale, massing and appearance of the building.
- 4) The proposal was contrary to Policy LC 1 (a) of the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas, in that the proposed density on the site was significantly higher than that found in the established residential area.

The Commissioner noted that the Council had granted full planning permission in February 2021 for replacement of the in-situ dwelling with a larger replacement dwelling (ref. LA06/2018/1077/F). That building was notably larger than the in-situ dwelling and was of a modern design, with a 3-storey high element with front facing balcony at one end, sizeable window panels and a double garage emplacement in its front façade.

The Commissioner did not sustain the Council's first and third reasons for refusal on the basis that they referred to Areas of Townscape Character (ATC) whilst the appeal development was located within a draft ATC. Notwithstanding that position, he agreed that the potential impact of the appeal development on the proposed ATC remained a material consideration.

He continued that, as it was not known how any lawfully adopted BMAP would describe the overall character of the area to be designated, it was not possible to assess the impact of the appeal development on that character. However, regardless of the lack of a policy context, the impact of the appeal development on the proposed ATC remained a material consideration and could still be objectively assessed against the context of the surrounding built form.

Whilst the previous approval did not constitute a fall-back in the conventional meaning of the term, the Commissioner considered that it provided a starting point to assessing the potential impacts of the appeal development versus what had previously been approved. Despite its size, it was not considered to read as unacceptably dominant or overbearing in the streetscene, nor would it present as overdevelopment of the site given its utilisation of the footprint for the previously approved dwelling.

Additionally, he determined that the proposed apartment building would not appear out of keeping with the character of the area given its position relative to existing built development. He determined that the appeal development would respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The appeal development satisfied criterion (a) of Policy QD1 of PPS7, that policy read as a whole, as well as the related provisions of the SPPS. Likewise, it also accorded with section 13.7 of the NDAAP.

As such the Council's second reason for refusal and related concerns of the Objectors were not sustained. For the same reasoning he considered that whilst dBMAP was only to be afforded limited weight in this appeal, the appeal building by reason of its layout, scale, massing and overall design would not fail to maintain or enhance the overall character of the proposed ATC. The Council's and Objectors' related concerns as to the proposed ATC were not sustained.

Whilst he accepted the density would be significantly higher than that found in the ERA (40 dwgs/ha compared to the ERA of 5.2/ha), he considered that these differences, when taken together with the "end of lane" location and position of the proposal as part of an anomalous, tighter group of buildings on smaller plots, would not render the appeal development disharmonious with, or result in unacceptable damage to the local character and environmental quality of the area. He also referenced that whilst over-development of the site had been raised as an issue, there was no suggestion that there would be insufficient amenity space for the appeal development, which was often an indicator of over-development or unacceptable density.

Whilst the Commissioner found that the proposed development did not comply with criterion (a) of Policy LC1, harm would be avoided for the reasons given earlier in his decision. In the specific circumstances of this case, which he opined were unlikely to recur, these considerations outweighed the policy failure. In addition, he was satisfied that the appeal development satisfied the essential thrust of Policy LC1 of APPS7 in the round, and therefore the Council's fourth reason for refusal was not sustained.

A copy of the appeal decision was appended to this report.

2. The following appeal was upheld on 26 January 2024.

PAC Ref	2022/A0220
Application ref	LA06/2021/1141/F
Appellant	Castlebawn, Newtownards Ltd
Subject of Appeal	The refusal of full planning permission for 'New car dealership including mobile structure for office use
Location	Site to rear of Tesco and adjacent to Translink Depot, A20 Relief Road, Newtownards

The Council refused this application on 07 March 2023 for the following reason:

- The proposal was contrary to Planning Policy Statement 3 Access, Movement and Parking, Clarification of Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

The above refusal reason was based on the consultation response from DFI Roads. In order to address the Council's sole reason for refusal the appellant provided amended drawings to Council after the submission of the statements of case at appeal stage, but prior to the hearing. These were then forwarded to the Commission. The drawings included changes to the access arrangements from the service road onto the appeal site. As the amendments overcame the reason for refusal, the Council then withdrew its objection to the proposal prior to the hearing, subject to the imposition of a number of conditions, which could be read in the attached PAC decision.

New Appeals Lodged

3. As of the date of this report there had been no new appeals received.

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

RECOMMENDED that Council notes the report and attachments.

The Principal Professional & Technical Officer (C Blair) outlined the report and attachment, explaining that it referred to two planning appeal decisions with decisions to allow planning permission.

Councillor McRandal found the potential ramifications, in relation to the first appeal, worrying. He noted that this had been overturned on the basis that the apartments had a similar sized footprint to the private house application that had been approved and all of the concerns around intensification had been disregarded. He asked for the Officer's view on the potential impacts and ramifications of the decision. The Officer had noted that the Commissioner had viewed this as a unique site and

therefore did not believe that any precedents could occur or therefore have any ramifications in the consideration of future applications.

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

Councillor Cathcart queried the second appeal and noted that it had been upheld on the basis of amended drawings submitted following the Council's decision to refuse. He was concerned that situation could occur and asked for the Officer's view on that.

The Director advised that the PAC always encouraged the Planning Authority to negotiate before appeal stage and given that it related to a roads issue and lack of clarity from DfI on the category of protected route, the Planning Service had received the amendment and agreed it with the applicant in advance. The PAC had always accepted amendments which had been opposed by the Planning Service, but in this case, under relevant legislation, it related to a piece of information that had not been applicable at the time of the application and Officers had been content that it had been submitted to the Planning Service in advance of the PAC hearing.

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

7. RESPONSE SUBMITTED TO DFI CONSULTATION ON THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NI) 2015

(Appendices XVII - XIX)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing the undernoted:

Background

1. The Department for Infrastructure (Planning) issued a consultation on 11 December 2023 with a closing date of 03 March 2024.
2. This consultation invited views from the public and stakeholders on potential changes to **The Planning (Development Management) Regulations (Northern Ireland) 2015** (the Development Management Regulations). These potential changes focused on the following aspects of the Development Management Regulations:
 - Regulation 2 (Hierarchy of developments – i.e. local and major)
 - Regulation 3 (Department's jurisdiction in relation to developments of regional significance)
 - Regulation 5 (Pre-application community consultation)
 - Regulation 7 (Pre-determination hearings)
 - Schedule (Major development thresholds)

Detail

3. Changes to the Development Management Regulations were part of a wider package of measures delivering change through the **Planning Improvement**

Programme [1] (PIP), brought forward by the Department for Infrastructure (the Department), local government and other stakeholders. The aim was to create an efficient, effective and equitable planning system, trusted to deliver high quality, sustainable inclusive and healthy places.

4. The PIP included actions and measures recommended through the review of the implementation of The Planning Act (Northern Ireland) 2011 (the 2011 Act), which was required under section 228 of the 2011 Act. The recommendations emerged from numerous proposals, suggested revisions and recommendations for change or improvement submitted following the Call for Evidence [2].
5. In relation to the Development Management Regulations, the Department confirmed in its Review Report [3] it would undertake the following three actions:

(PT3-1) Classes of development & thresholds

The Department would review existing thresholds and categories of development to determine the need for revisions.

(PT3-10) Pre-determination hearings (PDHs)

The Department would bring forward proposals to make all PDHs discretionary for councils in the exercise of their functions. This would require amendments to subordinate legislation.

(PT3-3) Provide for both in-person and on-line/electronic PACC public engagement

The Department would bring forward proposals to provide for both in-person and on-line/electronic Pre-Application Community Consultation (PACC) public engagement. This would include consideration of any recommendation to emerge from the work of the Planning Engagement Partnership.

6. An easy read version of the consultation was attached as Item 7b.
7. The response as submitted was attached as Item 7c.

The detail of the consultation could be viewed here <https://www.infrastructure-ni.gov.uk/consultations/consultation-review-planning-development-management-regulations-northern-ireland-2015>

RECOMMENDED that Council notes this report and the response as submitted to the Department for Infrastructure consultation on the Planning (Development Management) Regulations (Northern Ireland) 2015.

The Director of Prosperity outlined the report and the response attached. She advised that while the deadline for response to the consultation had closed the previous week, the DfI would accept any further comments if Members wished to add anything.

Councillor McRandal referred to the response at question 11, noting that it stated that the threshold of comprising 50 units or more should be reduced to allow Pre-Application Community Consultation on lesser schemes. He noted there was no indication of what officers felt would be a suitable number for the threshold and the Director explained that they had wanted to make the point that even a small settlement of five dwellings could have an impact and require pre-application community consultation, so it was about the context of the development.

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

8. QUARTERLY UPDATE ON TREE MATTERS

(Appendix XX)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that this report represented the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provided information from 15 November 2023 (date of previous report) to 16 February 2024.

Detail

The table attached set out the figures from the date of the last report to Committee.

RECOMMENDED that Council notes the content of this report.

The Principal Professional & Technical Officer (C Blair) outlined the report.

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

Councillor McKee thanked officers for their work and welcomed the conditions for three new trees to be planted within the approved applications that were listed.

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

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Graham, seconded by Councillor Martin, that the public/press be excluded during the discussion of the undernoted items of confidential business.

9. QUARTERLY UPDATE ON ENFORCEMENT MATTERS

(Appendix XXI)

****IN CONFIDENCE****

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a –

Information which reveals that the council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person.

It provides updates for Members in respect of the status of live enforcement notices, court proceedings and proposed summons action.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Creighton, seconded by Councillor McCollum, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING


The meeting terminated at 9.03 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2023/1505/F
Proposal	Development of three self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers.
Location	The Old Inn, 15-25 Main Street, Crawfordsburn.
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	07/03/2023
Summary	<ul style="list-style-type: none"> • 20 Objections from 9 separate addresses have been received – issues fully considered in Case Officer Report. • DfI Roads, HED and Environmental Health have no objections to the proposal. • In terms of the retention of car park barriers DfI Roads is content given they are located at a depth to allow a car to wait, clear of the footway, for the barriers to open. • NI Water is recommending refusal on foul sewer capacity issues however if permission granted the negative Grampian condition will be attached to ensure method of sewerage disposal is agreed with NIW prior to commencement of development. • Site within existing established hotel curtilage which is within Crawfordsburn Settlement Limits and proposed Area of Village Character (AVC). Proposal complies with extant NDAAP plan and draft BMAP 2015. Proposal is in keeping with character and appearance of surrounding area and overall AVC. • Conversion of existing office building located at front of site facing onto Main Street sited between the entrance and exit into hotel car park. Extension to this building to create third self-catering unit.

	<ul style="list-style-type: none"> • Proposal is compliant with policies TSM 1 and 7 of PPS 16 as appropriate to settlement and respects the context in terms of scale, size and design. • In terms of parking provision within the existing hotel car park, the proposed building works and retention of the car park barriers (to ensure patron use of car park only) initially resulted in a loss of 15 spaces. • However, the hotel has permanently closed its function room (a condition is proposed on any permission to prevent future use), which had been used for parties, weddings and other ceremonies/events. Consequently, the cessation of this use brings about a betterment of 23 spaces within the car park. This is fully detailed and outlined in Case Officer Report. • The development faces directly onto Main Street and does not overlook any private amenity space.
<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:	LA06/2023/1505/F	DEA: Hollywood & Clandeboye	
Proposal:	Development of three self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers.	Location:	The Old Inn 15-25 Main Street Crawfordsburn
Applicant:	Colin Johnston		
Date valid:	07/03/2023	EIA Screening Required:	No
Date last advertised:	25/05/2023	Date last neighbour notified:	30/10/2023
Consultations – synopsis of responses:			
Dfl Roads	No objection		
NI Water	Refusal recommended as foul sewer capacity issues		
Historic Environment Division	No objections		
Environmental Health	No objections		
Letters of Support	0	Letters of Objection	20 from 9 addresses
		Petitions	0
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, Visual Impact and Impact on Character of the Area (including impact on Crawfordsburn proposed Area of Village Character) • Amenity Space • Impact on Residential Amenity • Access, Road Safety and Car Parking • Archaeology and Built Environment • Security from Crime • Designated Sites/Other Natural Heritage Interests • Other Planning Matters 			
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://planningregister.planningsystemni.gov.uk/simple-search>

1. Site and Surrounding Area

The site is located on the northern side of Main Street in the village of Crawfordsburn. The existing building to be converted is located on the eastern side of The Old Inn Hotel building and is located within the car park associated with the hotel. The building when viewed from the southern side (road view) looks like two cottages with two separate doors accessing directly onto the footpath. From the rear, the building has a zinc clad dormer window which runs almost the length of the building and external steps. The first floor has an approved use as an office and it cantilevers over existing car parking spaces beneath it. There is a 500mm drop in level between the street to the car park.





Existing Site Photographs

There are vehicular accesses to the north-west and south-east of the office building. Both accesses have electric barriers installed with one being utilised as an entrance and the other as an exit. The remaining land within the red line is occupied by car parking spaces. The rear boundary of the car park is formed by mature planting. There are various stone walls within the site.

The area consists of 1.5 and 2 storey dwellings and commercial properties. The buildings are typically finished in render, painted white with dark coloured window and door frames. Dormer windows clad in lead or similar are evident on other single storey buildings on the street.

The site is within the settlement of Crawfordsburn as designated in the North Down and Ards Area Plan 1984 – 1995 and also draft Belfast Metropolitan Area Plan (BMAP) 2015. In draft BMAP, the site is also located within the Crawfordsburn Area of Village Character (Designation CFN 02). The area contains a mix of residential and commercial uses.

2. Site Location Plan



3. Relevant Planning History

W/2011/0012/F - New entrance portico, 4no. dormer windows to front elevation, clock tower, car park archway, single storey facade building with storage accommodation above, escape exit alterations and new walls/railings to car park – Permission granted 01/05/2012

W/2012/0457/F – New three storey building comprising storage, offices, roof terrace and trees at the Old Inn – Permission granted 26/07/2013.

W/2013/0124/F - Proposed new car park facing facade including new gable to Main Street elevation, new clock tower, new function suite entrance and a port cochere, new archway and new cottage style facade on Main Street – Permission granted 12/06/2014.

W/2014/0451/F – Change of use of existing cottage style building from first floor store to first floor office – Permission granted 03/03/2015.

LA06/2018/0237/F – New 2-storey building comprising storage, offices, roof terrace with footbridge and trees at the rear of the Old Inn Crawfordsburn (renewal of W/2012/0457/F) – Permission granted 23/09/2019.

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
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- Planning Policy Statement 16: Tourism

Principle of Development

The site is located within the curtilage of a long-established hotel business, known as The Old Inn, Crawfordsburn. The site is within the settlement limit of Crawfordsburn and whilst also being within the proposed Crawfordsburn Area of Village Character, it is not designated for a particular use and therefore is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The proposal is for the conversion of the office building to three self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including the retention of car park barriers.

Policy TSM 1: Tourism Development in Settlements of PPS 16 states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature

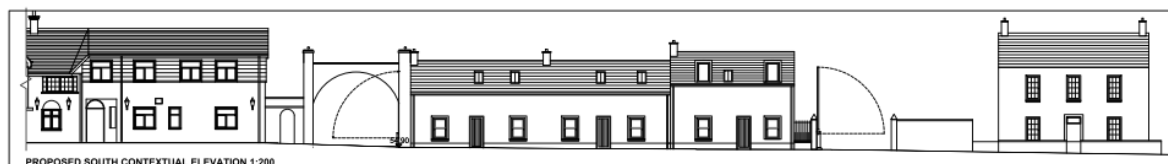
appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

Policy TSM 7: Criteria for Tourism Development provides design and general criteria for all proposed tourism development. The criteria will be considered below, under each detailed heading.

Design, Visual Impact and Impact on Character of the Area (including impact on Crawfordsburn Area of Village Character)

The building on the application site has the appearance of two single storey cottages when viewed from the southern side (road view). It has two separate doors accessing onto the footpath. From the rear, the building has a zinc clad dormer window which runs almost the length of the building and external steps.

The existing front façade will be retained as it is, with the addition of an extension on the south-eastern side to provide the third self-catering unit. The proposed third unit whilst having a similar window and door design as the existing building, is designed with eaves and ridge height, which are marginally higher (approx. 0.5m) than the existing building. From the photograph below, it is evident that there are a variety of ridge heights on the street frontage and therefore the increase in height is not considered to render the proposed extension out of character with the area. The proposed dormer windows will replicate dormers found elsewhere on the street.



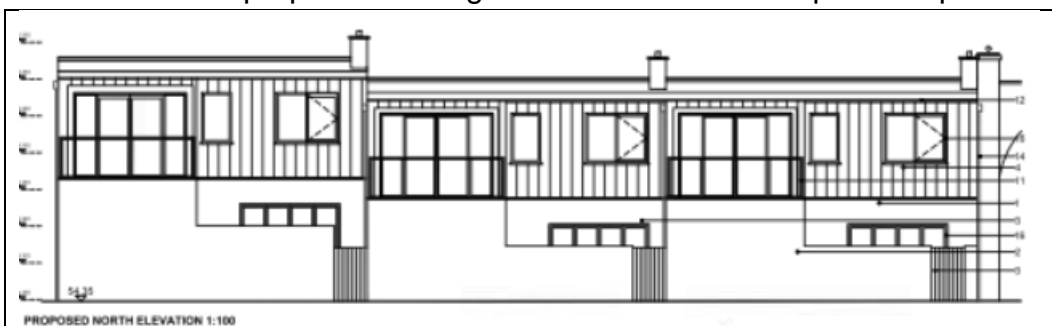
Proposed streetscene and existing streetscene

Building works are also proposed to the rear of the existing two units to provide additional living accommodation. The ground floor, as indicated on the plans, is the lower level when viewed from the car park. A living area, kitchen, dining area and bathroom will be constructed in the void below the existing first floor accommodation.

Two storey returns will be constructed to provide a dining room with bedroom extension and terrace above. Two bedrooms, one with an en-suite, will be provided in each of the two existing units at first floor level.

Private outdoor areas are provided for each unit at both ground floor level and first floor level. The ground floor provision will be facilitated by a small courtyard which is accessed from the living room and dining area and will also access the rear car park associated with the hotel. The courtyard will be enclosed by a 1.5m high wall. This will assist with privacy for the proposed occupants from other customers using the car park at the Old Inn. This area can be utilised for the storage of bins however it is likely that rubbish will be collected within each unit and transferred to the commercial bins utilised by the hotel.

At first floor level, a small terrace will be accessed from the master bedroom. The windows of the proposed units will look onto the footpath and the rear car park. This ensures that the proposal is designed to deter crime and promote personal safety.



Existing (Photograph) and Proposed rear elevation

A new hedgerow is indicated on the ground floor plan, immediately to the rear of the building. No other landscaping is provided and considering that the units abut the public footpath to the front and a car park at the rear, biodiversity is limited and integration is not a concern, there is appropriate boundary treatment and means of enclosure provided.

The proposal also includes the retention of the barriers which have been installed at both vehicular access points. The barriers are set back into the site and are simple in design. The barriers are only visible when passing the application site, as they are set back clear of the road, and in my professional opinion, do not dominate or detract from the visual appearance of the site.

I do not consider that the proposal will have an adverse impact on the character of the area.

It remains a material consideration that the site is also located within the proposed Crawfordsburn Area of Village Character (AVC) (Designation CFN 02). The policies within the Addendum to Planning Policy Statement 6 (APPS 6) and the related provisions of the SPPS refer to Areas of Townscape Characters. The Preamble states that all references to Areas of Townscape Character (ATC) within the APPS 6 should be read as including Areas of Village Character (AVC). The Commissioner in appeal decision 2021/A0227 considered that there is no reference made to draft AVCs, which do not have the same status or legal standing as a designated AVC. However, the commissioner further noted in this case that the potential impact of the appeal development on the proposed ATC remained a material consideration.

The key features of the AVC are the vernacular building form along each side of Main Street, with single and two storey buildings, mostly dating from the late eighteenth century, the community hall and tea room in Main Street, the Georgian buildings and nineteenth century man-made landscape, the important examples of industrial archaeology including the eighteenth century water mill on Main Street and the stump of a windmill built in 1830 and lastly, the traditional forms of construction.

The plan does refer to the adherence in replacement and repair works to traditional forms of construction. Vertically proportioned windows, types of doors, chimneys and slate roofs and the use of a white and black colour scheme for exterior render and woodwork has afforded cohesion to the townscape and an inherent sense of place.

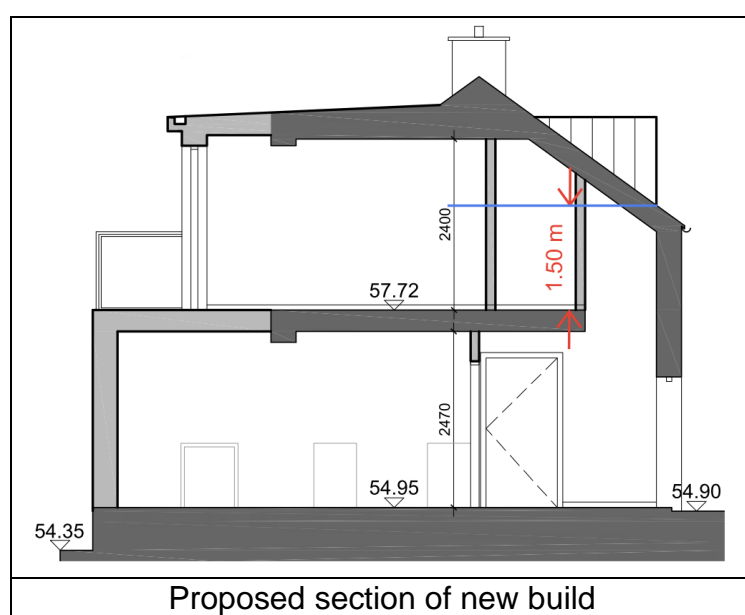
The proposal retains the vernacular building form along Main Street and the finishes will replicate those already found on the street. The proposal will not have an adverse impact on the key features of the proposed AVC and I do not consider that it will have an adverse impact on the wider proposed AVC designation.

The development site is located within the settlement limit of Crawfordsburn, where movement patterns for walking and cycling can be utilised. The re-use of the building is considered as a sustainable approach which will help to protect it as an asset within the built heritage of Crawfordsburn.

The self-catering units can be accessed from the public footpath and will therefore meet the needs of people whose mobility is impaired. The development respects existing public rights of way and provides adequate and convenient access to public transport.

Impact on Residential Amenity

The proposed self-catering accommodation is compatible with the adjoining hotel use. I acknowledge that there are existing dwellings opposite the site however I am content that there is only a limited façade fronting the road and the amenity areas for the proposed units are located to the rear and therefore socialising will be directed away from the housing. I also acknowledge that background noise levels would be at a higher level due to the busy through road which runs through Crawfordsburn.



Dormer windows are proposed on the roadside elevation of the proposed extension. Concerns have been raised in relation to over-looking from the proposed windows into the bedroom windows of the dwelling opposite. The dormer windows serve a bedroom and en-suite. The bottom of the windows is approx. 1.5m from floor level. Whilst I acknowledge that this is at eye level, the windows look onto a public road and not a private amenity area. The

separation distance between the opposing front windows is approx. 12.5m.

Objectors have referred to the bright red light on the barriers and state that they are lighting up their living rooms and bedrooms at night. I acknowledge the fact that these lights may be bright, they are provided on the barriers as a safety provision for vehicles approaching. The public road running through Crawfordsburn is located between the barriers and the existing dwellings opposite the site. I do not consider that the red lights are causing such an unacceptable adverse impact on the front elevations of the dwellings opposite to result in the refusal of the application: the barriers are located within an urban setting where there is existing street lighting, heavy traffic movement and vehicles entering and exiting and manoeuvring within the existing established hotel car park.

In relation to the impact on future occupants, NI Water was consulted on the proposal and it highlighted that the proposed development may experience nuisance due to the operations of the existing Wastewater Pumping Station. The application site is located

within the 'Odour Consultation Zone Boundary' and an application for an Odour Assessment was requested. Following the submission of this, NI Water rescinded its objection, on the grounds of 'incompatible development', to any proposed development or reuse of the site.

Access, Road Safety and Car Parking

The car park at the Old Inn facilitated 60 in-curtilage parking spaces prior to erection of the barriers. The proposed retention of the barriers and the proposed building works associated with the self-catering cottages will mean a reduction in in-curtilage parking spaces to 45 spaces - therefore a loss of 15 in-curtilage parking spaces.

It has been confirmed that the Old Inn's lower ground floor 100+ seater function room closed in December 2023, and no further bookings for weddings are accepted. At 180 sqm net floor area approx. the Parking Standards document recommends 1 space per 5sqm – equating to 36 spaces.

The construction programme for the three cottages (subject to planning) would see the cottages available for guests in mid-2024 and as such there will be no overlap of the cottage accommodation and function room uses. A condition is proposed to require cessation of the use of the function room for uses which would normally attract guests and hence parking spaces. Such a condition can be imposed under section 52 of the Planning Act to regulate the use of land under the control of the applicant but outside of the application site. Any future use of the function room for its original purpose will be subject to planning approval and any relevant assessment at that time.

The cessation of the use of the function room for events brings a betterment of 23 spaces.

The agent has advised that the introduction of barriers at the car park has been a successful management measure for the Old Inn as it has resulted in greater availability of in-curtilage parking for users of the hotel (as prior to this the hotel car park was being used as a public car park).

DfI Roads was consulted on the proposal and confirmed that a site visit was carried out. The barrier provision was examined, and it has been confirmed that there is adequate depth to allow one car to wait clear of the footway, for the entrance barrier to open. It is also content with the information submitted by the planning agent in relation to existing and proposed parking arrangements and the cessation of use of the function room.

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

Archaeology and Built Heritage

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

The Historic Environment Division (HED) was consulted on the proposal in relation to the impact on the built heritage. It noted that The Old Inn itself (HB23/15/021) is not listed but is 'record only'. There are also other buildings along Main Street which are also record only. The site is however in proximity to HB23 15 012A – Glen House, 212 Crawfordsburn Road, Ballymullan, Crawfordsburn, (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED Historic Buildings has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises that it is content with the proposal, as presented. The comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.12 (setting) and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building).

Objectors have raised concerns about the removal of Royal Mail post box which is currently located in front of the existing stone boundary wall, immediately south-east of the existing building. A plan to relocate the existing post box does not form part of this planning application and determining weight cannot be attached to impact on the post box as it is not listed.

Designated Sites/Other Natural Heritage Interests

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify potential adverse impacts on designated sites. No such scenario was identified.

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

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

The Council has no reason to believe that the proposed development is not capable of dealing with any emission or effluent in accordance with legislative requirements. Whilst NI Water has advised that there are capacity issues with foul sewers in the area, a negative condition will be applied to any planning permission which will restrict the commencement of any development until an agreement is made with NI Water and the evidence of such an agreement is submitted to the Council.

Other Planning Matters

NI Water Public Sewer Connection

Further to the NI Water consultation response, a Waste Water Impact Assessment has been submitted. Unfortunately NI Water has a backlog in getting responses out so it has not yet been concluded.

The PAC in a recent decision 2021/A0241 considered that a negative condition could be imposed to prevent the commencement of development on the site until a method of sewage disposal has been agreed in writing with NI Water or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. If these were not obtained, any approval could not lawfully commence. On this basis, a negative condition has been added in section 7 of this report.

Conclusion

The proposal for tourist accommodation is considered to be of a nature appropriate to the settlement and it respects the site context in terms of scale, size and design.

5. Representations

20 letters of representation have been received from 9 No. addresses. The concerns raised will be discussed below.

Visual impact

An objector has raised a concern that the proposed extension to the existing office block will mean that the backdrop of trees within the village will be eliminated. The extension may remove direct views of the trees from the roadway however the trees remain as a backdrop and there are no proposals to remove them as part of this planning application.



Site with backdrop of trees

Barriers

The planning application seeks retrospective approval for barriers which have already been installed at the entrance to the car park immediately adjacent to the Old Inn. The objectors feel that the barriers are out of character with the area. I have already determined that the barriers are of simple design and due to their set back location behind the existing archway, there are no long range views.

The red light on the barriers has been raised as a concern due to the brightness. This is a safety provision and is located within an urban context where there are street lights and heavy traffic movements.

Customers have been seen reversing from the barriers back out onto the public road or they queue trying to get into the car park which is causing traffic issues on the main street. DfI Roads has examined the barriers and it is content that there is adequate depth to allow car to wait, clear of the footway, for barrier to open.

Parking provision

Substantial concerns have been raised in relation to parking. The objectors have referred to the existing parking issues in Crawfordsburn and their concern about the loss of further spaces due to the location of the proposed building works. The Council has accepted that the existing function room is no longer in use (since the end of 2023) for such functions and that the parking availability previously associated with this use can be reassigned to the proposed self-catering use, subject to condition. The current office space requires 5 parking spaces in accordance with the Parking Standards document and the self-catering accommodation requires a lesser amount at 3 spaces. Overall, there will be a betterment of 23 parking spaces within the curtilage of the site.

Delivery vans are said to be parking along Main Street and taking up one of the two lanes of traffic. They are also parking at the nearest hotel delivery entrance, on the yellow lines near the Crawfordsburn Garage at the foot of the Ballymullan Road. Objectors have also commented that staff and guests park on road outside the hotel car park. The Council cannot control where people park, it can just ensure that adequate in-curtilage parking is provided. If drivers are parking in dangerous locations, this is a matter for the PSNI.

Concerns have been raised about the loss of disability spaces and that 2 of the spaces (31/33) are not fit for purpose. DfI Roads considered the parking provision and offered no objections to the spaces provided on the proposed site plan.

Use of the function room

Objectors have requested full details of the hotel's intentions in this regard. The Council will be conditioning that the room previously utilised for functions is no longer used for such purposes. Any future use of the function room for its original purpose would be subject to planning approval and any relevant assessment at that time.

Residential Amenity

The impact on residential amenity has been considered in the body of the report.

Valet parking

Whilst the planning agent had initially provided information regarding the provision of valet parking for the hotel and that they had entered into a licence agreement with Bryansburn Rangers FC in relation to parking at Ballywooley Park, this is no longer required due to the cessation of use of the function room. Adequate parking can be provided for hotel users within the curtilage of the site.

Post box

One objector has raised a concern about the removal of the existing Royal Mail post box. The planning application does not involve the relocation of the post box. The provision of post boxes is permitted development under Part 14 Development by Statutory and Other Undertakers, Class G of The Planning (General Permitted Development) Order (Northern Ireland) 2015.



Post box location

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

Reason: To ensure there will be no adverse impact on the environment.

3. The former function room, as indicated on Drawing No. 08 and located within the primary hotel building shall not be used for external meetings, parties, ceremonies or other social events at any time.

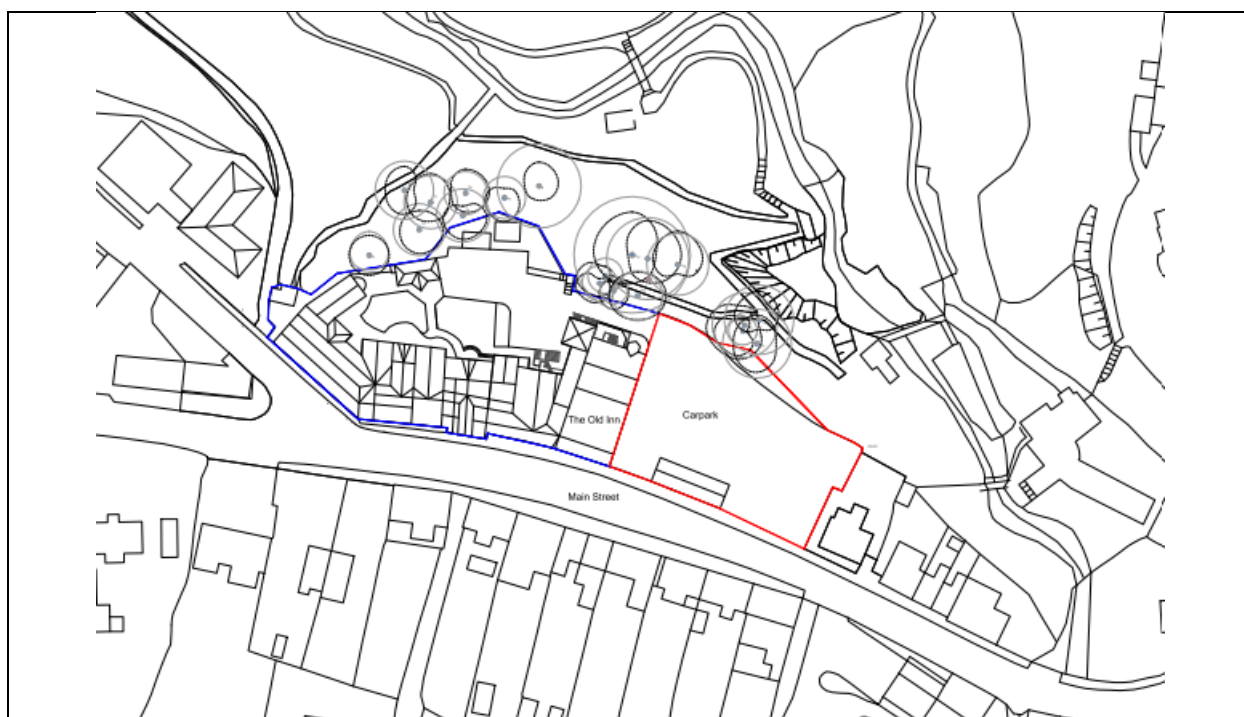
Reason: To ensure that adequate parking is provided for the approved development.

