

July 4th, 2024

Notice Of Meeting

You are requested to attend the meeting to be held on **Tuesday, 2nd July 2024** at **7:00 pm** in **Church Street, Newtownards.**

Agenda

Agenda

📄 [Agenda PC.02.07.24.pdf](#)

Page 1

1. Apologies

2. Declarations of Interest

3. Matters Arising from Minutes of Planning Committee Meeting of 11 June 2024

📄 [PC.11.06.24 Minutes.pdf](#)

Not included

📄 [PC.11.06.24 Minutes PM.pdf](#)

Page 3

4. Planning Applications

4.1 LA06/2024/0075/F - 6a Cultra Terrace, Holywood, BT18 0BA

Demolition of garage and erection of a one and a half storey side extension and double garage with a single storey link between.

RECOMMENDATION - Approve

Persons speaking **against** the application

Mr Michael Phillips - objector

📄 [Item 4.1 Executive summary - LA06 2024 0075 F.pdf](#)

Page 24

📄 [Item 4.1a Case Officer Report PDF.pdf](#)

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📄 [Mr M Phillips - Request to Speak ACCEPTED - Planning Application LA0620240075F - 6A CULTRA AVENUE- speaking notes.pdf](#)

Not included

4.2 LA06/2022/1072/F - Former Redburn Primary School Site, Old Holywood Road, Holywood

Erection of a new post-primary school with car park, bus drop-off area and playing pitches with floodlighting.

RECOMMENDATION **Approve**

The agent will not be speaking but will attend to answer any questions by the Committee.

Mr Mark Haney (agent) - Gravis Planning

📄 *Item 4.2 Executive summary - LA06 2022 1072F.pdf* *Page 36*

📄 *Item 4.2a LA06 2022 1072 F Hollywood Integrated School.pdf* *Page 37*

4.3 *ITEM DEFERRED*** LA06/2024/0261/F - Hollywood Cricket Club, Seapark Pavilion, Seapark, Hollywood**

Ancillary Storage Shed (includes removal of existing containers)

Recommendation - **Approve**

Mr Tim Robinson - objector

📄 *Item 4.3 Executive summary - LA06 2024 0261F.pdf* *Page 67*

📄 *Item 4.3a LA06 2024 0261 F - Hollywood Cricket Club.pdf* *Page 68*

📄 *Speaking Notes - Timothy Robinson Architect.pdf* *Not included*

4.4 LA06/2024/0182/F - Land immediately east of 41 Hamilton Road, south of 1 Springfield Avenue, Bangor (site of former Hamilton House and Sea Scout Hall)

Temporary permission for retention of open space - renewal of LA06/2022/0231/F

📄 *Item 4.4 Executive summary - LA06 2024 0182F.pdf* *Not included*

📄 *WEBItem 4.4 Executive summary - LA06 2024 0182F.pdf* *Page 84*

📄 *Item 4.4a LA06 2024 0182 - Hamilton Road.pdf* *Page 85*

Reports for Noting

5. Update on Planning Appeals

📄 *Item 5 - Update on Planning Appeals.pdf* *Page 94*

📄 *Item 5a 2022 E0018.pdf* *Page 98*

ARDS AND NORTH DOWN BOROUGH COUNCIL

June 2024

Dear Sir/Madam

You are hereby invited to attend a 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 02 July 2024** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
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 11 June 2024
4. Planning Applications (Reports attached)

4.1	LA06/2024/0075/F	Demolition of garage and erection of a one and a half storey side extension and double garage with a single storey link between 6a Cultra Terrace, Holywood
4.2	LA06/2022/1072/F	Erection of new post-primary school with car park, bus drop-off area and playing pitches with floodlighting Former Redburn Primary School Site, Old Holywood Road, Holywood
	ITEM 4.3 BELOW DEFERRED	
4.3	LA06/2024/0261/F	Ancillary Storage Shed (includes removal of existing containers) Holywood Cricket Club, Seapark Pavilion, Seapark, Holywood
4.4	LA06/2024/0182/F	Temporary permission for retention of open space - renewal of LA06/2022/0231/F

		Land immediately east of 41 Hamilton Road, south of 1 Springfield Avenue, Bangor (site of former Hamilton House and Sea Scout Hall)
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Reports for Noting

5. Update on Planning Appeals (Report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

Item 8.1

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 11 June 2024 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Councillors: Cathcart Kendall
Creighton Morgan
McCollum Wray
Kerr (7.02 pm)

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Senior Professional & Technical Officer (C Rodgers) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

Apologies for inability to attend were received from Aldermen Graham, McDowell and Smith and Councillors Harbinson, Martin, McLaren and McKee.

2. DECLARATIONS OF INTEREST

No declarations of interest were notified.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 7 MAY 2024

PREVIOUSLY CIRCULATED:- Copy of the above.

NOTED.

4. PLANNING APPLICATIONS**4.1 LA06/2022/0965/F - Sites 56-93 Gowland Hollow, Portavogie - 21 Dwellings - change of house types and positioning (planning approval X/2003/0144/F).**
(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

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

Proposal: 21 Dwellings - change of house types and positioning (planning approval X/2003/0144/F).

Site Location: Sites 56-93 Gowland Hollow, Portavogie

Recommendation: Grant Planning Permission

The Senior Professional and Technical Officer (C Rodgers) outlined the detail of the application. The proposal would form the next phase of the Gowland development in Portavogie which remained under construction. The application sought alternative house types to those previously approved under the original planning permission X/2003/0144/F.

(Councillor Kerr entered the meeting – 7.02 pm)

The site was located within the settlement limit of Portavogie and in a Housing Policy Area designated by the Ards and Down Area Plan 2015. The wider area was primarily residential and included a mix of different house types.

The Planning Appeals Commission granted permission for 86 dwellings in the wider area following a non-determination appeal. The proposal did not seek any increase in the density previously approved. The overall layout of the proposed development, in terms of the central area of open space and the internal roads network, was broadly in line with the original approval.

The principle of residential development had already been established and the planning history of this site was an important material consideration in the determination of this application. Many of the houses in the Gowland development had been constructed and were now occupied.

The Officer displayed a number of visuals, including the view towards the existing dwellings to the north of the site; a view towards the existing area of open space associated with Lawson Gardens to the south-east of the site, and a view across the application site from the existing housing development, known as Portview Heights, which was located immediately to the south-west.

A range of different house types were proposed which closely reflected the design of house types previously approved. The proposed finishes, including red brick or painted render with white uPVC windows, were in keeping with the wider area.

The amended proposal did not increase the number of units previously approved but incorporated a greater number of detached dwellings. The dwellings were modest in scale and massing. Almost all were 1.5 storey except for one pair of two storey semi-detached dwellings to the southeast of the application site.

In terms of landscaping, the existing mature planting to the north of the site was to be retained and augmented. The central area of open space would be landscaped to create an attractive focal point and would include paths to maximise its useability. Planning conditions would ensure that the open space was provided, and subsequently managed and maintained by a management company on behalf of the residents.

The layout showed ample private amenity space to the rear of each dwelling in excess of recommended standards.

The development had been carefully designed to prevent any unacceptable harm to existing residential amenity. The proposed two-storey dwellings back on to an existing area of open space to the south-east of the application site and would not, therefore, harm the amenity of any neighbouring properties. All other dwellings were modest 1.5 storey buildings. The only first floor openings to the rear of these dwellings were velux windows which would prevent any direct overlooking towards adjacent existing dwellings.

The site would be accessed through the existing Warnock's Road access - in accordance with the original approval. DfI Roads had provided no objection to the proposal - subject to conditions, and the streets had been determined for adoption. A Drainage Assessment had been submitted in support of the application and DfI Rivers had provided no objection to the proposal in terms of drainage and flood risk. Furthermore, NIEA had provided no objection to the proposal in relation to natural heritage interests.

The Council received 11 separate letters of objection and issues raised had been considered in detail in the Case Officer's Report.

In summary, the site was located within a Housing Policy Area, as such the proposed development was in accordance with the development plan, and there was planning history on the site for similar residential development. All consultees were content with the proposal. Having considered all material planning considerations, it was recommended that planning permission was granted.

The Chair invited questions from Members.

Councillor Wray stated that the residents and the elected members had previously highlighted the potholes along the road. He noted that Warnock's Road was a single access and there had been a number of objections referring to the quality of that road and that it had badly deteriorated. Councillor Wray asked if there was any requirement whereby when a development reached a certain size another access would be required. The Planning Officer advised that the access was in accordance with the original planning approval which would have been determined under the policy considerations of PPS7 and PPS3. In terms of the quality of the Gowland Road, the development remained under construction, the intention was for DfI to adopt that road and maintain it going forward.

Councillor Wray noted that the responsibility of that road had not yet passed onto DfI and was a matter for the developer. The Planning Officer stated that would be a matter for the developer outside the planning process. The long-term management and maintenance of the road would be carried out by DfI.

Referring to the management company and the open space, Councillor Wray was of the understanding that it would be compulsory to sign up to the management company and he questioned if that was requirement for just new residents. The Planning Officer stated that matter was for the developer outside the planning process. There was a condition attached to the planning application to require the long-term management of the open space to be carried out by a management

committee. The details of that arrangement were to be submitted to the Council prior to the occupation of any dwelling.

Councillor Morgan referred to the biodiversity elements noting that a new 1.8m high close-boarded timber fence was to be erected along the boundary of the site. She referred to the applicant's ecologist having noted that the proposed planting schedule for the augmentation of the existing hedgerows included Field maple, Wych elm, Oak, Hornbeam, Larch, or Spindle.

The Planning Officer confirmed that the landscape plan had been updated to show the native species planting along the northern boundary. The existing hedgerow would be retained and augmented with native species. Along the southeast there was an existing 1.8m high fence. The landscape plan proposed softened elements.

Councillor McCollum referred to the issues raised referred to by Councillor Wray. She alluded to condition 3 – *No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.* She wondered if that was delaying a fully finished more fit for purpose road.

The Chair stated that issue would be dealt with as part of the road bond and agreement between the developer and DfI in terms of phasing.

The Planning Officer stated that the condition only related to the red line boundary and not to the existing road that extended from Warnock's Road.

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

Councillor McCollum sympathised with the residents in terms of the concerns regarding the surrounding roads. However, she noted that the application met planning policy.

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

4.2 LA06/2023/1922/F - 11 Ballyhaft Road, Loughries, Newtownards - 1 No. replacement dwelling and 1 No. new dwelling (comprising demolition of existing dwelling, access and associated site works).

(Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

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

Proposal: 1 No. replacement dwelling and 1 No. new dwelling (comprising

demolition of existing dwelling, access and associated site works).

Site Location: 11 Ballyhaft Road, Loughries, Newtownards

Recommendation: Grant Planning Permission

The Senior Professional and Technical Officer (C Rodgers) outlined the detail of the application. The site was located within the development limit of the small settlement of Loughries where planning policy operated a presumption in favour of development. The site was also within Strangford and Lecale Area of Outstanding Natural Beauty.

The area was primarily residential with a mix of housing, including lower density detached and semi-detached dwellings to the north, and higher density terraced dwellings to the south of the site. The site itself comprised a single storey dwelling and outbuilding positioned along the north-western boundary and a large garden area.

Referring to the visuals, the Officer displayed an image showing the site and roadside boundary hedge on approach from the south-east and the second image was on approach from the north showing the existing dwelling in the context of the adjacent two storey dwelling. She also displayed images of the existing dwelling and views into the site from the existing access.

The proposal would involve the demolition of the existing buildings within the site and the construction of two detached dwellings fronting the Ballyhaft Road. A paired access was proposed in a central position which would involve the removal of the existing roadside hedge to create improved visibility.

The proposed density of the development of 15 dwellings per hectare was comparable to the average density of the settlement which equated to 14.5 dwellings per hectare. Ample provision was made for private amenity space to the rear of the proposed dwellings in excess of Creating Places guidance. The building line along this side of the road would also be respected with the dwellings positioned no closer to the road than other existing dwellings.

The proposed dwellings would be two storey with a ridge height of 7.6m and a roughcast render finish with grey interlocking roof tiles. The height, scale and massing of the buildings were in keeping with other two storey dwellings in the immediate vicinity.

In total, eight separate objections to the proposal had been received. The main concerns included:

- Loss of privacy
- Disruption to traffic along the road during construction
- Increased traffic and impact on road safety
- Impact on character

All of those matters had been considered in detail in the Case Officer Report. Ample separation distances had been provided to neighbouring dwellings, in accordance with recommended standards and that would ensure the proposal would cause no unacceptable adverse harm to existing residential amenity. The orientation

of the proposed dwellings relative to the existing dwellings would further minimise any potential for direct overlooking.

The dwelling on Site 1 would be between 11.5m and 14m from the southern boundary with Alexander Park and between 22m and 24m from the rear elevations of the closest dwellings in this development. There were no windows on the side elevation of the existing dwelling to the south of Site 2 and the proposed dwelling was sufficiently set back from this property to prevent any unacceptable impact on its residential amenity. The design was simple with a linear form and pitched roof and the overall scale and massing respects the character of the surrounding area.

In terms of traffic impact, any disruption during construction would be temporary. DfI Roads was consulted and raised no concerns in terms of road safety. The existing access onto Ballyhaft Road was significantly substandard with only approximately 2m x 5m visibility clearance available in both directions resulting in poor visibility and road safety issues. The new paired access would result in a substantial betterment with enhanced visibility splays of 2m x 29m and 2m x 33m. The proposed boundary wall would be set behind the new visibility splays. The proposal would therefore improve road safety and visibility for those entering and exiting the site.

In summary, the proposal was considered to comply with the development plan and all relevant policy requirements. The proposal would cause no demonstrable harm to the character or appearance of the area: the density of development and the height, scale and massing of the buildings would be similar to the established built form in the area. Adequate private amenity space and parking would be provided, and there would be no unacceptable adverse impact on the amenity of adjacent properties. All consultees were content with the proposal. On this basis, it was recommended that full planning permission should be granted.

There were no questions for the Planning Officer.

The Chair invited Colin McAuley (Colin McAuley Planning) to come forward who was speaking in support of the application.

Mr McAuley referred to the application being before the Committee due to the number of objections submitted and following due consideration of those objections, planning policy and all other material considerations, officers had justifiably recommended the application for approval and he welcomed this recommendation for the following reasons:-

- From a planning policy perspective, the proposed site fell within the development limits of Loughries as defined in the current Ards & Down Area Plan 2015. As members would be aware, inside development limits, planning policy operated a clear presumption in favour of development.
- The SPSS directed that the guiding principle for Council planning authorities in determining all planning applications, was that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the development would cause demonstrable harm to interests of acknowledged importance.

- The application was well supported from the outset with a preliminary ecological appraisal and subsequent bat activity survey, supporting design & access statement and planning policy consideration.

Mr McAuley advised that the course of the application a total of eight letters of objection were received, two of which consisted of as few as just two words. The issues raised by objectors could be summarised into the following categories; overlooking, sewage network capacity issues, road safety concerns and disruption caused by the construction phase.

Overlooking – As noted by officers in their assessment, the location, orientation, design, floor plan layout and separation distances achieved from adjoining dwellings both along Ballyhaft Road and Alexander Park to the rear of the site, all combined to ensure the proposed development did not have any adverse impact in terms of overlooking. The development also adhered to supplementary planning guidance in relation to separation distances achieved between neighbouring dwellings and the proposed development.

Sewage network capacity issues – Members would be aware that there were some areas within the Borough which were suffering from a lack of capacity at various receiving wastewater treatment works, however Loughries was not one of those. NIW's consultation response confirmed there was a foul sewer available to serve the development, and furthermore, affirmed there was available capacity in the receiving WWTW. It was therefore erroneous of third parties to state that there was a network capacity issue in this area.