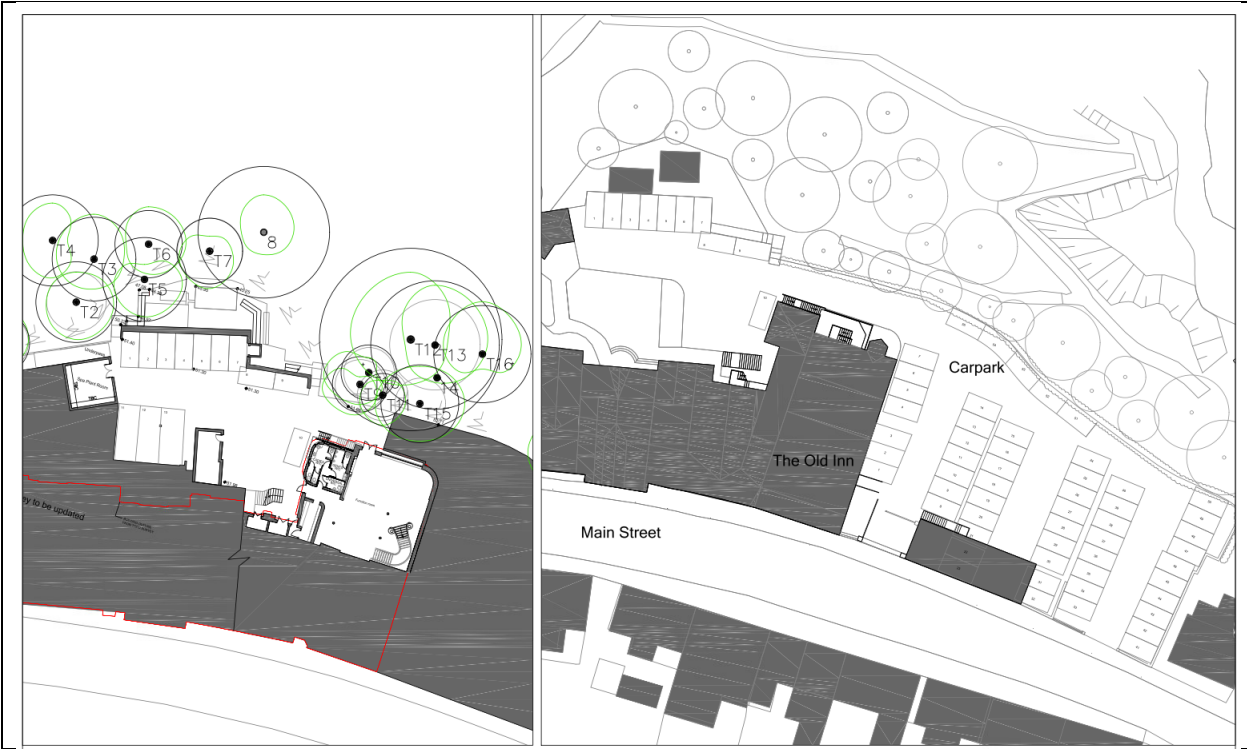
4. All hard and/or soft landscaping works shall be carried out in accordance with the approved details on drawing No. 05A. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

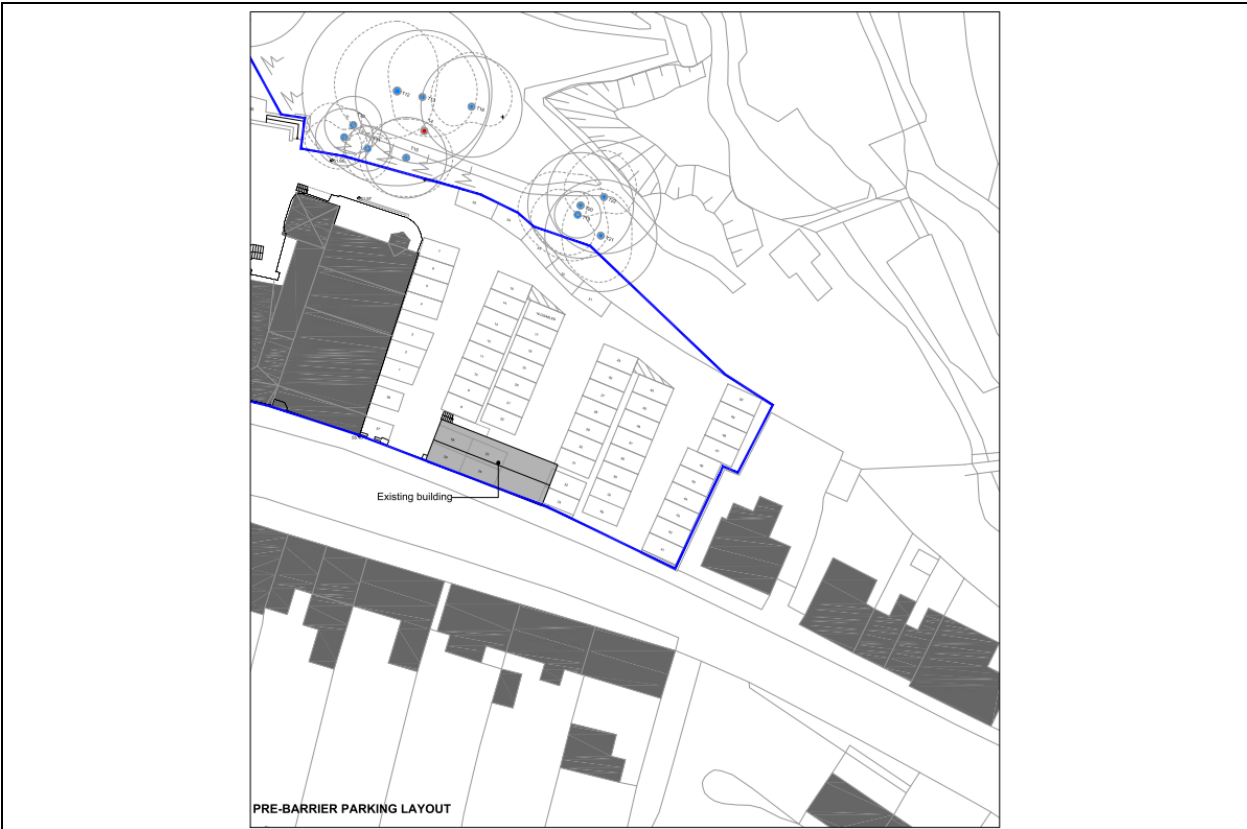
Informative

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

**Site location Plan**



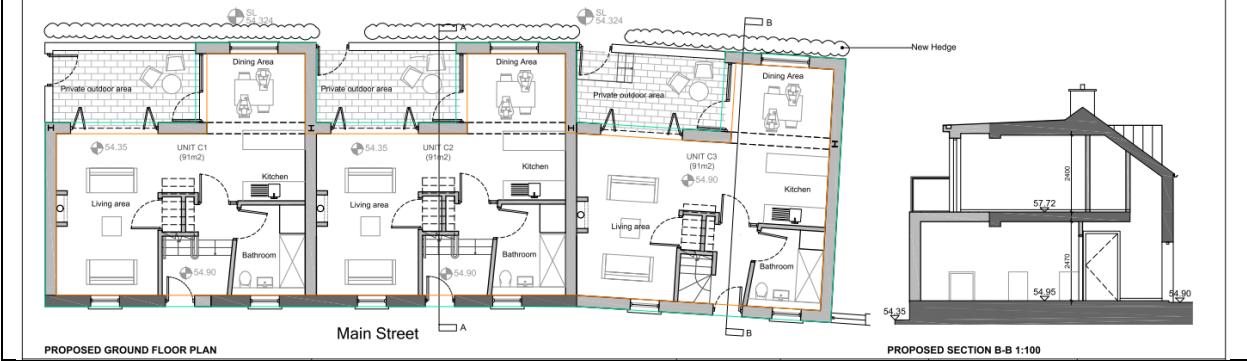
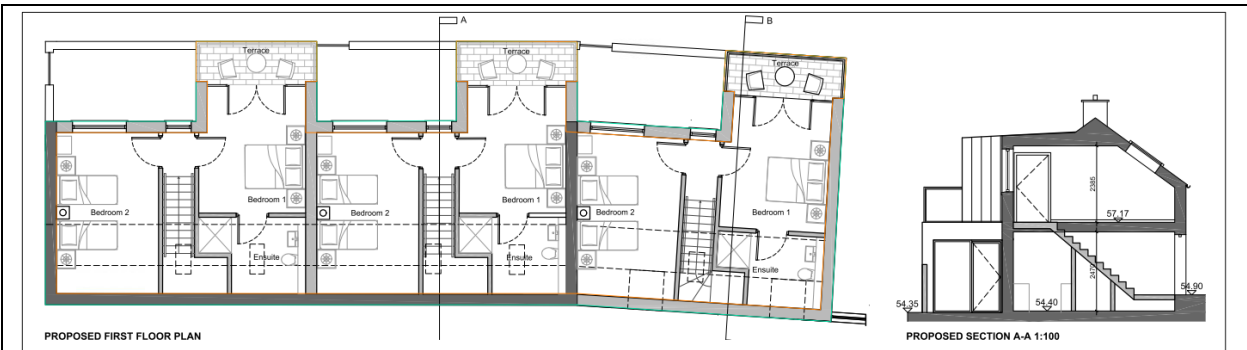
Existing function room location on lower ground floor



Existing parking pre-barrier



Proposed parking



Proposed floor plans and sections



Proposed elevations





Addendum to LA06/2023/1505/F

Proposal: Development of three self-catering cottages (conversion and extension of existing building and new build) and associated changes to parking layout, including retention of car park barriers

Location: The Old Inn, 15-25 Main Street, Crawfordsburn

Addendum

1. The application for the above proposal will be presented to Planning Committee on 9th April 2024 with a recommendation to approve. Since the planning report was published, an additional 24 letters of objection (total objections: 44 from 24 addresses) and 16 letters of support have been received. This addendum should be read in conjunction with the Planning Committee Report which was published on 27 March 2024.
2. Matters raised in the objection letters primarily relate to the loss of parking spaces, the barriers and parking issues within Crawfordsburn village. The Planning Committee Report detailed that the existing 100+ seater function room will cease to be used and the parking requirement previously associated with this use can be reallocated towards the proposed self-catering accommodation. This cessation of use brings a betterment of 23 in-curtilage parking spaces. A condition will be imposed under section 52 of The Planning Act to cease the use. This also means that any future use of the function room for its original purpose will be subject to planning approval and any relevant assessment at that time.
3. Current parking issues within Crawfordsburn village are acknowledged and it is reiterated that people parking in dangerous locations is a matter to be investigated by the PSNI. The in-curtilage parking requirement for the self-catering accommodation has been assessed and it is deemed as acceptable following the cessation of the lower ground function room use in December 2023.

4. The location of the barriers has been considered by DfI Roads and it has confirmed that the barriers are an acceptable distance from the rear of the footway. DfI Roads is also content with the in-curtilage parking provision as indicated on the proposed site plan. The red lights on the barrier have previously been considered in the Planning Committee Report. The red lights are provided as a safety measure to highlight the location of the barriers at night. It is acknowledged that the lights are provided on both the entrance and exit barriers however this is an urban environment with existing street lighting and the lights associated with the heavy traffic utilising the road and car park at all times of the day and night.
5. The visual impact of the barriers has also been considered. The entrance barrier is set back behind the existing archway by approximately 4.5m and therefore is only visible when passing the archway. The exit barrier is located to the rear of the footpath and its sympathetic slim design is not considered to detract from or dominate the streetscene.
6. The impact on the Area of Village Character has been cited and policies ATC 1: Demolition Control in an Area of Townscape Character and ATC 2: New Development in an Area of Townscape Character of the Addendum to Planning Policy Statement 6: Areas of Townscape Character (PPS 6). This site is located within a '**proposed**' Area of Village Character (AVC) in draft BMAP 2015 and has not been formally designated. The Commissioner in appeal decision 2021/A0227 considered that there is no reference made to draft AVCs, which do not have the same status or legal standing as a designated AVC. The Commissioner confirmed that the policies within the Addendum to PPS 6 refer to designated areas and there is no reference made to draft designations and therefore the policies are not applicable to the application assessment. The draft designation remains a material consideration and in the Planning Committee Report the key features of the proposed AVC were considered and it was concluded that the proposal would not have an adverse impact on the key features nor would it have an adverse impact on the wider proposed AVC designation. The demolition of the stone wall and the dwarf wall and railings abutting the public footpath has been considered

and whilst a stone wall will remain on the eastern side of the barrier, the boundary finishes are not identical on either side of the pillars and therefore the removal of the western boundary to facilitate the proposed buildings works is not considered to have an adverse impact on the character of the area. The proposed building works are also not considered to cause any over-development of the site.

7. The view of the trees located to the rear of The Old Inn car park has been referred to again. The trees are not cited as a key feature of the area and they will not be removed as part of the planning application. The trees remain as backdrop for The Old Inn complex. The dwellings opposite the site who can currently view the trees, may no longer be able to do so following the completion of the building works however in Northern Ireland no rights exist to claim a view. The ornamental trees within the car park, which are to be removed to facilitate the proposed building works, do not provide any integration benefits for the existing development nor do they soften the appearance of the existing development due to their location to the rear of the building. Their removal will not have an adverse impact on the character of the area.
8. One objector refers to the building of the 3rd cottage and how it will result in direct loss of sunlight from the adjacent woodland. The 3rd cottage will be located approx. 18m from the existing woodland and the cottages are located on its south-western side. Due to the path of the sun, no loss of sunlight will occur.
9. A concern has also been raised regarding over-looking from the rear terraces on 11 Main Street. 11 Main Street is located immediately east of The Old Inn car park. There are windows on the side gable at both ground and first floor levels of this neighbouring dwelling. There is a vehicular access between the party wall with the car park and the dwelling. There is a block wall defining the party boundary approx. 1.2m high. The proposed first floor terrace on the cottage closest to the party boundary with No. 11 is approx. 10m from the boundary and approx. 13m to the gable wall. The private amenity for this dwelling would be located to the rear, away from public view and in excess of 13m. I consider that the terraces, whilst located at first floor level are located within the car park of a

hotel where noise and movement from customers and vehicles currently exists. On balance, I do not consider that over-looking or noise from these small terraces would cause an unacceptable adverse impact on the residential amenity of 11 Main Street.



10. The valet parking was once again mentioned however this no longer forms part of the planning application.
11. The letters of support were received from residents of Crawfordsburn and other areas within the Borough. The supporters consider that the proposal will greatly help the village and ceasing the use of the function room will potentially help alleviate the parking issues in the village that they are currently faced with when the function room is used. They welcome the investment continuing into the Borough from the Galgorm Collection. One local business highlighted that the more successful the Crawfordsburn Inn is, the better it is for the social enterprise as their customers also visit their business and book their events. They have seen a significant increase in their business since Galgorm took ownership which is very welcome after significant challenges facing the sector since Covid. The planned development has the potential to increase opportunities for them to deliver pottery classes to their customers and profits from the Pottery social enterprise are used to deliver jobs for the Borough. This development will bring more visitors to the village and the surrounding areas and increase revenue for all local businesses.

Conclusion

12. The proposal has been assessed having regard to the development plan and all other material considerations including relevant planning policies, the views of bodies with road safety expertise and third party representations. On the basis of the information above I consider that the recommendation to approve the application should remain unchanged.
13. Having weighed all the material planning considerations it is recommended that this application proceed by way of an approval of planning permission subject to conditions below.

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

Reason: To ensure there will be no adverse impact on the environment.

3. The former function room, as indicated on Drawing No. 08 and located within the primary hotel building shall not be used for external meetings, parties, ceremonies or other social events at any time.

Reason: To ensure that adequate parking is provided for the approved development.

4. All hard and/or soft landscaping works shall be carried out in accordance with the approved details on drawing No. 05A. The works shall be carried out prior

to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

Impact on Residential Amenity

Retrospective Permission for Barriers.

The automatic arm barriers were erected by the applicant without planning permission or due process. This has avoided any meaningful debate on their design, implementation or alternatives.

Residents are concerned that the barriers are at times causing congestion on the road. It would appear that DFI Roads has not given consideration in respect of delivery vehicles. At the very least these barriers should be set back further sufficient to allow for long wheel base vans.

The barrier system does not restrict vehicle entry once all the spaces have been allocated resulting in cars parking outside designated spaces blocking entry to the rear of the building for deliveries.

Residents living opposite are also concerned about the bright red lights that are visible both day and night. At night time these are clearly visible at the opposite end of the village some 150 metres away.

Residents would ask that the barriers be set back further to allow delivery vehicles to wait without blocking the footpath and that the red lights be removed and replaced with a less obtrusive mean of signalling their presence such as reflective tape.

Proposed Development

Impact on local Amenities.

The proposed development will result in the removal of the post box on the main street together with the seating provided for residents waiting at the bus stop. It has not been considered if these are to be moved or where their new location might be.

The creation of a third cottage will also remove the last view of the country park greenery from the main road. I understand that this being retained as a vista was a material consideration in the granting of a previous application [W2012/0457/F].

In so doing it will also remove the last portion of open space within the village. This has for over 40 years enjoyed a dual use of parking space and the site of the Crawfordsburn Christmas tree and annual carol service. This has been a community activity that has been well attended and would be greatly missed.

There is no alternative site within the village.

In regard to development plan policy and the loss of open space, in 2018 the court of appeal overturned a High Court decision where private land had been made available for dual use on an informal basis:

'The accepted fact that the landowner could exclude the public from his land did not mean that the land was anything other than open space'.

Overlooking/loss of privacy

Dormer windows on the proposed development would enable the occupants to look into the bedroom windows of the existing houses on the opposite side of the road.

Approval of this plan would be inconsistent with previous planning at the other end of the hotel where a stipulation of planning approval was that the windows were to be opaque to maintain privacy.

Residents living directly opposite are also rightly concerned about access to daylight which constantly changes throughout the day and year and also the increased road noise which will be redirected back towards their properties.

Access, Road Safety and Car Parking

Adequacy of parking/loading/turning

The Old Inn have employed Fleming Mounstephen Planning Consultants whose strategy has been to close the bottom floor function suite of the hotel enabling them to claim a reduction of 32 required parking spaces.

Works to bring the ground floor back into use are already underway, again without prior application.

The current in-curtilage parking is often observed to be operating at maximum capacity before the reduction in parking spaces the development will bring. [see photographs]

This includes the main street of the village causing significant danger to motorists and pedestrians alike.

Department of Infrastructure parking standards clearly state that:

- I. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.
- II. developers will be required to demonstrate there is adequate provision of space within the site, for parking, manoeuvring, loading and unloading to fulfil the operational requirements of the proposed development.
- III. Where developments incorporate more than one land use which are functioning simultaneously, e.g. a public house containing a restaurant, the combined figures applicable to both uses will apply

IV. Operational parking space for commercial and service vehicles... should provide for manoeuvring space to enable vehicles to exit the site in forward gear.

The committee report states that :

‘the council cannot control where people park...(but that)... it should ensure that adequate in-curtilage parking is provided’.

If the in-curtilage parking at the Old Inn already regularly exceeds it's total future capacity... how can this be deemed to be sufficient?

The residents believe that the current parking requirements are sub-standard and would like to know specific details of how the number of required spaces has been calculated and if they take into consideration all of the Old Inn's activities: The Hotel, The Restaurant, the Bar, The Spa, other function rooms, staff parking, disability.

Residents would ask the committee to postpone a ruling on this application to allow councillors to meet with local residents and to determine what adequate in-curtilage parking should be.

Statement to Ards and North Down Borough Council Planning Committee, 9th April 2024

Item 4.1 Planning Application LA06/2023/1505/F

This Statement is made by David Mounstephen (Fleming Mounstephen Planning) in support the recommendation to approve the application.

The application for three self-catering cottages was submitted last February and has been the subject of comprehensive assessment over the last year, with further information and clarification provided at the request of the Council's planning service.

Statutory consultees have no objection to the proposal, with the exception of NI Water. The process of securing necessary NI Water consents is at an advanced stage and can be addressed by way of a negative planning condition.

There have been 20 representations made from 9 addresses and the issues raised have been fully addressed in the Council's Planning Report.

The proposed development – tourist accommodation at a hotel within the development limit of Crawfordsburn – is consistent with planning policy. The Strategic Planning Policy Statement establishes a presumption in favour of development and Policy TSM 1 of Planning Policy Statement 16 'Tourism' is a permissive policy which supports the granting of planning approval for tourism development such as that proposed.

All relevant, material, planning matters have been considered in detail in the Planning Report. The following brief comments are made in relation to the proposal:

- (i) The design of the proposal is high quality and has been informed by and is in keeping with the character of the village.
 - (ii) The three-self catering cottages will not have any unacceptable impacts on residential amenity. It is noted that it is not in the interest of the hotel to have an adverse impact on amenity as any impact would also affect its guests.
 - (iii) The parking, both the level of provision and the management arrangements, are acceptable. The introduction of barriers has ensured that the hotel car park is no longer used as a public car park – a measure which has created capacity in the car park. Furthermore, the loss of some spaces is more than off set by the closure of the hotel's lower ground floor function room, which is the subject of a proposed negative planning condition. The future use of the room is subject to planning control as necessary.
- Whilst not required for the proposed three cottages, it is noted that the hotel also operates an off-site valet parking system providing additional parking capacity.
- (iv) In terms of deliveries to the hotel, the proposal will not result in any increase in deliveries. The management of deliveries is an existing issue. Most deliveries are undertaken within the

curtilage of the hotel site and suppliers have recently been reminded of their responsibilities in this regard. Some larger vehicles do not access the site, irrespective of the car park barriers. Management is regularly reviewed with, for example, consideration given to the frequency, timing and location of the deliveries (e.g. use of the SPAR site by the Hendersons delivery).

In conclusion, the proposal is acceptable when assessed against planning policy. It is a quality development which has been informed by and is appropriate to its context. It is an important investment which will deliver a range of benefits to the Borough. It has been the subject of a robust assessment process, the outcome of which is a recommendation to approve, which is commended to the Committee.

This Statement is made by Colin Johnston (Managing Director of Galgorm Collection) in support of the recommendation to approve the application.

The Galgorm Collection spent just under £3.5 million purchasing the Old Inn in April 2021. To date, Galgorm Collection has invested £2.5million on the Old Inn. This money has been spent on:

- refurbishing the bar, restaurant and reception area
- addition of the thermal spa
- refurbishment of 5 bedrooms

Future investments of approx. £3million is planned. This will include:

- refurbishment of 25 bedrooms
- refurbishment of the private dining room
- the addition of 4 treatments rooms
- the addition of 3 cottages – approx. £600,000 of the overall £3 million investment

The team at the Old Inn have regular contact with the local community and elected representatives. There have been two meetings with the local community on 25th October 2023 (facilitated by Stephen Dunne MLA) and on 15th March 2024 (facilitated by Connie Egan MLA). In addition, Colin will attend the Helens Bay and Crawfordsburn Community Organisation AGM on Thursday 16th May 2024.

The Galgorm Collection's vision for the Old Inn is to take the property to a 5 star experience and currently the team is on the road to achieve this. The Old Inn is 1 of only 5 properties in Northern Ireland to be part of the Blue Book. It is an asset attracting people to stay and spend within the Borough.

The current wage bill is some £2.2 million and there are currently 73 people employed. It is envisaged that this will increase with the planned investment to £3 million and in the region of 95 people employed.


Again, the recommendation to approve the proposed development is commended to the Committee.

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2023/1573/O
Proposal	Dwelling
Location	Approximately 70m East of No.18 Hillsborough Road, Comber
Committee Interest	<p>A local development application “called-in” to the Planning Committee by a member of that Committee – Ald McDowell –</p> <p>1. The application may not be contrary to Paragraph 6.73 of the SPPS and Planning Policy Statement 21, Policy CTY10 as these pertain to demonstrating a six-year duration of agricultural activity associated with a Business ID.</p> <p>2. The proposal may not be contrary to the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside and policies CTY1, 10, 13 and 14 as this is an outline planning application and will take due consideration of all sustainability requirements at full application stage.</p>
Validated	14/03/2023
Summary	<ul style="list-style-type: none"> • The proposal is contrary to PPS21-The lands at which the site is located would not support an application under CTY10 until they have formed part of the holding for six years (2028) • With regard to CTY13 and CTY14 -a significant length of laneway is required to access it and the route of the laneway will cut across a flat, open and exposed roadside field. The proposed new access would attract views to the proposed dwelling and draw undue attention to it, resulting in it appearing as a prominent feature in the landscape which would be detrimental to rural character. • No objections from consultees • No access or parking issues-DFI Roads content • No objections received.

	<ul style="list-style-type: none">• Proposal would have no impact on residential amenity.
Recommendation	Refusal
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/1573/O	DEA: Comber	
Proposal:	Dwelling		
Location:	approximately 70m East of No.18 Hillsborough Road, Comber		
Applicant:	Nick & Michelle Lestas		
Date valid:	14.03.2023	EIA Screening Required:	No
Date last advertised:	06.04.2023	Date last neighbour notified:	24.03.2023
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Dfl Roads	No objections.		
HED	Content.		
NI Water	No objections.		
Environmental Health	No objection with informative.		
DAERA	<p>The farm business ID identified on the P1C has been in existence for more than 6 years. Allocated 14/03/2012. Category 2.</p> <p>The farm business has NOT claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. A Small Woodland grant applied for in 2022.</p> <p>The application site is on land for which payments are currently being claimed by the farm business. The site located in FSN 1/086/026 field 113 is under the control of the farm business identified on the P1C Form.</p>		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, integration and impact on rural character 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site consists of part of a large agricultural field located just outside Comber. The site is positioned immediately adjacent to the east of an existing dwelling at 18 Hillsborough Road which is within the ownership of the applicants. The site is proposed to be accessed from Hillsborough Road via a new lane which will be approximately 278m in length from the road. The proposed lane will go through the existing field and is therefore undefined at present. The site is defined by post and wire fencing with hedging on the east, south and western boundaries. The northern boundary is undefined as it makes up part of the larger field. An area of tree planting is within the site along the eastern and southern boundaries.

The site lies outside any designated settlement limit as per the Ards and Down Area Plan 2015. It is not within a special designation such as an AONB. Hillsborough Road is not a protected route.

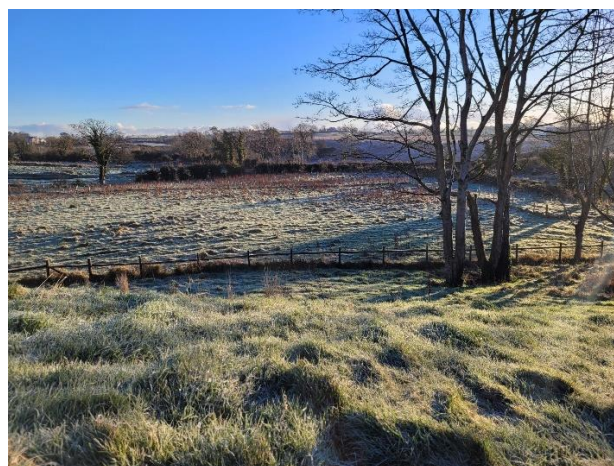


Figure 1 Photograph of the site taken from 18 Hillsborough Road



Figure 2 Photograph of the site taken from the lane to 18 Hillsborough Road

2. Site Location Plan

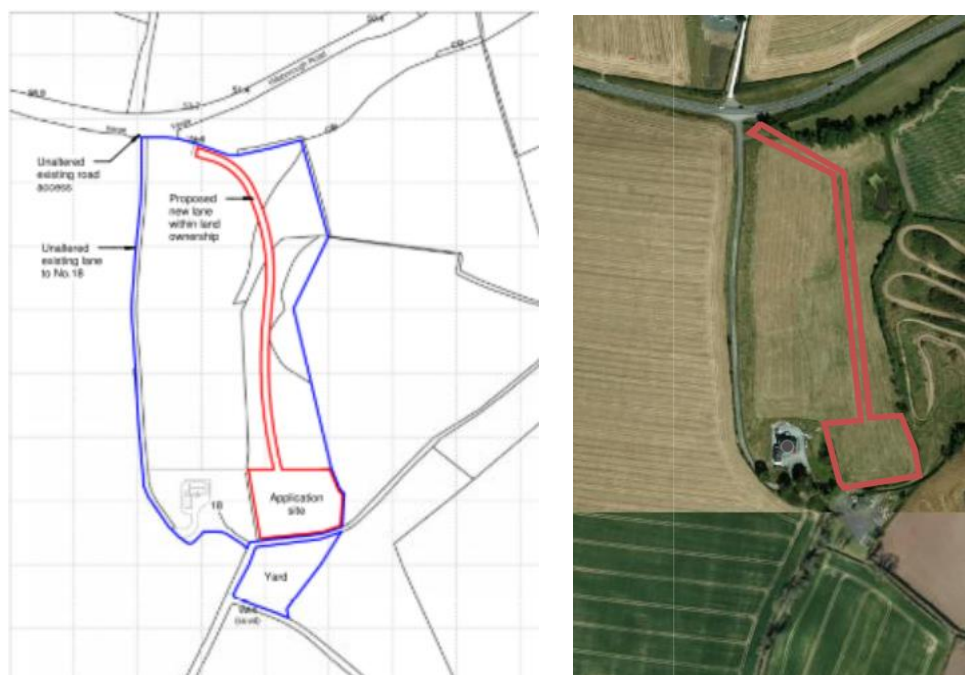


Figure 3 Site location plan and aerial image of the site

3. Relevant Planning History

X/2014/0341/F - 380m South of 17 Hillsborough Road, Comber- Proposed replacement dwelling and integrated garage in substitution for previously approved X/2013/0438/F – Approved.

X/2013/0438/F - 380m South of 17 Hillsborough Road Comber - Proposed replacement dwelling and garage with the retention of the existing building as a granny flat – Approved.

X/2008/1102/F - 380m South of 17 Hillsborough Road, Comber - Proposed replacement dwelling with existing dwelling retained as granny flat (Amended Proposal Description) – Approved.

The above applications are the permissions associated with 18 Hillsborough Road which is the dwelling located immediately adjacent to the site and in the ownership of the applicant.

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is located outside any settlement and within the countryside as designated in the Ards and Down Area Plan 2015 and does not contain any designation or zoning affecting the site.

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

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is amongst the retained documents. Policy CTY1 thereof lists types of development which are considered acceptable in principle in the countryside. It states 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. It goes on to say that access arrangements must be in accordance with the Department's published guidance.

Policy CTY10, in line with the provisions of the SPPS, states that permission will be granted for a dwelling on a farm where certain criteria are met.

Criterion (a) requires that the farm business is currently active and has been established for at least six years. The P1C Form states that the farm business ID number was allocated on 14 March 2012 and is a Category 2 business and has recently been upgraded to Category 1. DAERA has confirmed that the business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years and the only record is an application for a small woodland grant in 2022. The Business ID 656566 took ownership of the application site in April 2022. Previously the business ID was associated with land at 58 Glenstall Road, Ballymoney. Although the Business ID has been in existence for more than six years, the site has not formed part of that business until it was purchased in 2022 and there is no justification for allowing development on lands purchased less than six years ago.

The lands at which the site are located would not support an application under CTY10 until they have formed part of the holding for six years (2028). This assessment is in line with Appeal Decision 2022/A0001 which related to a new agricultural shed on

Coolagh Road, Greysteel, whereby the appellant in that case purchased lands less than six years prior to when the application was submitted and like in this case the Business ID was in existence for more than six years at an alternative location. This appeal was dismissed on the basis that despite the required period of agricultural activity being met, the appeal site did not form part of their farming activities until their purchase and that there was no justification for allowing development on lands purchased less than six years ago. Although that proposal was for an agricultural shed and not a dwelling, the policy test is the same for assessing if the business and holding are active and established for 6 years. The proposed development fails in the first instance to meet the requirement of being part of an active and established agricultural holding as per Policy CTY 10. Policy would only allow a dwelling on the holding within which the site is located from 2028 onwards.

Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of application. The current address associated with the Business ID is at 18 Hillsborough Road which was purchased in 2022 and prior to this the address associated with the Business ID was 58 Glenstall Road, Ballymoney, since 14 March 2012 when the Business ID was first allocated. The applicant has advised that the farm in Ballymoney consisted of a non-residential shed and yard with no dwelling. This was sold in 2021. Given the current holding is at Hillsborough Road, the 10 year period only applies to this holding and therefore the sale of the shed and yard in Ballymoney cannot be counted as they are associated with a previous holding. The holding on Hillsborough Road was only purchased in 2022 and no dwellings or development opportunities have been sold off from the holding from its purchase in 2022.

Criterion (c) requires that the new building must be visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane. The proposed site is located immediately adjacent to the existing dwelling owned by the applicant at No.18 Hillsborough Road. To the rear of the site there is a yard with a shed that is used for storage purposes. A new dwelling on the site would be visually linked with the existing dwelling at No.18 and sited to cluster with the shed to the rear and therefore the proposal meets this part of the policy test. An existing lane serves No.18, and this is not proposed to be used to serve the proposed dwelling but instead a new lane is proposed to cut through the front field.

In addition to Criterion (c) of Policy CTY 10, Criterion (d) of Policy CTY 13 states permission will be refused for a dwelling in the countryside if ancillary works do not integrate with their surroundings. Paragraphs 5.71 to 5.74 of the amplification text to Policy CTY13 of PPS21 deal specifically with proposed accesses and other ancillary works.. In particular, paragraph 5.72 requires that where possible access to a new building should be taken from an existing laneway, which echoes a fundamental requirement of Policy CTY10. It goes on to say that a new access drive should, as far as practicable, run unobtrusively alongside existing hedgerows or wall lines. As the proposed dwelling would be set back off the road some 278m, a significant length of laneway is required to access it and the route of the laneway will cut across a flat, open and exposed roadside field. This creates a suburban emphasis which paragraph 5.72 considers unacceptable. This will cause a significant impact on the appearance of the area by a significant lack of integration. Given the exposed nature of the route for the

laneway and in the context that an existing access laneway could potentially be used in this case, it is considered that the access is contrary to criterion (c) of Policy CTY 10 and also criterion (d) of Policy CTY13 of PPS21.

Integration

No detailed plans have been provided as this is an outline application. The proposed site is located adjacent to the dwelling at 18 Hillsborough Road to the west of the site and to the north of a shed used for storage purposes. A dwelling on the proposed site would be read with the existing dwelling at 18 Hillsborough Road and is sited to cluster with the existing shed in the adjacent yard. A dwelling on the site would be visible from Hillsborough Road albeit set back some 278m. Trees have been planted along both sides of the larger field and once established these will provide screening for the proposed dwelling and therefore it would not be visually prominent in the landscape. However as already discussed in this report the proposed new laneway would not be integrated into the landscape and would be a prominent feature in the landscape. Paragraph 5.72 of Policy CTY13 states that new laneways should wherever possible, be taken from an existing lane-way and should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and accompanied by landscaping measures. The proposed laneway cuts through an exposed roadside field and would not integrate into the surrounding rural landscape. The proposal fails PART (d) of Policy CTY 13.

Rural Character

Policy CTY 14 'Rural Character' says that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. New buildings will be unacceptable in five circumstances. Criterion (e) states that the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. The proposed new access would attract views to the proposed dwelling and draw undue attention to it, resulting in it appearing as a prominent feature in the landscape which would be detrimental to rural character. The proposal fails part (e) of Policy CTY 14.

Residential amenity

There are no dwellings in the immediate locality that will be subjected to a loss of amenity as a direct result of this proposed dwelling.

Access and Roads Safety

The proposal has been assessed against PPS 3 Access Movement and Parking. The proposed site is to be served by a new laneway coming off the existing laneway. DfL Roads has been consulted and offered no objections.

Designated Sites and Natural Heritage

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

Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. A Biodiversity checklist was completed and no further information is deemed necessary.

Sewage disposal

The location of the septic tank has not yet been identified on the plans. There are sufficient lands surrounding the application site to facilitate non-mains sewage facilities.

Historic Environment

HED Historic Monuments has assessed the proposal and on the basis of the information provided, it is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

5. Representations

No representations have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Planning Policy Statement 21, Policy CTY10 in that it has not been demonstrated that the agricultural holding has been active and established for six years and the development visually integrates into the local landscape.
2. The proposal is contrary to the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY1, in that there are no overriding reasons why that development is essential, and also in that the development has not been sited and designed to integrate sympathetically with its rural surroundings.
3. The proposal is contrary to Paragraph 6.70 of the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policies CTY 10 and CTY13, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY14, in that the impact of the ancillary works would damage rural character and would therefore result in a detrimental change to and further erode the rural character of the countryside.

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Case Officer Signature:		Date:	
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Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
Planning Reference - LA06/2023/1573/O
Applicant – Lestas
Agent – Montgomery Irwin Architects

Refusal Reason 1 for LA06/2022/1573/O

The proposal is contrary to Paragraph 6.73 of the SPPS and Planning Policy Statement 21, Policy CTY10 in that it has not been demonstrated that the agricultural holding has been active and established for six years and the development visually integrates into the local landscape.

1. Not aware of planning policy that it states that a farm business ID cannot move from one piece of land to another.
2. Appellant example not directly relevant

CTY10

CTY10 should be referenced – Application satisfies requirements

- (a) the farm business is currently active and has been established for at least 6 years;*
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
(c) the new building is visually linked or sited to cluster

CTY10

- Relates to farm business activity and not land ownership.
- We have Planning Appeal Commission case studies to support this.

CTY12

CTY12 is **not** applicable – This refers to Agricultural and Forestry Enterprise.