Road safety concerns – The established vehicular access to the existing dwelling on site was completely substandard in terms of visibility with only 5m available in both directions. The re-location of this access to a position centrally within the site as proposed, substantially enhanced road safety by providing visibility to the required standard of 29m & 33m respectively. DfI Roads had also responded with no objections. Whilst it was acknowledged that this section of the Ballyhaft Road was indeed narrow and utilised by schoolchildren, creation of the new paired vehicular access delivered full visibility for vehicles emerging onto this section of road, substantially increasing levels of road safety and delivering betterment over the existing situation. While the development does not propose a widening of Ballyhaft Road, it did deliver a 2m wide roadside verge which did not previously exist. This proposed road verge would naturally function as a pedestrian refuge in the event of passing vehicles. For these reasons, the proposed development does not prejudice road safety, by contrast it actually enhanced the level of road safety over the present sub-standard situation.

Disruption during the construction phase – that was not an issue to which determining weight could be afforded in any reasonable planning assessment. The developer would of course act responsibly at all times in delivering the development, but that was not a matter which would result in the refusal of planning permission.

In conclusion, the proposed development represented a sustainable re-use of a vacant/semi derelict brownfield site within the settlement of Loughries. As endorsed

in the officer’s report, the development proposals were compliant with the general policy requirements set out in the Ards & Down Area Plan, the SPPS, traffic & transportation issues covered by PPS 3, and policies governing residential development as established in PPS 7. Mr McAuley endorsed the Case Officer’s recommendation to approve this application and commended the development proposals for positive consideration by the Committee.

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

Councillor Wray stated that the proposal was policy compliant, there were no issues raised by statutory consultees and the application enhanced road safety.

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

5. UPDATE ON PLANNING APPEALS
(Appendices III -VI)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching 2023/A0056 PAC decision, 2022/A0161 PAC decision and 2023/E0006 PAC decision. The report detailed the undernoted:-

Appeal Decisions

- 1. The following appeal was dismissed on 24 April 2024.

PAC Ref	2023/A0056
Council Ref	LA06/2020/0483/O
Appellant	Mr John Gracey
Subject of Appeal	Refusal of outline planning permission for 2no. dwellings and detached garages
Location	Land immediately adjacent to and NE of No. 9 Corrog Lane, Portaferry

The application above was called into the Planning Committee meeting of June 2023 from the 09 May delegated list. The Council refused the above application on 23 June 2023 for the following reasons:

- i. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development was essential in this rural location and could not be located within a settlement.
- ii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and

- would if permitted, result in the loss of an important visual break in built development and the creation of ribbon development along Corrog Lane.
- iii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 criteria (a), (b), (d) and (e) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing buildings, create a ribbon of development and the impact of ancillary works would damage rural character which would therefore result in a detrimental change to the rural character of the countryside.
 - iv. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 criteria (a), (b) and (f) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted, result in prominent features in the landscape, the site would be unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, would fail to blend with the landform and therefore would fail to integrate into this area of countryside.
 - v. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposal would not be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and that of the particular locality.

The Commissioner agreed with the Council that the agricultural shed and No. 7a to the north of the appeal site take entry and egress onto Corrog Lane via two separate access laneways that converge to a single point circa 20m wide. An access does not constitute frontage for the purpose of Policy CTY 8 and therefore these buildings cannot form part of a substantial and continuously built-up frontage.

He also agreed that the appeal buildings would create a linear ribbon of development along Corrog Lane, removing an important visual break, and would result in a suburban-style build-up of development when viewed with existing buildings at nos. 7 and 9 Corrog Lane. In this respect the Council's first and second reasons were sustained.

The Council's fifth reason was also sustained, however, the Commissioner considered that proposed ancillary works taken in isolation would have a damaging impact on the overall character and appearance of the area, not sustaining that element of refusal reason three. He further disagreed with refusal reason four in respect of integration, noting that compensatory planting/landscaping conditions could mitigate.



Site Location Plan Corrog Lane

2. The following appeal was dismissed on 12 April 2024.

PAC Ref	2022/A0161
Application ref	LA06/2021/0975/O
Appellant	Arlene Aston
Subject of Appeal	Refusal of planning permission for a single dwelling (equine business)
Location	Land adj to and to SW of 3 Castle Meadows, Carrowdore

The Council refused the above application on 10 August 2021 for the following reasons:

- i. The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside as it has not been demonstrated that the farm business is currently active and has been established for at least six years.
- ii. The proposal is contrary to Policies CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed building is visually linked or sited to cluster with an established group of buildings on the farm.
- iii. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside as no overriding reasons why this development is essential and could not be located in a settlement have been presented, and the site has not been otherwise allocated for development in the development plan.
- iv. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic.

The Commissioner agreed with the Council that the information provided by the appellant did not evidence the use of the appeal site as a commercial equine business, livery and stud farm over the key period of at least six years. Whilst information submitted related to horse passports for example, they could not be linked to the appeal site. The Commissioner stated that the onus is on the appellant therefore to sufficiently demonstrate compliance with policy CTY 10(a) of PPS 21. However, the submitted evidence did not prove that the equine business was active and established for six years.

In terms of CTY 10(c) the Council had stated that the shed being relied upon by the appellant did not benefit from planning permission nor had the appellant demonstrated that it is lawful. As such the Commissioner concluded that it cannot be counted, which left the existing dwelling (No.3 Castle Meadows Drive) as the sole building. CTY 10 (c) refers to a group of buildings. The Commissioner found that there were no verifiable alternative sites within the Appellant’s lands and no solutions had been presented. The Commissioner agreed with the Council that the relevant criteria of policy CTY 10 had not been met.

The Commissioner further concluded that criterion (g) of policy CTY 13, which requires a new building to visually link or be sited to cluster with an established group of buildings on a farm had not been met.

Therefore, refusal reasons 1 and 2 had been sustained. The Commissioner further found that policy CTY 1 had not been met and refusal reason three was also sustained.

In terms of the fourth reason for refusal, the PAC detailed that policy AMP 2 (Access to Public Roads) of PPS 3 had been met. Therefore, this final reason had not been sustained and the appeal succeeded on this point.

- 3. The following appeal was dismissed and the Enforcement Notice upheld on 22 May 2024:

PAC Ref	2023/E0006
Council Ref	LA06/2021/0273/CA
Appellant	Marc George Louis Pedriel
Subject of Appeal	Alleged (1) Unauthorised formation of an access (including gate) and laneway; (2) Material change of use of agricultural field to an area of stone hard standing being used in conjunction with oyster farming; and (3) Unauthorised parking of vehicles, siting of storage container and equipment associated with the oyster farming use.
Location	Land adjacent to entrance to private lane of 49, 51 & 53 Ringneill Road, Comber.

An appeal against an Enforcement Notice could 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.

The Enforcement Appeal was taken on grounds (a) and (f). Ground (a) is for the deemed planning application.

The Commissioner noted that the site was located within Strangford and Lecale AONB and bounds Strangford Lough Ramsar, Special Protection Area (SPA), Special Area of Conservation (SAC), Marine Nature Reserve (MNR) and Area of Special Scientific Interest (ASSI), which were located within Strangford Lough (with Ards and Down Area Plan silent on all the designations).

The appellant argued that the development represents an expansion of their existing oyster farming business as per policy PED 3 of PPS 4. The Council and a third party do not consider this policy to be relevant with policy CTY 1 of PPS 21 being applicable. Paragraphs 11-13 of the PAC Report sets out the appeal development context in terms of the appellant's case with Ringneill Quay being previously used for the loading of cages from boats (via broad wheel-based tractors) onto waiting refrigerated HGVs until DAERA (who owns the Quay) ceasing the operation due to structural concerns of the Quay.

The Council and third party considered the site to be used solely for parking and storage uses however, the Commissioner concluded that the loading of oyster cages onto awaiting HGVs as evidenced by the appellant was also taking place at the site (although only across the four-month harvesting season).

In terms of policy PED 3 it stated that there should be no major increase in the site area of the enterprise. The Commissioner concluded that the policy appears to be site specific meaning that the increase in site area relates to the core business site, which in this case, was in Downpatrick. As such the proposal offends PED 3.

The Commissioner did not accept the appellant's argument that the development did not harm the rural character or appearance of the local area and therefore the requirements of the first paragraph of PED 3 were not met. Under the fourth paragraph of PED 3 there were three exceptions listed. Whilst the Commissioner accepts that this business made a significant contribution to the local economy, the farmed oysters were not brought directly ashore onto the site from the Lough.

Furthermore, there was no established relationship between the oyster farming and the site and consequently concludes that there is no persuasive evidence to demonstrate why the appeal site is the only suitable location for the loading of oysters onto HGVs from tractors and trailers. The use therefore could not be considered an exception to the policy as it failed to meet the necessary tests as set out under policy PED 2.

Paragraph 38 of the PAC Report sets out that the Commissioner does not find there was persuasive evidence of a detrimental impact on the coast's natural environment and thus PPS 2 policies were not offended.

The PAC also concluded, in agreement with the Council, that PPS 2 policy NH6 'Areas of Outstanding Natural Beauty' is offended in that "the siting and scale of the appeal development is unsympathetic negatively impacting on the visual appeal of the coastal landscape and the character in this AONB location."

In terms of the access, post-hearing advice from DfI Roads (not rebutted by appellant) stated that the access does not comply with the requirements of DCAN 15 with the need for sight splays of 4.5m x 45m, with a 6m wide access and a 10.0m radii. From the Commissioner's own observations in addition to this advice, it is accepted that the existing access prejudices road safety and significantly inconveniences the flow of traffic, sustaining the associated reason for refusal.

It was concluded that ground (a) failed and deemed planning permission was not granted.

In terms of ground (f) the removal of the gate and laneway, and the stopping up of the access did not exceed what was necessary to remedy the breach of planning control. Therefore, the appeal under Ground (f) failed.

Finally, the appellant sought an extension of 6 months to comply with the remedial terms of the Notice, should the Enforcement Notice be upheld. The Commissioner concluded that "*...sufficient time should be provided to relocate the storage and maintain continuity for employment purposes. Without amendment, the timing of this decision will result in the compliance period ending during the harvesting season. I find it is reasonable to extend the period from 70 days to four months from the date of this decision to enable the continued use of the site during this upcoming harvesting season only. The ground (g) appeal therefore succeeds to the extent specified.*"

New Appeals Lodged

4. The following appeal was lodged on 17 May 2024.

PAC Ref	2024/A0019
Application ref	LA06/2019/0722/O
Appellant	Michael Cleland
Subject of Appeal	Refusal of planning permission for 2 no. infill dwellings and garages
Location	Site between 31 and 39 Florida Road, Killinchy

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 Head of Planning spoke to the report highlighting the salient points.

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

6. UPDATE ON TREE PRESERVATION ORDERS & APPLICATIONS FOR CONSENT WORKS
(Appendix VII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching update information. 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 16 February 2024 (date of previous report) to 17 May 2024.

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

RECOMMENDED that the Council notes the content of this report.

The Head of Planning spoke to the report highlighting that three Orders had been served and six consent for work approvals issued.

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

Councillor Cathcart thanked the Officers for the quick work that had occurred at Ballymacconnell Nursing Home and asked for further information regarding the provisional TPO process.

The Head of Planning outlined the process, Council were notified, a site visit took place and provisional TPO placed on the site, certificates were then processed and land registry advised before the TPO became confirmed.

Adding to that the Director explained that a provisional TPO was served for immediate protection, there was then a period of six months during which the health

and condition of the trees in the site would be assessed. After which Officers would decide, either not to adopt the TPO, or adopt the TPO with/without modifications.

Councillor Cathcart asked if the TPO's were brought back to Committee. The Director advised that the Committee was updated quarterly.

Councillor Cathcart wondered once a TPO was confirmed could residents raise an issue after the Council had made a determination. The Director explained that under the Tree Regulations a provisional TPO allowed for public consultation, therefore during the six months anyone could submit a representation. Once the final decision was made and the TPO was served, that was registered on the land and would not be revisited unless required due to change on site, or planning history.

Councillor Kendall thanked the Tree Officer for the quick response that had been undertaken at Clandeboye Wood. Tree issues could be difficult to address, and she felt that been a good example of a successful response.

The Head of Planning stated that she would make sure that was relayed to the Officer.

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

7. HALF YEARLY PERFORMANCE REPORT
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching half yearly performance report. The report detailed Members would be aware that Council was required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually in September
- Service Plan – developed annually (approved April/May 2023)

The Council's 18 Service Plans outline how each respective Service would contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Reporting approach

The Service Plans would be reported to relevant Committees on a half-yearly basis as undernoted:

Reference	Period	Reporting Month
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Quarter 2 (Q2)	April – September	December
Q4	October – March	June

Key points to note:

- There were decisions issued on six applications in the major category of development in the second half of the reporting year as follows:

LA06/2021/0061/F – Proposed residential development comprising the erection of 188 No. dwellings, open space (including NS 43), landscaping, children's play area, next phase of the distributor road, internal road network, SuDS Pond, and all associated site and access works and proposed amendment of the section 76 planning agreement. This required detailed negotiation with the planning agent and developer and NIW in respect of drainage issues and amendments to the legal agreement required to ensure that comprehensive development was achieved in line with delivery of infrastructure relating to the distributor road and drainage.

LA06/2023/1500/F – amendment to the Queen's Parade redevelopment scheme in respect of phasing across the development and associated amendment to the legal agreement (40.5 weeks)

LA06/2021/0118/F – 98no. housing units at St Andrews development, Ballyhalbert (153.6 weeks) – impacted by drainage requirements and NIW

LA06/2023/1959/F – Major investment and upgrade scheme to National Museum's Ulster Folk Museum (25.4 weeks)

LA06/2022/0873/F – relocation of Bangor Central Integrated Primary School from Castle Park Avenue to Balloo Road, Bangor (81.6 weeks) – affected by further mitigation required by DFI Roads

LA06/2023/2434/F - 95no. dwellings for social housing at Lands South of 37-77 Court Street and 1-11 Canal Row, situated within Bawn Wall and bounded by the canal, Newtownards (17 weeks)

Appeals – there were seven appeals against refusal of planning permission of which three were dismissed and four were upheld. Of the four that were upheld, two appeals were based solely on reasons provided by DFI Roads, and for which issues were resolved prior to the appeal hearings, and therefore the appeals were upheld.

Key achievements:

- The Unit processed 336 applications in the householder category of development of which 226 (67%) were processed within the internal processing target of 8 weeks, whilst 88% were issued within the statutory processing target of 15 weeks for local applications.

Emerging issues:

- Dfl Stats Branch had only recently been able to derive data from the new Portal System in respect of number of enforcement cases brought to conclusion. Data for the second half of the year has been provided and indicates 178 cases brought to conclusion of which 59% were concluded within the target timeframe of 70% of cases brought to conclusion within 39 weeks. Some of these have been impacted by parallel retrospective planning applications being brought to determination.
- Work continued to be undertaken in respect of undertaking health and condition surveys on TPOs and is being assisted on a part time basis within the Unit by the Biodiversity Officer alongside appointed arboriculturist support.
- The Service Unit continued to be affected by long term sick absence and recent resignations/secondments for which recruitment is ongoing.

RECOMMENDED that the report is noted.

The Head of Planning outlined the detail of the report.

In terms of the spend against budget, the Director advised that was not available at the time of writing the report. The target was 95% and the section was slightly over budget at 104%. That was due to legal costs incurred in respect of an ongoing judicial review, employment of agency workers to backfill vacant posts and a £256k shortfall of the projected fee income which the Director hoped would recover.

The Chair asked how the figures related to the departmental statistics. The Director explained that the Committee had previously received an update on Dfl statistics. In respect of major applications, the processing was 84.7 weeks due to legal agreements required and the ongoing issues with NI Water. In respect of local applications, the overall average processing time was 16 weeks. For enforcement cases, the section was slightly below the 70% target as Officers continued to try and catch up on cases, but a number depended on outcome of submitted retrospective applications/appeals.

In relation to the appeals, Councillor McCollum asked if there were any learning to gain from those. The Director explained that the update on the appeals had been brought previously to the Committee. One of those related to a dormer extension, Planning had considered that the dormer would set a precedent in the proposed ATC and the PAC had not agreed. The other application was in Station Road for four apartments, where the Committee had refused that application on the basis of intensification of the site yet the PAC did not consider that to be the case. The outcomes/policy interpretation adopted by the PAC were fed back to Officers and learning taken on board.

Recognising the issues that the section was facing, Councillor McCollum asked if it was envisaged that the situation would have corrected in six months' time. Touching on each of the points in the report, the Director stated that Members were aware of the issues that Planning were facing with Dfl Roads. Dfl Roads were not engaging in pre application discussions and had asked for a list of cases to be prioritised due to

the backlog of consultations it was experiencing. The southern division of DfI Roads also served Newry and Mourne District Council who had recently submitted consultation requests on 300 planning applications at one time. The issues had been raised with the Minister. The Director was optimistic that hopefully additional staff would be recruited and retained. Furthermore, there was continued concern highlighted in respect of the PAC single Commissioner decisions, with few panel decisions being made, providing oversight on policy interpretation. She was hopeful progress would be made on the enforcement cases, as reported previously, there had been a pause on the Building Control cross-checking to free up additional resource. The Director was hopeful the changes approved recently and enacted that week to the delegated list would have an impact. There was a number of major applications in the system in excess of the target processing time, Officers found it difficult to meet the target given that information required was often missing, substantial further amendments were being submitted during processing to address issues, and engagement was difficult with some of the under-resourced statutory consultees.

Councillor McCollum felt it was difficult to watch the continuous red flags and not think something in the system needed amendment. The Director agreed and noted the ongoing issues. Through the Regional Planning Improvement Programme officers continued to work with DfI to address issues, noting that many of the issues raised required legislative change.

Councillor McCollum sought an update on the ongoing judicial review. The Director asked if she could respond to that matter in the exclusion of the public/press.

Councillor Morgan referred to the target figures outlined in the report and wondered if that was best that could be done. The Director stated that it was the best that could be done with the staff there were currently available. The Householder team was a limited team and to ask professional chartered town planners to do year-long stints processing householder applications could be somewhat demoralising. When Officers were rotated into the team they inevitably carried the existing non-Householder caseload with them. The Householder team did make a significant contribution to the Service meeting its processing times. The Director hoped to meet with the Head of Planning now returned, to review the older applications, however she was aware there were many outstanding issues associated with each of those cases, many involving consultee requirements.

Councillor Morgan questioned if it was the Planning Improvement Programme that was not progressing being responsible for the issues raised. The Director stated that the planning legislation introduced at the point of RPA along with the two-tiered system was responsible for many of the issues raised.

The Head of Planning noted that there were applications that could get stuck in the system for a number of issues. Planning Officers on occasions arranged meetings with agents to encourage withdrawal of non-compliant proposals and resubmit when addressed, or to address the issues raised expediently, however they often were reluctant to do so. She had recently attended a Heads of Planning meeting where the Planning Improvement Programme had been discussed at length alongside the issues of lack of engagement with statutory consultees, due to resourcing. The

Head of Planning outlined the frustrations in that regard and the issues being faced with NIEA, which was reluctant to accede to requests for prioritisation of specific cases.

Councillor Cathcart referred to the processing of applications and he asked if the reasons were outlined when an application had exceeded the target processing time. He felt it was useful to find out the range of issues causing delay and look at ways to tackle those. The Director advised that the Department published yearly performance of statutory consultees. Within the Planning Act statutory consultees were required to respond to a consultation within 21 days however there were no penalties imposed for not doing so. The statutory consultees were a component part of the planning process although were not appropriately resourced. Officers did try and outline the reasons for delay when presenting the application to Committee.

(Councillor Wray withdrew from the meeting – 7.55 pm)

Continuing, the Director stated that Dfl had been critical of the number of re-consultations on the same planning application however there were many reasons why an application had to be re-consulted on and she outlined some of those as examples.

Councillor Cathcart felt it would be useful to quantify the delays though he recognised that was difficult to the range of issues.

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

8. UPLIFT IN PLANNING FEES

(Appendix IX)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching letter from Dfl. The report detailed New Statutory Rule entitled “The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024 No.108), came into operation on 31 May 2024.

The Planning Portal had been updated.

The purpose of the Statutory Rule was to apply a one-year inflationary uplift of approximately 4% (based on CPI as at January 2024) across all fee categories. That would mean that for example, the fee for –

- An extension, alteration or improvement of a dwellinghouse would increase from £327 to £340; and
- The erection of a single dwellinghouse would rise from £975 to £1014.

The uplift in planning fees was to help councils and the Department in resourcing the delivery of their development management functions.

Dfl was also updating Development Management Practice Note 11 (Planning Fees), which would be available for viewing following commencement of the Regulations.

RECOMMENDED that Council notes the content of this report and the attachment.

The Head of Planning presented to the report to Members.

(Councillor Wray re-entered the meeting – 7.59 pm)

The Director advised that the last uplift was in 2019, the fee was not fit for purpose at the point of transfer. She had continually been lobbying that the planning fee was not reflective of the work involved in the processing of a planning applications, and element which was to be addressed as part of the Planning Improvement Programme.

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

Councillor Kendall asked in real terms how much an uplift in fees if they had increased in line with inflation. The Director did not have a figure, that had been calculated previously by DoE using a simplified system. The uplift was approximately 12-14% since 2015. For larger applications, developers did appreciate that the planning fee was a small percentage of the overall development project and would be content to pay more if it meant faster throughput. Central government set the fees.

While that was disappointing, Councillor Kendall stated that was useful to note.

Councillor Cathcart asked if there had been any progress in relation the legislation and ability to charge for processing of certain elements.

The Director advised that Belfast City Council had introduced charging for PADs, however she was not recommending the introduction of such within this Council at this stage. The staff were not available to commit, and some consultees were not engaging, in order to address the statutory requirement of responding to consultations on planning applications. Furthermore, there was the issue of providing detailed advice at pre-application stage then applicants completely disregarding that advice when the final application was submitted.

Following on, Councillor Cathcart asked if Belfast City Council had provided any feedback since it had been introduced. The Director advised that she had discussions with its equivalent Head of Planning and Director however it would not be useful data for a number of reasons, including the type of applications, and as it dealt with consultees in different divisional offices compared to AND.

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

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Kerr, seconded by Councillor Wray, that the public/press be excluded during the discussion of the undernoted item of confidential business.

9. QUARTERLY UPDATE ON ENFORCEMENT MATTERS

(Appendix X)

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

*****NOT FOR PUBLICATION*****

Schedule 6:6a - 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.

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

RE-ADMITTANCE OF PUBLIC/PRESS

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


TERMINATION OF MEETING

The meeting terminated at 8.15 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2024/0075/F
Proposal	Demolition of garage and erection of a one and a half storey side extension and double garage with a single storey link between
Location	6a Cultra Terrace, Holywood
Committee Interest	<p>Call in by a member of the Planning Committee from delegated list w/c 10 June</p> <p>Ald Graham – <i>“I am concerned there will be overlooking of neighbouring property by Juliet type windows allowing 180-degree vision. Also increase in hardstanding will cause rain overflow. Storm drainage is insufficient and there is already seepage below a Victorian wall (which could cause it to be unstable and is already having a detrimental effect on neighbouring lawn. A fit for purpose storm drainage system does not exist”.</i></p> <p>Cllr Creighton - <i>There should be further consideration of any significant overlooking of adjacent residential properties - 12a Cultra Avenue and 6 Orchard Way. The potential need for extra storm drainage measures should be considered in light of extension of the residential property and associated laying of additional hardstanding.</i></p>
Valid	30/01/2024
Summary	<ul style="list-style-type: none"> • Planning history of relevance in this assessment – extant permission for a replacement dwelling and new access – granted 02/04/21 under LA06/2019/0433/F. • Significant weight must be afforded to the extant approval. • Site located within proposed Marino, Cultra, Craigavad and Holywood Area of Townscape Character • Site is not associated with a Tree Preservation Order. Existing hedgerows and boundary wall to be retained. • 2 letters of objection – overlooking, loss of privacy, loss of light, noise during construction and amount of hardstanding
Recommendation	Approval
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council		
Reference:	LA06/2024/0075/F	DEA: Holywood & Clandeboye			
Proposal:	Demolition of existing garage and erection of a one and a half storey side extension and double garage with a single storey link between.	Location:	6a Cultra Terrace, Holywood		
Applicant:	Gary Parkes				
Date valid:	30/01/2024	EIA Screening Required:		No	
Date last advertised:	06/06/2024	Date last neighbour notified:		23/05/2024	
Consultations – synopsis of responses:					
NIE		No Objection			
Letters of Support	0	Letters of Objection	2 (from 2 separate addresses)	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of Development; • Design and Appearance; • Impact on Privacy or Amenity of Neighbouring Dwellings; • Impact on Character and Appearance of the Area; • Impact on Landscape Features and Environmental Quality; • Impact on Biodiversity • Impact on Proposed Area of Townscape Character 					
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

1. Site and Surrounding Area

The application site is located within the development limits of Holywood as identified by the Draft Belfast Metropolitan Area Plan (dBMAP) 2015. The site comprises a dwellinghouse, 6a Cultra Terrace, which lies to the northeast of Holywood within an urban area.

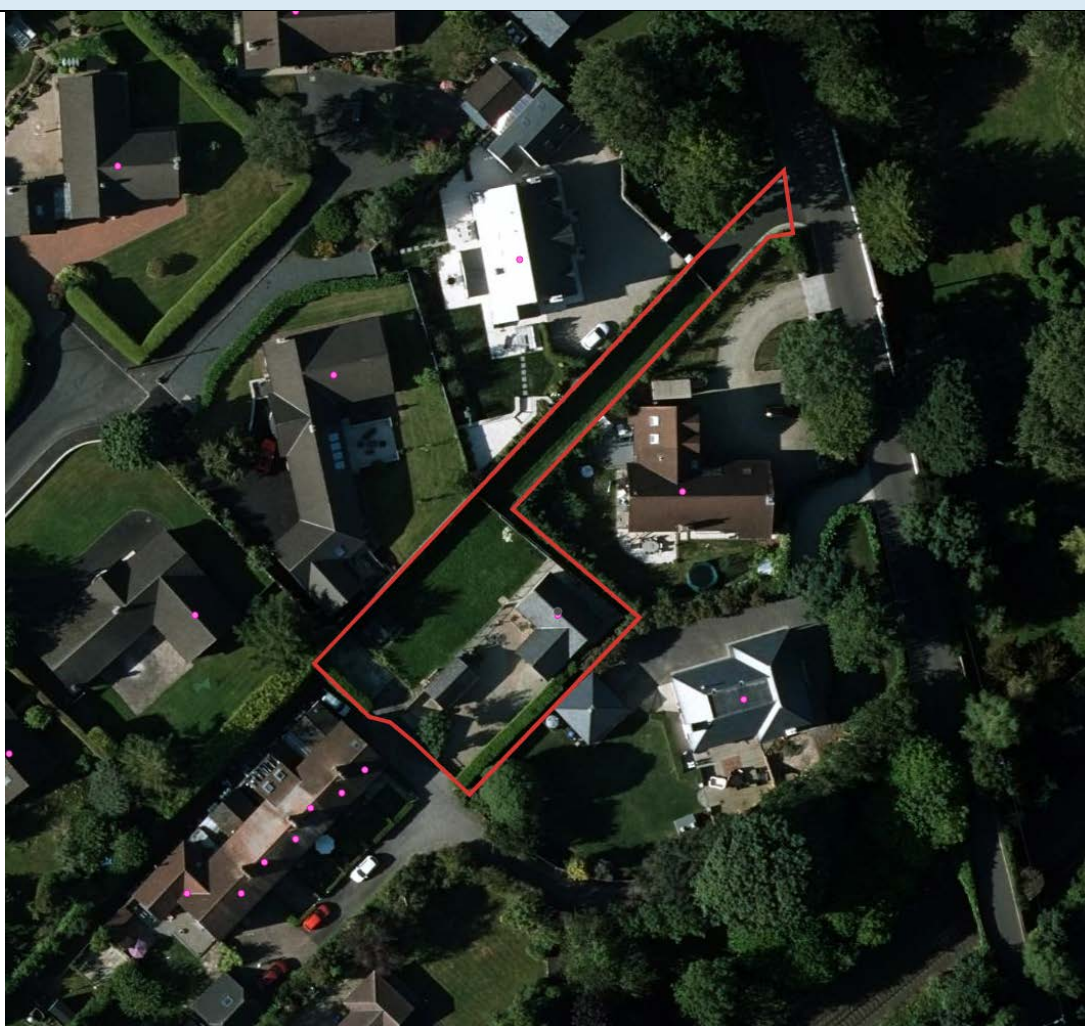


The application dwelling occupies a rectangular plot to the northwest of the existing properties along Cultra Terrace (Nos. 1 to 7). There is a detached single garage to the southwest. The dwelling is finished in smooth render and the garage is finished in red

brick. The boundaries of the application site consist of 2m wooden fencing to the northeast, a 3m wall to the northwest, a 3m mature hedge to the southeast and 1m gates, a 2m wall, a 1m hedge and an additional 1m post and wire fence to the southwest. The front garden extends approx. 21m to the southwest and the side garden approx. 14m to the northwest. The site is relatively flat, and the existing access is taken from the southwest onto Cultra Terrace but there is also an access to the rear of the dwelling to the north corner of the site leading onto Cultra Avenue to the northeast.

The surrounding area is residential and includes a mix of house types, designs, plot sizes and layouts. The application site is within the proposed Marino, Cultra and Craigavad Area of Townscape Character (HD 09).

2. Site Location Plan



3. Relevant Planning History

LA06/2019/0433/F: 6a Cultra Terrace: Demolition of existing dwelling and proposed replacement dwelling with new access onto Cultra Avenue: Permission Granted 02/04/21

This planning permission holds significant weight in the assessment of this planning application for an extension given the applicant has permission for a much larger dwelling on site. Please see the approved plans in association with this extant planning permission:



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 6 Addendum – Areas of Townscape Character
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations

Planning Guidance:

- Creating Places

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site above is within the settlement of Holywood. The site is located within the proposed Marino, Cultra, Craigavad and Holywood Area of Townscape Character.

The application is for 'the demolition of the existing garage and the erection of a one and a half storey side extension and double garage with a single storey link between.'