Responses against the Appellant Case 2022/A0001

New agricultural shed on Coolagh Road, Greysteel

Case does not appear to be an accurate comparison for multiple reasons:

- a) *Appellant Case: Agricultural building sitting in isolation, in a prominent roadside position. This application is positioned 270m off the road, in a low position, in a valley setting and clustered*
All acknowledged by case officer
- b) *Appellant Case: A farmer renting parcels of land from another land owner throughout. This applicant has owned all the land in question.*
DAERA have confirmed their satisfaction with the 6 year Farm Business ID requirement throughout the application.
- c) *Appellant case: Created a new access.*
This application uses an existing, unaltered access onto the public carriageway at Hillsborough Road.
DfI Roads are satisfied with this.
Proposed lane within land ownership

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
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*Any lane within the lands will be densely screened by the new wooded landscape.
 Large wooded area between roadside and the proposed site, developing character,
 screening and habitat – 15,000sqm planted (1.5ha)
 Farmer could create a lane under Permitted development rights*

3. To date we worked on the premise that CTY10 required proof that “the farm business is currently active and has been established for at least 6 years”. Both these points are already confirmed in the planners report ie since 2022 we have been actively farming under category one and our business ID was established in 2012.
4. Proof of establishment of business ID from DAERA – annex 1 and this was transferred seamlessly with us to 18 Hillsborough Road and was upgraded to category 1 with our engagement of the small woodlands scheme and the planting of 2100 indigenous trees on the land.
5. It appears proof of active farming for six years is required and the planners report states that since we have not accessed single payment grants then our active farming status is in question.
6. Active Farming is more than Category One – the following table is used by DAERA to categorise farming –

What do you want to do?	You should apply for this category of business
<p>Claim farming related grant or subsidy, for example:</p> <p>Basic Payment Scheme (BPS) Young Farmers' Payment (YFP) Protein Crops Scheme (PCS) Regional Reserve Scheme - Entitlement allocation or top up (as a Young Farmer or New Entrant) Farm Woodland Premium Scheme (FWPS) Farm Woodland Scheme (FWS) Forest Expansion Scheme (Annual Premia) Small Woodland Grant Scheme (SWGS) Certain other proposed farming related programmes within the 2014-2020 NIRD</p> <p>Register as a commercial keeper of animals</p>	1
<p>Apply for and claim grant for proposed schemes under the 2014-2020 NIRD (except those schemes that require a category 1 business as listed above)</p> <p>Note: If you already hold a category 1 business ID you do not need to apply for a separate category 2 business ID.</p>	2
<p>Register as a non-commercial keeper of animals. This is typically no more than 5 cattle and/or 10 sheep and/or 10 pigs and/or 100 poultry and/or 5 goats.</p> <p>You will not be able to claim grant or subsidy with this business category.</p> <p>Note: If you already hold a category 1 or 2 business ID you do not need to apply for a separate category 3 business ID.</p>	3

7. The DAERA Definition of active farming is “Farming is defined as enjoying the decision-making power, benefits and financial risks in relation to the agricultural activity taking place on the land declared.”
 - a. From 2012 we leased and then in 2014 purchased the agricultural land and shed at 58 Glenstall Rd, Ballymoney.
 - b. We gained change of use status for the agricultural shed to light industrial use. All registered with the rates office.

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
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- c. We secured funding in 2014 under Axes 3 & 4 of the rural development programme – “Increasing economic activity and employment rates in the wider rural economy through encouraging on-farm diversification into non-agricultural activities, off-farm”, for the establishment of a shared rural community kitchen so that local farm families could hire and use a state of the art commercial kitchen to develop off farm food products for commercial sale. We personally invested £20,000 in the conversion of the shed and the installation of the kitchen.
- d. Further funding to digitally advertise the kitchen facilities in 2021
- e. This kitchen was fully operational for the years until we left the property in 2022. There are sample docs in Annex 2 and more can be supplied.

Refusal Reasons 2, 3 & 4 for LA06/2022/1573/O

1. *The proposal is contrary to the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY1, in that there are no overriding reasons why that development is essential in the countryside, and that the development has not been sited and designed to integrate sympathetically with its rural surroundings.*
2. *The proposal is contrary to Paragraph 6.70 of the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policies CTY 10 and CTY13, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.*
3. *The proposal is contrary to the SPPS and Planning Policy Statement 21 Sustainable Development in the Countryside, Policy CTY14, in that the impact of the ancillary works would damage rural character and would therefore result in a detrimental change to and further erode the rural character of the countryside.*

Responses relate to items 2, 3 & 4:

1. The proposed new building is visually linked and sited to cluster next to an existing dwelling house.
2. It is proposed to be set back from the carriageway (Hillsborough Road) by approximately 270m, which is the same as the existing dwelling house, which sits down in a valley, below the existing adjacent house level.
3. It is accessed off the same lane entrance at the carriageway (Hillsborough Road), therefore no further works or new accesses are proposed at the edge of the existing carriageway.
4. The proposed site is located in a low lying area of the landscape, which is sympathetic to and takes consideration for the existing landscape features, topography, and character. The

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
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Agent – Montgomery Irwin Architects

proposed dwelling will sit below the level of the existing house currently located on the land and can will be designed in accordance with PPS 21.

5. There are no transient views towards the site on approach from either end of the Hillsborough Road.
6. 2,100 Trees were planted in 2023 in the field between the Hillsborough Road and the proposed site as part of the small woodland scheme and will cover an area of approximately 15,600sqm (1.56ha) with trees. Layout shown in Annex 3

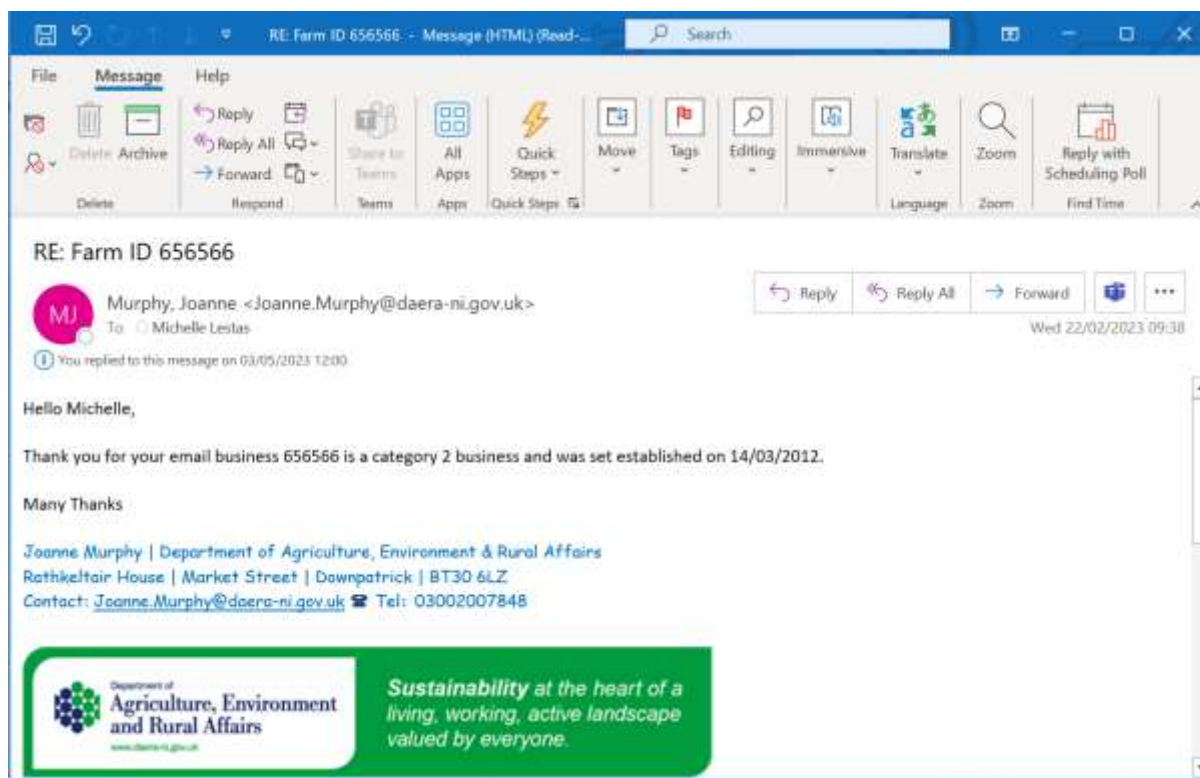
This land will develop and mature in time and will require maintenance in the coming years, supported under the small woodland scheme.

This will screen the proposed dwelling and will produce a mature and environmentally diverse setting.

7. The design will be compliant with PPS21 and will reference design guidance document; 'Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside'; by The Department for Infrastructure.
8. The lane could be discussed for adjustment as required or existing lane used in part or full – no discussion of this option was considered during the planning process thus far.
9. Sites & Natural Heritage are satisfied
10. Sewage with septic tank will be satisfied
11. HED Historic Monuments are satisfied
12. No objections

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
 Planning Reference - LA06/2023/1573/O
 Applicant – Lestas
 Agent – Montgomery Irwin Architects

ANNEX 1



Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
 Planning Reference - LA06/2023/1573/O
 Applicant – Lestas
 Agent – Montgomery Irwin Architects

ANNEX 2

Local farm family member running the Causeway Cookery School in the kitchen in 2021

The screenshot shows a mobile application interface with a list of events. The status 'SOLD OUT' is visible for all items. The events include 'Handrolled Truffle Making' and 'Cup Cake Decorating' workshops. Each entry lists the instructor's name, the date and time, and the price.

Event ID	Description	Instructor	Date & Time	Price
#1427592353	SOLD OUT Daughter & Mum Handrolled Truffle Making - With glass of Prosecco!	Malcolm D Ham	19 Aug, 18:41 BST	£0.00
#1427591943	SOLD OUT Daughter & Mum Handrolled Truffle Making - With glass of Prosecco!	Elizabeth Mc Knight	19 Aug, 18:41 BST	£0.00
#1427591411	SOLD OUT Daughter & Mum Handrolled Truffle Making - With glass of Prosecco!	Jessie Walker	19 Aug, 18:40 BST	£0.00
#1283588787	SOLD OUT! Daughter & Mum Cup Cake Decorating - With a glass of Prosecco!	Eaine DONALD	1 Mar, 20:27 GMT	£53.38
#1276487711	SOLD OUT! Daughter & Mum Cup Cake Decorating - With a glass of Prosecco!	Amy Anderson	25 Feb, 23:30 GMT	£106.58
#1263802265	SOLD OUT! Daughter & Mum Cup Cake Decorating - With a glass of Prosecco!	Julie McClelland	17 Feb, 10:03 GMT	£53.38
#1388800625	Daughter & Mum Handrolled Truffle Making - With a glass of Prosecco!	KATHRYN HILDITCH	20 Feb, 16:50 GMT	£53.38
#1220868517	SOLD OUT! Handrolled Chocolate Truffle Making Workshop	Natasha McClelland	17 Jan, 14:38 GMT	£26.84
#1208330990	SOLD OUT! Handrolled Chocolate Truffle Making Workshop	Clodagh Moriarty	8 Jan, 13:12 GMT	£53.38
#1201822488	SOLD OUT! Handrolled Chocolate Truffle Making Workshop	Karla Hunter	2 Jan, 22:30 GMT	£106.58
#1184348513	SOLD OUT! Handrolled Chocolate Truffle Making Workshop	Linda Kapur	11 Dec, 15:58 GMT	£26.84
#1146482435	SOLD OUT! Decorating A Fruit Cake	Maggie McGill	11 Nov, 12:51 GMT	£25.00
#1141549417	SOLD OUT! Decorating A Fruit Cake	Amy Anderson	7 Nov, 15:40 GMT	£50.00

Further rural grant to develop the advertising of the kitchen facilities in 2021

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
 Planning Reference - LA06/2023/1573/O
 Applicant – Lestas
 Agent – Montgomery Irwin Architects



Local farm family member hiring kitchen for commercial food development in 2020



Local farm family member running the Causeway Cookery School in the kitchen in 2019 – list of delegate names for a class

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
 Planning Reference - LA06/2023/1573/O
 Applicant – Lestas
 Agent – Montgomery Irwin Architects

Order no.	Order Date	First Name/Surname	Email	Quantity	Ticket Type	Order Type	Total Paid	Event Price	Event Price/Attendee	Billing Ad	Billing Ad Billing City
1	2023-07-26	Lorraine	lorge@l@larchitects.co.uk	2	Individual Event Price		48.00	3.00	0	Attending	
3	2023-07-26	Emma	emma@l@larchitects.co.uk	1	Individual Event Price		24.00	1.50	0	Attending	
4	2023-07-27	Paul	paull@l@larchitects.co.uk	2	Individual Event Price		48.00	3.00	0	Attending	
5	2023-07-26	Aislinn	aislinn@l@larchitects.co.uk	1	Individual Event Price		24.00	1.50	0	Attending	
6	2023-07-26	Elaine	elaine@l@larchitects.co.uk	1	Individual Event Price		24.00	1.50	0	Attending	
7	2023-07-26	Linda	linda@l@larchitects.co.uk	1	Individual Event Price		24.00	1.50	0	Attending	

Insurance Policy Cover for Development Kitchen in 2018

Section 1: Material Damage

Cover
 Loss of or damage to the insured property arising out of the insured Risks as defined below.

Premises: 58 Glenstall Road, Ballymoney, Northern Ireland, BT53 7QN

Occupancy Details

Occupant Type	Landlord Type
Food Manufacturing	Long term

Buildings

Insured Risks
 All Risks
 Subrisks: Ground Heave/Landslip

Declared / Full Value (£)	Inflation Provision	Sum Insured (£)
150,000	Clay One Up (1) (25.00%)	200,000

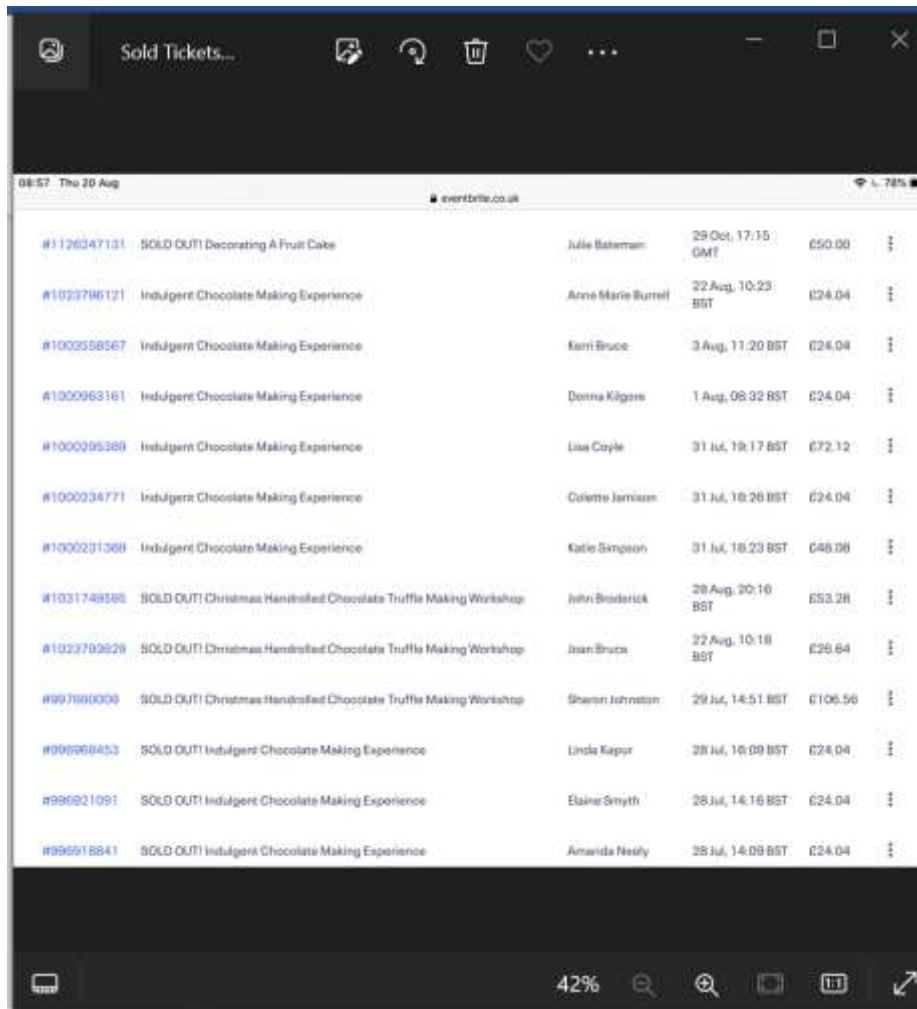
Contents Items

Item Type	Sum Insured (£)
Contents - Landlord	10,000

Excess
 [BT53 7QN] Building - £200.00
 [BT53 7QN] Contents - Commercial - £200.00

Local farm family member running the Causeway Cookery School in the kitchen in 2018

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
 Planning Reference - LA06/2023/1573/O
 Applicant – Lestas
 Agent – Montgomery Irwin Architects



Sample of expenditure payments made for the original establishment of the kitchen in 2014

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
Planning Reference - LA06/2023/1573/O
Applicant – Lestas
Agent – Montgomery Irwin Architects

Ulster Bank Personal Banking, Northern Ireland

Ulster Bank

View credit card transactions

Credit card number [REDACTED]
 Statement date 24 Sep 2014
 Statement closing balance [REDACTED]
 Minimum payment [REDACTED]
 Payment due date [REDACTED]
 Previous period -
 Next period

Posting date	Transaction date	Type	Description	Paid in	Paid out
25 Aug 2014	24 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
25 Aug 2014	24 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
25 Aug 2014	23 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
26 Aug 2014	25 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
27 Aug 2014	26 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
27 Aug 2014	23 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
28 Aug 2014	28 Aug 2014	DEBIT	[REDACTED]	-	[REDACTED]
28 Aug 2014	27 Aug 2014	CASH	[REDACTED]	-	[REDACTED]
1 Sep 2014	29 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
1 Sep 2014	31 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
1 Sep 2014	30 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
1 Sep 2014	30 Aug 2014	SALE	[REDACTED]	-	[REDACTED]
1 Sep 2014	1 Sep 2014	[REDACTED]	[REDACTED]	-	[REDACTED]
1 Sep 2014	29 Aug 2014	[REDACTED]	[REDACTED]	-	[REDACTED]
3 Sep 2014	2 Sep 2014	SALE	[REDACTED]	-	[REDACTED]
3 Sep 2014	[REDACTED]	SALE	[REDACTED]	-	[REDACTED]
3 Sep 2014	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-
5 Sep 2014	4 Sep 2014	SALE	[REDACTED]	-	[REDACTED]
5 Sep 2014	4 Sep 2014	SALE	[REDACTED]	-	[REDACTED]
8 Sep 2014	5 Sep 2014	[REDACTED]	[REDACTED]	-	[REDACTED]
8 Sep 2014	5 Sep 2014	SALE	MCCANDLESS COLERAINE GBR	-	£2,643.00
8 Sep 2014	5 Sep 2014	SALE	HFI - COLERAINE COLERAINE GBR	-	£1,800.00
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	-

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Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
Planning Reference - LA06/2023/1573/O
Applicant – Lestas
Agent – Montgomery Irwin Architects

Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
Planning Reference - LA06/2023/1573/O
Applicant – Lestas
Agent – Montgomery Irwin Architects

ANNEX 3



23-104

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Speaking notes for planning committee meeting, scheduled at 7pm on 9th April 2024
Planning Reference - LA06/2023/1573/O
Applicant – Lestas
Agent – Montgomery Irwin Architects

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2022/0930/F
Proposal	Infill dwelling, garage, and associated site works (in substitution for approvals LA06/2018/1123/O and LA06/2023/1878/RM)
Location	Lands 70m south of No. 38 Springvale Road, Ballywalter
Committee Interest	<p>A local development application “called-in” to the Planning Committee by a member of that Committee – Cllr Kerr –</p> <p>The main reason is the road safety aspect, which is still of concern to objectors given the speed of the road. Also raised is the consultation response from Environment, Marine and Fisheries Group</p> <p>'Marine Conservation Branch has reviewed the additional information provided by the applicant and would note that our concerns regarding the potential impact of coastal erosion on the site, highlighted in our previous consultation response (dated 20th October 2022, remain).</p> <p>After assessing the recently concluded Northern Ireland Historical Shoreline Analysis Survey we understand that this section of coastline has been historically eroding at a rate of between '0.01 and 0.03m' per year. As was stated in our previous response, dated 20th October 2022, we would advise that erosional issues faced at this site may be exacerbated with climate change and sea level rise further increasing the risk.</p> <p>In addition, the results of the 'Coastal Bedrock Geology' project, which was undertaken by GNSI, indicate that the bedrock geology found along this section of coastline consists of 'wacke and mudstone' which is soft and therefore may be susceptible to the impacts of erosion.</p> <p>Given this evidence we would advise that this section of coastline may be vulnerable to the impacts of erosion in the future, especially under climate change scenarios, and</p>

	<p>consequently we would have significant concerns should planning permission be granted.</p> <p>'If this development, as well as the adjacent proposed development (LA06/2022/0928F) are allowed to progress, this will likely restrict the potential for this section of coastline to naturally adapt to climate change, increasing the pressure on this largely rural area and therefore may increase the need for future sea defences, which are not guaranteed, in this location to protect this application.</p> <p>Furthermore, as stated in our previous consultation response (dated 20th October 2022) this proposal will alter the use from agricultural to domestic therefore increasing the development along a section of relatively undeveloped coast which is contrary to SPPS Section 6.35.'</p>
Validated	15/09/2022
Summary	<ul style="list-style-type: none"> • Policy context PPS21 CTY8. • There is a fallback position for this proposal. • This proposal is not significantly different to the extant fallback. • The main change in terms of siting from the fall back is the repositioning of the driveway to facilitate separate access to the proposed dwellings. • In terms of changes between the approved and proposed dwelling the ground level at the rear of the site is to be raised by 900mm • The current application proposes minor increase in ridge height to 6.8 from 6.49m from fall back. • Finishes and design acceptable. • All consultees Content aside from NIEA regarding coastal erosion – considered in Case Officer Report. • There were 3 objections from 2 separate addresses.
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0930/F	DEA: Ards Peninsula	
Proposal:	Infill dwelling, garage, and associated site works (in substitution for approvals LA06/2018/1123/O and LA06/2023/1878/RM)		
Location:	Lands 70m south of No. 38 Springvale Road, Ballywalter.		
Applicant:	Mr & Mrs Dent		
Date valid:	15/09/22	EIA Screening Required:	No
Date last advertised:	28/09/22	Date last neighbour notified:	29/09/22
Letters of Support : 0		Letters of Objection: 3, from 2 different addresses	
Petitions: 0			
Consultations – synopsis of responses:			
DFI Roads		No objections, subject to conditions.	
NI Water		Approved with Standard Planning Conditions.	
NIEA - NED		Acknowledge receipt of biodiversity checklist. Refers to standing advice.	
NIEA – Marines & Fisheries		Recommends refusal – concerns about potential impact of coastal erosion and flooding.	
NIEA – Water Management Unit		No objection – refers to standing advice.	
Shared Environmental Services		No objection with condition – would not have an adverse effect the integrity of any European site either alone or in combination with other plans or projects.	
DFI Rivers		No objection with advice and informatives.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Impact on the Site and its Surroundings • Flooding • Biodiversity and Designated Sites • Access and Road Safety • 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 Northern Ireland Public Register (https://planningregister.planningsystemni.gov.uk/simple-search)

1. Site and Surrounding Area

The application site is located on land between Nos. 38 and 40 Springvale Road, approx. 2.5km south of Ballywalter.



View from coast looking NW across application site towards nos 36 & 38.



View from no 40 towards application site in distance & nos 36 & 38.

The site is part of an agricultural field which fronts onto the Springvale Road with the Outer Ards Coastline to the rear. The site is relatively flat at the road frontage, sloping down towards the coast.



View to north west of application site (road)

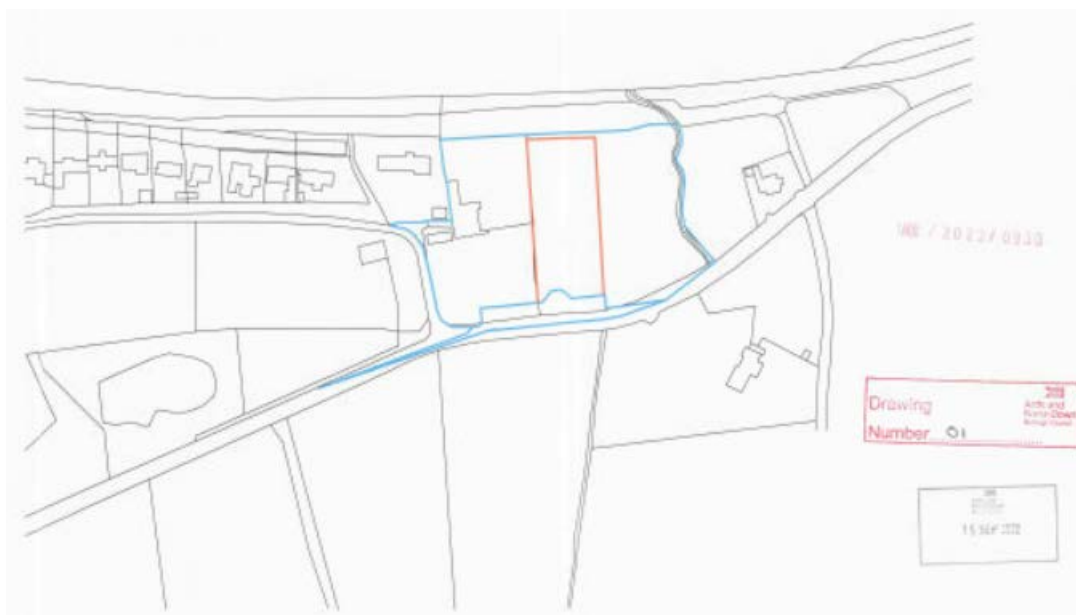


View towards north east (coast)

The northern boundary is defined by ranch fencing, with the site abutting the neighbouring site at No. 38 Springvale Road. The southern boundary is currently undefined with it located in the middle of the field, with the land to the South associated with LA06/2022/0928/F.

The surrounding area is predominantly agricultural land with dispersed dwellings and agricultural buildings and caravan parks. There is a row of large detached dwellings to the north of the site along Sand End.

2. Site Location Plan



Site Location Plan LA06/2022/0930 01 – Lands 70m South of 38 Springvale Road, Ballywalter

3. Relevant Planning History

APPLICATION SITE: HISTORY

Reference: LA06/2018/1123/O **Proposal:** Infill Dwelling and Garage.

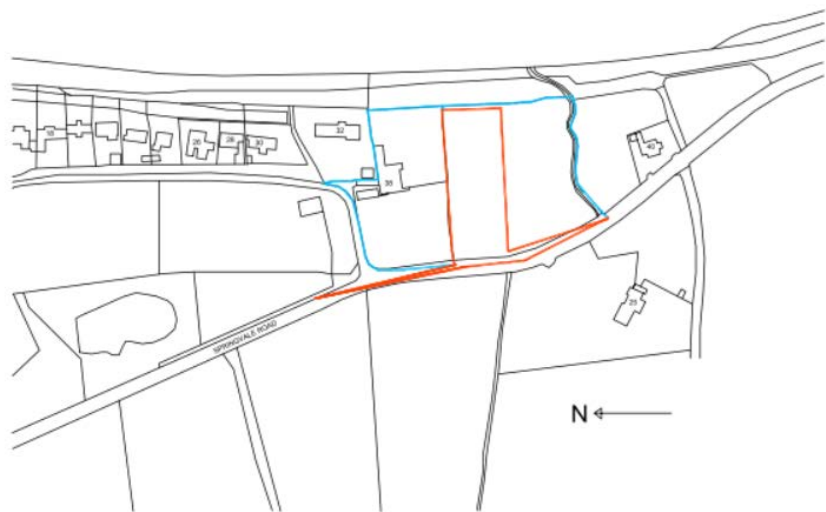
Address: Lands 70m south of No. 38 Springvale Road, Ballywalter, BT22 2RS.

Decision: PERMISSION GRANTED (10/07/2020)

Reference: LA06/2023/1878/RM **Proposal:** Infill Dwelling and Garage.

Address: Lands 70m south of No. 38 Springvale Road, Ballywalter, BT22 2RS.

Decision: PERMISSION GRANTED (01/09/23)



LA06/2023/1878/RM - Site Location Plan

Together these permissions enable an infill dwelling and garage to be built on the current application site as still extant.

The net effect is that the issuing of the RM approvals on the subject site is that full permission (Outline and RM) for an Infill dwelling and garage exists on the subject land until 31 August 2025. On this basis the applicants have a legal fallback and the consultees and ANDBC planning can only consider the net difference between what has been permitted under the RM applications and what is being proposed under the full applications.

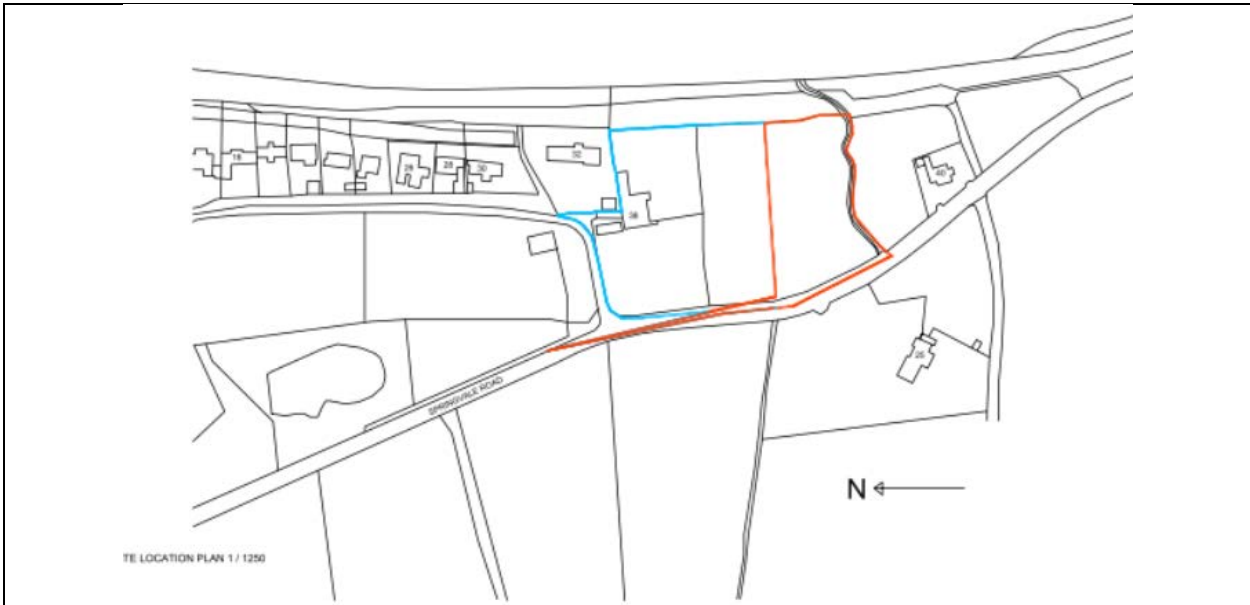
ADJOINING SITE TO SOUTH: CURRENT

Reference: LA06/2022/0928/F **Proposal:** Infill dwelling, garage & associated works
Address: Lands 85m North of 40 Springvale Road, Ballywalter.
Decision: UNDER CONSIDERATION

ADJOINING SITE TO SOUTH: HISTORY

Reference: LA06/2018/1122/O **Proposal:** Dwelling and garage
Address: Lands 85m North of No. 40 Springvale Road, Ballywalter.
Decision: PERMISSION GRANTED (10/07/2020)

Reference: LA06/2023/1879/RM **Proposal: Infill Dwelling and Garage**
Address: Lands 85m North of No. 40 Springvale Road, Ballywalter.
Proposal: Infill dwelling and garage.
Decision: PERMISSION GRANTED (01/09/23)



LA06/2023/1879/RM – Site Location Plan

Together these permissions enable an infill dwelling and garage to be built on the adjoining application site as still extant.

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP);
- The Strategic Planning Policy Statement for Northern Ireland (SPPS);
- Planning Policy Statement 2: Natural Heritage; (PPS2)
- Planning Policy Statement 3: Access, Movement and Parking; (PPS3)
- Planning Policy 15 – Revised Planning and Flood Risk; (PPS15)
- Planning Policy Statement 21: Sustainable Development in the Countryside. (PPS21)

Planning Guidance:

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

Ards and Down Area Plan 2015

Section 6(4) of the Planning Act 2011 states that determination must be made in accordance with the plan unless material considerations dictate otherwise. The application site is located in the countryside outside the settlement limit of Ballywalter, located approx. 2.5km to the north of the site, as designated in the Ards and Down Area Plan. The site is not located within any designated area. The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Principle of Development

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically Planning Policy Statement 21 (PPS 21).

The principle of an infill dwelling on this site has recently been established by the approvals LA06/2023/1878/RM and LA06/2018/1123/O. The Reserved Matters approval was on 1 September 2023.

Policy CTY1 of PPS21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Such development is considered to be detrimental to the character, appearance and amenity of the countryside. While not defined, ribbon development is understood to mean a row of buildings (even if the row does not have a continuous or uniform line, or if sited back or at angles and with gaps) which have a common frontage onto a road or are visually linked.

The policy, however, sets out circumstances under which an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

Given the permissions for an infill dwelling on the application site and the Case Officer for the Reserved Matters commented in their report *"...given the established history of the site, with outline approval for an infill dwelling attained under Planning Reference LA06/2018/1123/O and the current Reserved Matters application in compliance of stipulated conditions, I am satisfied that the principle of the dwelling remains appropriate and the proposal is considered to be in general compliance with the SPPS...."*

Impact on the Site and its Surroundings

The key differences between the current proposals and the approved applications are:

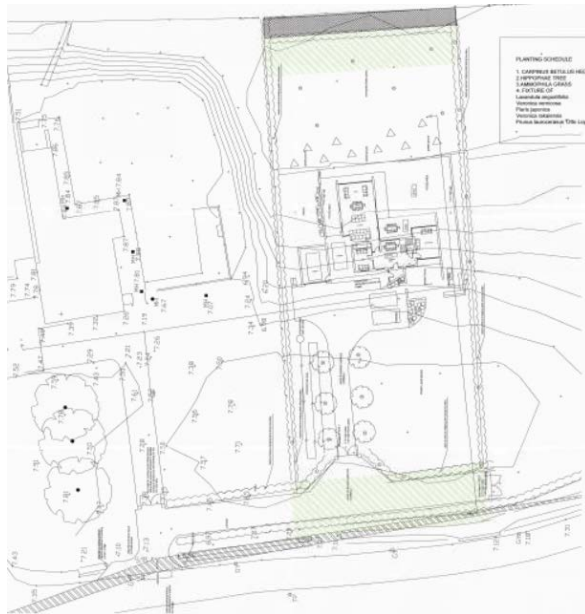
Siting

The approved dwelling as illustrated on the proposed site plan below was considered as being sited within a substantial and continuously built-up frontage and not to have a detrimental impact on, or further erode the character of the area. The approved dwelling was considered appropriate to the rural character of the area with the retention of the natural boundaries of the site conditioned to ensure this. The siting of the current dwelling is broadly comparable so it is not considered it would have an undue greater

harmful impact in this respect. Retention of the natural site boundaries will be conditioned to ensure this.



Approved Site Plan LA06/2023/1878/RM

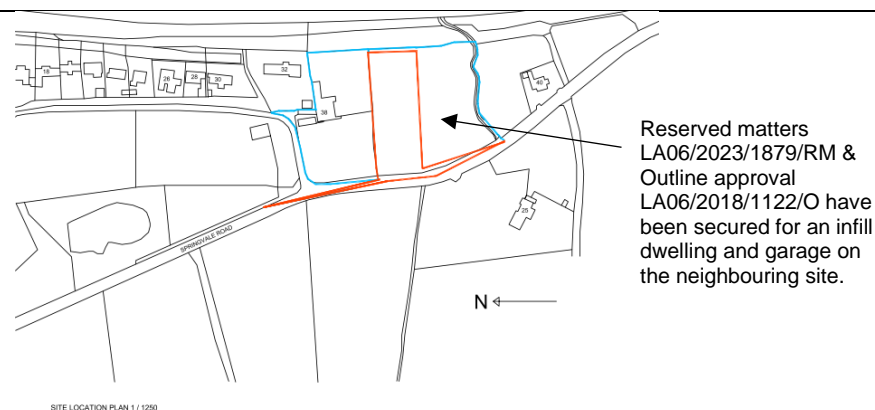


Proposed Site Plan LA06/2023/0930/F

The main change in terms of siting is the repositioning of the driveway to facilitate separate access to the proposed dwellings as can be seen from the site layout plans above and the site location plans below.



Site location plan 01 – Current application LA06/2022/0930/F



Site location plan 01 – Approved application LA06/2023/1878/RM

Condition 2 of approval LA06/2023/1878/RM states:

'A suitable and clearly defined buffer of at least 10 metres shall be maintained between the location of all construction works including refuelling, storage of fuel/oil, concrete mixing and washing areas, storage of fuel/oil, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all open watercourses, including the adjacent coastline.' The reason being to protect site integrity of European Sites.

As both the approved and proposed schemes positions a small portion of the driveway within part of the 10m buffer zone it is not considered that the repositioned driveway would have greater impact over the approved scheme to warrant refusal. This is in the part of the site furthest away from the coast and adjacent to the main road. A condition will be attached to mitigate any potential impact, to ensure site works including mixing etc take place outside this area. DfI Rivers have confirmed that the adjacent watercourse is a small undesignated watercourse, not covered under the terms of the Drainage (NI Order).

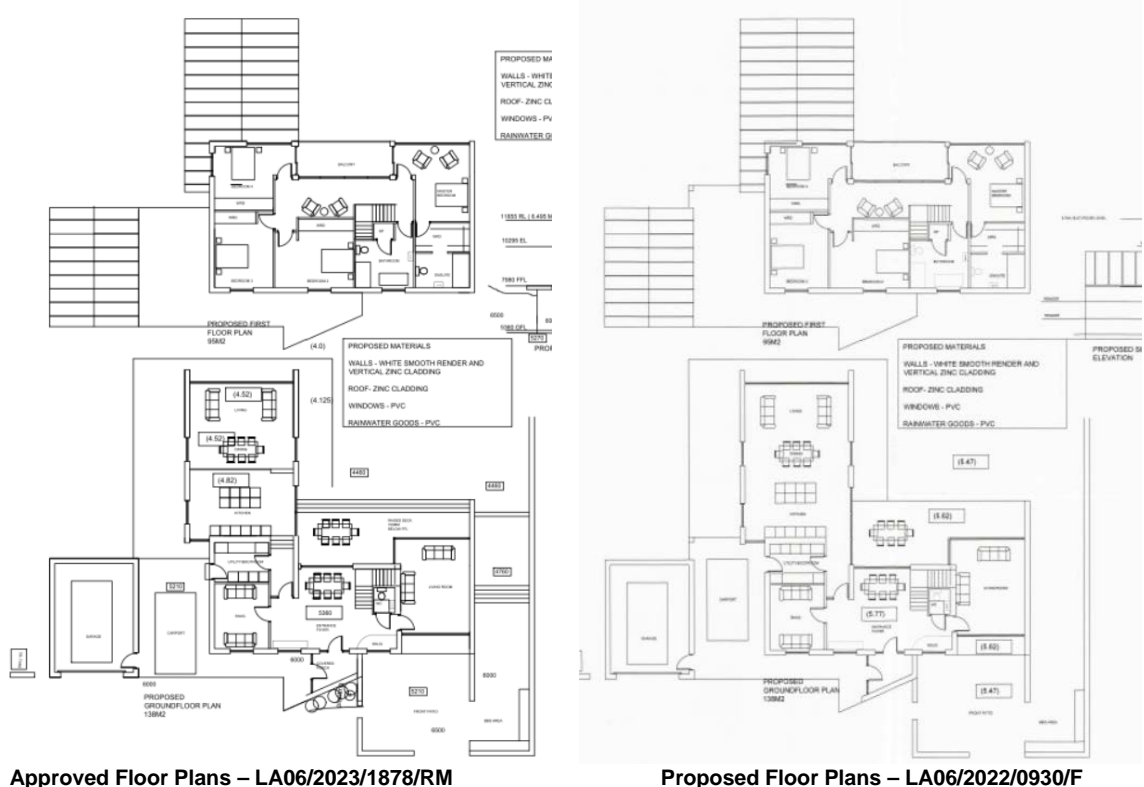
Scale and Design

The approved infill dwelling, Reference LA06/2023/1878/RM was deemed to be of a modest scale with low ridge height in compliance with outline conditions. It was considered that the proposed dwelling, including garage, carport, 1.2m high, 1.8m high gate and 2.1m high entrance pillars will not be a prominent feature and will integrate into the surrounding landscape. Further, it was considered that the proposal would not create a suburban style build up of development or create ribbon development as it is infilling a small gap site within a substantial and continuously built-up frontage as demonstrated by LA06/2018/1123/O. It was considered the proposed ancillary works will not harm the rural character and the natural boundaries of the site, with the proposed landscaping deemed to facilitate integration and ensure the new dwelling does not become a prominent feature in the landscape.

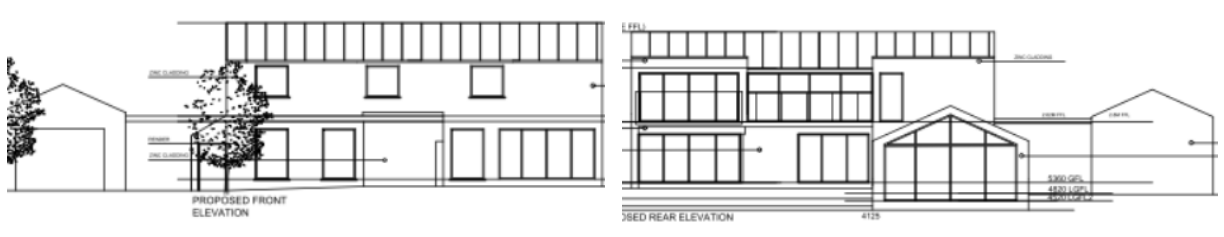
In terms of changes between the approved and proposed dwelling the ground level at the rear of the site is to be raised by 900mm. As the site falls away considerably to the rear of the site in the proposed location it is not considered that this would have an adverse impact on the overall perceived scale of the dwelling. Condition 7 of the Outline Approval LA06/2018/1123/O requires that the proposed dwelling should have a ridge height of less than 6.5m's above finished floor level with the RM dwelling being 6.49m's. The current application proposes to increase the ridge height to 6.8m's. Given the

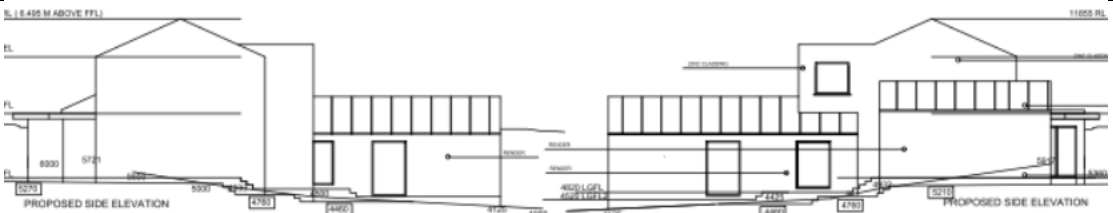
variation of dwelling heights along the Springvale Road it is not considered that a small increase of 0.305m would have a significant impact.

The overall size of the dwelling is very similar in terms of size to the approved dwelling, number of bedrooms, design and appearance as can be seen from the floor plans and elevations below. It is not considered it would have undue harm over the approved infill dwelling. As with the RM dwelling approval conditions will be attached to secure retention of existing and provision of additional landscaping to facilitate integration.

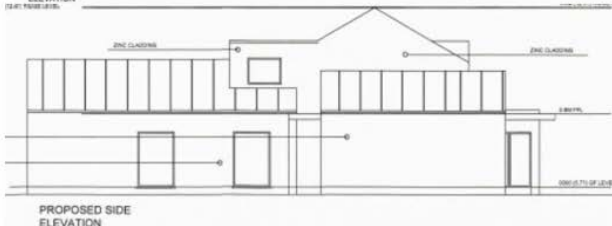
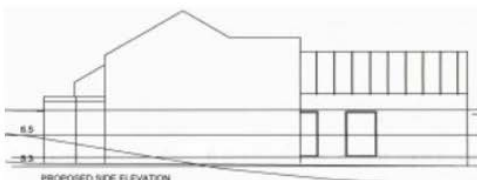


The proposed finishes of the approved dwellings are smooth rendered walls with vertical zinc cladding, zinc cladding for the roof with uPVC windows and rainwater goods. These remain essentially unchanged from the approved application LA06/2023/1878/RM which was considered acceptable in the rural context and in general compliance with the guidance provided within Building in Condition. It was also acknowledged that the approved dwelling would be similar in appearance to the approved dwelling for the adjoining site to the South – LA06/2023/1879/RM. The Agent and architect have designed the proposals with a contemporary design approach with the use of some high-quality materials which will enhance their rural setting.

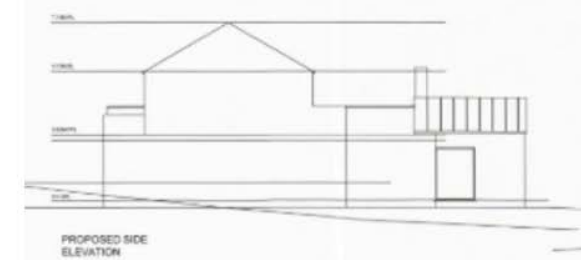
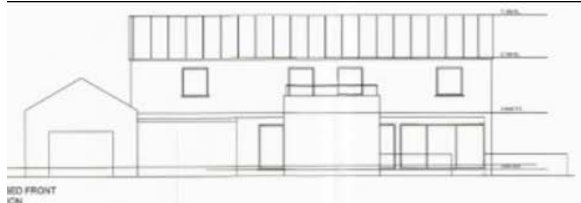




Approved Elevations LA06/2023/1878/RM



Proposed Elevations – LA06/2022/0930/F



Proposed Elevations – LA06/2022/0928/F – Neighbouring Site to South

Further, existing and proposed landscaping, will facilitate the integration of the proposed dwelling within the wider area which is characterised by sporadic detached dwellings. Also, the application site shall benefit from enclosure provided to the north by 38 Springvale Road and to the south by the approved dwelling associated with LA06/2023/1879/RM or the concurrent proposal LA06/2022/0930/F if approved.



No. 38 Springvale Road to the north

The current proposal therefore remains in accordance with Policies CTY13 and CTY14 of PPS 21.

Residential Amenity

Creating Places (Paragraph 7.13) states '*The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment...*' Also, that '*well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy.*'

The approved dwelling was not considered to have an unacceptable adverse impact on privacy or amenity of neighbouring dwellings. Neighbour 38 Springvale Road is located to the north of the site over circa 25m's away. Number 40 is separated by the proposed dwelling to the South. Consequently, it is deemed that the proposal shall have minimal detrimental impact upon levels of privacy or amenity of any existing dwelling.

The closest neighbour to the proposed dwelling is the proposed new infill dwelling on the adjoining site (LA06/2022/0928/F) being considered concurrently. These two dwellings have been designed and sited to harmonise together and to minimise loss of privacy, overlooking and loss of light. Hedging is proposed between the two dwellings along with a 1.2 m high wall and the single storey detached garage and carport to the current application. While there are the side terraces facing as these have been carefully orientated to minimise overlooking, for example with the sides of first-floor terraces aligning with a blank gable without fenestration. Further these design features were included in the approved dwellings with no concerns raised. Whilst the proposal includes a balcony to the rear, there are no concerns that it will have a detrimental impact on neighbouring levels of privacy. The balcony is orientated towards the coast to maximise views, with minimal impact upon levels of privacy upon any neighbouring dwelling.

The approved dwelling was not considered to have an unacceptable adverse impact on privacy or amenity of neighbouring dwellings. The current proposals are broadly similar in terms of siting, positions of terraces and detail than the fall-back approved scheme so there is no firm basis on which to object.

Access and Roads Safety

As with the approved dwelling the current proposals include a garage, carport and provide for two parking spaces. From the approved applications the access has been

moved to facilitate separate entrances. DfI Roads have been consulted and have no objections to the revised positions, subject to conditions which are attached.

The dwellings have been designed to avoid split level ground floor living allowing for accessibility for occupants as well as maintaining a satisfactory slope to the driveways.

Flooding

DfI Rivers have been consulted in relation to flooding and have confirmed that the Coastal Flood Plain is not applicable to this site.

Also, that the Strategic Layer of Flood Maps (NI) indicates an area of predicted 1 in 100 year fluvial flooding just impinging centrally on the Southern boundary of the site. During the assessment of LA06/2018/1123/O the applicant was requested to undertake a Flood Risk Assessment. A FRA was submitted which established that the land where development is proposed is located above the predicted fluvial and coastal floodplains. As such DfI Rivers commented that whilst DfI Rivers are not responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.

Policy FLD2 which relates to the protection of flood defence and drainage infrastructure is applicable as the proposal is located beside a small undesignated watercourse. DfI Rivers commented that under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

Policy FLD3 which relates to development and surface water is not applicable as the proposal does not exceed any of the thresholds specified within this policy. A Drainage Assessment is not therefore required.

Policy FLD4 - Artificial Modification of Watercourses and Policy FLD5 - Development in Proximity to Reservoirs are not applicable to this site.

The proposal is therefore considered acceptable from a flood risk perspective. DfI Rivers advises however that in accordance with Paragraph 5.1 of PPS15 all liability in respect of flooding lies with the developers or owners in respect of this application site. Planning Informatives are included in their response.

Biodiversity and Designated Sites

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services on behalf of ANDBC which is the competent authority responsible for authorising the project. Following this assessment and considering the nature, scale, timing, duration and location of the project, SES advised that it 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 way in which the project is to be carried out including any mitigation. The conclusion is subject to a buffer between the location of all construction works and all open watercourses, including the adjacent coastline being conditioned. This condition has been attached.

Shared Environmental Services also refer to NIEA Marine and Fisheries Division's concerns regarding likely future protection requirements – the proposed development is located along a coastline which is considered to be at high risk of erosion and is adjacent to the present and projected climate change sea floodplain boundaries. In determining the weight to be attached to this consideration we need to be cognisant of the recent extant planning permissions granted for a dwelling on this site which as discussed earlier in terms of scale, bulk and siting is very similar to the current proposal. This is a legal fallback position. Further, DfI Rivers in their response above have confirmed that the Coastal Floodplain is not applicable to this site and a Flood Risk Assessment was submitted for LA06/2018/1123/O which established that the land where development is proposed is located above the predicted coastal floodplain. As such these comments are set aside. Further, SES in their response have advised the applicant that any proposed sea defences in the future [potentially due to climate change] would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment.

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

Regard also has to be had to the fallback position, with the site having attained outline permission for the infill dwelling under LA06/2018/1123/O and subsequent Reserved Matters approval LA06/2023/1878/RM.

5. Representations

Three letters of objection from two addresses have been received. The two main planning considerations raised are as follows:

Road Safety:

- The housing would be adding to an already dangerous road on the A2 with a speed of 60mph. The immediate road has been the site of a number of serious traffic accidents.
- The application appears to show amendments and a new laneway onto the Springvale Road which appears to serve this site and is close to a series of S-bends in the road. Visibility of and from a new entrance is likely to be restricted and could constitute an increased road safety risk on what is already a very fast and busy 60mile per hour 'A' road.
- Further to the above comment it is the objectors understanding that a vehicle very recently left the road on the 60mph bend and ended up in the ditch outside the field to which this application relates. This application, if approved would add to the already hazardous nature of this bend. It is already difficult to see/hear oncoming vehicles when joining the main road from the lane which gives access

to our property due to the speed of traffic, particularly in adverse weather conditions.

Comment: DfI Roads, as the expert consultee, were consulted in relation to the proposed access and impact on road safety and offer no objections, subject to compliance with the conditions.

Flooding:

- The proposed site has been affected by serious sea flooding, causing impact from close water.

Comment: DfI Rivers, as the expert consultee, were consulted in relation to flooding and considered the proposal in line with the current Revised Planning Policy Statement 15 'Planning and Flood Risk' dated September 2014. They commented that the Coastal Floodplain is not applicable to this site and have no specific reason to object.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing LA06/2022/0930/F 03 (Access/Splays) prior to the commencement of any other development hereby permitted.

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

3. In accordance with the Proposed Site Layout Plan, Drawing LA06/2022/0930/F 03 (Access/Splays), the area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access

crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. A suitable and clearly defined buffer of at least 10 metres, as shaded green on Drawing LA06/2022/0930/F 02, shall be maintained between the location of all construction works including refuelling, storage of fuel/oil, concrete mixing and washing areas, storage of machinery/material/spoil etc. and all open watercourses, including the adjacent coastline.

Reason: To protect site integrity of European sites.

6. Before any works begin, appropriate storm drainage of the site using sediment/silt traps, socks or fences shall be designed and installed to the principles of SuDS (CIRIA SuDS Manual C753).

Reason: To protect site integrity of European sites.

7. The existing natural screenings of the site along the southern boundary of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and biodiversity.

8. The hard and soft landscape works shall be carried out in accordance with Drawing No. LA06/2022/0930/F 02. All new planting shall be permanently retained, as indicated on Drawing 02 and shall be undertaken during the first available planting season after the occupation of the dwellings hereby approved.

Reason: In the interest of visual amenity.

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

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

10. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into Outer Ards Ramsar site/ASSI as well as the watercourse which flows along the western boundary of the site.

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

Informative

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

Speaking Note - LA06/2022/0930/F

Infill dwelling, garage and associated site works (in substitution for approvals LA06/2018/1123/O and LA06/2023/1878/RM)

Chairman, and members of the committee, thank you for giving me the opportunity to speak in support of this application and the professional officer's recommendation to grant permission.

Process History – Chronology

The subject site and adjacent site have a detailed planning history as you will note in the accompanying planning committee report, but for ease this is as follows:

LA06/2018/1123/O – Outline permission for infill dwelling and garage – granted 10th July 2020, and LA06/2023/1878/RM – Reserved matters for infill dwelling and garage – granted 1st September 2023

Extant planning permission until 31st August 2025

Net Differences between the Outline + Reserved Matters

This full application has been submitted as it seeks an amalgamation of access/egresses onto the Springvale Road, which would reduce the number of accesses from that previously permitted.

The position of the access/egress would constitute an enhancement to that previously approved as it provides better visibility towards Ballyhalbert.

There are also some minor changes to the house design as follows;

1. Driveway within 10m buffer zone
2. Ridge height from GFL is 6.8m – RM ridge height from GFL – 6.495m – net difference 0.305m
3. Ground level at rear of site raised by 900mm, so proposed GF level would be 1.5m above existing ground level (site falls away considerably to rear of site in proposed house locations)

Legal Fallback

The effect of the issuing of the outline (LA06/2018/1123/O) and reserved matters (LA06/2023/178/RM) approvals is that the applicant benefits from full planning permission (Outline + RM) on the subject lands until 31st August 2025.

These permissions remain extant, and the applicants have a legal fallback position. This means that the consultees and planning officer's consideration can only extend to the net difference between what has been permitted under the Outline + RM application(s) and what is now being proposed under the full application.

The fallback concept is fact specific and *Gambone v Secretary of State for Communities and Local Government* [2014] EWHC 952 (Admin), is the most recent authority on the doctrine of fallback and applied the earlier legal principles in *Zurich Assurance Ltd T/A Threadneedle Property investments v North Lincolnshire Council & Simons Developments Ltd* [2012] EWHC 3708 (Admin).

The concept of fallback is also referenced in several subsequent legal authorities, such as; *Michael Mansell v Tonbridge & Malling Borough Council* [2016] EWHC 2832 (Admin) and in the Northern Ireland High Court in *Mooreland & Owenvarragh Resident's Association's Application v DOE* [2014] NIQB 130

The concept of fallback is simply an approach to weighing material considerations, which in this circumstances relates to the extant permission(s) LA06/2023/1878/RM & LA06/2023/1879/RM.

The correct approach is to initially consider if there is a greater than theoretical possibility that the development might take place.

In this case the permission(s) are clearly extant until 31st August 2025 and given the relatively minor differences in the design it is safe to accept there is more than theoretical prospect of them occurring.

In deciding that the fallback is material to the decision, the next step is to decide how much weight should be attached to it. This will vary from circumstance to circumstance and will be particularly fact sensitive. Factors to be weighed in the balancing exercise are the materiality of the net differences and the scale of the harm, if any, that would arise.

In this circumstance the full application relates to minor design aspects and a revised access/egress position.

DFI Roads offers no objection and there has been no evidence presented by 3rd parties to the contrary of this opinion.

In this fact specific situation there are extant permission(s) and taking account of the factors as outlined it forms a genuine fallback for the applicants.

Whilst there are objections from other consultees, namely NIEA Marine & Fisheries. Unfortunately, these objections pay no regards to the applicant's legal fallback position.

The NIEA Marine & Fisheries consultation response extends beyond the scope of the net differences and seek to comment on the principle of development as if the fallback does not exist.

Crucially DFI Roads offer no objection to the revised access/egress, which is the most notable alteration.

Whilst it is accepted that responses from a consultee will be considered as a material consideration in forming an opinion on any application.

The appropriation of weight to be attached to any response is a matter of planning judgement, which rests with the decision taker.

DFI Roads, as the competent authority has offered no objection to the proposal based on road safety or inconvenience to traffic flow / progression along the Springvale Road.



Moreover, DFI Roads offered no objection on the previous outline and reserved matters applications, or the 3 applications on the adjoining lands, which have all been permitted.

Conclusion


The officers report correctly weighs the applicant's legal fallback position and confirms the proposal is compliant with all aspects of the local development plan, regional planning policy and that all material considerations have been considered.

Planning decisions can only be taken in an evidential context and all the evidence including the responses from the DFI Roads would indicate that there is a lack of any sustainable objections to this proposal.

We fully support the positive recommendation before members, and I would respectfully ask that you as a committee endorse the grant of planning permission.

Thank you for your time and we are happy to answer any specific questions you may have.



Development Management Case Officer Report			
Reference:	LA06/2023/2012/F	DEA: Holywood & Clandeboye	
Proposal:	Dwelling (change of house type from approval W/2011/0015/RM)		
Location:	Land between 3 and 4 Sheridan Grove, Helen's Bay		
Applicant:	Peter Thompson		
Date valid:	21/7/2023	EIA Screening Required:	No
Date last advertised:	11/1/2024	Date last neighbour notified:	20/12/2023
Letters of Support: 0	Letters of Objection: 28 (9 separate addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads		No objection	
NI Water		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Parking and Access • Impact on Residential Amenity • Visual impact • Impact on Biodiversity 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)</p>			

1. Site and Surrounding Area

The site was previously the side garden of No.3 Sheridan Grove, which has now been segregated by a timber fence. Foundations have been evacuated and concrete poured as per the previous approval, however at the time of site visit these had been grown over. The remainder of the site consists of overgrown scrub and grass. The site slopes steeply downward in an easterly direction. The rear boundary consists of a mature hedgerow with a public car park beyond. The northern boundary consists of a mixture of treatments including a timber fence, a mature tree, and at the time of the site visit a hedgerow along the lower section of the garden. However, this has since been completely cut back.

The site is located within a cul-de-sac and within the settlement limits of Helen's Bay and within the proposed Helen's Bay Area of Village character as designated within the draft BMAP.



Figure 1 – site photograph looking to the rear of the site



Figure 2 – site photograph looking toward the front of the site

2. Site Location Plan



Figure 3 – site location map



Figure 4 – Aerial image of site

3. Relevant Planning History

W/2007/0123/O - No 3A Sheridan Grove, Helens Bay - Outline permission for 1No dwelling between No 3 & No 4 Sheridan Grove, Helens Bay – Approval April 2008

W/2011/0015/RM - Lands between Numbers 3 and 4 Sheridan Grove, Helen's Bay - Single dwelling – Approval – September 2011 – (Extant approval)

LA06/2023/0691/CA - Lands between Numbers 3 and 4 Sheridan Grove, Helen's Bay – Alleged unauthorised development – development commencing before planning application LA06/2023/0012/F is approved

4. Planning Assessment

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

- North Down & Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Addendum – Areas of Townscape Character
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 15: Revised – Planning and Flood Risk

- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards

Principle of Development

Regional planning policies of relevance are set out in the SPPS and other retained policies. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and the retained policies contained in PPS2, PPS3, APPS6, PPS7, PPS7A, PPS12 and PPS15 therefore these remain the applicable policy documents to consider the development under.

The application site is within the settlement limit of Helen's Bay as defined in both the North Down and Ards Area Plan 1984-1995 and the Draft Belfast Metropolitan Area Plan 2015. The site is also within the proposed Helen's Bay Area of Village Character as designated in the Draft Belfast Metropolitan Area Plan 2015. NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable.

The NDAAP at section 13.7 states that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town.

Background

The site benefits from an extant approval under W/2011/0015/RM for a single dwelling. Evidence has been provided by the agent and has been collaborated by the council, in regard to the excavation and concrete pouring for foundations within the timeframe of the Reserved Matters application.

There were several pre-commencement conditions attached to the outline permission that include visibility splays and submission of FFL details. I am content that these conditions have been complied with and the original permission has been lawfully commenced.

As this extant permission represents a fall-back position, appropriate weight must be afforded to this as a material consideration in the assessment of the current proposal.

As the principle of the development of a dwelling has already been established on the site, the only matters which require consideration under this current application are any differences in the design and layout of the development along with any change in circumstances relating to the site and surrounding area. There has been no change in the planning policy context since the approval of the original application.

The original plans submitted for the change of house type were considered to be unacceptable due to the restrictions of the site and potential impact on the residential amenity of neighbouring dwellings, see figure 5. Amendments were subsequently received for further consideration.



Figure 5 - original elevation submission



Figure 6 - Amended elevations

Comparison of Extant and Proposed Developments

The proposed development has a slightly larger footprint than the extant permission, see figures 7 and 8, with the addition to the front section (south-west corner).

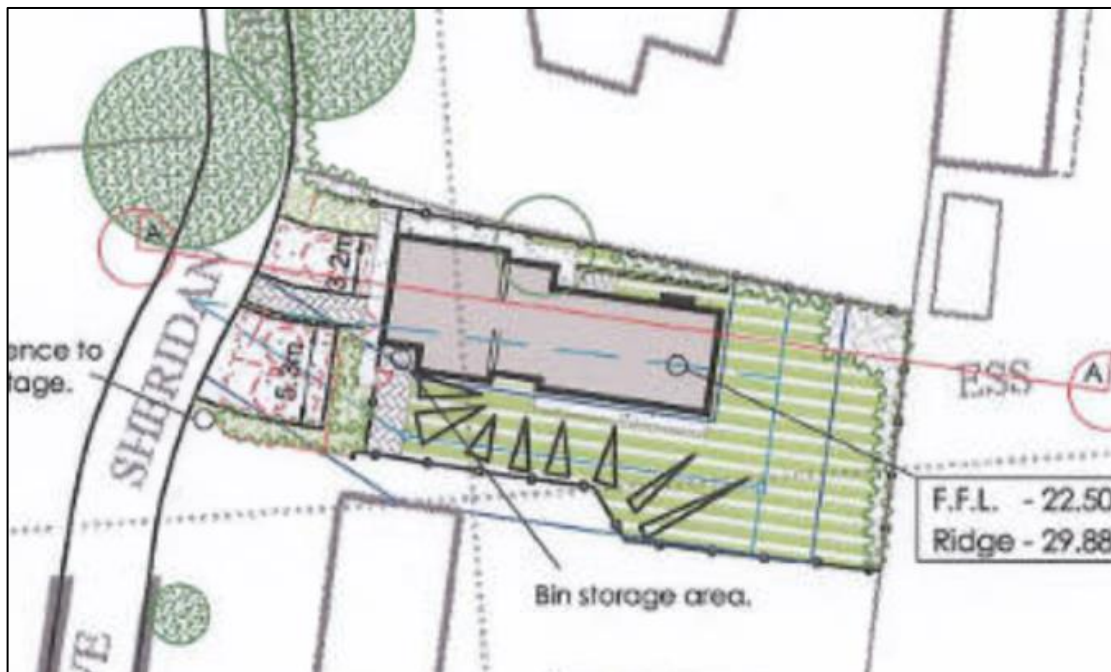


Figure 7 - Extant approval - W/2011/0015/RM – block plan

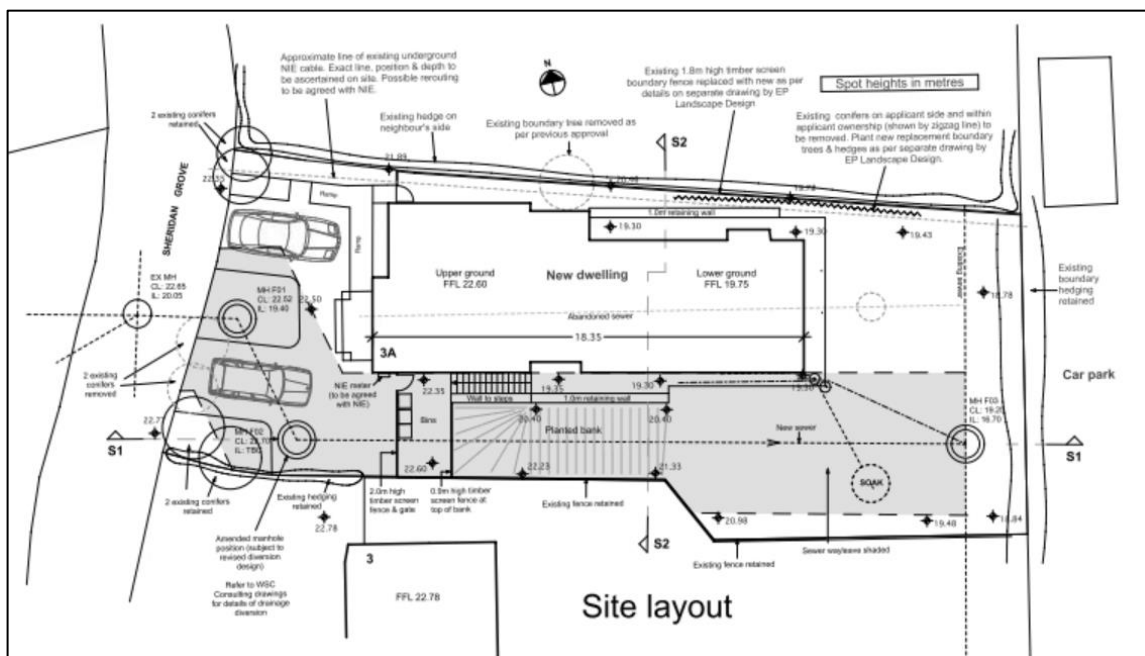


Figure 8 - Proposed block plan

The proposed height to the front, is the same as that previously approved, at 7.6m from existing ground level. The total depth (measured from the front to rear) has increased from 17.6m to 18.4m. The proposed height when measured from the rear ground level

remains the same as that previously approved, at 10.5m when taken from finished floor level. The width of all sections is similar to the extant permission.

As previously stated, the footprint to the front has increased by bringing the 'setback' section (south west corner) of the main dwelling forward.

The proposed depth of the front section of the dwelling has increased from approximately 6.2m to 6.8m. The middle and rear sections have increased by a total of 0.2m, giving a total depth of 11.6m, whereas the previous approval was 11.4m.

There is a slight reduction in the proposed height of the middle (stair) section, which is measured at 8.4m, whereas the previous approval is 8.5m. The proposed rear section also has a reduction in height from the approved 6.5m to a proposed height of 6.2m. See figure 9 below. The existing and proposed ground levels are detailed in Drawing No.5c, see figure 8 above.

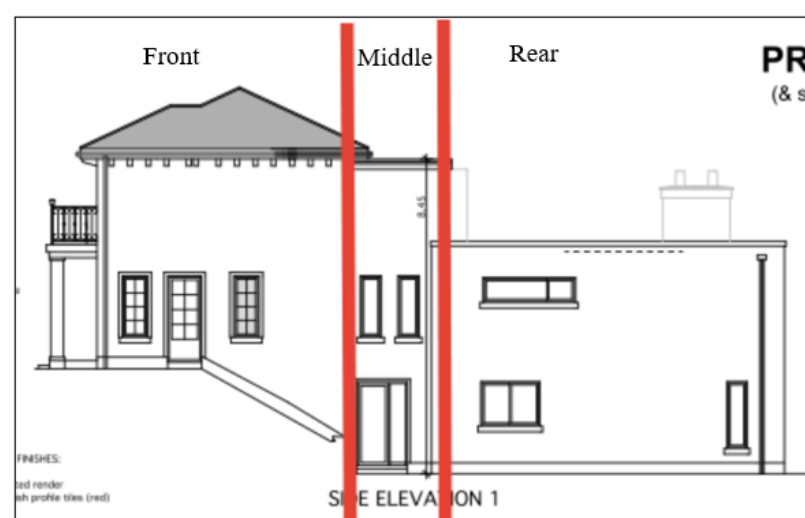
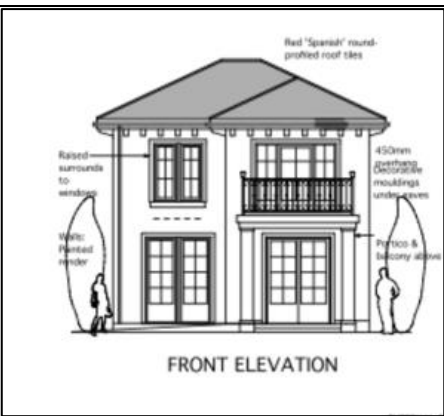


Figure 9 – dwelling division

Other amendments include the addition of windows. The roof design has also been amended as has the front with the introduction of a first-floor balcony over the porch area. The chimney has also been removed.



Front elevation -Extant approval



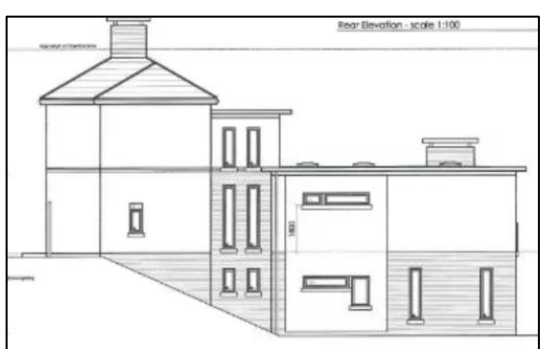
Front elevation – proposed



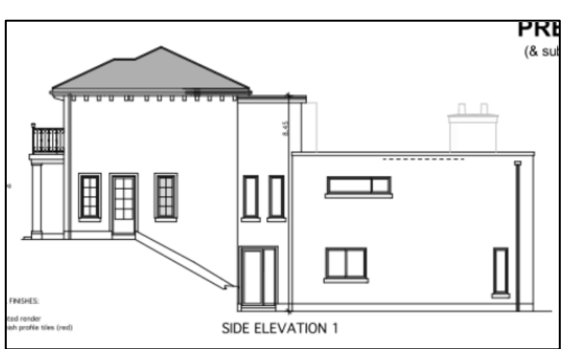
Extant rear elevation



Proposed rear elevation



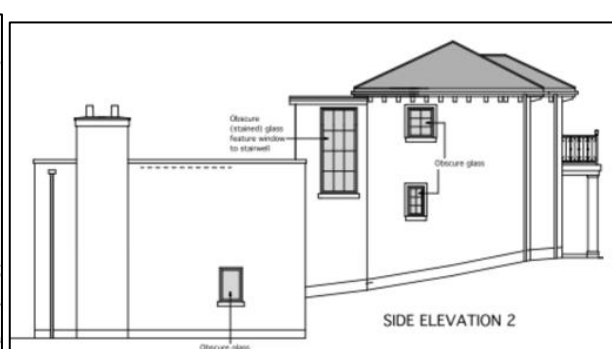
Extant side elevation (southern)



Proposed side elevation (southern)



Extant side elevation (northern)



Proposed side elevation (northern)

Figure 10 – Comparison of extant and proposed elevations

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

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

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

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The policy goes on to state that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. Again, as the policy refers to designated ATCs, but no reference is made to draft ATCs, this element of Policy QD1 is not applicable to the development. Notwithstanding these conclusions, the potential impact of the development on the proposed AVC remains a material consideration.