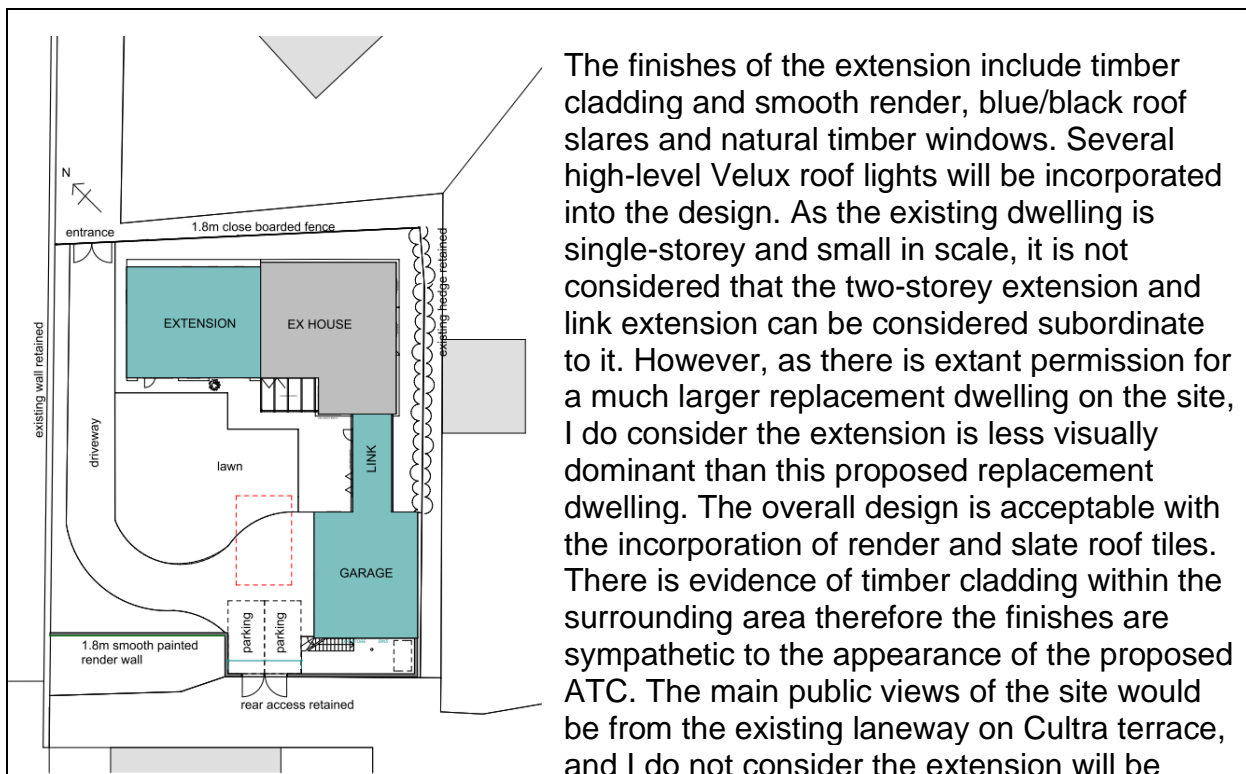
The development is in conformity with the relevant area plans provided it complies with relevant regional planning policies. The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

Impact on Existing Dwelling and Character of ATC

Policy ATC 1 – Demolition Control in an Area of Townscape Character indicates that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Council will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area.

This policy applies to designated ATCs and not to proposed ATCs. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is not possible to assess whether the structures which are to be demolished make a material contribution to the character of the area. As there are limited public views of the garage and it is of no architectural merit, I do not believe it contributes to the character of the ATC.

The proposed one and a half storey side extension will project 8.8m from the gable elevation of the existing dwelling and will measure 7.35m in length. This will create approximately 54.7sqm of additional floor space on the ground floor which will accommodate a hall area, bedroom, dressing area, bathroom and study. It will create approximately 34sqm on the 1st floor allowing for two new bedrooms, one bathroom and storage space. The extension will have a pitched roof, with a ridge height of 5.8m which will sit approximately 0.8m higher than the existing ridge height of the host dwelling. The extension will incorporate two large dormers to the front elevation which will measure 2.65m in width and will have flat roofs. In addition, a link extension is proposed between the main dwelling and a new two-storey garage. Please see the proposed block plan on Figure 1. This link extension will measure 6.45m in length and 1.95m in width, with a flat roof measuring 2.55m in height. As there will be varied roof heights, this will help break up the overall massing of the proposed extensions. Please see Figure 2 which shows the proposed plans.



The finishes of the extension include timber cladding and smooth render, blue/black roof slates and natural timber windows. Several high-level Velux roof lights will be incorporated into the design. As the existing dwelling is single-storey and small in scale, it is not considered that the two-storey extension and link extension can be considered subordinate to it. However, as there is extant permission for a much larger replacement dwelling on the site, I do consider the extension is less visually dominant than this proposed replacement dwelling. The overall design is acceptable with the incorporation of render and slate roof tiles. There is evidence of timber cladding within the surrounding area therefore the finishes are sympathetic to the appearance of the proposed ATC. The main public views of the site would be from the existing laneway on Cultra terrace, and I do not consider the extension will be incongruous within the local street scene.

Block Plan

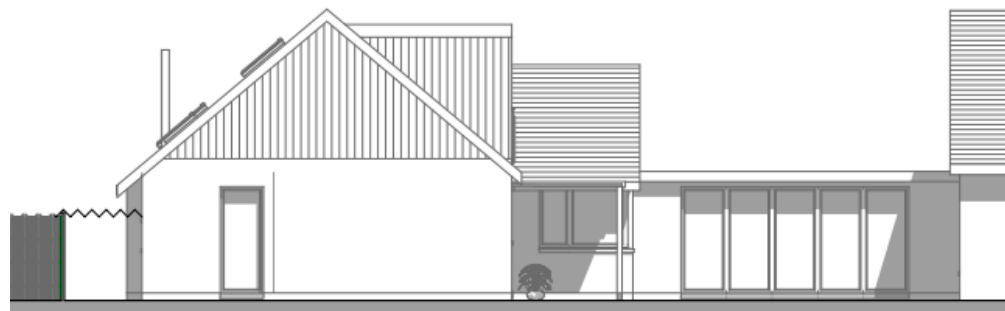


Figure 1: Proposed Block Plan

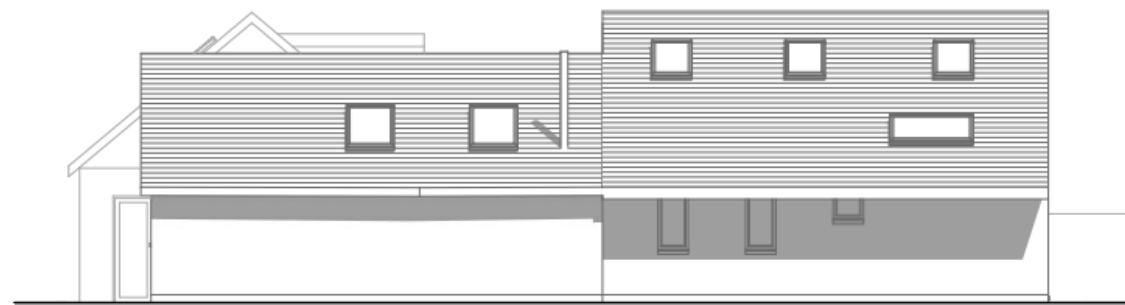
Other works include the erection of a new one and a half storey garage to the south-eastern corner of the site, which will measure 8.27m in length and 6.86m in width. It will have a pitched roof with a ridge height of 5.8m. It will be finished in matching materials to the extension, with a large dormer window to match the design of those proposed on the extension. External steps will provide access to the 1st floor of the garage. Please see Figure 3 which shows the proposed plans of the garage.



FRONT ELEVATION



SIDE 1 ELEVATION



REAR ELEVATION

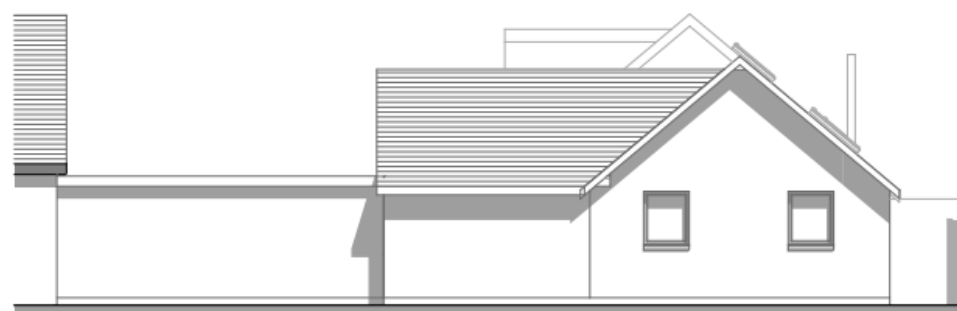


Figure 2: Proposed Plans of Extension

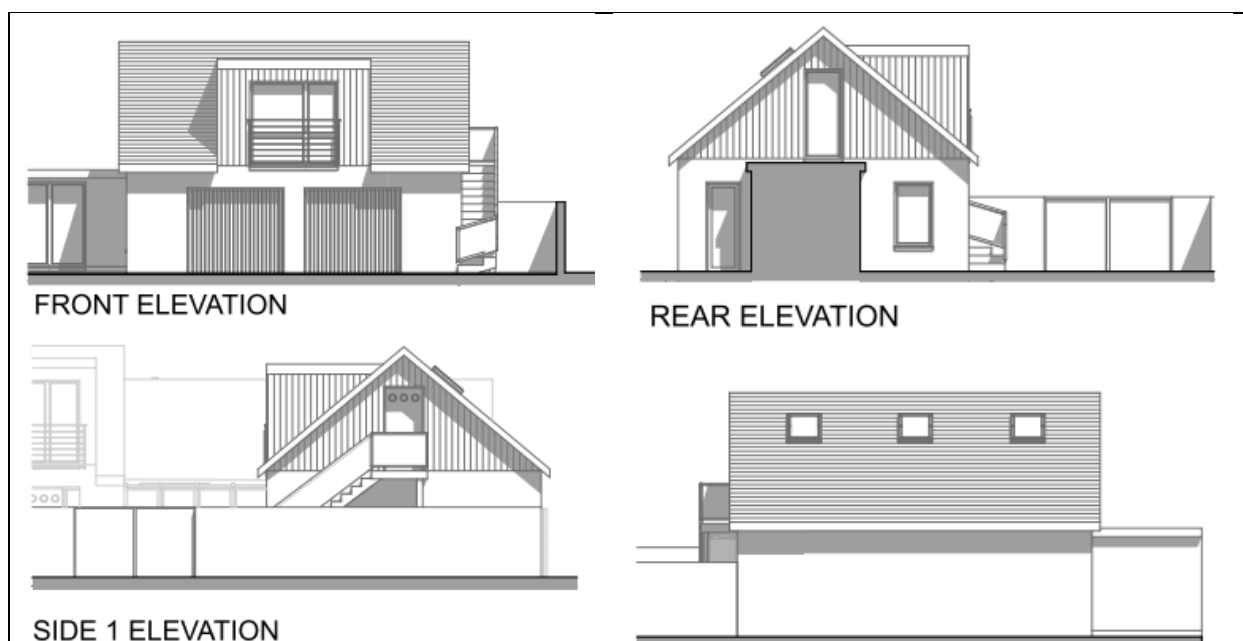


Figure 3: Proposed Garage Plans

Overall, I consider the proposal is appropriate to the ATC and the extended property will be suitably integrated with existing buildings including the detached two-storey properties 12a and 14 Cultra Avenue to the east. The extant permission holds significant weight in this determination with it considered that the proposed extension is less visually dominant or intrusive within this area of the proposed ATC.

Impact on Privacy and Amenity of Neighbouring Residents

The Council considers it important that the amenity of all residents is protected from 'unneighborly' extensions which may cause problems through overshadowing/loss of light, dominance and loss of privacy. The SPPS also makes good neighborliness a yardstick with which to judge proposed developments.

The new dormers to the front elevation of the extension and garage will overlook the applicant's own amenity space. The dormer window to the front elevation of the garage is located over 17.6m from the shared boundary with No. 6 Orchard Way. Given this separation distance and the screening provided by the 3m high stone wall along the boundary, I do not consider there will be any unacceptable overlooking or loss of privacy. The external steps and door leading up to the 1st floor gable elevation of the garage will overlook the public laneway. The proposed Velux windows to the rear elevations of the extension and garage are high level therefore these will not overlook any of the surrounding properties. The new windows and doors at ground floor level will not introduce any overlooking or result in loss of privacy.

The guidance in the addendum addresses other amenity issues such as 'dominance' and 'overshadowing/loss of light'. The proposal complies with the 'light test' as set out in the aforementioned policy. Given the relationship with the adjacent properties, there will be no sense of dominance created by the proposal.

Impact on Trees/Landscape Features

No landscape features will be affected by the proposal. The site is not associated with a Tree Preservation Order. The existing hedgerows and boundary wall are to be retained. A painted wall with smooth render finish separates the site from Cultra Terrace with the existing access retained.

Impact on Amenity Space and Parking

The orientation of the extension, link and garage make use of the surrounding mature vegetation and topography of the site wrapping around the existing house and leaving a large and private garden/amenity space. Parking and turning has been catered for in curtilage with level access to the dwelling.

Designated Sites and Natural Heritage

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

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

5. Representations

Two letters of objection has been received from the neighbours at 12a Cultra Avenue and 6 Orchard Way. The following matters were raised:

- **Overlooking, Loss of Privacy & Loss of Light:** The objectors stated that numerous windows will overlook their properties. In addition, the neighbours stated they will suffer a loss of light due to the height of the proposed extension. I have addressed these matters above under 'Impact on Privacy and Amenity of Neighbouring Residents'. The only 1st floor windows facing No. 12a are the proposed high level Velux windows to the rear of the garage (as highlighted in yellow below). Given these are high level they will not provide any direct overlooking opportunities. They would also face the bottom of 12a's garden rather than the most private 3-4m area to the rear of the dwelling. I do not consider there will be any loss of light due to the separation distances between the proposed garage/extension and No. 12a (Please see Figure below).

won't be any significant increase in hardstanding with an area of lawn retained. There is no requirement for the applicant to submit a Drainage Plan.

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 proposed first-floor window as shaded in green on DRG 07: Proposed Elevations, shall be fitted with obscure glazing prior to occupation and shall be retained in perpetuity thereafter.

Reason: To protect the private amenity of neighbouring properties.

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.

ITEM 4.2**Ards and North Down Borough Council**

Application Ref	LA06/2022/1072/F
Proposal	Erection of new post-primary school with car park, bus drop-off area and playing pitches with floodlighting
Location	Former Redburn Primary School Site, Old Hollywood Road, Hollywood
Committee Interest	Major Application
Valid	20/10/2022
Summary	<ul style="list-style-type: none"> • Application exceeds 1 hectare - classed as major development requiring a Pre-Application Community Consultation (PACC) which has been carried out. • Proposal is part of Education Authority programme including much needed new campus for Priory Integrated College in Hollywood. • Facility for post primary school including Special Educational Needs accommodation, school meals accommodation, playgrounds, sports fields and associated parking / infrastructure to support a long-term enrolment of 600 pupils on the application site. • Site of former Redburn Primary School – site suitable for educational facility • Part of site designated as Open Space in Draft BMAP – Policy OS1 of PPS8 allows for loss of open space where substantial community benefits that will outweigh the loss will arise such as educational facilities. • DFI Roads content with proposal – considered that proposed layout and carparking is a beneficial arrangement with ample car parking and on site turning for buses, drop off, pick up points. • Right hand turning lane to improve safety and ensure a convenient flow of traffic along the Old Hollywood Road. • New access proposed - improved visibility, width and turning radii to allow safe entry and exit of all school associated vehicles.
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report

Application Ref: LA06/2022/1072/F		DEA: Holywood & Clandeboye			
Proposal: Erection of new post-primary school with car park, bus drop-off area and playing pitches with floodlighting					
Location: Former Redburn Primary School Site, Old Holywood Road, Holywood					
Applicant: Education Authority NI			Agent: Gravis Planning		
Date Valid: 20/10/2022			Env Statement Requested: Yes. EIA screening was carried out and concluded that an Environment Impact Statement is not required.		
Date last Advertised: 30/05/2024					
Date last Neighbour Notified: 16/05/2024					
Consultations: Yes					
Representations: Yes					
Letters of Support	0	Letters of Objection	11 from 10 separate addresses.	Petitions	0
<p>Summary of Main Issues:</p> <ul style="list-style-type: none"> • Principle of development • Visual and residential amenity impacts • Access and road safety • Environmental Health Issues • Impact on Natural Heritage including priority species • Flooding and drainage • Water connection issues 					
Recommendation: Grant Planning Permission					
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 NI Planning Portal.					