Consequently, the proposed AVC designation in draft BMAP is a material consideration relevant to this application. The Commission also considered objections to the general policy (UE3) for the control of development in ATCs which is contained in draft BMAP. It is recommended that Policy UE3 be deleted and that a detailed character analysis be undertaken and a design guide produced for each individual AVC. As yet these design guides have not been published. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of Helens Bay AVC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the overall appearance of the proposed AVC remains a material consideration and can be objectively assessed. This approach has been adopted by the Planning Appeals Commission in a number of appeal decisions, for example 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor and 2020/A0099 – 17 Apartments, Seacliff Rd, Bangor.

Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area or

ATC can be achieved by a development which leaves this unharmed (the 'no harm' test).

In terms of the overall impact on the immediate area and the wider AVC, significant weight must be given to the extant permission on the site. The original proposal under the extant permission was assessed under and considered to comply with all of the relevant policies pertaining to residential development contained in PPS7 and the Addendum to PPS7 all of which are still applicable to the current proposal.

The proposed alterations to the overall design as shown in figure 10, are not considered to have any further significant impact than the existing extant permission. The overall height, scale and massing are comparable, the position of the dwelling on the site is comparable and the overall design and materials and finishes are also similar.

The proposed design is therefore, considered to be acceptable and will not detract from the character and appearance of the established residential area or the overall appearance of the proposed AVC.

Impact on Privacy and Amenity of Neighbouring Residents

In terms of potential overlooking, the additional windows on the northern elevation, are to be obscured and will not create any unacceptable degree of overlooking to neighbouring properties. A window has also been introduced on the first floor of the middle section on the rear elevation. However, it is to be recessed into projecting side walls to prevent any overlooking.

It is recommended that the side hall windows on the upper ground floor on the southern elevation should also be conditioned to be obscured, as given the difference in ground levels at the rear, they would have potential to create overlooking to the neighbouring property at No. 3. The proposed first floor side kitchen window on the southern elevation, although high level, sits at 1.6m above finished floor level and therefore would overlook No.3, and should therefore be conditioned to be obscured and permanently retained as such.

There are no overlooking concerns regarding the proposed balcony to the front, given the separation distances to the front of the dwellings opposite the site: there is a distance of 29m to No.1 Sheridan Grove along with mature boundary treatment and 20m to the front projection at No.2 Sheridan Grove and 26.5m to its front balcony.

Given the angle there will be no impact on the rear private amenity space of No.3 Sheridan Grove from the proposed balcony. The balcony will have views of the front garden of No.4 Sheridan Grove, however, given the proposed location of the dwelling, there will be no critical views toward the sunroom on the side elevation or side private amenity space along the common boundary.

There is a separation distance of 13m from the proposed balcony and the first-floor side window of No.3. However, the proposed dwelling is set behind the building line of No.3, with the proposed balcony level with the gable end, see figure 8 above, causing no adverse impact. Given the relationship between the proposed dwelling and No.4, coupled with the angle of the existing window, I am satisfied that there will not be any impact on the amenity of No.4.

It is also recommended that the flat roof of the rear section should be subject to a condition prohibiting its use as a roof terrace or as an amenity space, to limit any impact on the residential amenity of neighbouring dwellings.

In terms of dominance, loss of light and overshadowing, given the proposed heights are similar to the extant permission, and the dwelling would be positioned no closer to the existing dwellings there are no concerns regarding these.

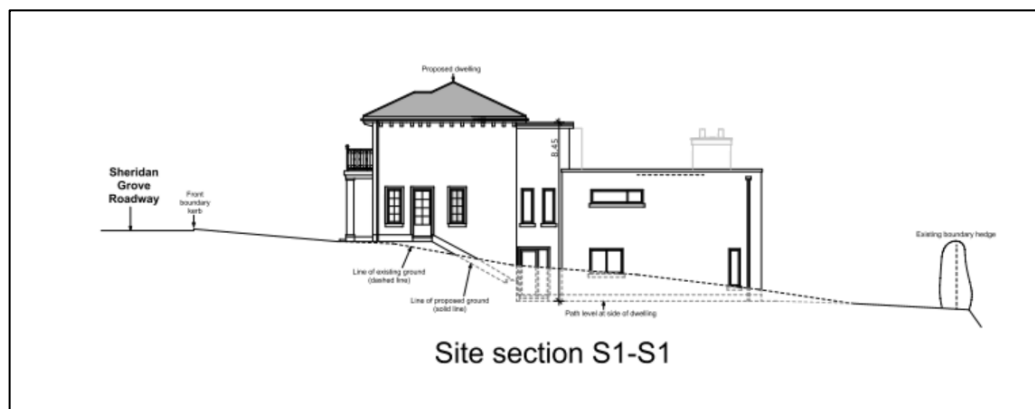


Figure 11 - proposed section

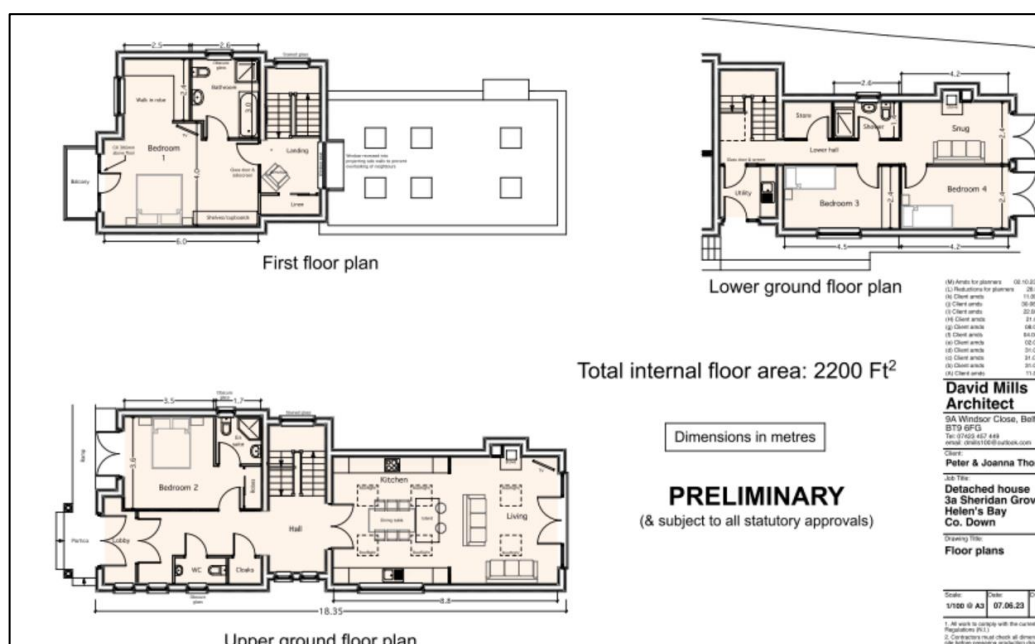


Figure 12 – proposed floor plans

Given that the boundary hedge along the northern boundary was previously conditioned to be retained to decrease the visual impact of the proposed dwelling when viewed from No.4 and given the current condition of the hedge, which has been stripped back to the trunk, additional planting was sought along this boundary to mitigate any further visual impact on No.4 Sheridan Grove. A landscape plan was submitted which included a new hedgerow along the entire northern boundary and the addition of four tall trees located at key points along the middle and lower sections of the boundary. A 1.8m timber fence is also proposed along this boundary. See figure 13 below. The existing western and

eastern boundary treatments should also be conditioned to be retained to lessen the impact on the immediate and surrounding area.

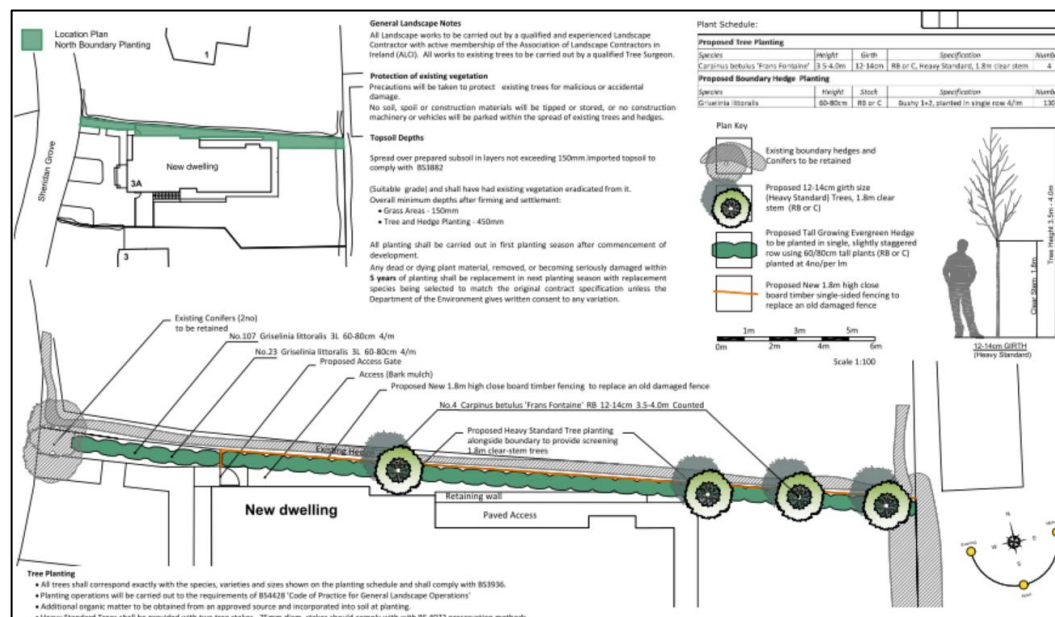


Figure 13 – Proposed landscaping

This proposed landscaping is considered to provide an attractive soft edge to the neighbouring property in addition to suitable screening.

Designated Sites and Natural Heritage Interests

Policy NH1 of Planning Policy Statement 2 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

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

As previously stated the site benefits from extant permission. An Ecology report was also submitted for consideration that found that there were no concerns regarding any potential adverse impacts on nature conservation.

Road Safety and Parking

DFI Roads has advised it has no objections to the proposal. Adequate space is available for parking as per the extant permission.

Flooding and Drainage

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. No watercourses run through the site.

A drainage assessment is not required under Policy FLD 3 of PPS 15, as the development does not exceed any of the required thresholds:

- Residential development comprising 10 dwelling units or more.
- A Development site in excess of 1 hectare.
- New hard-surfacing exceeding 1000m².

Overall, the proposed change of house type is considered to be acceptable and complies with policy, the proposed height and length are not significantly different than the extant permission as demonstrated above, and the overall design will not have any further impact on residential amenity than the extant permission.

5. Representations

28 letters of objection from 9 different addresses, have been received in regard to the application. The main issues are and relate to both the original plans and amended –

- 9 objections to the original proposal (9 separate addresses)
- 12 objections received after second/third submission (8 addresses),
- 7 objections received since latest submission (5 addresses)

Issues raised in submitted representations are summarised below:

Issues raised in relation to original submission:

- Impact on character and appearance of area
- Uncharacteristic of area
- Overlooking
- Contrary to policy
- Overdevelopment
- Overshadowing and loss of light
- Dominance

Issues raised in relation to second/third submission:

All previous objections should also be considered against the amended plans – as stated by the objectors. Additional points raised to those already stated above:

- Represents a significant increase in the size, density and height
- Concern regarding flat roof – request that roof not to be used as amenity space
- Concern re parking at front
- Loss of tree and hedge
- Impact on bats and biodiversity

Issues raised in relation to landscape details submission:

All previous objections should also be considered against the amended plans – as stated by the objectors. Additional points raised to those already stated above:

- Increase in flooding
- Right to light

Other issues raised included:

- **Proposed development contrary to deeds –**
This is not a material planning consideration.
- **Overshadowing and loss of light will lead to increase cost of lighting and heating –**
This is not a material planning consideration.
- **Land not in ownership of applicant-**
The application form was amended to reflect land ownership.
- **Impact on privacy and amenity during construction (noise and visual disturbances) -**
Any noise from construction works is considered temporary and will not adversely impact on residential amenity and as the area is within the settlement limit of Bangor, the erection of dwellings is expected.
- **Landscape condition on previous approval not complied with, hedge completely cut back –**
The hedge was not removed but cut back, therefore it still complied with this condition. The current application seeks to remove the hedge and replace with new hedge and additional vegetation.
- **Commencement of development -**
An Enforcement Case was opened in regard to unauthorised works commencing on site - LA06/2023/0691/CA

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 dwelling shall not be occupied until provision has been made within the curtilage of the site for the parking of private cars in accordance with approved Drawing No.02C. The parking area as approved shall be permanently retained thereafter and used for no other purposes.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with approved Drawing No.02C prior to commencement of development hereby permitted.

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

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

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

5. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. The existing natural screenings of this site as indicated in blue on the approved plan Drawing No.02C, shall be retained unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

7. If any retained planting is removed, uprooted or destroyed or dies, another hedgerow/tree/s shall be planted at the same place and shall be of such size and species and shall be planted within the next available planting season.

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

8. All hard and soft landscape works shall be carried out in accordance with drawing Nos. 02C and No.06. All works and new planting shall be completed during the first available planting season after the occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: In the interest of visual amenity.

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

variation.

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

10. The finished floor levels and proposed ground levels for the dwelling hereby approved shall be in accordance with the details set out on Drawing No. 02C.

Reason: In the interest of privacy and visual amenity.

11. A 1.8m fence shall be erected in accordance with the approved drawing Nos. 02C and 06 prior to the occupation of the dwelling and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

12. The windows, as shaded yellow, on drawing Nos 03B and 04B shall be finished with obscure glass. The obscure glazing shall be installed prior to the occupation of the development hereby approved and shall be permanently retained thereafter.

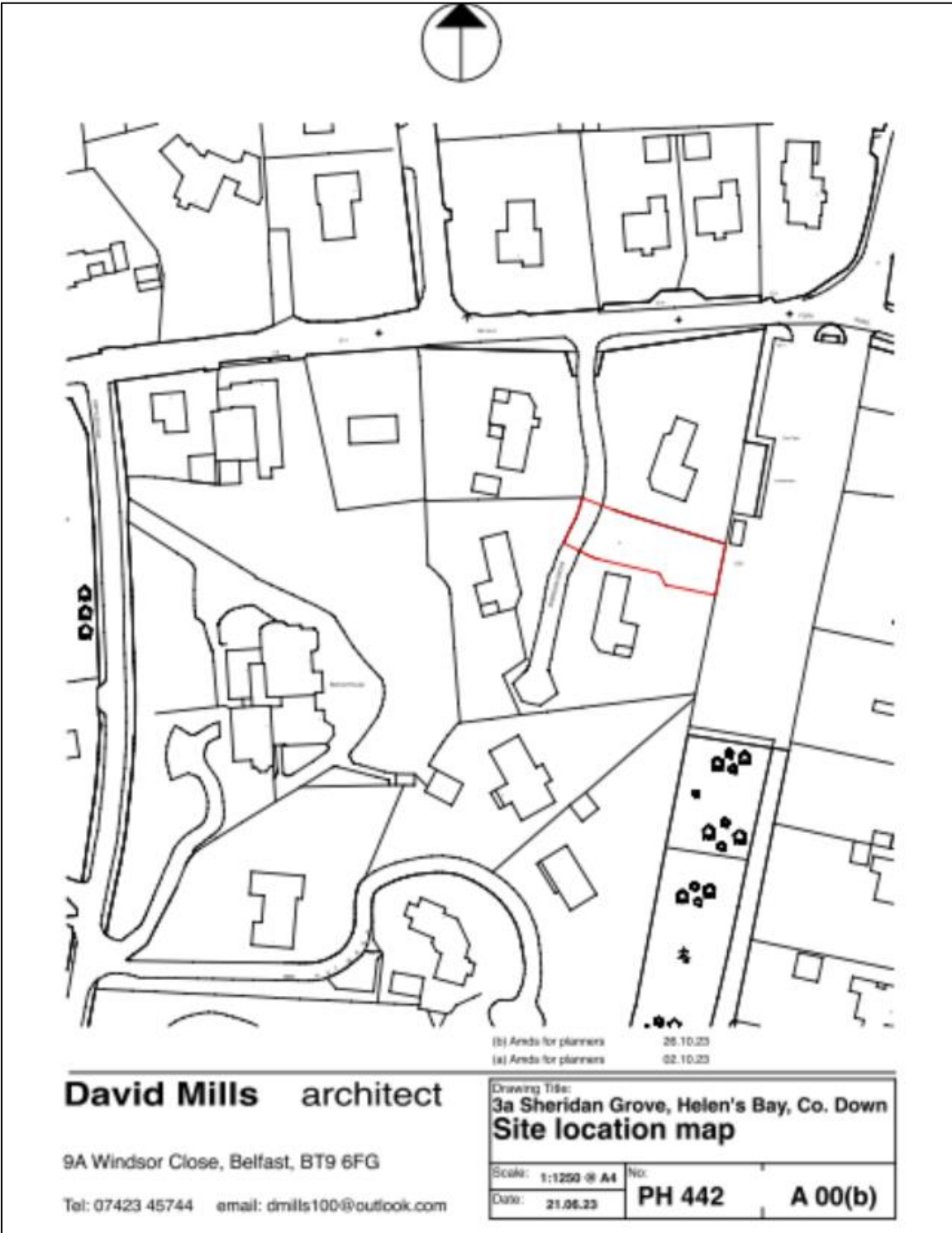
Reason: In the interest of privacy and amenity.

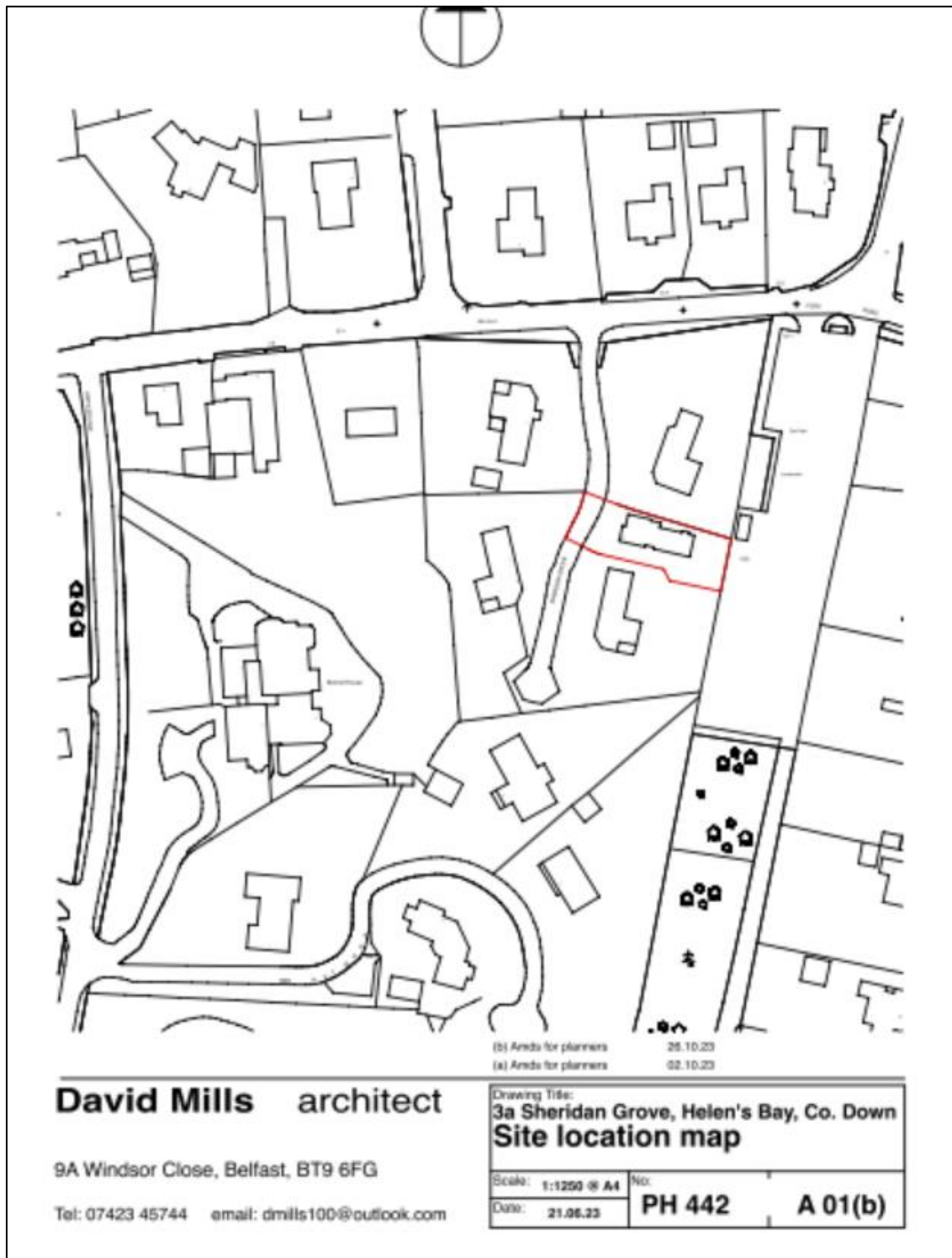
13. The flat roofed area of the building, shaded orange on Drawing No.03B shall not be used as a balcony or roof terrace at any time.

Reason: To protect existing and proposed residential amenity.

Informative

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





PRELIMINARY
(& subject to all statutory approvals)

EXTERNAL FINISHES:
Walls: painted render
Roof: Spanish profile tiles (red)

REVISIONS:

01	Revise for planning	02.10.23
02	Revise for planning	20.06.23
03	Client amend	11.09.23
04	Client amend	30.09.23
05	Client amend	20.08.23
06	Client amend	21.08.23
07	Client amend	06.09.23
08	Client amend	06.09.23
09	Client amend	21.08.23
10	Client amend	21.08.23
11	Client amend	31.07.23
12	Client amend	31.07.23
13	Client amend	31.07.23
14	Client amend	11.07.23

Project Details:
 DA Windsor Close, Belfast, BT9 6FG
 Tel: 07402 417 400
 email: david@dmarchitect.com
 Client: Peter & Joanna Thompson
 Job Title: Detached house
 3a Sheridan Grove, Helen's Bay Co. Down
 Drawing Title: Elevations

Scale: 1/100 @ A3
Date: 07.06.23
Drawn: DM

1. All work to comply with the current CDM Regulations (R1.1)
 2. Contractor's must check all dimensions on site before proceeding production drawings or construction work.

PH 442 C 03(M)

Total internal floor area: 2200 Ft²

Dimensions in metres

PRELIMINARY
(& subject to all statutory approvals)

REVISIONS:

01	Revise for planning	02.10.23
02	Revise for planning	20.06.23
03	Client amend	11.09.23
04	Client amend	30.09.23
05	Client amend	20.08.23
06	Client amend	21.08.23
07	Client amend	06.09.23
08	Client amend	06.09.23
09	Client amend	21.08.23
10	Client amend	21.08.23
11	Client amend	31.07.23
12	Client amend	31.07.23
13	Client amend	31.07.23
14	Client amend	11.07.23

Project Details:
 DA Windsor Close, Belfast, BT9 6FG
 Tel: 07402 417 400
 email: david@dmarchitect.com
 Client: Peter & Joanna Thompson
 Job Title: Detached house
 3a Sheridan Grove, Helen's Bay Co. Down
 Drawing Title: Floor plans

Scale: 1/100 @ A3
Date: 07.06.23
Drawn: DM

1. All work to comply with the current CDM Regulations (R1.1)
 2. Contractor's must check all dimensions on site before proceeding production drawings or construction work.

PH 442 C 02(M)

Site layout

Site section S1-S1

PRELIMINARY
(& subject to all statutory approvals)

David Mills Architect
5A Windsor Close, Belfast, BT9 6FG
Tel: 07422 457 449
email: dm@100@outlook.com

Client:
Peter & Joanna Thompson

Job Title:
Detached house
3a Sheridan Grove,
Helen's Bay
Co. Down

Drawing Title:
Site layout & section

Scale:	Date:	Drawn:
1/200 @ A3	21.06.23	DM

1. All work to comply with the current CDM Regulations 9(1) 1
2. Contractors must check all dimensions on site before preparing production drawings or commencing work.

PH 442 C 01(h)

Project: Detached House 3A Sheridan Grove, Helen's Bay North Boundary Treatment - Proposed Planting Plan

General Landscape Notes
All Landscape works to be carried out by a qualified and experienced Landscape Contractor with active membership of the Association of Landscape Contractors in Ireland (ALCI). All works to existing trees to be carried out by a qualified Tree Surgeon.

Protection of existing vegetation
Precautions will be taken to protect existing trees for malicious or accidental damage. No soil, spoil or construction materials will be tipped or stored, or no construction machinery or vehicles will be parked within the spread of existing trees and hedges.

Topsoil Depths
Spread over prepared subsoil in layers not exceeding 150mm. Imported topsoil to comply with BS3982.
(Suitable grade) and shall have had existing vegetation eradicated from it.
Overall minimum depths after firming and settlement:
• Grass Areas - 150mm
• Tree and Hedge Planting - 450mm

All planting shall be carried out in first planting season after commencement of development.
Any dead or dying plant material, removed, or becoming seriously damaged within 5 years of planting shall be replaced in next planting season with replacement species being selected to match the original contract specification unless the Department of the Environment gives written consent to any variation.

Plant Schedule:

Proposed Tree Planting					
Species	Height	Girth	Specification	Number	
Carpinus betulus 'Frans Fontaine'	3.5-4.0m	12-14cm	8B or C, Heavy Standard, 1.8m clear stem	8	

Proposed Boundary Hedge Planting					
Species	Height	Stock	Specification	Number	
Opuntia littoralis	60-80cm	8B or C	Bush 1x2, started in single row 4/5m	130	

Plan Key

- Existing boundary hedges and Conifers to be retained
- Proposed 12-14cm girth size (Heavy Standard) Trees, 1.8m clear stem (8B or C)
- Proposed Tall Growing Evergreen Hedge to be planted in single, slightly staggered row using 50/80cm tall plants (8B or C) planted at 4m/par 1m
- Proposed New 1.8m high close board timber single-sided fencing to replace an old damaged fence

Tree Planting

- All trees shall correspond exactly with the species, varieties and sizes shown on the planting schedule and shall comply with BS3936.
- Planting operations will be carried out to the requirements of BS4428 'Code of Practice for General Landscape Operations'
- Additional organic matter to be obtained from an approved source and incorporated into soil at planting.
- Heavy Standard Trees shall be provided with two tree stakes. 75mm diam. stakes should comply with BS 4072 preservation methods.

Hedge Planting

- All hedge planting areas to be cultivated to a minimum depth of 300mm prior to planting. Areas to be free from weeds prior to commencing operations.
- Additional organic matter to be obtained from an approved source and incorporated into soil at planting.
- All plants shall correspond exactly with the species, varieties and sizes shown on the planting schedule and shall comply with BS3936.
- Planting operations will be carried out to the requirements of BS4428 'Code of Practice for General Landscape Operations'
- On completion of planting topsoil to be lightly cultivated by hand to leave a clean and level finish.
- Composted bark mulch to depth of 50mm to be spread on the completion of planting.

FOR PLANTING PURPOSES ONLY

Project Name	Client	Project Number
North Boundary Treatment Proposed Planting Plan	Peter and Joanna Thompson	PN 23-28
Scale	Drawn By	Project Manager
1:100	A	DM

3A Sheridan Grove, Helen's Bay Co. Down

www.davidmillsarchitect.com












ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2023/1946/F
Proposal	Lighting, planting and renewal of street furniture.
Location	Kircubbin Promenade, (to include land immediately adjacent to Strangford Lough and to rear of 1-15 Main Street, the Village Green Carpark, Kircubbin Presbyterian Church and Kircubbin Playpark).
Committee Interest	An application made by the Council.
Validated	06/07/2023
Summary	<ul style="list-style-type: none"> • No objections from DfI Roads or Environmental Health. • NIEA – Marine Division – no impact on marine conservation provided standing advice followed. NED has no objection subject to conditions. • SES content. • Existing site is a mix of car parking, public walkways, benches, playpark and informal open space. • Proposal is upgrading walkway and improving appearance of promenade. No adverse visual impact on special features of AONB. • Proposal complies with extant ADAP 2015 and related planning policies. • One objection was received and related to the proximity of a lighting column close to a residential property. • Amended plans were subsequently submitted to replace proposed 4m lighting columns with low-level bollard lighting adjacent to that residential property and will not harm the living conditions. No further objection submitted regarding amendments.
Recommendation	Approval
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/1946/F	DEA: Ards Peninsula	
Proposal:	Lighting, planting and renewal of street furniture		
Location:	Kircubbin Promenade, (to include land immediately adjacent to Strangford Lough and to rear of 1-15 Main Street, the Village Green Carpark, Kircubbin Presbyterian Church and Kircubbin Playpark)		
Applicant:	Ards & North Down Borough Council		
Date valid:	21.06.2023	EIA Screening Required:	No
Date last advertised:	07.12.2023	Date last neighbour notified:	22.11.2023
Letters of Support: 0		Letters of Objection: 1	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Office		No objections	
DFI Roads		No objections	
NIEA (Marine Division & NED)		No impact on marine conservation provided adherence to standing advice) NED – no objections subject to conditions	
Shared Environmental Service		Content with HRA	
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 stretch of public land located adjacent to the coast in Kircubbin.

The site could be described as a mix of public car parking, public walkways, benches, playpark, and informal open space. There is also a Waste Water Treatment Works within the red-line boundary of the site. The site serves as a coastal path and is located behind a number of houses and a local church which are orientated towards the centre of the village. The site is 0.02ha in extent and is 270m in length.

2. Site Location Plan



3. Relevant Planning History

I do not consider there to be any applications material to the current application. Of note, a section of the site was part of a Pre-Application Discussion in relation to environmental improvement schemes across a number of villages in the Borough (LA06/2019/0420/PAD).

4. Planning Assessment

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

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. Within the Development Plan, the site is located within the settlement of Kircubbin, zoned as 'Existing Amenity Open Space and Recreation' and is located in the Strangford and Lecale Area of Outstanding Natural Beauty. The site is also adjacent to Strangford Lough and its associated national and international environmental designations (ASSI, Ramsar, Special Protected Area, and Special Area of Conservation). There are no archaeological or architectural designations affecting the site. Kircubbin Presbyterian Church is adjacent to the site but is not Listed.

When decision-making, the Council must balance and integrate a variety of complex social, economic, environmental and other material considerations that are in the long-term public interest. To assist in this, the SPPS sets out a number of core planning principles. One of the core planning principles is to improve health and well-being. It is considered the planning system has an active role to play in helping to better the lives of people and communities in NI. It is also recognised that the way in which places and buildings are configured, patterns of movement in the space around us and the level of access to quality open space are all factors to improving our health and well-being.

The Development Plan considers it necessary to safeguard existing open space within settlements and these areas are protected against inappropriate uses by the policy provisions of PPS8. With reference to PPS8, not only does it seek to safeguard existing open space but also to ensure open space is convenient and accessible for all section of the society, particularly children, the elderly and those with disabilities.

Given the designation within the LDP and the broad policy support for open space and encouraging health and well-being, it is considered the development is acceptable in principle subject to the specific areas discussed below.

Impact on Character of the Area and the AONB

The proposal seeks to upgrade the existing walkway and to improve the appearance of the promenade. Proposal will introduce new bench seating (replacing the sub-standard existing concrete benches); new picnic tables; new streetlights (and lower-

level bollard lighting). The project will also add a number of new trees and also some proposed planting around the WWTW.

As the proposal seeks to enhance/replace existing features and to renew the appearance of the area, there will be no detrimental impact on character. The amenity value of the area will be enhanced and should be a more attractive path for both locals and visitors. All works will be of sympathetic scale and finishes. New light columns to be 4m in height which I do not consider to be excessive or dominant in the context. New benches in particular will offer a much more attractive place to rest. No impact on the special features of the AONB.



Image of new bench



Flooding

A section of the site falls within the 1 in 200-year coastal flood plain. According to FLD 1 of PPS15, Development will not be permitted in such a designation unless the proposal constitutes an exception to the policy. The proposal meets the exception test as the works are very much ancillary to the current use of the land for open space and recreation. The proposal involves the replacement/addition of ancillary apparatus in

order to improve the attractiveness of the path. The proposal does not involve works of heavy construction or large-scale disruption of land through digging of trenches. Levels will not be altered and there will be no increase in areas of hardcore. Given the very minor nature of the works proposed, I consider that there would be no material increased risk of flooding at the site, or elsewhere, as a result of the proposed development. It is therefore considered that a Flood Risk Assessment is not necessary to inform the assessment of the application and consultation with DFI Rivers is not warranted in this instance.

The proposal will not materially alter the ability of the land to absorb flood water. Furthermore, the proposal will involve the planting of a number of new trees which – although limited – is generally accepted will absorb water and delay progress of excess water. Marine Division has been made aware of the application and commented that the site is within the present day and predicted climate change sea floodplain boundaries. They advised the Council to consider how the path and associated works may be impacted by flooding and climate change. The promenade has been in use for many decades, and it is not expected the proposal will attract a large increase in users. The path will be more accessible due to seating and lighting, and it is not expected that users will experience any additional consequences of flooding and climate change as a result of the development.



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.

There is not expected to be any adverse impact on the residential amenity of neighbouring properties. Several houses which face onto Main Street back onto the site. Many of these houses have substantial rear gardens which will mitigate against any nuisance from light. One of the houses – No.3 Main Street – is set back from the Street and is therefore adjacent to the site with little by way of separation distance (see image below). The occupant of said property wrote to the Council and, whilst

supporting the project, raised concerns about the proximity of lighting columns to his property. Amended plans now show that instead of 4m-lighting columns at the boundary with No.3, these are now replaced by low-level bollard lighting. It is not considered this new source of lighting would harm the living condition of residents in No.3. Overall, the proposal will not introduce any facilities or features that are not already in-situ along the Promenade, or which would be expected in an area such as this- the proposal only seeks to upgrade the area in the public interest. As referred to earlier, the Council's Environmental Health Department has been consulted and no objections were raised.



No.3 shown highlighted is set back from the street frontage and is adjacent to the Promenade.

Road safety/Parking

The proposal will have no impact on parking or on any vehicular access. No new access or alterations to any access is proposed. As a matter of best practice, DFI Roads was consulted, and its response indicated no objection.

Impact on Designated Sites/Natural Heritage Interests

Given the proximity to the Lough, there is clearly potential to impact the associated designated sites. The Council has submitted its own Habitat's Regulation Assessment with the application. The ecologist recognised there is a direct hydrological connection between the site and Strangford Lough SAC/SPA. As such it was considered there is a potential for runoff arising from development works to enter this designated site and potentially impact on the site designation features of conservation objectives. The HRA report includes proposed pollution prevention, implementation of control measures pre and during construction, and also indicates proposed monitoring scheme and how any mitigation failure will be addressed.

Shared Environmental Service has viewed the HRA and considers that the Council in agreeing the HRA will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended). SES requested that any mitigation measures identified within the HRA be complied with.