1. Description of Site and Surrounding Area

The site is vacant land west of Old Hollywood Road and includes lands which were formerly developed as Redburn Primary School which has since been demolished. The remainder of the site is now left as over-grown former playing fields and open space. The remains of the former primary school can still be identified on the site. It occupied the south-west corner of the application site and the school buildings sat on top of a localised mound with an approximate 5m change in levels from Old Hollywood Road. The topography of the site rises from Old Hollywood Road on the western boundary towards the eastern boundary with Redburn Country Park. The access road to the adjacent Redburn Cemetery runs along the southern boundary with housing on Firmount Crescent beyond and the cemetery. Redburn Country Park is to the east of the site with Holywood Golf Club to the north. There is a stream and a pedestrian pathway to the Country Park along the northern boundary outside the red line of the application. Beyond the site to the north-west is South Eastern Regional College (SERC) - Holywood Campus.



Figure 1
Aerial image of application site

2. Site Location Plan



Figure 2 Site location plan

3. Relevant Planning History

LA06/2020/0513/PAD – pre-application advice was provided for the above application.

LA06/2022/0289/PAN is the associated Proposal of Application Notice (PAN)

Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals. The threshold for this proposal which falls under Retailing, Community, Recreation and Culture was that the area of the site exceeded 1ha. The PAN was submitted to the Council 12 weeks in advance of the submission of this application and complies with the legislation and a community consultation event in respect of the proposal was held within the local area. A Pre-Application Community Consultation Report was submitted alongside this application which raised community concerns, and demonstrated, where possible, how these would be addressed in the proposal.

There is history pertaining to the site to demonstrate historical educational land use on this site. This includes:

W/2009/0489/F - Demolition of the existing Redburn Primary School and the construction of the Priory College with associated siteworks. Full permission granted on 2/8/2010. This permission was not commenced on site.

4. Planning Policy Framework

The relevant planning policy framework for this application is as follows:

- Draft BMAP 2015
- North Down and Ards Area Plan 1984-1995
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning Archaeology and the Built Heritage
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk

5. Supplementary Planning Guidance

There is no relevant supplementary planning guidance for this application.

6. Consultations

Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed

Consultee	Response
Historic Environment Division Historic Monuments (HED HM)	Content subject to conditions.

Historic Environment Division Historic Buildings (HED HB)	Content subject to conditions.
DFI Roads	Content subject to conditions.
DAERA Water Management Unit	If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.
ANDBC Environmental Health	Content subject to conditions.
DAERA Natural Heritage	No objection subject to conditions
NI Water	WW Impact assessment required - negative condition required to cover
Shared Environmental Service	No adverse effect - conditions to be attached.
DAERA Regulation Unit	No objection.
DFI Rivers	No objection subject to condition.
NIE	No objection.

7. Consideration and Assessment

Principle of Development

Compliance with the development plan Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Area Plan unless material considerations indicate otherwise. The relevant development plans are the extant North Down and Ards Area Plan 1984- 1995 (NDAAP) and Draft BMAP 2015, which remains a material consideration.

As the application site exceeds 1 hectare, the proposal is classed as major development in accordance with the Planning (Development Management) Regulations (NI) 2015 (Category 7) and requires a Pre-Application Community Consultation (PACC). A PACC report has been submitted as part of this application and sets out the pre-application public consultation measures undertaken by the applicant and feedback received in respect of this proposal. A Design and Access Statement (DAS) has also been submitted as part of this application.

Development Plan

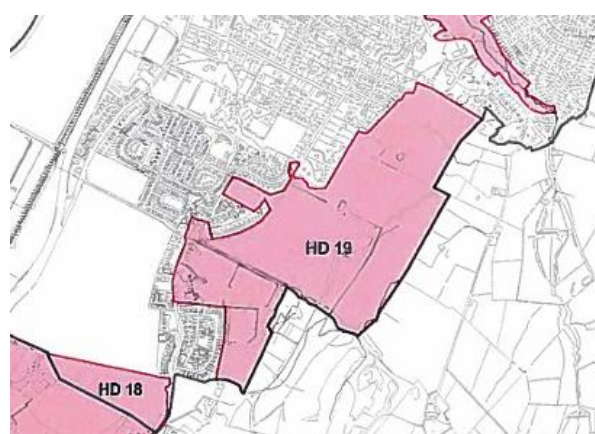
The relevant development plans for this proposal are Draft BMAP 2015 and the extant North Down and Ards Area Plan 1984-1995 (NDAAP).

Draft BMAP

The site lies within the settlement limit in Draft BMAP 2015 and within an area zoned as Open Space – see Figure 3 below. It also falls within an LLPA for Holywood (HD 19) – see Figure 4 below.



Figure 3 Extract from Draft BMAP showing a large proportion of the site zoned as Open Space.



Designation HD 19	Local Landscape Policy Area Redburn
<p>A Local Landscape Policy Area is designated at Redburn as identified on Map No. 4a – Hollywood and on clarification Map No. 4b – Hollywood Local Landscape Policy Areas showing the full extent of LLPAs affecting the settlement of Hollywood.</p>	
<p>Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below: -</p>	
<ul style="list-style-type: none"> • Listed building and surroundings – Redburn Lodge along Old Hollywood Road; • Area of local amenity importance – Hollywood Golf Course from which there are prominent views across Belfast Lough, Redburn Cemetery, Redburn Primary School playing fields and open space within White City housing area; and • Area of local nature conservation interest – An attractive belt of trees in the Hollywood Hills. 	

Figure 4 Extract from Draft BMAP showing the site located within an LLPA for Hollywood (HD 19).

Redburn Primary School playing fields are identified as a feature within the LLPA which contribute to the environmental quality, integrity and character of the area. Policy ENV3 of Draft BMAP states that in designated LLPA's, planning permission will not be granted for development that would be liable to adversely affect those features that contribute to the environmental quality, integrity or character of the area. As Draft BMAP has not been adopted, the LLPA for Hollywood is not designated as it is still only a proposed LLPA, however it can still be assessed in terms of its impact on the surrounding area. The proposed new scheme includes separate football and rugby pitches which as like all school projects, the aim will always be to promote a wider use of the facilities to the wider community and therefore there will still be an area of local amenity provided. A landscaping scheme has been submitted as part of the application and proposes to retain and augment all existing boundary planting on the site which will help the scheme to integrate into the surrounding area. It is considered that the proposal will not have an adverse impact on this proposed LLPA. DAERA'S NED has been consulted and ecological reports submitted and considered. NED offer no objection to the proposal. It is considered that the environmental quality, integrity and character of the area and the LLPA as a whole will not be adversely impacted upon as a direct result of the proposed development.

The site is adjacent to land designated as the Redburn Site of Local Nature Conservation Importance (SLNCI) and is located to the south-east of the application site which contains areas of woodland within the Redburn Country Park.

It is considered that the proposal will not have an adverse impact on this designation. NED has been consulted and ecological reports submitted and considered. NED offer no objection to the proposal.

The proposal is in conformity with Draft BMAP.

The North Down and Ards Area Plan 1984-1995 (NDAAP)

The North Down and Ards Area Plan 1984-1995 (NDAAP) shows the site is within the settlement limit and there are no designations affecting the site – see Figure 5 below. The proposal is in conformity with the extant NDAAP.



Figure 5 Extract from the NDAAP showing the site within the settlement limit and not zoned for any specific use.

As there were no objections to the open space zoning from review of the PAC Report into objections to Draft BMAP – it is likely that if Draft BMAP were to be lawfully adopted, the zoning would be included. The relevant policy for assessing proposed development on areas of open space is PPS 8 and this will be considered later in this report.

Strategic Planning Policy Statement (SPPS)

Under the SPPS (which came into effect in September 2015), 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.

There is a presumption in favour of development as the site is within the settlement limit of Holywood, subject to the proposal complying with prevailing planning policy.

The SPPS states that during the transitional period existing policy within the Planning Policy Statements that have not been cancelled will apply. Within this context PPS3, PPS2, PPS6, PPS8 and PPS15 continue to apply.

As this proposal does not fall neatly into the subject Planning Policy Statements, the impact on visual amenity and neighbouring amenity will be assessed under the SPPS with regard to impact on interests of acknowledged importance.

As this proposal is for a post primary integrated school it is considered that the proposal complies with the Regional Development Strategy and SPPS with regard to achieving balanced communities. Achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the Regional

Development Strategy. With emphasis on development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities, as this is fundamental to the building of more balanced communities.

The proposal

The Planning Supporting Statement submitted as part of the application provides some background information for the proposed new school. It states that the existing Priory Integrated College is a co-educational integrated college presently located at My Lady's Mile in Holywood and has approximately 600 pupils aged between 11 and 18 years old on a 1.96ha site. The current accommodation falls considerably short of the Department of Education's schedule of accommodation for a 600 pupil post primary school. Following consideration of all options, the preferred option is to erect a modern post primary school including Special Educational Needs accommodation, school meals accommodation, play grounds, sports fields and associated parking / infrastructure to support a long term enrolment of 600 pupils on the application site which is the former Redburn Primary School which closed in 2012. It is approximately 1km south of the current location of the school.

The proposal will provide a total floor space of 10,094sqm including 874.2sqm for Special Educational Needs, 479sqm for school meals, 705sqm for a sports hall and 376sqm for a multi-purpose hall. Outdoor areas will include 1no. soccer pitch, 1no.3G rugby pitch with flood lighting, 2no.basketball courts, 1no. athletics area and a 3000sqm external hard surface playground. There will be a car park for 119no.spaces including 20no.accessible parking spaces, and taxi drop-down and parental drop-down areas.

The proposal will have a primary teaching spine which will accommodate almost all of the teaching accommodation – see Figure 6 below. This section will vary between two and three storeys to accommodate the rising topography. It will have a large foyer space at the mid-point.



Figure 6 Indicative plan showing the basic footprint of the proposed building.

It will have 4no.smaller blocks attached to the main spine which will comprise a sports block, a performing arts block, an entrance block and a technology block – see Figure 7 below.



Figure 7 Indicative image showing the main spine of the building with 4no.smaller blocks attached. (Shows the rear elevation from this angle).

The proposal site sits alongside an existing SERC college as well as some housing and is deemed to be a compatible use within the surrounding context as there is already educational use in close proximity, and given the site has previously had a school operating on it. The principle of a school on this site is acceptable. See proposed layout below.



Figure 8 Proposed site plan.

Visual Amenity



Figure 9 Indicative image of the entrance to the school, car park and the front elevation.



Figure 10 Indicative image showing the front elevation of the school with Redburn Country Park beyond.



IMAGE 01 - (indicative) CGI showing the proposed school from ground level at the junction of Old Holywood Road and Jacksons Road (Demerol Road, adjacent to 368 Old Holywood Road (a Grade B1 listed building)).



IMAGE 02 - (indicative) CGI showing the proposed school from ground level on Old Holywood Road, adjacent to 397 Old Holywood Road (a Grade B2 listed building).



IMAGE 03 - (indicative) CGI showing the proposed school from ground level at the junction of Old Holywood Road and the cemetery access road.

The above indicative CGIs show the proposed school at three critical viewpoints on Old Holywood Road. With regard to the proposed development and visual impact, the building is to be flat roof construction with both two and three storey elements. There will be views from Old Holywood Road however, as the site is to be well landscaped and as the site lies within an urban area with mixed character and adjacent to other educational uses, is not considered that there will be an adverse visual impact or impact on the character of the area. It will also have a backdrop of the rising Holywood Hills and Redburn Country Park. The design of the school is of an appropriate scale and massing and differentiation in ridge height ensures the building is not overly dominant in the streetscape.

The finishes to the buildings are to be a mix of masonry with decorative panelling and composite timber / aluminium / polycarbonate cladding with powder coated aluminium fenestration. The roof is to be PPC metal coping. The design is acceptable and is of a high quality and is of a standard and character expected for a school building within the urban area.

A pitch floodlighting design and light impact analysis has been submitted and following consultation with NED, conditions have been recommended to be included on any permission granted to ensure there is no significant impact to bats.

The boundary fencing will consist of 2.4m boundary fencing and a secondary fence, 3m fencing 1.1m railings and 2.1m security fencing – the exact positioning for each type of fence is shown on the proposed site plan. 12m x 30m ball stop netting will be erected at both ends of each soccer and rugby pitches. The perimeter fencing will be lined with trees and planting as shown on both the proposed site plan and the planting plan. The landscaping as proposed is appropriate to integrate the fencing and the school into the landscape and also mitigate against any loss of residential amenity for adjacent properties.

Neighbouring Amenity

With regard to neighbouring amenity the proposal will not cause any unacceptable impacts to the residential amenity of any neighbouring properties. The housing at Firmount Crescent is the most likely to be impacted upon by loss of existing open aspect however due to the significant separation distances from the dwellings to the proposed

buildings, the surrounding residents will not suffer any loss of light, overlooking or dominance. The closest part of the proposed school buildings to the dwellings at Firmount Crescent is on the most southerly block, to be used as the Technology block. It has a flat roof with a ridge height of 4.5m and is approximately 30m away from the closest dwellings at 105 and 107 Firmount Crescent, which also includes the access road to the Cemetery – see photograph below of the road to the cemetery.



Photograph of the road leading to the cemetery between the site and the dwellings on Firmount Crescent

The dwellings and apartments on Old Holywood Road on the opposite side of the road from the site, will not suffer loss of amenity due to the set back of the proposed buildings from the road.



Photographs of apartments on opposite side of the road.



Photograph of Old Holywood Road

Biodiversity

Designated Sites

The application site is hydrologically connected to the following designated European sites: Belfast Lough Special Area of Protection (SPA), Belfast Lough Ramsar site and Inner Belfast Lough Area of Special Scientific Interest (ASSI) via the unnamed stream that runs east to west along the northern boundary. DAERA's NED notes from the outline Construction Environmental Management Plan (oCEMP) propose construction of a new storm water outfall into the stream to the north. This may involve some in water works. NED is content that the implementation of the mitigation measures outlined should minimise any potential impacts on the watercourses and designated sites. Final details of all pollution prevention measures should be included in a final CEMP.

A Habitats Regulations Assessment (HRA) Stage 1 Screening was necessary to examine this potential. The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service (SES), dated 17/06/2024. This found that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects and provided conditions to be included in any approval. It is therefore considered that the proposal complies with Policy NH1 of PPS 2.

Species Protected by Law

A pitch floodlighting design and light impact analysis has been submitted and following consultation with NED, conditions have been recommended to be included on any permission granted to ensure there is no significant impact to bats. The proposed lighting on site will have restricted timings, the sports lighting will only be used in the evenings until 20:30h at the latest between the months of September and April. The floodlights will also be fitted with hoods to reduce light spill outside the pitch. NED has stated it would prefer lighting is restricted further during the month of September as well as the summer months, as bats will still be active in September in the relatively mild weather before they go into hibernacula. Due to the lack of roosting features along the northern boundary, the use of more light tolerant bat species along this boundary and

provided the mitigation measures including the use of hoods on lights and restricted timings of light use during Spring and Summer months are implemented, NED are content that the proposal is unlikely to have a significant impact to bats. The proposed development is therefore compliant with Policy NH2 – Species Protected by Law of PPS2.

NED have assessed all supporting information submitted with the application including confidential information relating to badgers and note that no badger setts were recorded on site or within 100m of the site boundaries. NED are therefore content the proposal is unlikely to have a significant impact to badgers. The proposal is in line with Policy NH2 of PPS2.

Access, Movement and Parking

With regard to roads and parking it is proposed that in order to facilitate pedestrian and vehicular access into the site, that the relocation of the existing access is necessary. This proposal involves the access being moved 15m south of the current location and the provision of a right hand turning lane to improve safety and ensure a convenient flow of traffic along the Old Holywood Road. The new access will have improved visibility, width and turning radii to allow safe entry and exit of all school associated vehicles. A Transport Assessment has been submitted as part of the application. A right hand turn lane and a drop off point inside the site have been included in the proposal together with visibility splays of 4.5m x 60m. PSDs have been submitted. DfI Roads has been consulted and has no objections to the proposal. It is considered that the proposal complies with AMP2.

There are 119 car parking spaces to be provided, dedicated bus drop-off areas and taxi bays. There will be 20no dedicated disabled parking spaces. Parking standards are met. Parking standards state that there must be 1 space per teaching staff 1 space per 2 ancillary staff, 1 space per 10 pupils over age 17 and one third of total staff provision for visitors. There is cycle parking provision within the site. It is considered that the proposal complies with Policy AMP7 of PPS3.

Policy AMP9 of PPS 3 - Design of Car Parking states that a high standard of design, layout and landscaping is expected. It is considered that the proposed car parking area will respect the local landscape as it will be contained within the grounds of the school and will be integrated into the scheme by proposed boundary planting including trees and shrubs. DfI Roads has been consulted and has no objections which includes the car park provision and movement of pedestrians and cyclists within the site. The proposal is in line with Policy AMP9.

Historic Built Environment

HED Historic Monuments has reviewed the Archaeological Impact Assessment and is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH4 of PPS 6.

HED Historic Buildings also commented on the proposed development. The application site is in close proximity to Redburn Lodge, 368 Old Holywood Road (Grade B1) and

Garden Lodge Veterinary Practice 397 Old Holywood Road (Grade B2) which are of special architectural or historic interest and are protected by Section 80 of the Planning Act (NI) 2011. HED had concerns regarding potential impacts caused to Redburn Lodge and therefore requested additional information provided in the form of visuals and wider context site sections. The requested additional information was submitted and following consideration, HED Historic Buildings is content that it satisfactorily meets the requirements of the SPPS paragraph 6.12: Listed Setting and PPS6 Policy BH11: Development affecting the Setting of a Listed Building. Planning agrees with the HED consideration that the proposal is in line with the SPPS and PPS6 requirements.

Planning and Flood Risk

DFI Rivers was consulted on this application and had no objections subject to conditions. The proposal is in line with Planning Policy Statement (PPS) 15 – Planning and Flood Risk.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse is located directly adjacent to the northern boundary of the site. The site may be affected by undesignated watercourses of which DfI Rivers has no record.

With regard to FLD1 of PPS15 Planning and Flood risk - Development in Fluvial and Coastal Flood Plains – Rivers Directorate has reviewed the updated Flood Risk Assessment (FRA) by OCSC Consulting, dated 3rd February 2024 and comments as follows:- Rivers Directorate, while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.

With regard to Policy FLD 2 - Protection of flood defence and drainage infrastructure, an undesignated watercourse is located directly adjacent to the northern boundary of the site. An adjacent working strip will be required however based on the proposed site layout, DFI Rivers has no reason to sustain an objection under policy FLD2 therefore Policy FLD 2 is satisfied.

With regard to Policy FLD 3 Development and Surface Water, DfI Rivers considered the submission of the Drainage Assessment and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. As such DFI Rivers cannot sustain an objection to the proposed development from a drainage or flood risk perspective.

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

Issues raised by the Environmental Health Department of the Council (EHD)

During the pre-application stage for LA06/2020/0513/PAD Environmental Health Department suggested information was submitted in relation to Noise Impact, Air Quality Impact, Contaminated Land and a floodlighting assessment.

Noise

A Noise Impact Assessment (prepared by FR Mark & Associates dated August 2022) was considered by EHD. Environmental Health was content that noise impact from the proposal on surrounding residents was not deemed to be adverse for this proposal. However, it is noted that external noise impact e.g., external plant noise, external activity noise on sports pitches and associated vehicular noise could cause adverse impact to nearby noise sensitive receptors. Each potential noise source was assessed and following consideration of the proposal, EHD are content with the proposal subject to conditions.

Contaminated Land

A Generic Quantitative Risk Assessment, prepared by Pentland MacDonald, dated January 2021. EHD has considered the report and it concludes that the site does not pose any unacceptable risks to human health and that no further consideration of contamination is required.

Air Quality

In relation to the potential impact on air quality, the above proposal has the potential to give rise to construction dust impact during the construction phase and during the operation of the school there is the potential for air quality impact due to associated road traffic movements and boiler stack emissions. An Air Quality Impact Assessment Report, prepared by AONA Environmental Consulting Ltd dated October 2022 was submitted. This report indicates a negligible impact on air quality as a result of the proposed development. Existing residents will therefore not experience a significant air quality impact due to the development. The potential air quality impact due to traffic associated with the proposal has been undertaken by using the DMRB screening model which indicate a negligible impact on air quality as a result of the proposed development. Existing residents will therefore not experience a significant air quality impact due to the development.

Dust

A construction dust management plan has been submitted for the assessment of dust from the construction phase. Mitigation measures have been set out in the Construction Environmental Management Plan (CEMP), prepared by Mc Cloy Consulting dated October 2022 and will be included as conditions in any permission granted.

Floodlighting

It is noted that one of the two pitches will be floodlit. This Service had initial concerns that the proposed flood lighting scheme could cause a potential adverse impact due to obtrusive light spill on the neighbouring residential premises. A Light Spill Analysis was submitted and EHD is content that it complies with the relevant guidance.

Loss of Open Space

Under draft BMAP, part of the site is designated as open space. Whilst some of these areas of open space will be redeveloped as part of the proposal, Policy OS1 of PPS8 does allow for the loss of open space where substantial community benefits that will outweigh the loss will arise. In this case, the redevelopment of the former primary school site and the provision of a new post primary school is considered to result in substantial community benefit. On this basis, the proposed development is considered to meet the policy exception contained within Policy OS1 of PPS8.

Water and wastewater capacity issues

With regard to water runoff into watercourses, DfI Rivers has responded stating that it would stress that it is developer's responsibility to ensure that the proposed works do not result in any obstruction to flow arising from a blockage, structural failure, poor workmanship, or any other reason and that there is no restriction or reduction to the watercourse's capacity either during or upon completion of the works.

DfI Rivers has also made reference to requiring evidence of a Schedule 6 consent for further review of the Drainage Assessment however Schedule 6 sits outwith the planning process and is therefore not required as part of this application.

There is a public foul sewer within 20m of the proposed development boundary however an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed.

There is a public water main within 20m of the proposed development boundary which can adequately service the proposal.

It is noted that a Waste Water Impact Assessment is ongoing. It is considered that Planning can attach a negative condition as appropriate as well as the conditions suggested by NI Water.

Pre-application Community Consultation Report

There were a number of issues raised through engagement with the community pre-submission of the application. These are stated below as laid out in the PACC report submission.

- Parking issues
- Increased Traffic on the local roads
- Construction works impacts
- Noise and other general disturbance
- Additional street cleaning and litter bins
- Impact to the local environment
- Improvements to deal with additional sewage

These issues were subsequently addressed appropriately through the submission of this current proposal.

8. Consideration of Representations

There were 11 letters of objection from 10 separate addresses received in respect of this application and the following planning issues were raised, with clarification provided:

-Impact on traffic and parking and road safety concerns

- Impact on Character of Area
- Overlooking and loss of privacy
- Noise, nuisance and general disturbance
- Impact on wildlife
- Layout and design of building
- visual amenity
- loss of green/open space
- Impact on Redburn Country Park
- Loss of trees

These issues have all been addressed in detail throughout this report. The issues have been summarised below.

DfI Roads is content with the proposal. Site is well served by public transport and cycling and walking is actively encouraged. A Transport Assessment was submitted and deemed acceptable by DfI Roads.

The proposed school has been designed to a high level and will not have an unacceptable impact on the character of the area, particularly given a previous school existed on the same site. It will not cause an unacceptable impact on the visual amenity of the area.

The layout and design of the school is acceptable and it will not cause unacceptable impacts to adjacent residential properties in terms of overlooking or loss of privacy. The Council's Environmental Health Department has considered the proposed school and does not consider it will cause any unacceptable impacts to nearby residential properties regarding noise, nuisance and other disturbance. Conditions have been recommended to ensure this is the case.

DAERA's Natural Environment Division has been consulted regarding potential impacts to the environment, wildlife and biodiversity and is content with the proposal subject to conditions. There will be no significant impacts caused to the adjacent country park as a direct result of the proposed school.

Under draft BMAP, part of the site is designated as open space. Whilst some of these areas of open space will be redeveloped as part of the proposal, Policy OS1 of PPS8 does allow for the loss of open space where substantial community benefits that will outweigh the loss will arise. In this case, the redevelopment of the former primary school site and the provision of a new post primary school is considered to result in substantial community benefit. On this basis, the proposed development is considered to meet the policy exception contained within Policy OS1 of PPS8.

9. Conclusion

The proposal has been considered having regard to the Development Plan, SPPS, prevailing planning policies and guidance, and all the material considerations including responses from statutory and non-statutory consultees. The proposal will not cause any significant adverse impact on the character of the area nor will it result in any significant loss of amenity for surrounding residents. The proposal will bring significant community benefit.

10. Recommendation

Grant Planning Permission

11. Planning Conditions

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The Landscape Plan (drawing 14) shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved plan, unless otherwise approved in writing by the Council.

Reason: To maintain the biodiversity value of the site and provide light screening along the northern boundary.

3. The Lighting Plan (Light Impact Analysis) (drawing 22-08-04-01B1) shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved plan, unless otherwise approved in writing by the Council.

Reason: To protect bats and other wildlife.

4. The floodlighting shall be fitted with hoods and shall only be used between the following times between the months of September and April.:

Day	Start	End
Monday	8.00	20.30
Tuesday	8.00	20.30
Wednesday	8.00	20.30
Thursday	8.00	20.30
Friday	8.00	20.30
Saturday	8.30	18.00
Sunday	12.00	17.00

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

5. The floodlighting shall be switched off when not in use.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

6. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light 2021.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

7. The sports pitches shall not remain open for use outside the following times between the months of May and August:
 0800hrs until 2200hrs Monday to Friday
 0830hrs until 1800hrs Saturday
 1200hrs until 1700hrs on Sundays.

The sports pitches shall not remain open for use outside the following times between the months of September and April:
 0800hrs until 2030hrs Monday to Friday
 0830hrs until 1800hrs Saturday
 1200hrs until 1700hrs on Sundays.

Reason: To protect the amenity of neighbouring dwellings with respect to noise.

8. No development shall take place on-site until the method of sewage disposal has been agreed in writing by the Council through consultation with Northern Ireland Water (NIW) or a Consent to Discharge has been granted under the terms of the Water (NI) Order 1999.

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

9. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

10. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 9.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

11. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 9. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing to the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

12. Noise from the construction site shall not exceed the Category A noise threshold limit of 65dB at nearest residential premises. Construction noise monitoring shall be carried out to ensure compliance with the noise threshold limits set and remedial action taken if required.

Reason: To protect the amenity of neighbouring dwellings with respect to construction noise.

13. Prior to the occupation of the development, the applicant shall submit, to the Council, for approval, details of the location and specification all external plant and equipment to be used in connection with the school. All items of plant/ equipment should be selected, located or enclosed so that the cumulative noise impact does not exceed 49 dB LAeq 15minutes at the nearest property. The specific noise level from any plant should be rated to include a correction for tonal, impulsive noise or any other features that draw attention to it in accordance with BS 4142:2014

Reason: To protect the amenity of neighbouring dwellings with respect to noise.

14. Should at any stage during the construction of this development unexpected contamination and/or buried wastes be encountered, all works must cease, and the Environmental Health, Protection and Development Service immediately informed. No works are to recommence on the site until written agreement from the Environmental Health, Protection and Development Service has been received that confirms that the Applicant has a full understanding of the significance of the unexpected contamination/wastes and the measures required to mitigate the discovery.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. Development shall be undertaken in strict accordance with the site-specific dust mitigation measures set out in the Air Quality Impact Assessment Report, prepared by AONA Environmental Consulting Ltd, referenced ENV-9042 and dated October 2022.

Reason: To protect the amenity of neighbouring dwellings with respect to dust during construction works.

16. Development shall be undertaken in strict accordance with the outline Construction Environmental Management Plan - Construction Environmental Management Plan, Post Primary school, Holywood, prepared by Mc Cloy Consulting, referenced M01631-03-DG01 and dated October 2022 specifically the noise, vibration and dust mitigation measures.

Reason: To protect the amenity of neighbouring dwellings with respect to noise, vibration and dust during construction works.

17. Construction stage drainage for the development must be in accordance with the Construction Phase Surface Water Management Plan, as shown in Appendix B and Appendix C of the Outline Construction and Environmental Management Plan by Mc Cloy Consulting dated October 2022.

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

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

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

19. After completing all remediation works required under Condition 18 and prior to commencement of use of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

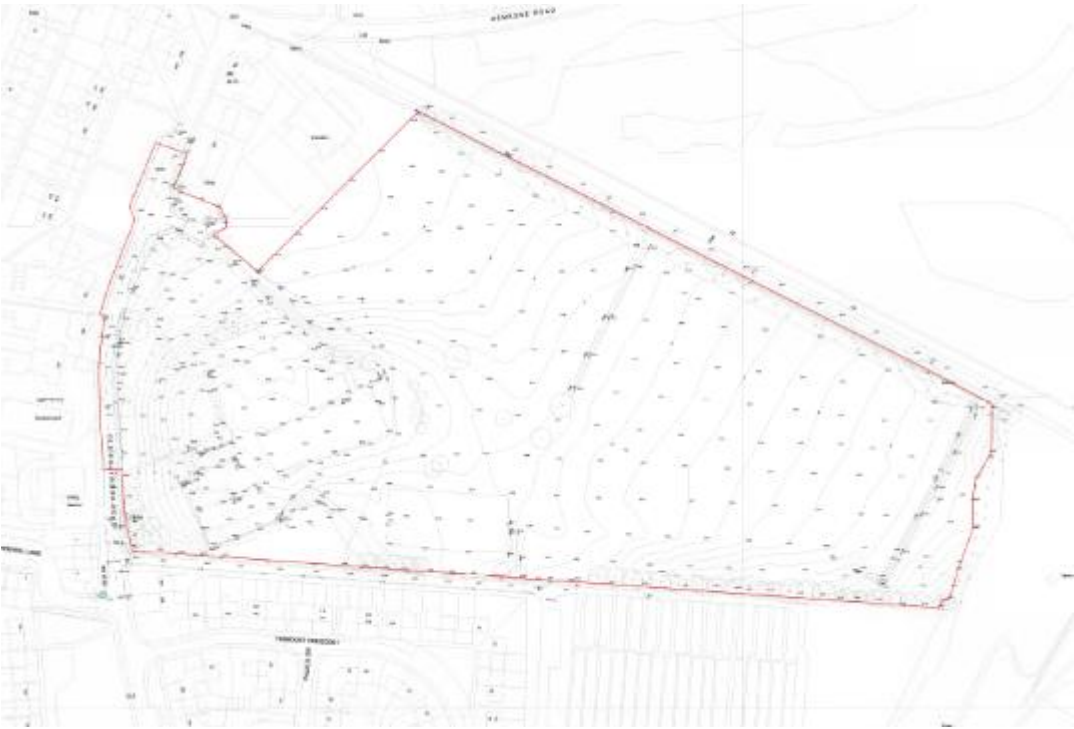
20. Once a contractor has been appointed, the final Construction Environmental Management Plan (CEMP) should be submitted to the Council at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned. The development shall be undertaken in strict accordance with the CEMP.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the environment.