NIEA (NED) also considered the HRA and concluded that provided the mitigation measures outlined in Assessment are implemented and adhered to, the proposal is unlikely to have a significant impact on the designated sites. A condition has been added to reflect this concern. NIEA suggested a further condition that would require a suitable buffer to be maintained between construction materials/activity and the coast. However, this condition does not appear consistent with some of the mitigation set out in the Appropriate Assessment. Furthermore, given the very close location of the proposed street furniture to the coast I consider that it may not be possible to comply with this condition. Shared Environmental Service is content that the mitigation outlined in the Appropriate Assessment is sufficient to prevent any significant impact on European designated sites and I am therefore satisfied that this condition is not necessary.

NIEA Marine Division requested a condition relating to the provision of further litter bins within the site. At the time of the site visit, I observed existing bins for the disposal of litter in the area. Given the existing use of the land and minor nature of the works proposed, I am satisfied that the risk of increased marine litter arising as a result of the development is low and I do not consider it necessary to impose such a condition.

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. The application does not involve demolition or conversion or older buildings. No removal of hedgerows – no removal of mature trees. There is considered to be negligible impact on any species protected under law.

5. Representations

One objection letter has been received which expressed concern regarding the location of a lighting column. This matter has been addressed as described in the main body of this report.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. All mitigation measures detailed in the Habitats Regulations Assessment (stage 2 Appropriate Assessment) dated August 2022 shall be fully implemented during the construction phase of the development to the reasonable satisfaction of the Council.

Reason: To prevent any adverse effect to any designated sites.

3. All construction work, including the use of quick setting concrete, must take place at low tide, as detailed within the Habitats Regulation Assessment (dated, August 2022).

Reason: To prevent adverse impacts on the features of the designated sites.

4. No piling shall take place on site without the prior written consent of the Council.

Reason: In order to assess the potential for marine mammal disturbance.

5. All hard and soft landscaping works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be completed in the first available planting season following commencement of development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

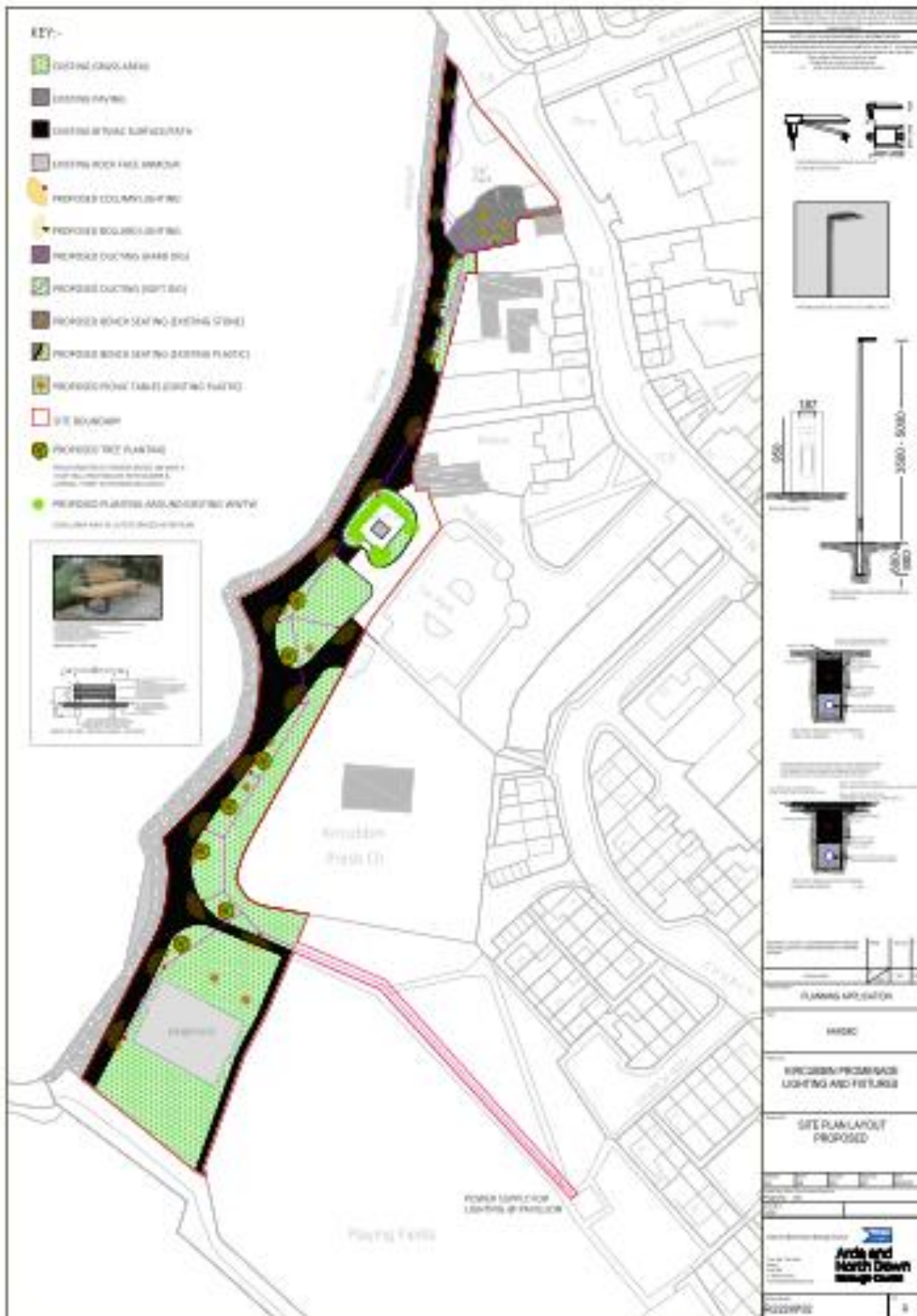
Reason: In the interests of the character and appearance of the area.

Informative

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

ANNEX

Site location Plan



Unclassified

159

ITEM 5**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	09 April 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 March 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Planning Service draft Service Plan 2024-2025
Attachments	Item 5a: draft Service Plan

Since 17/18 Service Plans have been produced by each Service in accordance with the Council's Performance Management policy.

Plans are intended to:

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

Unclassified

160

A draft plan for 2024-25 is attached, which has been developed to align with objectives of The Big Plan for Ards and North Down 2017-2032; the draft Corporate Plan 2024-2028 and the draft Annual Performance Improvement Plan (PIP). The Plan will also support delivery of the ITRDS. The agreement of the plan will also aid toward achievement of the Council's performance improvement duties under the Local Government Act (NI) 2014.

The Service Plan highlights where the service contributes to the Corporate Plan and, where this is the case, sets out the objectives of the service for the 2024-25 year. It further identifies the key performance indicators used to illustrate the level of achievement of each objective, and the targets that the Service will try to attain along with key actions required to do so.

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

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

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

RECOMMENDATION

It is recommended that Council adopts the attached Planning Service plan.

PLANNING SERVICE

Service Plan: 01 April 2024 – 31 March 2025

26 MARCH 2024



APPROVALS

Prepared By		
Clare Barker, Leona Maginn & Chris Blair	Claire Jackson	Ann McCullough
Principal Planning Officers	Head of Communications & Marketing	Director of Prosperity

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1. Introduction to Service

The NI Planning System

The planning system makes sure that the right things are built in the right places, be it houses, shops, parks, community centres or energy plants. It provides the ability to shape and change the character, look and feel of the places where we live, work or visit.

Responsibility for planning in Northern Ireland is shared between the 11 local councils and the Department for Infrastructure (the Department).

Role of the Council

The Council is responsible for, in the main:

- Local development planning – creating a plan which will set out a clear vision of how the council area should look in the future by deciding what type and scale of development should be encouraged and where it should be located;
- Development management – determining the vast majority of planning applications;
- Planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

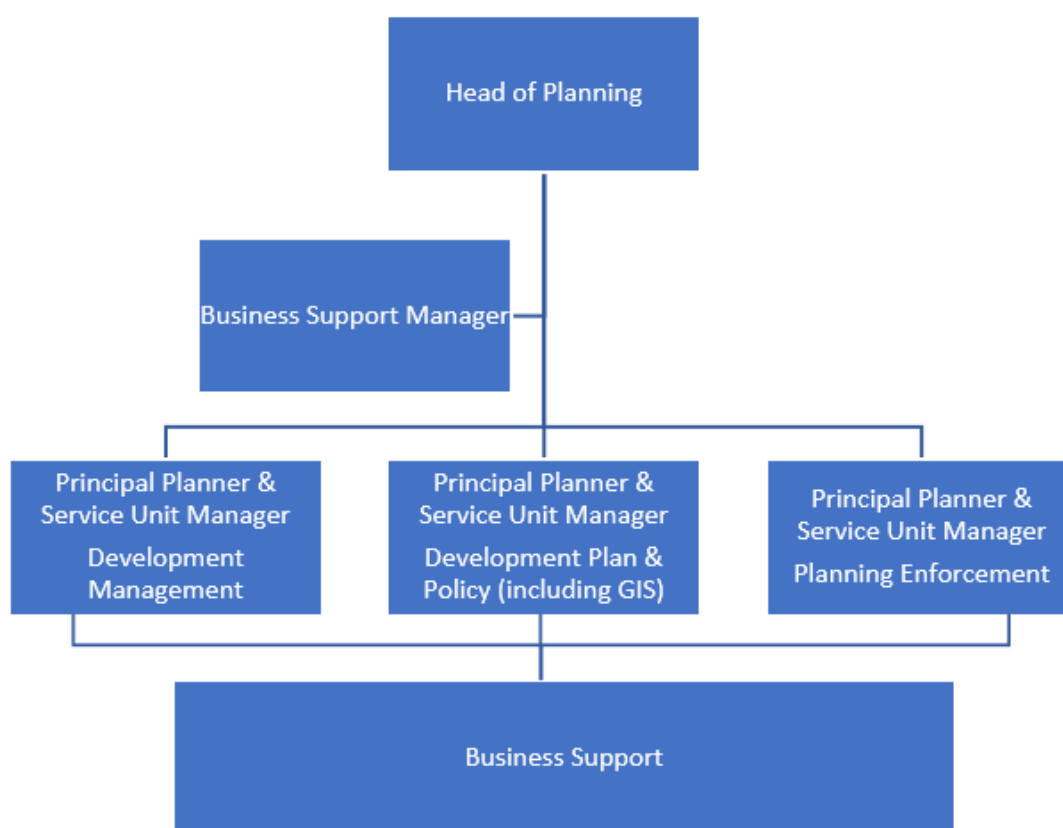
The Planning Service

The Planning Service sits within the Prosperity Directorate alongside Economic Development and Tourism.

The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

This means the planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland.

The Council, as a planning authority, is required to simultaneously pursue social and economic priorities alongside the careful management of our historic and natural environment for the overall benefit of our society.



As a service we provide the statutory duties set out under The Planning Act (Northern Ireland) 2011 on behalf of the Council.

Development Management Service Unit

Responsible for assessing and determining planning applications with Statutory Performance Indicators as follows:

- **Major development** applications – process from date valid to decision within average processing time of 30 weeks
- **Local development** applications – process from date valid to decision within average processing time of 15 weeks

Considerable additional work is undertaken within the section which is non-fee attracting but for which substantial resource is required – such as assessment of non-material changes to planning approvals, discharge of conditions attached to planning approvals, processing of applications for Certificates of Lawfulness of Proposed Use or Development, preparation of Statements of Case for planning appeals, and duty planner services.

Factors affecting efficiency and effectiveness of Unit:

- Resource and expertise within statutory consultees

- Volume and detail of objections received to proposals
- Servicing of Planning Committee
- Increase in environmental governance

Development Plan & Policy Service Unit

Responsible for preparing a Local Development Plan (LDP) which will guide the future use of land within the Borough and inform developers, members of the public, communities, government, public bodies, representative organisations and other interested parties of the policy framework that will be used to determine planning applications. (Part 2 - Planning Act Northern Ireland 2011)

Also provided within this Service Unit is access to a Conservation Area Officer providing advice to Development Management colleagues in respect of applications within or affecting the setting of any of the three designated conservation areas of Donaghadee, Holywood or Portaferry. Within this area also sits the Planning GIS Officer who contributes to development of interactive mapping solutions for the Planning pages of the Council website, alongside mapping of LDP information and analysis and assistance, where required, to other service units.

Factors affecting efficiency and effectiveness of Unit:

- Overall effectiveness of new system transferred by central government in 2015
- Garnering support from elected members on policy direction
- Ensuring substantial evidence base is 'sound' to support policy proposals
- Aligning with other Council strategies and aspirations
- Aligning with continually emerging government policies and guidance
- Cost of securing specialist consultant advice/studies on thematic areas

Planning Enforcement and Trees Service Unit

Effective enforcement of breaches of planning control is essential to ensure the credibility of the planning system is not undermined.

Under The Planning Act (NI) 2011 the Council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations.

Officers also process applications for Certificates of Lawfulness for Existing Use or Development.

Within this Service Unit sits the Tree Officer, who assesses requests for new Tree Preservation Orders (TPOs), as well as processing of applications for consent to carry out works to protected trees and notifications of proposed works to trees within conservation areas. Planning also has access to a Biodiversity Officer on a part time basis, shared between Planning and Parks, who assists the Tree Officer and

provides advice to Development Management staff in relation to biodiversity issues affecting planning applications.

Factors affecting efficiency and effectiveness of Unit:

- Only fee attracting where retrospective planning applications are submitted further to breaches being identified;
- Cost of legal support for summons actions/prosecutions especially in relation to advertising breaches
- Increase in number of complaints regarding potential breaches reported requiring investigation
- Number of requests for new TPOs and applications seeking consent for works to protected trees
- Number of and legality of legacy TPOs transferred from previous planning authority
- Land Registry Charges

Planning Business Support

The Business Support team provides essential support to the three Service Units in addition to ably carrying out a range of other duties, as follows:

- Processing of c300 Property Certificates per month
- Data cleansing in relation to migrated historic planning applications (1973-2000)
- Data cleansing in relation to migrated historic Enforcement cases
- Processing of copy document requests from public
- Processing of Statutory Charges
- Data cleansing re archived physical copies in storage
- Weekly updating of Planning website re delegated lists, advertising lists, Planning Committee schedules
- Responding to walk-in queries from customers unable to access/view online applications at home
- Maintenance of Correspondence, Fol and Complaints folders and spreadsheet
- Updating of the Planning Register
- Updating of repository of all Planning Appeals Commission decisions
- Fielding of all emails and phone-calls 9am to 4pm to Planning re duty planner queries as well as case-specific queries

Performance 2023 /2024 Quarter 1-3

	No. of applications received / No. of complaints received re breaches of planning control	No. of application determined / No. Of enforcement cases closed	Average processing time (wks) / Target conclusion time (Targets in brackets)
Majors	5	3	93.2 (30)
Locals	567	625	15.8 (15)
Enforcement	224	232	Data not available
Certificates of Lawfulness	36	33	12.8 (n/a)
Discharge of Conditions	62	70	11.6 (n/a)
Non-Material Changes	38	33	9.6 (n/a)
TPO Requests / Works to Protected Trees / Trees within Conservation Areas	48	31	15.3 (n/a)

Processing of applications has improved on the previous year; however, number of applications has fallen across the year

2. Context, Challenges and Key Assumptions

Political	<p>The Council's Planning Committee consists of 16 elected members and is responsible for determining planning applications upon which officers have made a professional recommendation. Continued professional development and training and adherence to the Code of Conduct is essential in ensuring openness and transparency and maintaining confidence in decision making, and Local Development Plan making. Elected members require:</p> <ul style="list-style-type: none"> • <i>Timely and professional planning recommendations on planning proposals</i> • <i>Preparation of a Local Development Plan for the Borough to guide future use of land and inform developers, members of the general public, communities, government, public bodies, representative organisations, and other interested parties of the policy framework that is used to determine development proposals.</i> • <i>Effective enforcement of breaches of planning control so that integrity of the planning system is not undermined.</i>
Economical	<p>Planning must act as an enabler for economic development, and provide certainty for developers, members of the public, communities, government, public bodies, and other interested parties in relation to the policy framework that will be used to determine development proposals which support the prosperity of the borough. Business sectors require a proactive Planning Service which reacts positively and in a timely fashion enabling sustainable development for the benefit of the borough</p>
Social	<p>Residents require:</p> <ul style="list-style-type: none"> • <i>Positive place making that is not detrimental to socio, economic and environmental factors;</i> • <i>Quality decisions on planning applications in a timely fashion aligned with statutory performance targets, including householder development applications within internal target of 8 weeks;</i> • <i>Delivery of a Local Development Plan to provide for the needs of the Borough over the next 15 years;</i> • <i>Effective enforcement of breaches of planning control so that the integrity of the planning system is not undermined.</i>
Technological	<p>The implementation of the new Planning Portal system in December 2022 continues to present opportunities for streamlining processes across Development Management, Enforcement, Trees and Local Development Plan monitoring. Revised Portal has shifted many responsibilities away from administrative staff to professional staff, which continues to be adapted to accordingly. Continued review against objectives is required with allocated budget to ensure effectiveness of service – both for Council and our customers. Challenge of adequate technology to support delivery of service.</p>
Legal	<p>Keeping abreast of legal judgments and Planning Appeals Commission decisions is essential in maintaining best practice and application of planning policy to ensure planning decisions are robust and defensible, but with Council prepared to challenge irrationality in appeal outcomes and own decisions, where considered appropriate.</p>
Environmental	<p>Sustainable development includes conservation and enhancement of our archaeology, built and natural heritage so Council must ensure its Local Development Plan policies engender environmental protection</p>

	<p>and adaptation where appropriate. Council is committed to investigating and taking action against unauthorised development where it causes demonstrable harm to our environment. Context of wider targets for addressing climate change.</p>
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Anticipated Challenges over incoming year

Strengths	Weaknesses
<ul style="list-style-type: none"> • High quality service which contributes to the objectives of the draft Corporate Plan and facilitates achievement of the Big Plan outcomes. • Well-educated, trained, professional and empathetic workforce. Officers have project management skills over a broad spectrum of functions, and a proven record regarding internal and external partnership working, including influencing and negotiation. • Regional and sub-regional collaboration for the service via a range of professional officer working groups, leading to consistency of approach and commitment to continuous improvement. • Good communications across the service internally and across wider Council. • Staff encourage collaborative working at the beginning of Council-led projects to ensure expectations can be managed appropriately and outcomes achieved. • New Planning Portal system enabling online submissions of applications, enforcement complaints and requests for tree works; • Support for cross-council projects to assist in delivery of the ITRDS and Bangor Waterfront redevelopment including Queen’s Parade redevelopment • Facilitation and attraction of investment into the borough through processing of economically significant applications and preparation of Local Development Plan providing certainty for investors 	<ul style="list-style-type: none"> • Lack of resource/appropriate staffing of statutory consultees – impact on application processing times; • Unsustainable planning fee structure set by central government which doesn’t reflect the resource attributed to processing of planning applications; • Staff retention and recruitment – ability to recruit appropriately qualified and experienced staff to backfill vacancies; • Additional resource required to manage new Planning Portal in respect of data migration in terms of GDPR and retention and disposal of electronic records; • Protocol with Building Control regards checking of applications for appropriate planning approval – resource intensive and potential ineffectiveness in respect of resource versus outcomes; • Quality of applications at validation stage and inability to reject due to current legislation – leading to delays in processing

Opportunities	Threats
<ul style="list-style-type: none"> • The NI Planning Improvement Programme (PIP) – stemming from recommendations made by Public Accounts Committee in March 2022 – various workstreams to address processes and legislative change to drive speedier decisions, including implementation of statutory validation checklist to ensure appropriate frontloading of applications – IF implemented by central government regards legislative changes required; • Continued support for cross-council service units in provision of planning advice at early stages in project development, and in delivering BRCD projects – breaking down silos across service units through attendance at project boards and working groups; • To review and update all existing Tree Preservation Orders and improve processes and procedures in line with recommendations set out in NIPSO ‘Strengthening Our Roots’ Report of Oct 2023; • Reorganisation Design – potential opportunities to realign other services with Planning to achieve further efficiencies 	<ul style="list-style-type: none"> • Legal challenges against planning decisions which are irrational or unsound due to incorrect application of planning policy or lack of adherence to proper process; • Lack of pace on PIP and lack of focus on strategic and fundamental reform of the planning process in NI; • Lack of dedicated resource within Council’s Planning Service to progress PIP workstreams; • Delay in publication of draft Plan Strategy – whether by outcomes of parallel Sustainability Appraisal, DFI consideration and referral for Independent Examination (IE) and lack of resources within the Planning Appeals Commission for IE, and apathy of DFI to instigate alternative measures; • Delivering on actions committed to within both the Roadmap to Sustainability and Local Biodiversity Action Plan in respect of climate change targets in absence of further resource; • Ongoing NIW sewerage infrastructure issues due to long-term lack of under-investment and resultant impact on planning proposals; • Managing statutory performance targets in context of stretched resources and fiscal challenges

3. Strategic Objectives and Collaboration

The table below reflects the key areas of work whereby provides specific planning advice to other service areas as appropriate. It should be noted that Senior Planning Officers work closely with a number of service areas throughout the year in relation to provision of planning advice as appropriate.

Strategic Objective	Services Collaborated with
Representation on Project Boards for: <ul style="list-style-type: none"> • Queen's Parade redevelopment; • Pickie, Marina, & Court House projects as part of Bangor Waterfront redevelopment; • Whitespots Country Park; • Civic Office & Administration; • Estates; providing planning advice on current Local Development Plan designations, prevailing policy framework and parameters for future development	Capital Projects Unit, Economic Development & Tourism
UK Reiff – investor event showcasing development opportunities within AND	Communications & Marketing regards update of AND Marketing brochure
Growing the Non-Domestic Rates Base - <ul style="list-style-type: none"> • NIE site; • Kinnegar; • Vacant to Vibrant scheme. 	Regeneration, Finance, and Economic Development
Advertising/sponsorship Income	Parks & Communications - Review of Council-wide sponsorship and advertising opportunities across the Borough to advise on Advertising Regulations
Promotion of caravan/motor home opportunities	Tourism
Review of Urban and Rural Regeneration Plans and associated projects	Regeneration

4. Service Improvement

The “**Service development/ improvement**” element should identify areas of the service that require development/ improvement along with any new, innovative ideas for future improvements. **Please state clearly in the “Rationale” section why the improvement is being undertaken and what evidence there is to support the decision.**

Only Service improvement activities should be included in this section, ‘business as usual’ activities should be detailed in Section 6.

Please ensure KPIs are included in Section 6 to measure Service development/ improvement(s) outlined below.

Service development/ improvement 2024/25?	Which of the specified aspects will this improve?	Rationale	Responsible Officer(s)	Who do we need to help us? (Internal and/ or External partners) Please specify
Implementing the Recommendations contained in NIPSO’s Strengthening Our Roots Report Oct 2023	Service Quality, Service Availability, Efficiency and Innovation	The effective promotion, administration and enforcement of tree protection is critical to long term strategies to improve the social, environmental and economic well-being of our areas and people. Whilst AND has led on the implementation of ongoing review of legacy Tree Preservation Orders and implementation of an interactive map, further recommendations have been set out in the Ombudsman Report for all councils and the Department for Infrastructure to avoid instigation of an ‘own initiative’ investigation	Principal Planner and Tree Officer	Biodiversity Officer (P/T resource) GIS Officer Additional Planning Officer (to be recruited)

5. Monitoring and Review

Monitoring Method	Frequency	Responsible Officer
Standing Committee	6 Monthly	Head of Service and SUMs
Team Meeting	Monthly	Head of Service, SUMs and Business Support Officer

6. Service Risks Register

Service Risk Register should align with the Corporate Risk Management Strategy.

When completing your Service Plan you must review and consider your current Service Risk Register. Please confirm this has been completed. **Please Select Yes or No** *YES – updated 12 March 2024*

7. Key Activities (KPIs) for 2024/25

Please ensure Service development/ improvements detailed above are included as KPIs.

KPIs should be aligned to the 7 Outcomes detailed below:

1	We have an engaged Borough with citizens and businesses who have opportunities to influence the delivery of services, plans and investment
2	We are an environmentally sustainable and resilient Council and Borough meeting our net zero carbon targets
3	We have a thriving and sustainable economy
4	We have a vibrant, attractive, sustainable Borough for citizens, visitors, businesses and investors
5	We have socially sustainable communities that are safe and welcoming
6	We have active and healthy people
7	Ards and North Down Borough Council is a high performing organisation

In addition to the outcomes the KPI should align with the Corporate Priority:

Corporate Priority 1	Economic
Corporate Priority 2	Social
Corporate Priority 3	Environmental

Performance Measures <small>Should include improvement actions outlined above and relevant measures both existing and new.</small>	Is the KPI Mandatory/ Statutory/ Service led	Reporting frequency (6 Monthly/ Year-end)	Outcome	Corporate Priority	2024/25 Reporting						
					2022/23 Actual	2023/24 Target	2023/24 YTD End of Q3	2024/25 Target	Reporting end of Q2	Reporting end of Q4	Cumulative or Fixed
% Spend against budget	Mandatory	6 monthly	7	Economic	98.05%	100%	102.4%	100%			Cumulative
% Staff attendance	Mandatory	6 monthly	7	Economic	90.87%	95%	93%	95%			Cumulative
% of completed Employee Appraisals in the period September 2023 to March 2025	Mandatory	Year-end	7	Economic	-	100%	TBC	100%			Fixed
Process major development applications with target performance time of 30 weeks	Statutory	6 monthly	1,2 & 3	Economic	81.6 wks	30wks	93.2 wks	30wks			Cumulative
Process local development applications with target performance time of 15 weeks	Statutory	6 monthly	1,2 & 3	Economic	19.9 wks	15 wks	15.8 wks	15 wks			Cumulative
Process householder development applications within 8 weeks	Service Led	6 monthly	1,2 & 3	Economic	Not available	75%	75%	75%			Cumulative
Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	Statutory	6 monthly	4	Environmental	Not available	conclude 70% of cases within 39 weeks	Not available	conclude 70% of cases within 39 weeks			Cumulative
Implementing recommendations within NIPSO Report – Strengthening Our Roots: Prepare and publish a guidance document on Trees and Development in the Borough.	Mandatory / Service Led	Year-end	4	Environmental	-	N/A	-	Complete by year end			Fixed
Publish consents for works to protected trees within a Conservation Area (CA) or Tree Preservation Order on the Planning Protected Tree and CA interactive map (target 100%)	Service-Led	Year - end	4	Environmental	-	-	-	100%			Fixed

Performance Measures <i>Should include improvement actions outlined above and relevant measures both existing and new.</i>	Is the KPI Mandatory/ Statutory/ Service led	Reporting frequency (6 Monthly/ Year-end)	Outcome	Corporate Priority	2024/25 Reporting						
					2022/23 Actual	2023/24 Target	2023/24 YTD End of Q3	2024/25 Target	Reporting end of Q2	Reporting end of Q4	Cumulative or Fixed
LDP – preparation of Draft Plan Strategy	Service Led / Statutory	Year-end	1-6	Environmental Social, Economic	-	-	-	Draft document agreed for publication by year end			Fixed
Housing Monitor Land Availability Study	Service Led	Year-end	4	Environmental Social Economic				Publish report by year end			Fixed

8. What Services/ Activities will be stopped

Please add detail of KPI's that have previously been monitored that will no longer be reported on for 2024/25.

What service/ activities will we be stopping/ changing in 2024/2025	Reason for stopping / changing activity	Savings	Impact on Performance	Impact on the Public	Impact on staffing
Building Control Protocol (checking of BC applications for planning permission)	Activity not planned for coming year as not deemed to contribute to preventative breaches of planning control.	1 x Planning Officer working on part-time basis	None – alternative activity planned; BC application forms require detail of application number where permission granted – so highlighting need for planning permission where appropriate – further info to be set out on Planning web page to highlight difference in Service Unit requirements	None – alternative activity planned	Staff time reallocated to other activity

Unclassified

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ITEM**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	09 April 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	26 March 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Funding for Living with Water Programme
Attachments	N/A

Background

When it became clear that the drainage infrastructure across Belfast was unable to meet the requirements expected of it, the Northern Ireland Executive approved the development of a Strategic Drainage Infrastructure Plan (SDIP) for Belfast to:

- **protect against flooding** by managing the flow of water through a catchment from source to sea;
- **enhance the environment** through effective wastewater management and the provision of enhanced blue/green spaces to benefit local communities; and
- **grow the economy** by providing the necessary capacity in our drainage and wastewater management systems to facilitate new development projects including house building.

Not Applicable

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“Living With Water in Belfast”, is the Strategic Drainage Infrastructure Plan for Belfast £1.4bn 12-year investment plan approved by the NI Executive and published by DfI Minister November 2021.

The Plan aims to address the increasing demands on the city’s wastewater and drainage network caused by population growth and increase in commerce, as well as the more frequent extreme weather events resulting from climate change.

The Plan can be viewed here <https://www.infrastructure-ni.gov.uk/topics/living-water-programme/living-water-belfast>.

Combined Sewer Overflows (CSOs)

CSOs are a growing public concern across UK - being informed by the increased level of information being made publically from ‘Event Duration Monitors’ (EDMs)

NIW has advised that Greater Belfast is much worse than any part of UK due to decades of under investment. Its predecessor organisations were forced to create overflows to reduce out of sewer flooding of homes and businesses, which result in bacteria contaminating watercourses and sea, and the unsightly Sewage Related Debris (SRD) found along watercourses after rainfall, with tons accumulating in certain coastal locations.

Of 270 CSOs, the Northern Ireland Environment Agency has determined that 80% are unsatisfactory – five times the average for England.

In order to grow the economy we need necessary capacity in our drainage and wastewater management systems to facilitate new development projects, including house building.

To fully ease constraints NIW has advised that sustained investment is required over 12 years of the Living with Water Programme (and may extend further due funding constraints).

Inflationary costs in the construction industry since November 2021, along with some changes to project scope, have impacted programme costs.

Infrastructure Committee

Upon return of the Executive, at a recent meeting of the Infrastructure Committee, the Chief Executive of NIW, alongside NIW’s Director of Finance, addressed the Committee. They set out that its Price Control 21 (PC21) six-year investment plan was designed to reduce pollution and facilitate continued connections to NIW’s network. However, NIW is now at a crossroads, whereby the agreed plan is at risk. Budget constraints have been introduced in the current financial year, and further constraints are being discussed, meaning that the LWWP may be put on pause for a number of years.

Not Applicable

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Implementation of the LWWP Belfast Plan would facilitate **economic growth** by:

- Relieving development constraints;
- Reducing flood risk;
- Improvement in water quality; and
- Shellfish industry increases production – further improving water quality.

Deferral of investment in the LWWP Belfast Plan will have the resultant impact of:

- Non-compliance forcing further development constraints;
- Further flooding;
- Further water quality deterioration;
- Potential collapse of the shellfish industry;
- Potential infraction proceedings;
- Further marked deterioration in water quality; and
- Economic and reputational damage – whereby recovery requires further increased investment & operational expenditure.

Impact on ANDBC

A major upgrade to Kinnegar Wastewater Treatment Works is proposed, whereby submitted its Proposal of Application Notice in December 2023. Submission of the planning application is imminent, however, potential deferral of investment will put the delivery of this vital upgrade at significant risk.

NIW senior officials highlighted to the Infrastructure Committee how the infrastructure and services it provides have a pivotal role in protecting the environment and enabling economic growth, alongside the stark message that Northern Ireland's waste water system is simply not fit for purpose. It is undersized and cannot meet the new environmental standards that the public demands.

NIW has recognised the situation and has done the preparatory work of completing the designs and studies and putting in place a supply chain, on the basis that commitment was given when it entered the PC21 period but since December 2023 NIW's shareholder (DFI) has signalled a move away from that enabling plan – for which the resulting impact will be widespread and felt across Northern Ireland.

Conclusion

It is considered that it would be appropriate for the Council to write to the Minister for Infrastructure highlighting the impact such withdrawal of funding will have on our Borough as a whole in terms of enabling investment, impact on our economy and tourism industry and meeting environmental regulations.

RECOMMENDATION

It is recommended that the Council notes the content of this report, and the attached minutes of the Infrastructure Committee meeting of 21 February 2024, and writes to

Not Applicable

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the Minister for Infrastructure seeking assurances that the monies committed to NIW for infrastructure projects, particularly the planned upgrade of Kinnegar Wastewater Treatment Works, will be reinstated forthwith.

Unclassified

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ITEM 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	09 April 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	
Date of Report	26 March 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on resourcing issues within DFI Roads
Attachments	

Background

Members will be aware that the Council is required to consult with DFI Roads as a statutory consultee in relation to a large volume of planning applications. In addition there is recognition through the Public Accounts Committee Report on Planning in Northern Ireland that resourcing and capability within a number of statutory consultees is causing a considerable negative impact on the processing of such applications. This, alongside a number of other issues, led to the implementation of the Regional Planning Improvement Programme, being delivered collaboratively between councils and the Department for Infrastructure under the new Minister.

Detail

The responsible Divisional Roads Office serving the Ards and North Down area is Southern Division, based in Rathkeltair House, Downpatrick, which also serves the Newry, Mourne and Down council area.

Not Applicable

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Further to writing to one of its senior officers recently in respect of delays being experienced on a significant major application, and seeking expedition accordingly, it was confirmed that the Divisional Office has extremely limited resources.

Its senior officer advised that budgetary pressures over the last two years and the associated Departmental cost savings measures required, have prohibited the recruitment of the multiple staff resource required to meet the Development Management agreed staff structure. As such, the Development Management service is still operating with high staff vacancy levels (despite recent recruitment exercises) as are other sections within DFI Roads that provide indirect inputs into planning application consultations, such as Traffic and Section Offices.

Additionally, it is understood that DFI Roads has withdrawn from responding to any Pre-Application Discussion requests in order to focus resource on planning applications.

Senior officers within Planning will be meeting with DFI Roads officials to discuss how we can request prioritisation of particular applications; however, the current situation is untenable and requires urgent intervention, via correspondence to the Minister for Infrastructure in respect of appropriate resourcing, if the Regional Planning Improvement Programme is to succeed in respect of speeding up the planning process.

RECOMMENDATION

It is recommended that the Council notes this report and writes to the Minister for Infrastructure seeking urgent attention to the matter of resourcing in the Department's Southern Division Office and other related offices with responsibility for planning responses.

Unclassified

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ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	09 April 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	25 March 2024
File Reference	N/A
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: Not applicable
Subject	Update on Planning Appeals
Attachments	Item 8a - PAC decision 2023/E0011 Item 8b - PAC decision 2022/A0123

Appeal Decisions

- The following appeal was determined on 25 March 2024 with the Enforcement Notice being upheld by the Commission.

PAC Ref	2023/E0011
Enf Case ref	LA06/2020/0130/CA
Appellant	Eddie Lennie
Subject of Appeal	Service of Enforcement Notice alleging: <ul style="list-style-type: none"> i. Unauthorised change of use of land and vehicle access to serve private golf range; ii. Unauthorised erection of 5.5m high safety netting; iii. Unauthorised erection of two floodlight columns; iv. Unauthorised metal shed erected; and v. Unauthorised erection of unauthorised polytunnel
Location	Lands north of 60 Ballyrogan Road, Newtownards

Not Applicable

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An appeal against an Enforcement Notice can be brought on any of the following grounds:

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by the relevant section of the Planning Act;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice falls short of what should reasonably be allowed.

This appeal was brought on grounds (a), (c), (d) and (f).

Ground (c) of the appeal relates to the access only. The appellant referenced two planning applications (X/2008/1069/F & X/2007/0517/F), which show the vehicular access referenced as an existing farm access on land outlined in blue on associated drawings. It was found that whilst this demonstrates that there may have been an existing farm access at the location at time of the planning applications this does not demonstrate that the lane in itself had planning permission. As such the Ground (c) appeal fails as it cannot be demonstrated that the matter does not constitute a breach of planning control.