Site Location



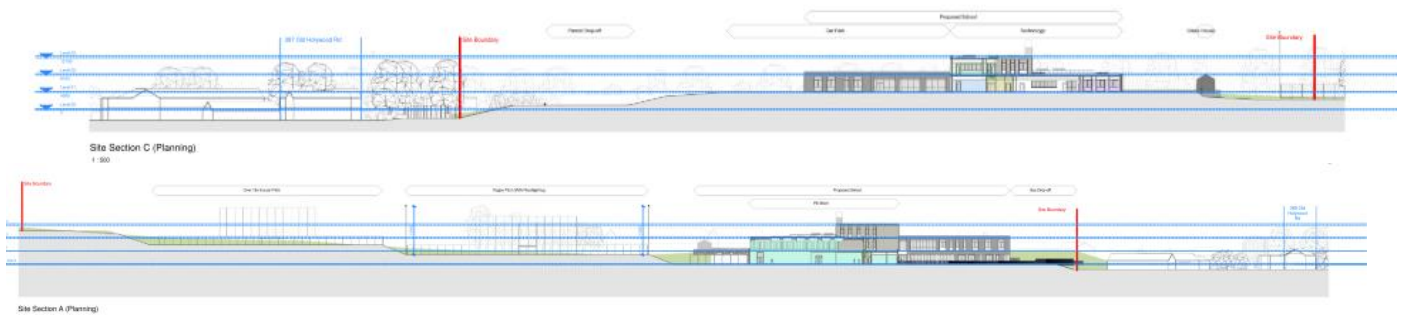
Existing site layout



Proposed site layout



Site Sections



CGI Images



IMAGE 01 - (indicative) CGI showing the proposed school from ground level at the junction of Old Holywood Road and Jackans Road Demons Road, adjacent to 388 Old Holywood Road (a Grade B11 listed building)

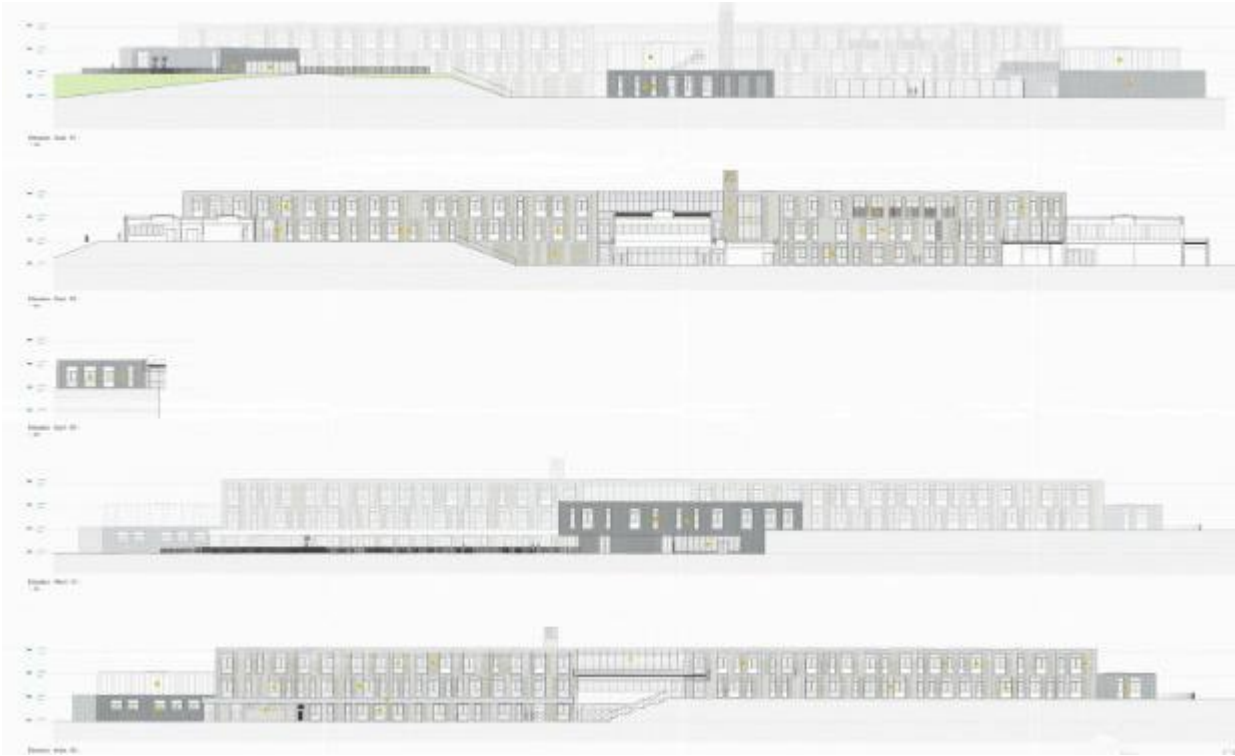


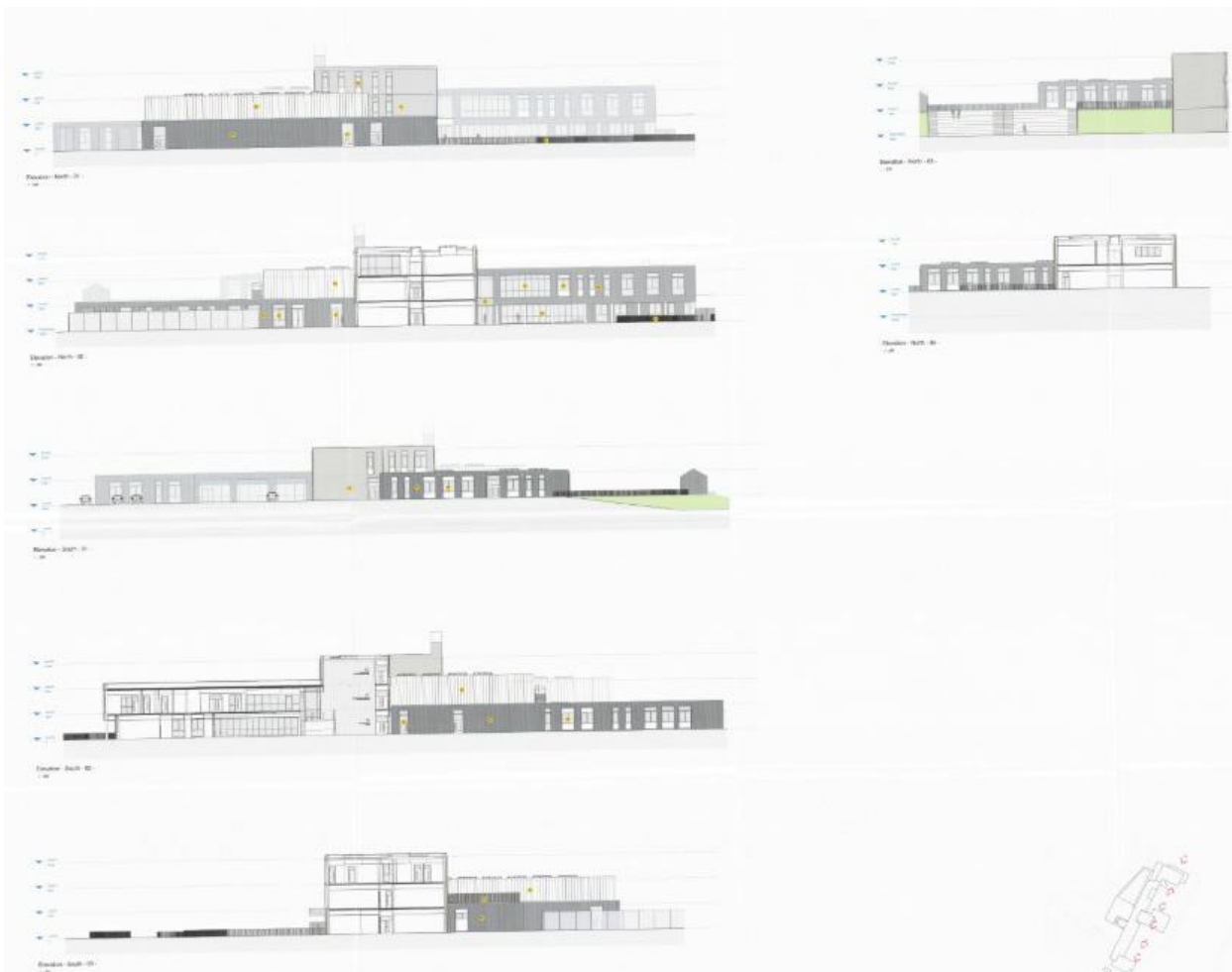
IMAGE 02 - (indicative) CGI showing the proposed school from ground level on Old Holywood Road, adjacent to 391 Old Holywood Road (a Grade B11 listed building)



IMAGE 03 - (indicative) CGI showing the proposed school from ground level at the junction of Old Holywood Road and the utility access road.

Proposed Elevations





Ground Floor Plan



Landscaping Plan



Details of internal road layout



Photographs of the site



Photograph of the eastern part of the site adjacent to the Country Park



Photograph of an area of hardstanding within the site left from the previous use of the site as a primary school.



Photograph of Old Hollywood Road with the site on the left.



Photograph of the site from Old Hollywood Road




Photograph of the site from Old Hollywood Road

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2024/0261/F
Proposal	Ancillary Storage Shed (includes removal of existing containers)
Location	Hollywood Cricket Club, Seapark Pavilion, Seapark, Hollywood
Committee Interest	Land in which the Council has an interest
Valid	21/03/24
Summary	<ul style="list-style-type: none"> • Site located within Seapark Recreation Grounds which make an important contribution to Hollywood's public open space, serving the local community and visitors. • Proposal is required to store bats, balls, bowling machines, hurdles, bags etc. Equipment has been stored in two existing containers and a temporary marquee. • Larger storage required due to increasing membership numbers of Hollywood Cricket Club. • Existing containers will no longer be required and will be removed. • Site designated as 'Existing Recreation and Open Space' and a Local Landscape Policy Area. Site is within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC). • 76 letters of support, 12 of objection from six addresses • No adverse impact on surrounding neighbours - Proposal located 62m away from the nearest dwelling (3 Seapark Road); properties on Ballymenoch Park located c120m away.
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report				
Reference:	LA06/2024/0261/F	DEA: Holywood & Clandeboye		
Proposal:	Ancillary Storage Shed (includes removal of existing containers)			
Location:	Holywood Cricket Club Seapark Pavilion Seapark Holywood			
Applicant:	Holywood Cricket Club			
Date valid:	21.03.2024	EIA Screening Required:	Yes	
Date last advertised:	23.05.2024	Date last neighbour notified:	15.05.2024	
Letters of Support: 76	Letters of Objection: 12 (from 6 addresses)	Non-committal: 2		
Consultations – synopsis of responses: Environmental health – No objection.				
Summary of main issues considered: <ul style="list-style-type: none"> • Planning history; • Principle of development; • Impact on visual amenity & character/appearance of proposed ATC; • Impact on residential amenity; • Access, movement and parking; • Impact on designated sites. 				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)				

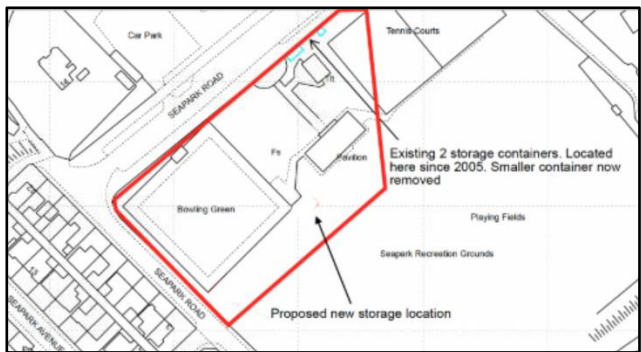
1. Site and Surrounding Area

The site consists of a section of Council-owned playing fields known as Seapark Recreation Grounds and contain a bowling green, tennis courts, a cricket and football field. The Seapark Recreation Grounds make an important contribution to Holywood’s public open space, serving the local community and visitors to the area.

The playing fields are bounded by residential properties on two sides, the southeastern boundary is defined by the railway and the northwestern boundary is defined by a car park and informal open space giving access to the coastal footpath. Holywood Cricket Club has recently erected practice nets and security fencing, which the proposed ancillary storage shed is to be sited beside.

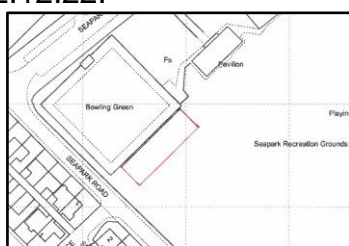


2. Site Location Plan

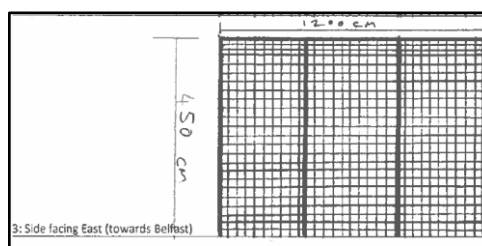


3. Relevant Planning History

- **LA06/2024/0049/F** - Storage Container (includes removal of existing containers) – This application received 4 objection letters, 3 support letters & 1 neutral representation. Initially the storage container was proposed to the west of the practice nets. Following concerns from neighbours it was amended to the eastern side. However, given the extent of the required change to the red line boundary of the site, the proposed amendment necessitated the submission of a new planning application. This application was therefore withdrawn.
- **LA06/2022/1000/F** - Practice nets with security fencing (max height 4.5m).
Granted 12.12.22.



Drg 01 - Site Location Plan



Drg 02 - Elevation

- **W/2007/0562/F** - Demolition of existing pavilion building to be replaced with new pavilion incorporating tearoom, also provision of additional fencing.
Granted 17.04.08
- **W/2006/0872/F** - Erection of 6-10m high ball stop fence to perimeter of building/tennis courts and cricket ground. Granted 21.02.07

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 8: Open Space and Recreation

Principle of Development

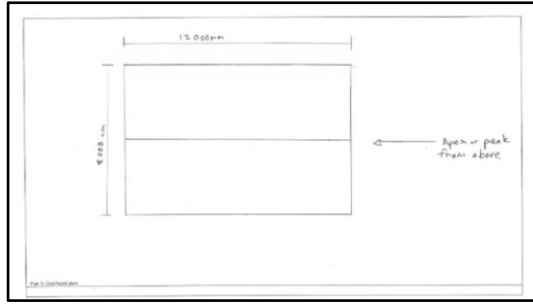
Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Holywood, the site is designated as 'Existing Recreation and Open Space' and a Local Landscape Policy Area. In relation to the built environment, the site is within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC). Planning policy operates a presumption against the loss of existing open space. However, it is recognised that the development of small-scale ancillary structures may be necessary to support the recreational use of such areas. Given

the existing recreational use of the site the principle of the proposed ancillary storage shed is considered acceptable.