In relation to ground (d) the Commissioner concluded that the private golf range element (excluding the floodlighting and netting) was constructed in May 2013. It is also considered that the above access is a composite part, which has been used in connection with the private golf range for a similar period of time. Therefore, both the private golf range (excluding the netting and floodlighting) and access are immune from enforcement action and the appeal succeeds under Ground (d) to that extent.

Ground (a) relates to the Deemed Planning Application. The remaining issues considered under this ground were the floodlighting columns, the netting, a metal shed and the erection of a polytunnel.

The above development is compliant with the policies of the extant Ards and Down Area Plan 2015. As there is no conflict between the SPPS and the retained policies,

Not Applicable

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PPS 21, PPS 2 and PPS 8 (as the netting and floodlight columns are ancillary development associated with the immune private golf range) apply.

During the hearing the Council advised of no objection to the granting of permission for the metal shed and polytunnel subject to specific conditions. As such the appeal succeeded under ground (a) in respect of these two elements subject to specific conditions.

The Commissioner concluded that the 5.5m high safety netting was acceptable on planning merits.

In terms of the floodlighting, it is located within 50 metres of a tree and hedgerows where there are bat roosts present. The Commissioner was not satisfied that it was demonstrated that the floodlights will not cause less than 1 lux of light spill onto these features. Policy OS3 of PPS 8 and policies NH2 and NH5 of PPS 2 state that development shall not have an adverse impact on features of importance to nature conservation and the impact on bats in their status as a statutory protected species. It was concluded that the appellant could not demonstrate that the floodlights are not likely to harm the local bat population and the Council's reason succeeds in this regard.

Finally, the Commissioner concluded that the floodlighting columns did not have any adverse impact on neighbouring residential amenity given that the nearest residential properties are around 80 metres to the southwest and 120 metres to the west. As such the council's objection in this regard concerning the floodlights was not sustained.

To conclude the metal shed, polytunnel and netting were considered acceptable and deemed planning permission granted subject to conditions. However, the two floodlighting columns do not succeed under ground (a) on the basis that it could not be demonstrated that there was no significant adverse impact on the local bat population. As such planning permission is not granted for this development and the Enforcement Notice is upheld on this breach of planning control only.

Ground (f) is an administrative ground which states that the steps required by the Notice exceed what is necessary to remedy the breach of planning control. The only element that remained were the two floodlighting columns. It is concluded that the ground does not need to be restored to the condition before the breach took place and therefore the PAC has amended the remedy in this regard to the following – "Remove two floodlight columns (edged in orange on the accompanying map)."

2. The following appeal was allowed on 06 March 2024.

PAC Ref	2022/A0123
Application ref	LA06/2021/1451/F
Appellant	John Furnie
Subject of Appeal	Refusal of planning permission for an attic conversion to incorporate new dormer window
Location	82 Ward Avenue, Bangor

Not Applicable

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The Council refused planning permission on 20 June 2022 for the following reason:

- The proposal is contrary to Policy ATC 2 'New Development in an Area of Townscape Character' of PPS 6 Addendum, in that it fails to maintain or enhance the character of the Bangor East Area of Townscape Character.

Given that the Bangor East Area of Townscape Character (ATC) is only a draft designation within the Belfast Metropolitan Area Plan 2015 (BMAP) the quashing of its adoption in 2017, the Commissioner considered that Policy ATC 2 was not relevant to the appeal proposal as it only refers to designated ATCs.

The Council considered that draft BMAP was a material consideration given that no objections had been submitted in relation to its proposed designation, therefore it would likely be confirmed in any lawfully adopted BMAP. Notwithstanding the Commissioner's conclusions in respect of Policy ATC2 of APPS6, the potential impact of the appeal development on the proposed ATC designation remains a material consideration in this appeal.

The Commissioner considered that the proposed dormer did not present as an obtrusive feature in the row in opposition to the existing street scene. Rather, she found the elevated and prominent row to be of diverse character, including modern flat roof designs which are part of its appearance. The proposal respects the built form of the area and is contextually appropriate as viewed from Seacliff Road.

As such the appeal was upheld, and the decision is appended to this report.

New Appeals Lodged

3. The following appeal was lodged on 15 March 2024.

PAC Ref	2023/A0109
Application ref	LA06/2023/2156/O
Appellant	Mr Horner
Subject of Appeal	Refusal of Outline Planning Permission for 2No. Dwellings.
Location	Between 2A and 4 Coach Road, Ballyloughan, Comber

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

RECOMMENDATION

Not Applicable

It is recommended that Council notes the report and attachments.



Enforcement Appeal Decision

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Appeal Reference:	2023/E0011
Appeal by:	Mr E Lennie
Appeal against:	An Enforcement Notice dated 26 th April 2023
Alleged Breach of Planning Control:	(i) Change of use of land and vehicle access to serve private golf range; (ii) Erection of 5.5m high safety netting; (iii) Erection of two floodlight columns; (iv) Metal shed erected; (v) Erection of unauthorised polytunnel
Location:	Lands north of 60 Ballyrogan Road, Newtownards, Co. Down
Planning Authority:	Ards and North Down Borough Council
Authority's Reference:	LA06/2020/0130/CA
Procedure:	Remote hearing on 23 rd February 2024
Decision by:	Commissioner K S Donaghey, dated 25 th March 2024

Grounds of Appeal

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

Ground (c) - that those matters (if they occurred) do not constitute a breach of planning control.

2. Ground (c) raises the questions whether the alleged breach of control is 'development'; and if it is development is planning permission required. Ground (c) of appeal is argued in respect of the access only.
3. The appellant argues that the access referred to in the Enforcement Notice (the Notice) has been approved by a previous planning application. Planning permission X/2007/0517/F was granted 13th February 2008 for a proposed replacement dwelling, garage and stable block at 60 Ballyrogan Road, Newtownards. It is the view of the appellant that stamped approved drawing 02 of this approval shows the access in its current form.
4. The appellant further states that the access referred to within the Notice is also present in the stamped approved drawings which relate to subsequent development at the site. X/2008/1069/F constituted an 'amended house type to previously approved X/2007/0517/F with additional accommodation in basement, single storey utility, plant room and porch including revised garages and storage'. It also included

the vehicular access, as depicted on Drawing 02 titled proposed site layout, dated 25th November 2008 and stamped granted on 15th October 2009.

5. The access referred to in the Notice appears in lands outlined in blue within the above-mentioned drawings. This indicates that whilst the lands were not part of the site associated with the various applications, they were under the control of the applicant at the time which the applications were made. The access referred to in the Notice is referred to as an existing farm access within the above mentioned stamped approved plans. There is no reference to any alterations or amendments to this access within the description of development of either application, nor are any works to this access required by conditions to either approval. Whilst these drawings may demonstrate that there was an existing farm access at this location when the planning applications were made, they do not demonstrate that the access, as it is referred to in the Notice, has planning permission. Therefore, the appeal under ground (c) must fail.

Ground (d) - that the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.

6. The Notice was issued on the 26th April 2023. 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 change of use to a private golf range and access. The appellant therefore must demonstrate that both aspects of the appeal development which he has pursued under ground (d) were substantially complete on or before 26th April 2018.
7. The appellant has provided several photographic images of the site and surroundings. These images are screen shots of a mobile phone device and include the date taken and the specific geolocation data. In all, 12 images are provided of the golf range and surrounding environs. They are referred to, by the appellant as showing;
 - 1) Preparation of tee box – 14th February 2013
 - 2) Tee box covered in turf grass – 14th March 2013
 - 3) Driving range being sown out in grass on 16th May 2013
 - 4) First grass coming through on 3rd June 2013
 - 5) Appellants son driving off tee box on 6th June 2013
 - 6) Appellants son driving off tee on 7th October 2013
 - 7) Photo of distance markers for driving on 18th April 2014
 - 8) Teeing off from tee box on 8th July 2014
 - 9) Photo of appellants daughter on the ball collector / grass cutting machine on 3rd July 2014
 - 10) Teeing off from tee box on 8th July 2014
 - 11) Appellants son driving off tee 21st April 2017
 - 12) Photograph of ball stop fencing, ball collector / grass cutting machine 30th May 2020.
8. In addition to the appellants photographs, several orthographical images were also provided dated 23rd July 2014, 20th April 2016, 17th May 2019 and 12th August 2022. The appellant argues that these images support the photographs in

demonstrating that the private golf range was sown in grass and maintained as such without reverting to any other use.

9. Image 8 of the appellant's photographs, which is dated 16th May 2013, shows the golf range area being levelled and sown in grass. There are of variety of images since then of the range in use, albeit at a small scale. The act of levelling and reseeding, whilst not operational development, shows that works have been carried out to the land itself to accommodate the use. The various images then provided show this range in use for a constant period of at least 5 years. The appellant stated at the hearing that at no point since this the levelling and reseeding of the land in 2013 has it reverted to agriculture. It has constantly, up until the present day, been used and maintained as a private golf range. No evidence to the contrary was provided by the Council.
10. The Council argue that whilst the golf range may have been in intermittent use since 2013, the erection of safety nets and floodlighting signal the point upon which a material change of use took place at the lands. These structures were erected in 2020 and are not immune from enforcement action. Whilst the erection of ancillary structures are indicators than point towards a golf range use being active at the appeal site. I do not consider that the erection of the safety nets and floodlights signals a particular point of a material change of use taking place. This was more likely to be the reseeding and levelling of the field for its use as a golf range in 2013. Adequate evidence has been provided to demonstrate that the golf range has been in consistent use from this point in time onwards. The appellant advised that the field has remained in use as a golf range since reseeding and levelling and has not reverted to agricultural use at any point.
11. No evidence has been provided in respect of the access. However, the appellant's evidence in respect of Ground (c) does demonstrate that there was an agricultural access at this location since at least 2007. The manner in which the breach is stated in the Notice indicates that the change of use to the private golf range is inextricably linked to the use of the access. This point was accepted by the Council at the hearing. The appellant also stated at the hearing that the access which is subject to the Notice has been used since at least 2012 to service and access the private golf range and is not used to access agricultural lands.
12. Having considered the points above I am satisfied, on the balance of probabilities, that the private golf range was constructed in May 2013 and has been in constant use for a period of at least five years since this date. I also consider that the access is a composite part of this and has been in use in connection with the private golf range for a similar period. This relates to the change of use only, as the appellant has not sought to argue the ancillary structures under ground (d) of appeal.
13. The appellant has submitted that the extension to the domestic curtilage upon which the metal shed and poly tunnel are erected is also immune from enforcement action and several orthographic images are submitted in support of this. The extension of the domestic curtilage is not specifically mentioned as a breach within the Notice and therefore cannot form part of my consideration. Whilst it is implicit that the metal shed and poly tunnel are within the extended domestic curtilage, no evidence has been presented in respect of Ground (d) to suggest that, as operational development, they are immune from enforcement.

14. In context of the consideration above, I have found that no enforcement action may be taken against the change of use to private golf range and associated access. Therefore, the appeal on ground (d) succeeds in relation to change of use of land and vehicle access to serve private golf range only. The appeal on ground (d) fails in all other matters.

Ground (a) and the Deemed Planning Application

15. The remaining issues to be determined under ground (a) relate to the erection of 5.5m high safety netting; the erection of two floodlight columns; the erection of a Metal shed; and the erection of a polytunnel. The Council stated that it does not have any objection to approval being granted to the metal shed and poly tunnel subject to conditions restricting their use to domestic functions only. As such these elements can be approved under ground (a).
16. 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 Borough Council has not yet adopted a plan strategy for the district as a whole. The plan has no policies pertinent to the appeal development.
17. There is no conflict between the provisions of the Strategic Planning Policy Statement (SPPS) and the retained policies on the issues raised in the appeal. In accordance with the transitional arrangements set out in the SPPS, the appeal development should be determined in accordance with the retained policies namely Planning Policy Statement 2: Natural Heritage (PPS2), Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation (PPS8) and Planning Policy Statement 21, Sustainable Development in the Countryside (PPS21).
18. Policy CTY 1 of PPS 21 indicates that outdoor sport and recreational uses should be determined in accordance with PPS 8. Whilst I have considered above that the use of the driving range is immune from enforcement action, the associated floodlights and safety netting are ancillary development associated with the range. The Council object to the floodlights due to their impact upon amenity and impact upon bats.
19. PPS 8 sets the policy context for sport and outdoor recreational uses. Policy OS3 deals with outdoor recreation in the countryside. Criteria (i) of Policy OS3 states that there shall be no adverse impact on features of importance to nature conservation, archaeology or built heritage. Paragraphs 6.180 and 6.192 of the SPPS along with Policies NH2 and NH5 of PPS 2 are also referred to in respect of the impact upon bats in the context of their status as a statutory protected species. The Council having taken advice from Northern Ireland Environment Agency: Natural Environment Division (NIEA) argue that it has not been demonstrated that the floodlights will not cause an impact upon an identified local bat population. This is due to the fact that the floodlights are within 50 metres of a tree and hedgerows and it has not been demonstrated that the floodlights will not cause less than 1 lux of light spill onto these features. The appellant has not provided any further technical

information to demonstrate that there will not be light spill from the floodlights but argued that this aspect could be conditioned on approval.

20. The existing floodlights are within 50 metres of a tree and hedgerows. In this case it is incumbent upon the appellant to demonstrate that the development is not likely to harm a statutorily protected species. NIEA have advised that there are bat roosts 1km northwest and 1.5km to the southeast of the site. Trees and hedgerows are features of importance for bats either for foraging and navigation or for roosting. It has not been demonstrated that the floodlights do not cause adverse impacts upon these features. Therefore, it has not been demonstrated that the floodlights are not likely to harm the local bat population. The Council's objections in this regard are sustained.
21. Criterion (iv) of Policy OS3 of PPS 8 states that open space and outdoor recreational development shall only be approved when there is no unacceptable impact on the amenities of people living nearby. This is reiterated within criterion (i) of Policy OS7 which deals with the floodlighting of sports and outdoor recreational facilities. The Council argue that it has not been demonstrated that the floodlights will not have an impact upon amenity. In arguing this point the Council refer to 'Institute of Lighting Professionals Guidance Note GN01/21: The Reduction of Obtrusive Light'. At the hearing the Council clarified that the potential impact was upon the dwellings at Nos. 58 and 62 Ballyrogan Road. The floodlights have been in operation for almost four years prior to the hearing. At the hearing the Council could not advise if there had been any complaints in respect of the floodlights. A Freedom of Information request by the appellant indicated that there have been no complaints in respect of the impact of the floodlights upon amenity since they became operational.
22. The nearest residential properties to the floodlights are around 80 metres to the southwest and 120 metres to the west. The lights themselves are two modest lamps mounted on poles of around 6 metres. They are directed down range in a northerly direction. Considering the scale of the lights, the separation distances involved and the actual orientation of the dwellings to the lights themselves, it is unlikely that light spill occurring from the floodlights is to the extent that it significantly impacts upon residential amenity. The Council's objections in this regard are not sustained.
23. The Council object to the safety netting on the basis that it was a part of the driving range being enforced against. I have already considered above that the use as a driving range is immune from enforcement action. No cogent argument is presented to demonstrate that the safety netting is unacceptable as a composite part of the use on the site. I have not been presented with any persuasive argument that would prevent me from granting approval. Therefore, the 5.5 metre high safety netting is approved.
24. In context of the consideration above, I have found that the 5.5 metre high safety netting is acceptable on its planning merits. The Council advised that they do not object to the granting of approval for the metal shed and polytunnel, subject to the conditions set out below. Therefore, the appeal on ground (a) succeeds in relation to these matters only. As the 5.5-metre-high safety netting, metal shed and polytunnel are acceptable in principle in the countryside for the reasons given, the ground (a) appeal succeeds in respect of these matters only, subject to the condition below.

Condition

- 1) The metal shed and polytunnel hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of No.60 Ballyrogan Road.

Ground (f) - that the steps required by the notice, to be taken, exceed what is necessary to remedy any breach of planning control.

25. The main issue in respect of ground (f) is whether the steps required by the Notice exceed what is necessary to remedy the breach of planning control. The only remaining parts of the appeal development to be considered under this ground of appeal are the two floodlight columns. The steps as they pertain to the floodlights requires their removal and the land restored to the condition before the breach took place.
26. The appellant argues that the restoration of the land to the condition before the breach took place goes beyond the steps necessary to remedy the breach. This is further exacerbated by the fact that I have found the other elements of the Notice to be acceptable either by immunity or their planning merits. In this instance I have found that it has not been demonstrated that the floodlights will not harm a statutory protected species. As such their removal is required. However, the removal of the structures is all that is required to remedy the breach. The ground does not need to be restored to the condition before the breach took place. The EN shall be amended to state at part 4 (3) to state "Remove two floodlight columns (edged in orange on the accompanying map)". The Notice is varied and the appeal in respect of this issue succeeds.

Decision

The decision is as follows: -

- The appeal on Ground (c) fails.
- The appeal on Ground (d) succeeds in respect of a change of use of land and vehicle access to serve private golf range (shown edged in red on accompanying map) only.
- The appeal on Ground (a) succeeds in relation to the 5.5m safety netting, metal shed and poly tunnel only, subject to the following condition;
"The garage and polytunnel hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of No.60 Ballyrogan Road".
- The appeal on Ground (f) succeeds and Part 4 (3) of the Enforcement Notice is amended to state "Remove two floodlight columns (edged in orange on the accompanying map)".
- The Notice as varied is upheld.

COMMISSIONER KENNETH DONAGHEY

List of Appearances

Planning Authority: - Mr K McDowell (Ards and North Down Borough Council)

Appellant: - Mr A Stephens (Matrix Planning)

List of Documents

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

Appellant: - "B1" Written Statement of case and appendices



Appeal Decision

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Appeal Reference:	2022/A0123
Appeal by:	Mr John Furney
Appeal against:	The refusal of full planning permission
Proposed Development:	Attic Conversion to Incorporate New Dormer Window
Location:	82 Ward Avenue, Bangor
Planning Authority:	Ards and North Down Borough Council
Authority's Reference:	LA06/2021/1451/F
Procedure:	Written Representations with Commissioner's site visit on 23 rd February 2024
Decision by:	Commissioner Carrie McDonagh dated 6 th March 2024

Decision

1. The appeal is allowed, and full planning permission is granted subject to the condition set out below.

Reasons

2. The main issue in this appeal is whether the proposed development would be of an appropriate design for the locality, including its location within a draft Area of Townscape Character (ATC).
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 (the Act), requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently BMAP must be disregarded. The North Down and Ards Area Plan 1984 - 1995 (NDAAP), despite its vintage, operates as the LDP for the area where the appeal site is located. In the NDAAP the site lies within the development limit for Bangor and is not zoned for any purpose. At section 13.7, it states that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town.

5. A further consequence of the Court of Appeal judgement is that the draft BMAP (dBMAP), published in 2004, remains a material consideration in the determination of this appeal. In dBMAP, the appeal site lies within Bangor at the northwestern edge of the draft Bangor East Area of Townscape Character (ATC) (BR14). The proposed boundary extends along Ballyholme Bay with Ballyholme/Ward Avenue identified as a distinct area within the designation, although the appeal site is not referred to. The compliance or otherwise with the provisions of the LDP and the weight to be given to dBMAP will be addressed later in this decision.
6. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy (PS) for their council area. No PS has been adopted for this Council area. During the transitional period, the SPPS retains certain existing Planning Policy Statements (PPSs) including the PPS 7 addendum, titled "Residential Extensions and Alterations" (APPS7) and the PPS 6 Addendum, titled "Areas of Townscape Character" (APPS6). In respect of the appeal development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained in the PPSs. In line with the transitional arrangements, as set out in the SPPS, the PPSs provide the relevant policy context for determining this appeal. I will address the matter of the applicability of APPS 6 and the related provisions of the SPPS later in this decision.
7. The appeal site comprises the southern property within a pair of semi-detached dwellings. It is located on the northeastern side of Ward Avenue, at its junction with Clifton Road. Situated behind and above a row of traditional dwellings to the west, it is also surrounded by a mix of large detached and semi-detached dwellings set in mature plots to the south. To the north and east there is the Kingsland Recreational Ground, a large area of open space, which abuts Ward Avenue and Seacliff Road. The topography falls steeply from the appeal site, northwards towards St Lukes Point and eastwards towards Ballyholme Bay. To the east is an inclined grassed bank with patches of planting, including a tree, which appears taller than the ridge line of the appeal property. Ballyholme Yacht Club, a children's play area and car parking are situated further east along the promenade.
8. The appeal property is accessed via a rising lane adjacent to 62 Ward Avenue. It leads to a cul-de-sac shared with three other properties (No. 84, to the north and the detached dwellings at Nos. 80 and 78 Ward Avenue to the south). 3m high conifers separate the tarmac driveways of the appeal site and No. 84. A garage sits forward of the appeal property access on its southern side, separating it from No.80. To the rear (the east), a lawned garden is enclosed by boundary hedging. The property has a grey rendered finish, with white brick quoins and white PVC windows and guttering. A three storey bay window is on the eastern elevation alongside a second column of smaller windows. There is a two storey extension to the southern (side) elevation with a first floor conservatory above. The roof is cross gable, finished in slate, with gable chimneys and a further set of chimneys in the western return. Velux windows are set into the eastern, southern and western roof pitches.
9. The proposal seeks to provide an attic conversion, incorporating a new dormer window on the eastern pitch of the main roof. The evidence refers to a flat roof dormer set into the roof at 1.75m overall height and 7.7m wide. It would replace a Velux window. Proposed finishes are dark grey render to the dormer walls, dark grey uPVC frames and grey EDPM covering to the roof.

10. The Council's reason for refusal is based on APPS6. Policy ATC 2 titled "New Development in an Area of Townscape Character" only permits development within an ATC where it maintains or enhances its overall character and respects the built form of the area. The Council refer to strategic policy support such as RG11 of the Regional Development Strategy (RDS), which seeks to conserve, protect and where possible enhance our built heritage. They also refer to the importance of design as a material consideration. Paragraph 4.26 of the SPPS requires that particular weight should be given to the impact of development on existing buildings, including on the character of areas recognised for their landscape or townscape value, including ATCs. Paragraph 6.21 of the SPPS states that in managing development within ATCs designated through the LDP process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. Notwithstanding there is no change in policy direction between the provisions of the SPPS and those in APPS6, their policies refer to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. I am therefore not persuaded that Policy ATC2 of APPS6, and the aforementioned provisions of the SPPS are applicable to the consideration of the proposal.
11. According to the Council's submitted evidence, no objections to the draft Bangor East ATC (BR14) were considered by the Commission in the dBMAP public inquiry. It is therefore likely the designation will be included in any lawfully adopted BMAP. Notwithstanding my above conclusions in respect of Policy ATC2 of APPS6, the potential impact of the appeal development on the proposed ATC designation remains a material consideration in this appeal.
12. The Council also refer to the dBMAP inquiry report in respect of Policy UE 3 and the control of development in ATCs. The recommendation was that the policy be deleted, and a detailed character analysis be undertaken, with a design guide produced for each ATC. As it stands, it is unclear how any lawfully adopted plan will describe the key features or overall character of the area to be designated, accordingly it is not possible to assess the impact of the appeal development on that character. However, regardless of the lack of a policy context, the impact of the appeal development on the draft ATC remains a material consideration. Whilst its precise character cannot be defined at this point, given the lack of a specific detailed character analysis, the appeal design can still be objectively assessed against the context of the surrounding built form.
13. The appellant argues that the surrounding character is not just made of homogeneous design features/roof styles. They refer to a wider diversity in building type and style than the fine terraces and Edwardian detached villas along Ward Avenue set within their own gardens, as detailed within the draft ATC BR14. They refer to sizable waterfront apartments, such as Bay Apartments at the junction of Seacliff Road and Seaforth Road, and an adjacent care home complex helping to contribute to the appeal sites setting and context. They argue that the varied roof styles include modern large flat roof dormers, referring to the apartment building at 150-160 Seacliff Road and the approved four storey apartment development at Kings Church (appeal 2020/A0099), 140m north of the appeal site on Seacliff Road, just above the open space at Kingsland Recreational Ground.

14. The appellant also highlights a recently erected glazed roof terrace and flat roof observatory and a 1.8m obscured glass balustrade at 78 Ward Avenue. It is the middle dwelling in a row of seven along the ridgetop of the grassed bank at the recreational ground, including the appeal building as viewed from Seacliff Road. The dwelling is of a more recent construction than the appeal property.
15. Combined, the appellant's examples and my own observations demonstrate that the architectural styles are diverse, with variety in age, style of construction, appearance and roof design. I also consider the expanse of open space within the recreational ground and the graduated network of lanes as one moves back from the coast adds interest to the position of the dwellings within the rising landform and is integral to the area's character. My comments on character are restricted to the area around Ward Avenue and the seafront around Seacliff Road only.
16. The appeal building dates from the 1900's, as identified on a historic Ordnance Survey extract. There is no dispute that is good example of a large villa set in a generous plot, with features such as the three storey bay windows which are found elsewhere in the draft ATC. While deemed to be set back in the context of the surrounding open space, it is positioned on an elevated site, which gives it prominence within this part of the draft ATC. Its height and ridge location all contribute to it having extensive public views from the adjacent recreational areas, the Seacliff Road and in distance views from the Promenade, Ballyholme Bay and Esplanade. However, the location of the appeal building relative to its adjacent dwellings is part of the consideration of character as the property is never viewed in isolation.
17. While occupying a key corner position beside the Seacliff Road, it is the northern gable and front view of the adjoined semi-detached property at No. 84 that is the more prominent property on approach from the north. As one travels south, towards Ballyholme Bay past the appeal property, its front elevation is seen in context of not only this attached property but as one of a row of seven properties, including No. 78 Ward Avenue with its flat roof observatory. That roof extension is larger in scale than the appeal proposal in context against the skyline and replicates the horizontal/squat window design in the lower floors and that adjacent at No. 76 to the south and the flat roof extension at No. 80 Ward Avenue, which is immediately south of the appeal building. The row of dwellings has varied materials, solid to void ratios and construction periods. There is no consistency within the row, nor uniformity in height or roof pattern. In this context, it is the prominence and ridge setting of the row of dwellings that is important to the character as viewed from the seafront, as opposed to the appeal building being individually considered as of particular importance.
18. The Council consider the scale and proportions of wide dormers are not characteristic of the surrounding area and historic villas, with potential incremental erosion from the cumulative effect of changes to historic buildings and the appearance of this historic villa. They consider such alterations can individually and cumulatively affect their intrinsic interest, character and appearance. They add that most dormers in the area are smaller or are on detached dwelling.
19. The appeal property is not a listed building. It is also not originally intact, having had later additions, including its first floor conservatory and an extension to the south to provide an enlarged garage with patio over. The policy context for a

building of this vintage, while it can be classified as historic in terms of age, is the same as for any building. As I have previously determined, it is the row of buildings within which the appeal site is located that are of importance to the character of the surrounding area. I accept that the appellant's examples referred to previously, of modern style apartment buildings, are not directly comparable to the addition of a wide dormer on the appeal building, given its traditional appearance. However, I would classify four of the examples of provided to relate to traditional properties.

20. 52 Ward Avenue relates to a side dormer and is not directly comparable. Nos.1 & 3 Seaforth Road are a second pair of semi-detached dwelling located at the opposite end of the ridgetop row of seven dwellings within which the appeal site is located. Notwithstanding the Council's argument that they were added prior to the draft ATC, and are not directly comparable, my observations of the wider Ballyholme Bay area demonstrates the addition of flat roof dormers on other traditional properties in the wider area. This includes the provided examples of Nos. 272 and 276 Seacliff Road, which are detached seafront villas located to the south of the appeal site. The later property has modern dormers constructed of similar grey materials to that proposed.
21. The Appellant also relied on the extant permission for two dormers on the appeal property as an example of dormers of the scale and proportion of the proposal being characteristic in the area. LA06/2020/0122/F permits an attic conversion into a bedroom incorporating two dormers in place of Velux rooflights. The first approved dormer is on the western pitch, measuring 4.9m wide. The second is in the southern elevation (rear return) and measures 3.9m wide. The approved dormers have the same flat roof design, external materials and 1.75m height as the proposal.
22. The Council argue the proposed dormer, almost spanning the full width of the elevation, sitting just below the chimney stack and ridgeline of the roof of the main house will detract from the balance and appearance of a pair of semi-villas.
23. While I accept the appellant's argument that the extant approval for two dormers provides for a reduction in symmetry between the pair of semi-villas, I agree with the Council that public views of the two effected elevations from Ward Avenue and from Clifton Road are limited. As they are over a short distance, they are not directly comparable to the Council's argument that a dormer on the primary elevation could upset the roof balance of the semi-detached properties given the more extensive views over the front/eastern elevation.
24. The appellant argues that the Council's position would render it impossible to make any changes to one dwelling without replicating them on the other, that the creation of symmetry is not a policy test and is prohibitive on the adjoining property. They further argue it is common to put additions onto semi-detached dwellings. They refer to the addition of dormers by different owners at different times to the eastern elevation of 1 & 3 Seaforth Road. While I accept their host building has a different roof profile and their dormers are smaller than the proposal, each is of a different size. No. 1 has a larger dormer than that adjacent. These red brick traditional semi-villas are, like the appeal property, set back from the Seacliff Road. I do not find these flat roof dormers harmful either in terms of their impact individually, or that a difference in either of the pair of semi-detached villas detracts from their roof balance and appearance as seen in long range views from 50m away.

25. The proposal would be viewed in the context of this pair of semis. There is variation in height and roof design across the ridgetop row, within which the roof observatory of No. 78 Ward Avenue is now the prominent feature, drawing the eye. It is clear that the appeal building is a semi-detached property, rather than detached, the side conservatory designs on both properties being one contributory factor in that assessment. Combined with the more significant setback of the appeal property some 100m from the Seacliff Road, I do not consider that the lack of symmetry created by the proposal within the pair of semi-detached villas would create an imbalance in the roofline that would be damaging to the character of the row, or its location within the proposed ATC.
26. My conclusions above, relating to the character of the surrounding dwellings, are such that I am not persuaded that the appeal development would present as an obtrusive feature in the row in opposition to the existing street scene. Rather, I find the elevated and prominent row to be of diverse character, including modern flat roof designs which are part of its appearance. The proposal respects the built form of the area and is contextually appropriate as viewed from Seacliff Road. The appellant's withdrawal of the proposed dormer from their previous application does not alter my conclusions in this regard. The Council have not sustained their reason for refusal based on the failure to maintain or enhance the draft ATC as per APPS6.
27. The Council seek to add a refusal reason relating to APPS7 Policy EXT 1 titled "Residential Extensions and Alterations". The appellant objects to its insertion, arguing that the policy was previously referred to in the Case Officer Report (COR) and inclusion, at an advanced stage in the appeal process, would set an unacceptable precedent for the addition of various other refusal reasons in SoCs.
28. In the evidential context of this appeal, the design of the proposed dormer is already before me as part of the assessment of the impact on the surrounding character, including its location within the draft ATC. Policy EXT1 also assesses if the proposal is sympathetic with the built form and appearance of the existing property. This overlaps somewhat with the NDAAP policy, which relates to the consideration of design which respects the scale and character of existing buildings and use of sympathetic building materials. Although the late stage introduction of an additional reason for refusal is unhelpful, given my consideration above along with the fact the appellant was afforded the opportunity to comment at rebuttal stage, there is no prejudice to the appellant in the consideration of the proposal under the additional policy context of Policy EXT 1.
29. Policy EXT 1 permits alterations to a residential property where four criteria are met. The Council's concern relates to criterion (a) where the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. Annex A "Guidance for Residential Extensions and Alterations" of APPS 7 is also referred to by the Council.
30. Annex A, Paragraph A8 relates to proposed side extensions to a semi-detached dwelling. It is of little assistance in this appeal. Paragraph A9, states that alterations to the front of a property require great care as the front elevation is often the most visible to public view. Poor design can upset the architectural integrity of the existing property and have an intrusive effect on the street scene. It emphasises the importance of ensuring alterations appear as part of the property and not an

obvious addition. This can be achieved by ensuring any such works are in proportion with the property, its fenestration and detailing, with matching materials, roof design and pitch. This somewhat overlaps with the specific guidance on roof extensions within Paragraphs A14-A17. A14 states "Flat or mansard roofed extensions to traditional buildings are seldom harmonious. However, they may be acceptable where they are not open to public views."

31. As the extant planning permission has deemed the dormer materials and colour suitable, I do not sustain the Council's concern that the proposal introduces inappropriate and unsympathetic materials to the slate roof. The window height and design are also broadly as approved previously. However, the Council also argue that the horizontal emphasis of the flat roofed dormer window would be at odds with the traditional vertical emphasis which characterises the front elevation i.e. bays and window openings.
32. The proposed dormer extends across and beyond the existing three storey bay window feature to the smaller row of windows. However, I do not consider the dormer width to be of such significance that it will make the building appear top heavy, as part of the slate roof remains visible above the dormer, given its positioning below the base of the chimney stack. Its set back into the pitch, combined with the framed window and external materials of the same colour and finish will assist in it sufficiently blending with the existing roof materials. The critical views of this more contemporary addition are long range, and the dormer width will be difficult to discern from distances in excess of 100m. There is also a high level tree which sits in front of the appeal property within the grassed bank. This will assist in interrupting the view of the long bay window and the dormer above in views from the recreational space, Promenade and Seacliff Road.
33. From beyond Ballyholme Yacht Club and further south, the views towards the building are interrupted by the winding nature of Seacliff Road and the height and position of buildings such as the Bay Apartments. As one travels further from the appeal site eastward around Ballyholme Bay the views of the appeal building become intermittent. For a distance it can only be seen above these intervening buildings, thereby restricting a full view of the dormer as part of the front elevation. The variety of design and materials exhibited by the adjacent buildings, in particular the glazed observatory extension at No. 78, which sits above the height of the proposed roof dormer, draws the eye from these long range viewpoints. Beyond this point, the dormer window width would not be discerned from the bay within the front elevation, nor would its width imbalance the roofline.
34. Accordingly, the scale, massing, design and materials are sympathetic to the built form and appearance of the appeal building and will not detract from the appearance and character of the surrounding area. The Council's reason for refusal based on Policy EXT 1 is not sustained. The proposal also accords with the policy within the NDAAP on this basis. For the reasons given above, the appeal succeeds.
35. A standard time limit is necessary to ensure a sufficient means of planning control in the area.

Condition

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

This decision relates to the following drawings submitted with the application.

Drawing No	Title	Scale	Date
01	Site Location Plan	1:1250 @A4	14 th Dec 2021
02	Existing and Proposed Layouts	1:50 & 1:20 @A1	14 th Dec 2021
04	Proposed Second Floor Layout	1:50 @A1	14 th Dec 2021
05	Proposed South Elevation	1:50 @A1	14 th Dec 2021
06	Proposed East Elevation	1:50 @A1	14 th Dec 2021

COMMISSIONER CARRIE McDONAGH

List of Documents

- Planning Authority: - Ards and North Down Borough Council
"A1" Statement of Case
"A2" Rebuttal Comments
- Appellant: - TSA Planning on behalf of Mr John Furney
"B1" Statement of Case and Appendices
"B2" Rebuttal Comments

Unclassified

207

ITEM 9**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	09 April 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	29 March 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Publication of NI Planning Statistics 2023/2024 Third Quarterly Bulletin
Attachments	Item 9a - Statistical Bulletin

On 28 March 2024 the Department published its report on the volume of planning applications received and decisions issued in the third quarter of 2023/24. This bulletin reports on activity and performance following the transfer of planning powers to councils in April 2015.

The bulletin is attached, and the press release and detailed tables can be viewed on the Department's website here <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2023>.

RECOMMENDATION

It is recommended that the Council notes this report and attachment.



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn
Bonneagair 208

Department für
Infrastruktur

www.infrastructure-ni.gov.uk

NORTHERN IRELAND PLANNING STATISTICS

Third Quarter 2023/24 Statistical Bulletin

October to December 2023: Provisional Figures



Theme: People and Places
Coverage: Northern Ireland
Frequency: Quarterly
Date of Publication: 28 March 2024

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Chapter 3: Local development	12
Chapter 4: Enforcement activity	14

Key points

- There were 2,525 planning applications received in Northern Ireland (NI) during the third quarter of 2023/24; an increase of six percent on the previous quarter and down by five percent on the same period a year earlier. This comprised of 2,487 local and 38 major applications.
- In the third quarter of 2023/24, 2,461 planning applications were decided, an increase of ten percent from the previous quarter and up by over five percent from the same period a year earlier. Decisions were issued on 2,420 local and 41 major applications during the most recent quarter.
- The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2023/24 was 20.4 weeks across all councils. This exceeds the 15 week target and represents an increase of 2.4 weeks from the same period a year earlier. Three of the 11 councils were within the 15 week target after the first nine months of 2023/24.
- The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2023/24 was 44.2 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 16.2 weeks compared with the same period a year earlier.
- The number of enforcement cases concluded, and corresponding processing times are not presented in this report. This information will be published later, and users will be notified when available.

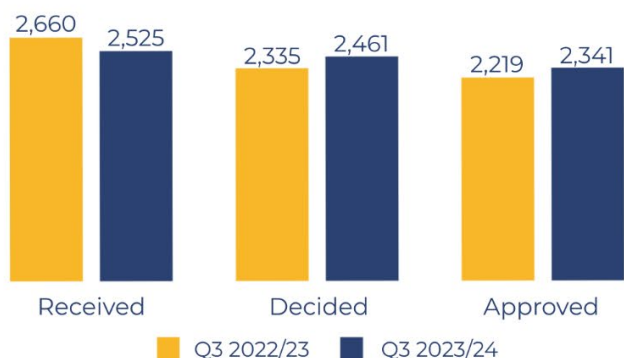


Northern Ireland Planning Statistics Q3 2023/24



Overall planning applications

Applications received, decided & approved

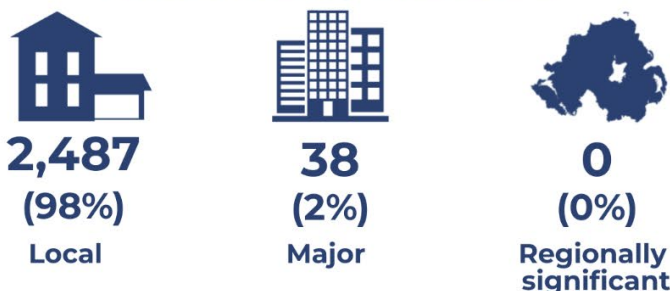


Comparing Q3 2023/24 with Q3 2022/23:

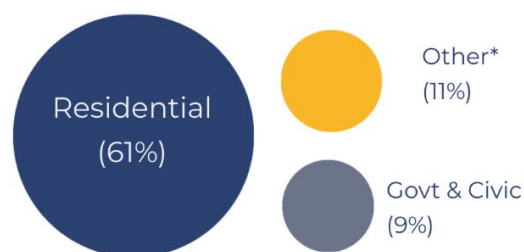


Applications received

A total of 2,525 planning applications were received during Q3 2023/24:



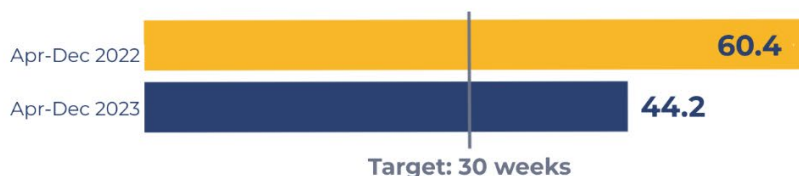
3 largest development types



*Other includes work to facilitate disabled persons, signs/advertisements & listed buildings

Planning statutory targets - April to December 2022 & 2023

Average processing times (weeks) - major



Councils within major target



Average processing times (weeks) - local



Councils within local target



Northern Ireland Planning Statistics: Third Quarter 2023/24 Statistical Bulletin

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure during the third quarter of 2023/24.

Quarterly figures for 2023/24 are provisional and will be subject to scheduled revisions ahead of finalised annual figures, to be published in July 2024. Enforcement figures for 2022/23 also remain provisional and will be subject to a further revision once the full suite of enforcement data is available.

The records of all planning applications from 1 April to 31 December 2023 were transferred in January 2024 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portals. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, a final extract was taken in February 2024.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

Future releases

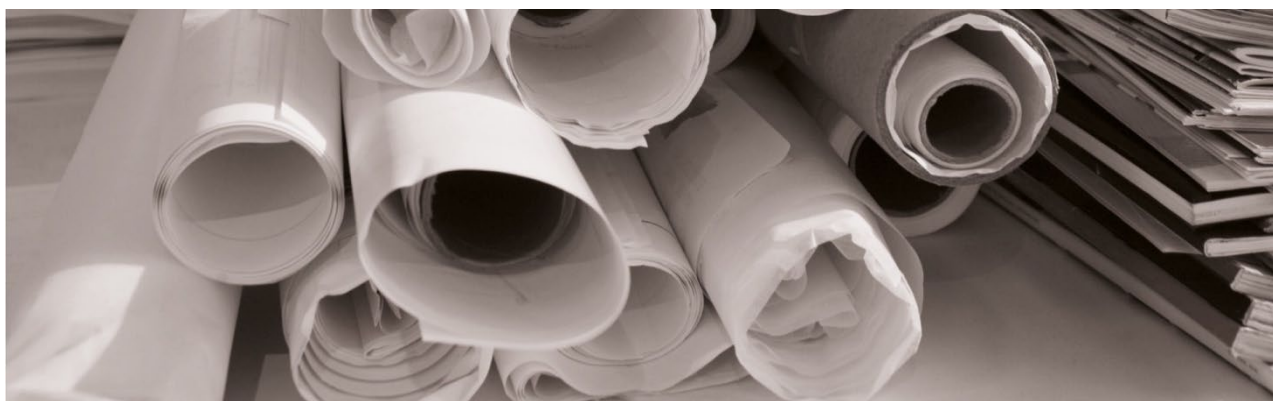
The next annual report covering 2023/24 is planned for release in July 2024. See [GOV.UK Release Calendar](#) and [upcoming statistical releases](#) on the Department's website for future publication dates.

Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind and caution taken when interpreting these figures and when making comparisons with other time periods. Data relating to the number of enforcements concluded and processing times for these is absent from this report. This will be published later and users will be notified when available.

Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



Chapter 1: Overall Northern Ireland planning activity

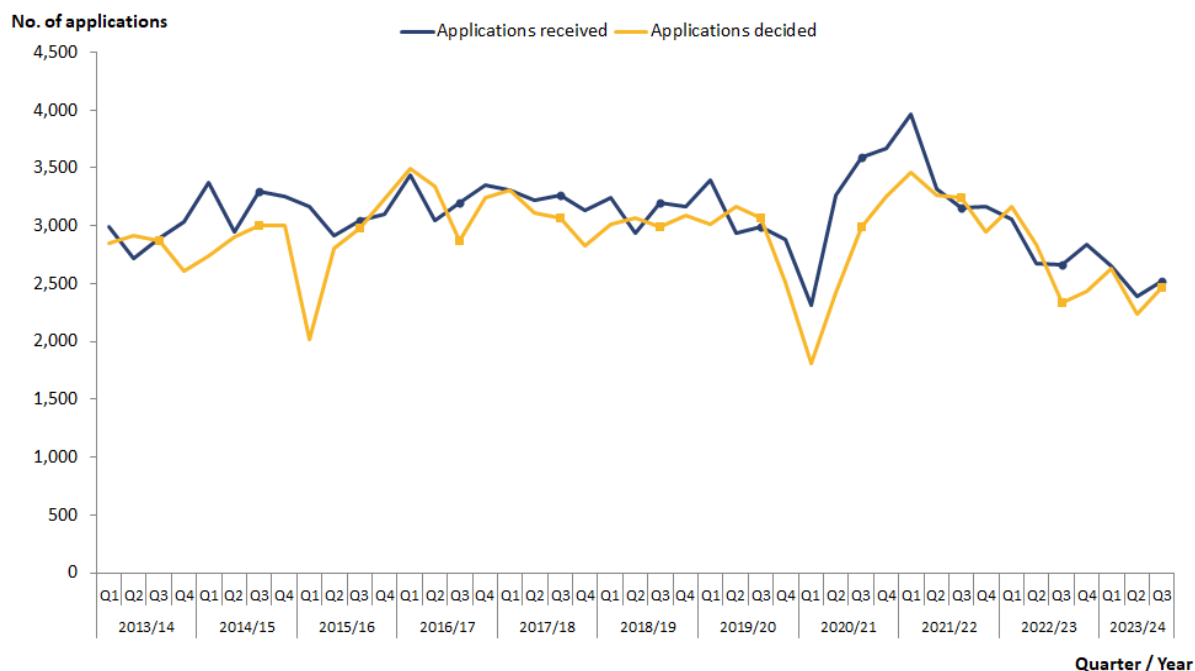
The volume of planning applications received in the third quarter of 2023/24 has increased from the previous quarter and decreased from the level recorded in the third quarter of 2022/23. For applications processed (i.e. decided or withdrawn) the volume processed has increased from the previous quarter and the same period the previous year. The number of enforcement cases opened in the third quarter of 2023/24 decreased from the previous quarter and was similar to the same period a year earlier; the number of cases closed was higher than the previous quarter but lower than Q3 last year.

There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in Q3 2023/24 was 2,525; and increase of 5.8% on the previous quarter (2,386) and a decrease of 5.1% on the same period a year earlier (2,660) (Figure 1.1). [Refer to Tables 1.1, 1.2.](#)

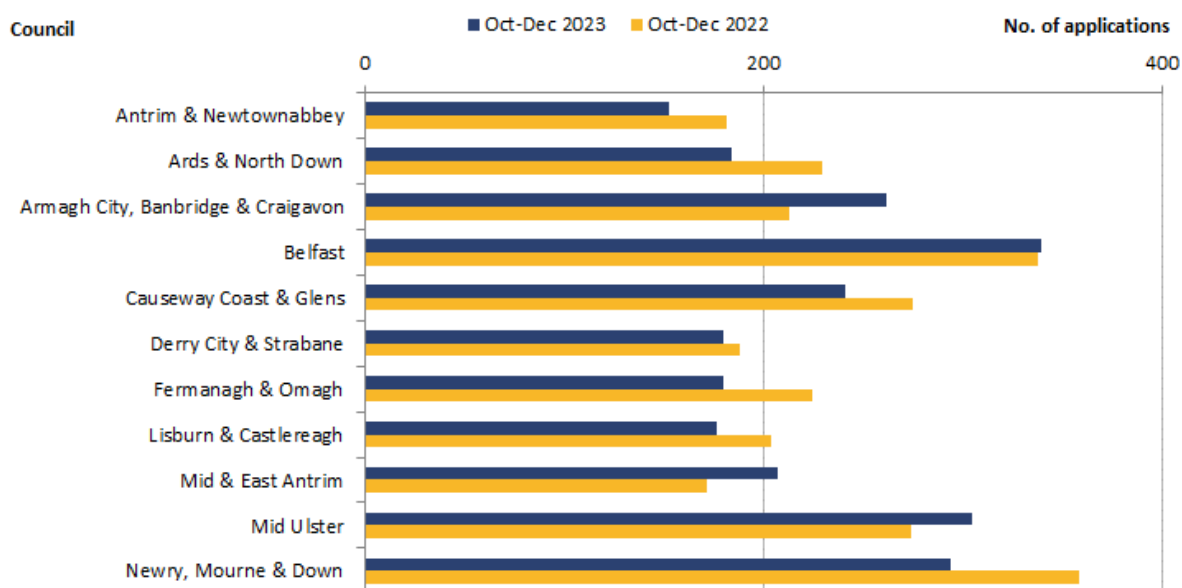
Fig 1.1 NI planning applications, quarterly, April 2013 to December 2023



Six councils reported an increase in the number of planning applications received in Q3 2023/24 compared with the previous quarter, with the greatest percentage increase in Mid and East Antrim (27.8%). Five councils reported a decrease over the quarter with the decrease greatest in Newry, Mourne and Down (-11.4%).

Comparing Q3 in 2023/24 with the same period in 2022/23, seven of the eleven councils reported a decrease in the number of applications received, with the greatest percentage decreases reported by Ards and North Down, and Fermanagh and Omagh (both -20.0%). Four councils reported an increase over the year with the increase greatest in Armagh City, Banbridge and Craigavon (23.0%). (Figure 1.2).

Fig 1.2 Applications received by council, October to December 2022 & 2023

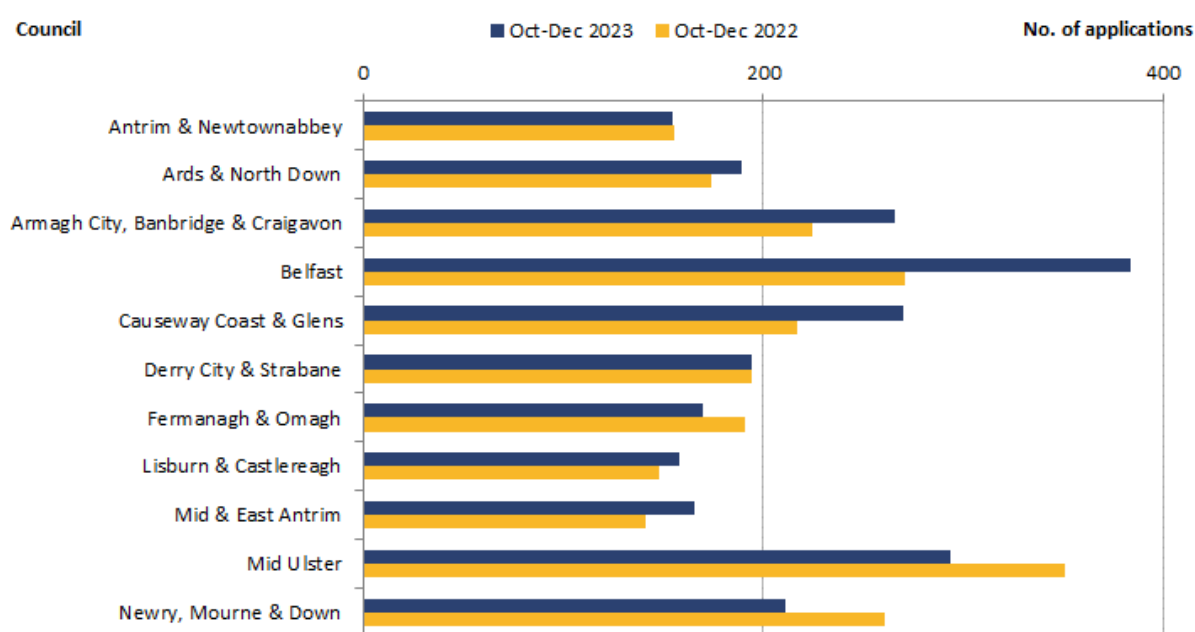


Applications decided

The number of planning decisions issued during Q3 2023/24 was 2,461; an increase of 9.9% on Q2 2023/24 (2,240) and up by 5.4% when compared with the same period a year earlier (2,335). [Refer to Tables 1.1, 1.2.](#)

Comparing Q3 in 2023/24 with the same period in 2022/23, six of the eleven councils reported an increase in the number of applications decided, with the largest increase recorded in Belfast (41.7%). While one council was unchanged over the year, four councils reported a decrease, with the percentage decrease greatest in Newry, Mourne and Down (-19.2%) (Figure 1.3).

Fig 1.3 Applications decided by council, October to December 2022 & 2023



In Q3 2023/24, 155 applications were withdrawn: an increase from both the previous quarter (132) and Q3 2022/23 (138).

Approval rates

The overall Northern Ireland approval rate for all planning applications was 95.1% in Q3 2023/24. This was lower than the previous quarter (95.8%) and similar to the same period a year earlier (95.0%). [Refer to Table 1.1.](#)

Approval rates varied across councils during Q3 2023/24, from 99.3% in Mid Ulster to 88.6% in Lisburn and Castlereagh. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2.](#)

Live applications

There were 7,940 live applications in the planning system across NI at the end of December 2023, down from the end of September 2023 (8,031), and up from the count at the end of the December 2022 (7,823).

Approaching three in every ten live applications at the end of December 2023 were over one year old (28.7%); a small decrease from the proportion reported at the end of September 2023 (29.0%). [Refer to Table 1.3.](#)

Departmental activity

There were four applications received by the Department in Q3 2023/24, twice as many as in the previous quarter (2); none were received in Q3 2022/23. Four applications were decided during the most recent quarter, compared with none decided in the previous quarter, and six decided in Q3 2022/23. No departmental applications have been withdrawn since Q1 2022/23. At the end of December 2023 there were 21 live Departmental applications; 13 out of 21 were in the planning system for over a year.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the five RSD applications live in the planning system at the end of December 2023, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded for one of them.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (1,538; 60.9%) of applications received in Q3 2023/24, followed by 'Other' (282; 11.2%) and 'Government and Civic' (226; 9.0%). The top three development types decided in Q3 2023/24 were 'Residential' (1,540), 'Other' (311) and 'Government and Civic' (217). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

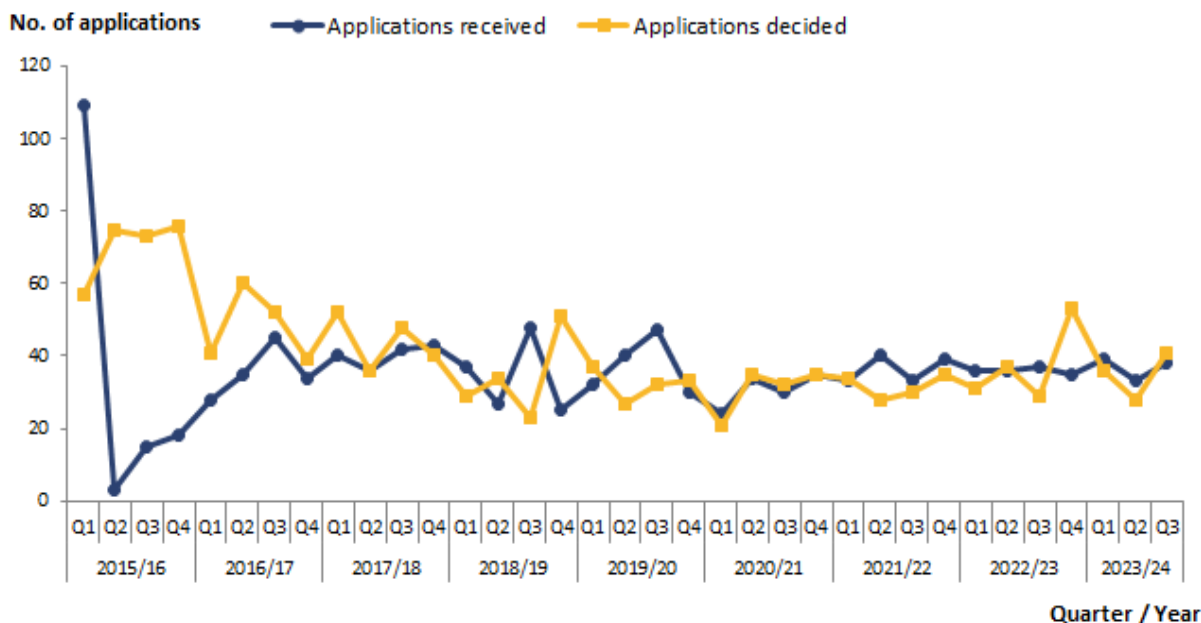
Forty-one renewable energy applications were received in Q3 2023/24; up from both the previous quarter (21) and the same period the previous year (34). Twenty renewable energy applications were decided during Q3 2023/24; this compares to 15 in the previous quarter and 24 in the same period last year.



Chapter 2: Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 38 major planning applications were received in NI during Q3 2023/24; up from both the previous quarter (33) and the same period a year earlier (37). [Refer to Table 3.1.](#)

Fig 3.1 Major development applications, quarterly, April 2015 to December 2023



During Q3 2023/24, 41 major planning applications were decided; up from 28 decided in the previous quarter and from 29 decided during the third quarter of 2022/23 (Figure 3.1). The approval rate for major applications decided upon in NI during Q3 2023/24 was 97.6%. [Refer to Tables 3.1, 3.2.](#)

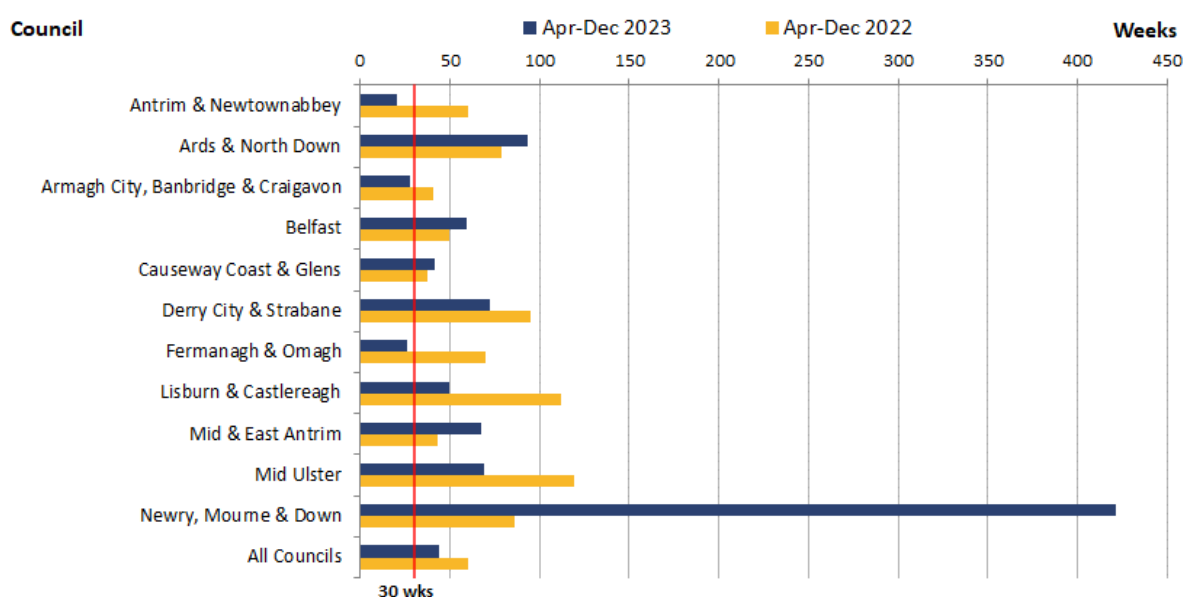
Major planning applications statutory target



It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

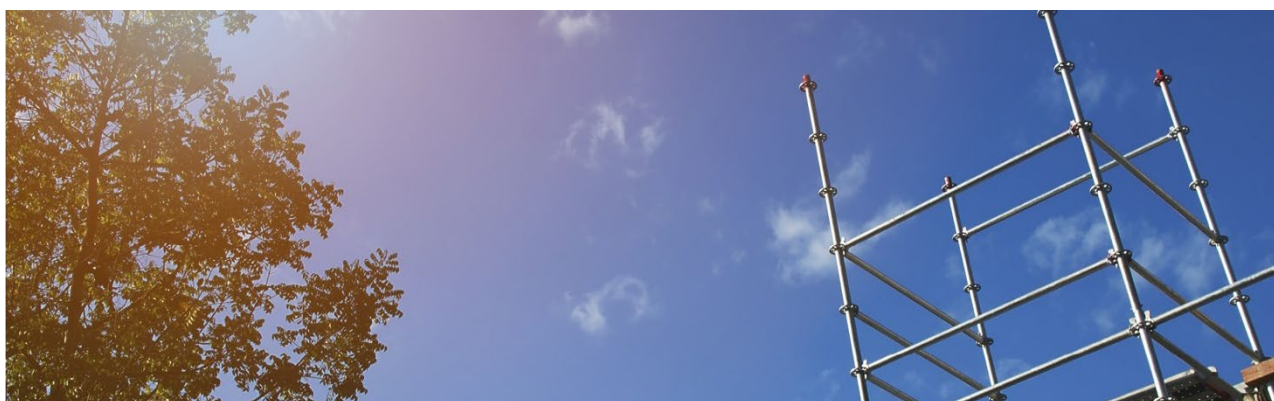
Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during the first nine months of 2023/24 was 44.2 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 16.2 weeks compared with the same period in 2022/23 (60.4 weeks).

Fig 3.2 Major development average processing times by council, April to December 2022 & 2023



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

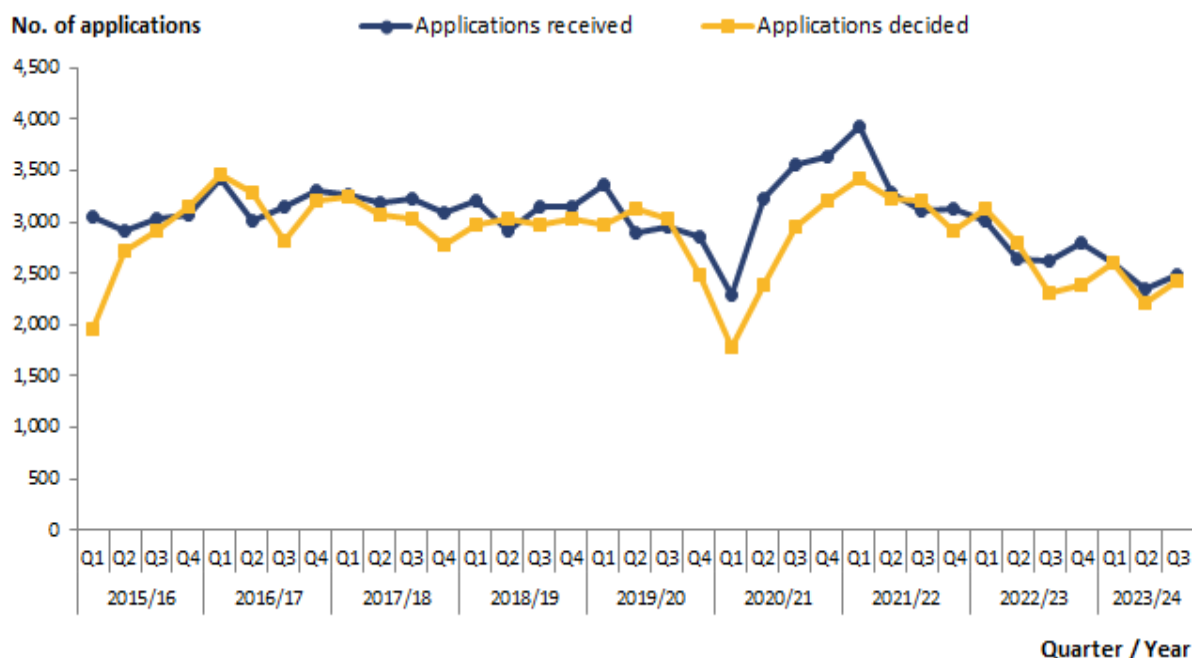
[Refer to Table 3.2 for further information.](#)



Chapter 3: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during Q3 2023/24 was 2,487; an increase of 5.7% on the previous quarter (2,352) and down by 5.2% on the same the same period a year earlier (2,623). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, quarterly, April 2015 to December 2023



The number of local applications decided in Q3 2023/24 was 2,420; up by 9.4% on Q2 2023/24 (2,212) and an increase of 5.0% compared with the same period a year earlier (2,305); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 95.1% in Q3 2023/24; down from the rate reported for the previous quarter (95.7%) and similar to the same period a year earlier (95.0%).

Local planning applications statutory target

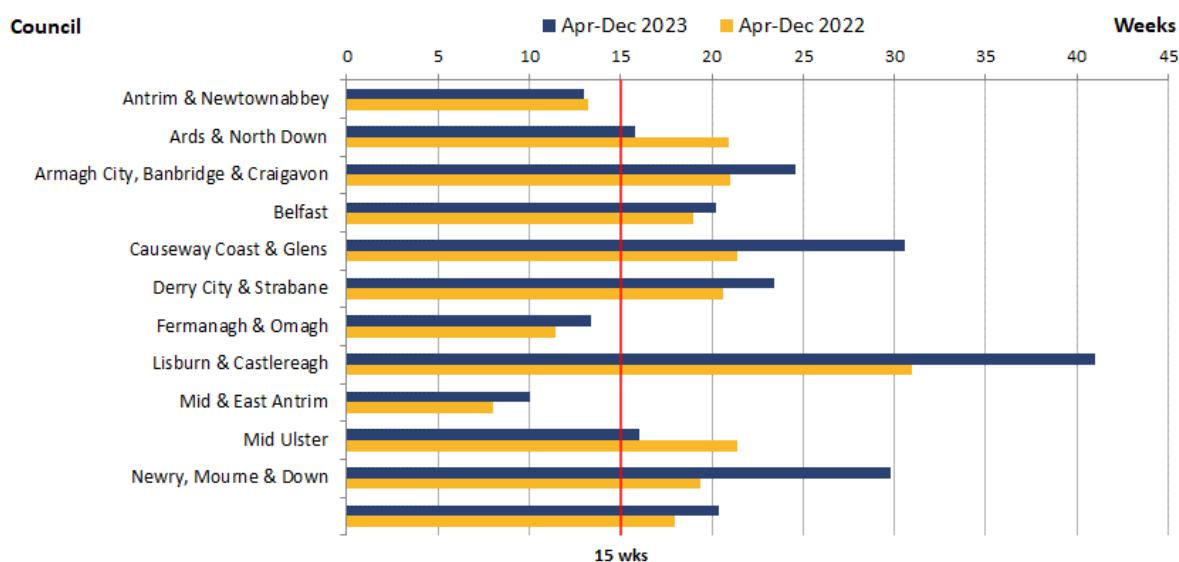


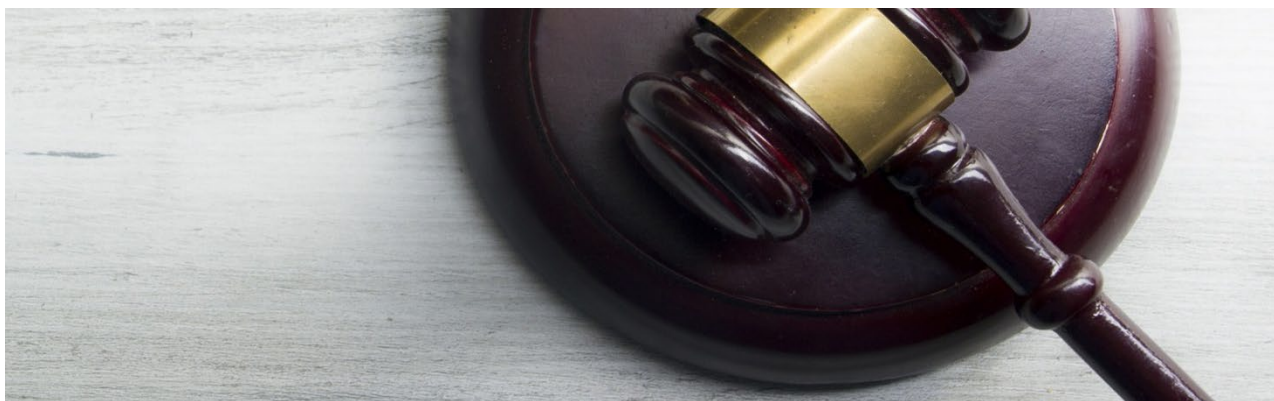
It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during the first nine months of 2023/24 was 20.4 weeks. This exceeds the statutory target of 15 weeks, and represents an increase of 2.4 weeks from the same period the previous year (18.0 weeks).

Three of the 11 councils were within the 15 week target after the first nine months of 2023/24: Mid and East Antrim (10.0 weeks), Antrim and Newtownabbey (13.0 weeks) and Fermanagh and Omagh (13.4 weeks) (Figure 4.1). [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, April to December 2022 & 2023

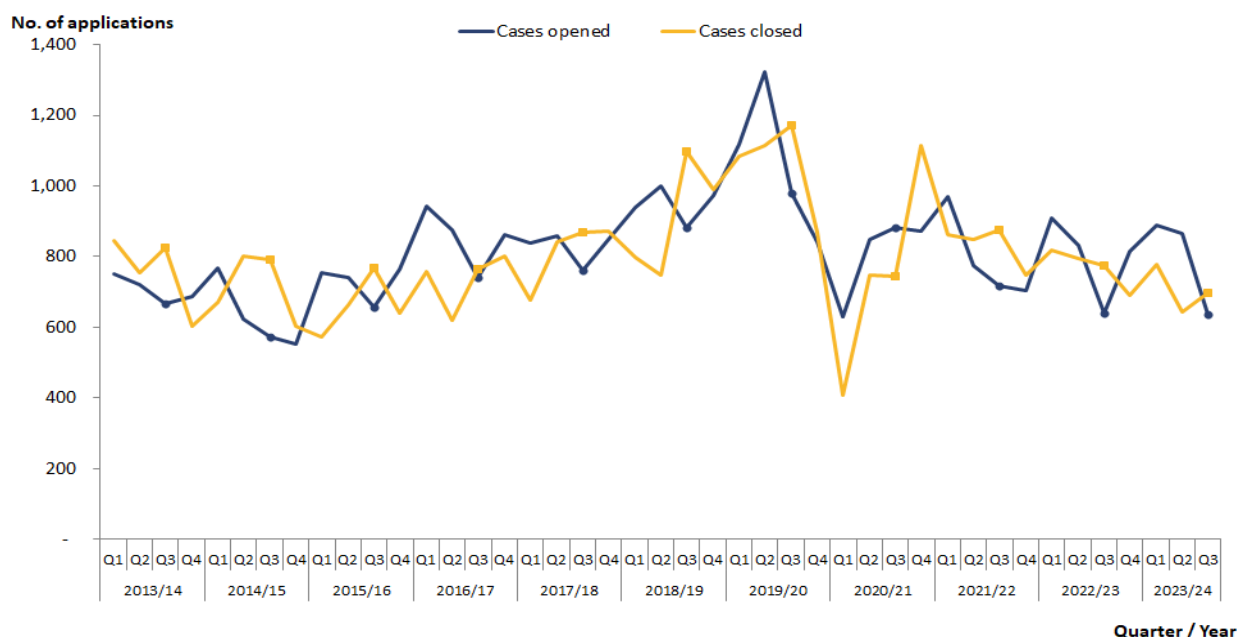




Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during the third quarter of 2023/24 was 636; down by 26.4% over the quarter (864) and very similar to the same period a year earlier (638). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, quarterly from April 2013 to December 2023



The number of enforcement cases closed during Q3 2023/24 was 698; up by 8.4% over the quarter (644) and down by 9.9% from the same period a year earlier (775) (Figure 6.1).

The number of enforcement cases over two years old stood at 1,495 at the end of December 2023, accounting for 36.9% of all live cases. This compared with 35.2% of live cases at the end of September 2023 and 34.4% at the end of December 2022.

[Refer to Tables and 6.1 and 6.4.](#)

Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

The number of enforcement cases concluded, and corresponding processing times (statutory target) is not presented in this report. This information will be published later, and users will be notified when available.



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National Statistics status

The Northern Ireland Planning Statistics were accredited as National Statistics in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled '[accredited official statistics](#)'¹.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing regulation@statistics.gov.uk or via the OSR website.

¹ National Statistics are [accredited official statistics](#).