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.



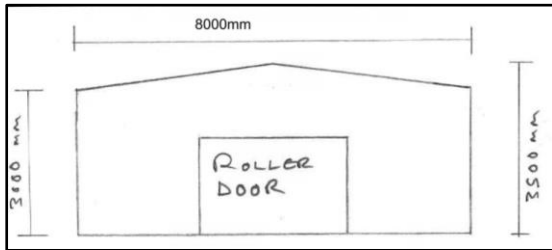
Drq 02 Proposed Block Plan



Drq 03 Proposed Overhead Plan

Impact on Visual Amenity & Character of the proposed ATC

The proposal is for a metal storage shed, 8m in width, 12m in length and reaching 3.5m in height. This new 96sqm storage shed is required to house the Cricket Club’s equipment. The cover letter submitted with the application clarifies that the building will be used to store bats, balls, 3 bowling machines, hurdles, bags etc. It is also stated that since 2005 the equipment has been stored in two existing containers and a temporary marquee and that larger storage is required due to increasing membership numbers. The supporting statement further clarifies that the existing containers will no longer be required and will be removed, the smaller one has already recently been removed and the temporary marquee has been damaged in adverse weather.



Drq 04a – Elevations



Existing Containers

The proposal is 12m in length which is the same as the security fencing which received approval in 2022. According to the approved plans the security fencing reaches 4.5m and the ridge height of the proposed storage shed is 3.5m allowing it to integrate into the built form. It will be constructed using PVC coated steel, which will be secured to a metal frame and a concrete base. No heavy construction or excavation is required for the storage shed. In terms of visual amenity, the proposal is considered acceptable. The proposed storage shed will facilitate the removal of the long-standing existing containers located to the north of the application site which would help improve the appearance of the proposed ATC.



Impact on Residential Amenity

It is considered, due to the minor nature of the proposal that there will be no adverse impact on surrounding neighbours. It is located 62m away from the nearest dwelling at 3 Seapark Road and the properties on Ballymenoch Park are located approximately 120m away. Therefore, I do not consider the proposal would result in any conceivable adverse impact on the neighbouring residential amenity due to the minor nature of proposal, the separation distances and existing boundaries.



View from Seapark Road



View from Ballymenoch Road

Access, Movement and Parking

I am content there will be no adverse impact on access, movement and parking. The proposal will not obstruct any pedestrian pathways.



The application form indicates that there will be no increase in vehicles or persons attending the site on a daily basis. The proposal is to facilitate equipment storage for an existing club operating on the site. Given the nature and minor scale of the proposed development, it is considered that it will not cause harm to road safety.

Impact on Designated Sites

The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be over 100m from nationally and internationally designated sites. No heavy construction or excavation is required for the storage shed. Regardless, there are no waterways

close to the site and therefore no hydrological link to any designated area. There is no protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In terms of other natural heritage interests, the proposal did not trigger a scenario which would reasonably require additional survey information.

5. Representations

Neighbour notification took place in line with statutory requirements. 89 representations have been received - 12 letters of objection, 76 letters of support and 2 non-committal representations. The issues raised in objection letters include impact on wildlife, landscaping and the character and appearance of the area have already been considered in the main body of the report.

Summary of the issues is as follows:

- **Size of proposed shed:** *The structure is 8m x 12m and reaches 3.5m in height. This shed is considered to be ancillary to the wider recreational use of the site and will cause no unacceptable adverse harm to the character and appearance of the area or amenity of residents.*
- **Location of proposed shed, the preference is that it is located on the site where the existing containers are or beside the tennis courts:** *The Council is required to determine the application which has been submitted. As described in the main body of this report, the proposed siting is considered acceptable and will cause no unacceptable harm to amenity.*
- **Unsightly, eyesore and industrialise the area:** *I do not consider the proposed ancillary building would industrialise the area. The existing structures do not benefit from planning permission but are immune to enforcement action due to the length of time they have been in situ. A condition is recommended to ensure these existing structures are removed to prevent an accumulation of ancillary structures in the area of open space.*
- **Noise:** *Considering the nature of the storage shed and distance from residential properties, the proposal is not likely to give rise to any unacceptable adverse impacts to existing residential amenity in terms of noise. Environmental Health has been consulted and have raised no concerns.*
- **ASB, Vandalism & Graffiti:** *This is a matter which can be managed by the park operator outside of the planning process. The Parks Section of the Council liaise frequently with the operator who manage the security for the park.*
- **Block private views across park:** *This is not a material planning consideration.*
- **Concern for future use of area, if grassed is ruined by shed:** *The Cricket Club have a license to operate in this location. The on-going management and maintenance of the area are matters for the park operator.*
- **Access issue for bowling green and pavilion:** *I conducted a second site visit and I am satisfied the shed would not obstruct access to the bowling green or pavilion.*

- **This area is used by spectators with deck chairs, picnics etc:** *This is not a material planning consideration. Ample space remains to facilitate spectators.*
- **Concern for value of property:** *This has not been supported by evidence and is not a material planning consideration.*
- **Concern for hazardous materials being stored:** *It is understood the storage shed will house bats, balls, bowling machines, hurdles, bags etc. The Planning Act 2011 provides that the presence of a hazardous substance equal to or in excess of the controlled quantity (as specified by regulations) requires the consent of the Council.*
- **Concern for environmental effects, reference to EIA;** *EIA screening has been completed and I am satisfied that the environmental impacts of the proposed development are not likely to be significant.*
- **Hazard to children playing in area as restricts the entrance;** *The proposed shed is located away from the roadside and will not restrict entrance to the park.*
- **Placement of shed prevents flexibility for multiuse, such as a second football pitch being put in place over the winter: Interference with the boundary rope of the pitch.** *The planning system is concerned with the impact on amenity. It is considered that operational concerns regarding the park are matters beyond the remit of the Planning Department.*
- **Examples cited in Newtownards and Donaghadee are much smaller:** *The scale of the shed is considered to be ancillary to the wider use of the site.*
- **Concern for light reaching trees and its natural water catchment area:** *I do not consider there would be any adverse impact on the trees, furthermore these trees are not protected by a TPO.*
- **Reduces access by those in wheelchairs:** *There are alternative internal pavements for wheelchair users.*
- **Concerns for electric vehicles going on fire, better to be located close to road for fire engine access:** *The Council is required to determine the application which has been submitted.*

6. Recommendation

Grant Planning Permission

7. Conditions

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

Reason: Time Limit.

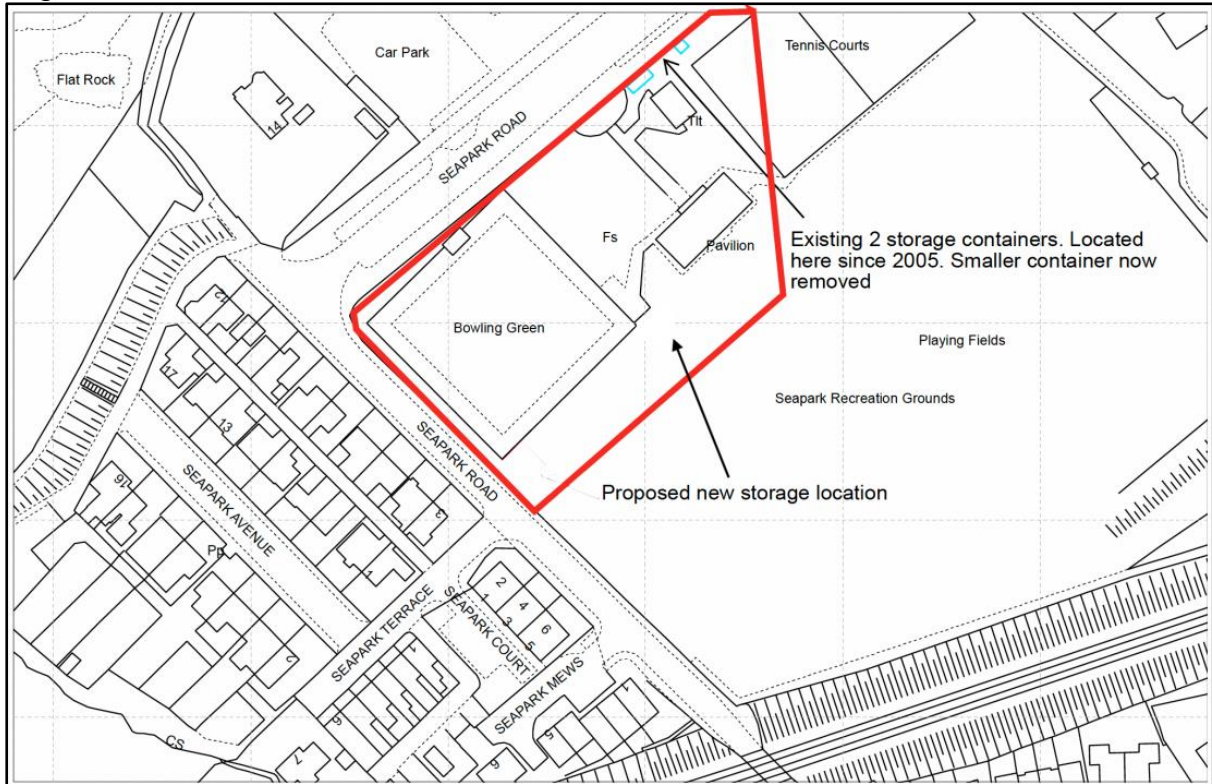
2. The existing structure highlighted blue on drawing 01 shall be permanently removed, and the land restored to its former condition prior to the commencement of the development hereby approved.

Reason: To ensure there is not an accumulation of storage structures at this location.

3. The ancillary storage shed hereby permitted shall be used only for the purposes of storing equipment in association with Holywood Cricket Club.

Reason: To safeguard the amenities of the area.

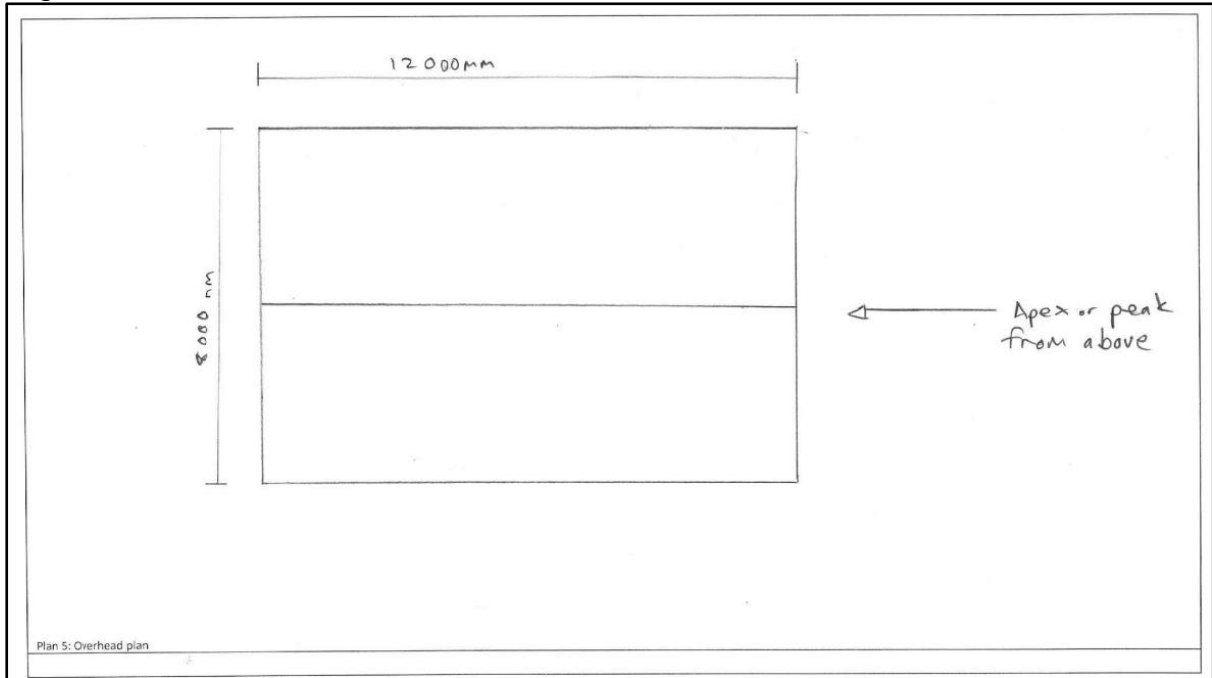
Drg 01 – Site Location Plan



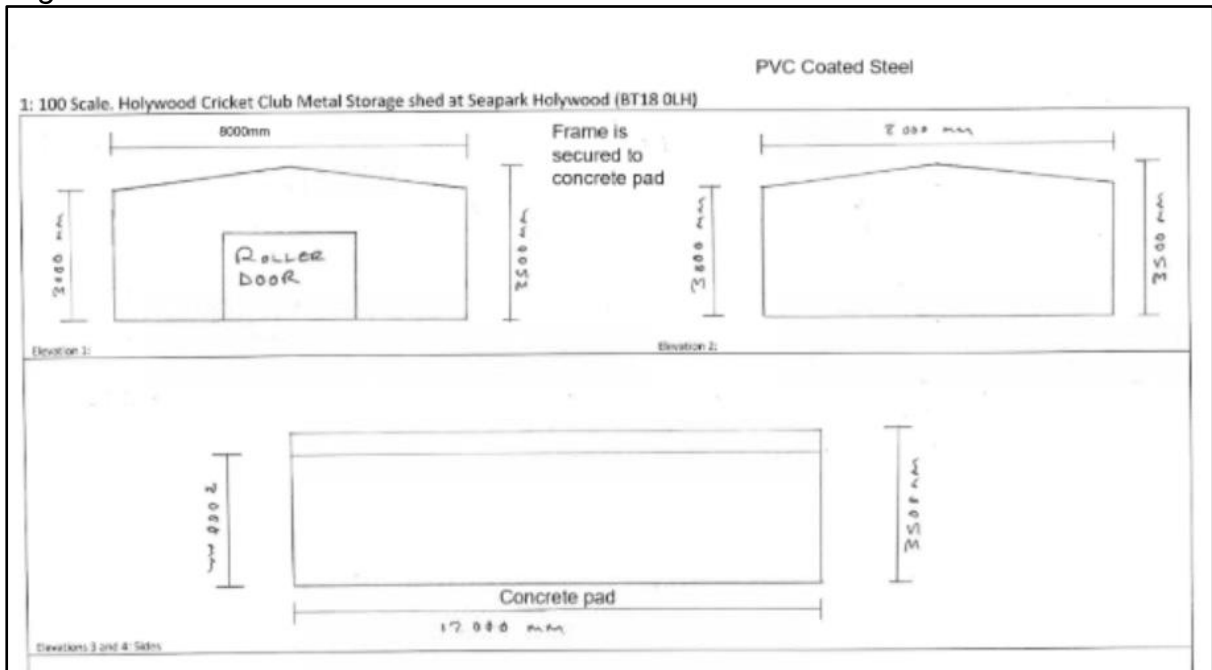
Drg 02 – Block Plan



Drg 03 Overhead Plan



Drg 04a Elevations



First Site Visit - 21st January 2024







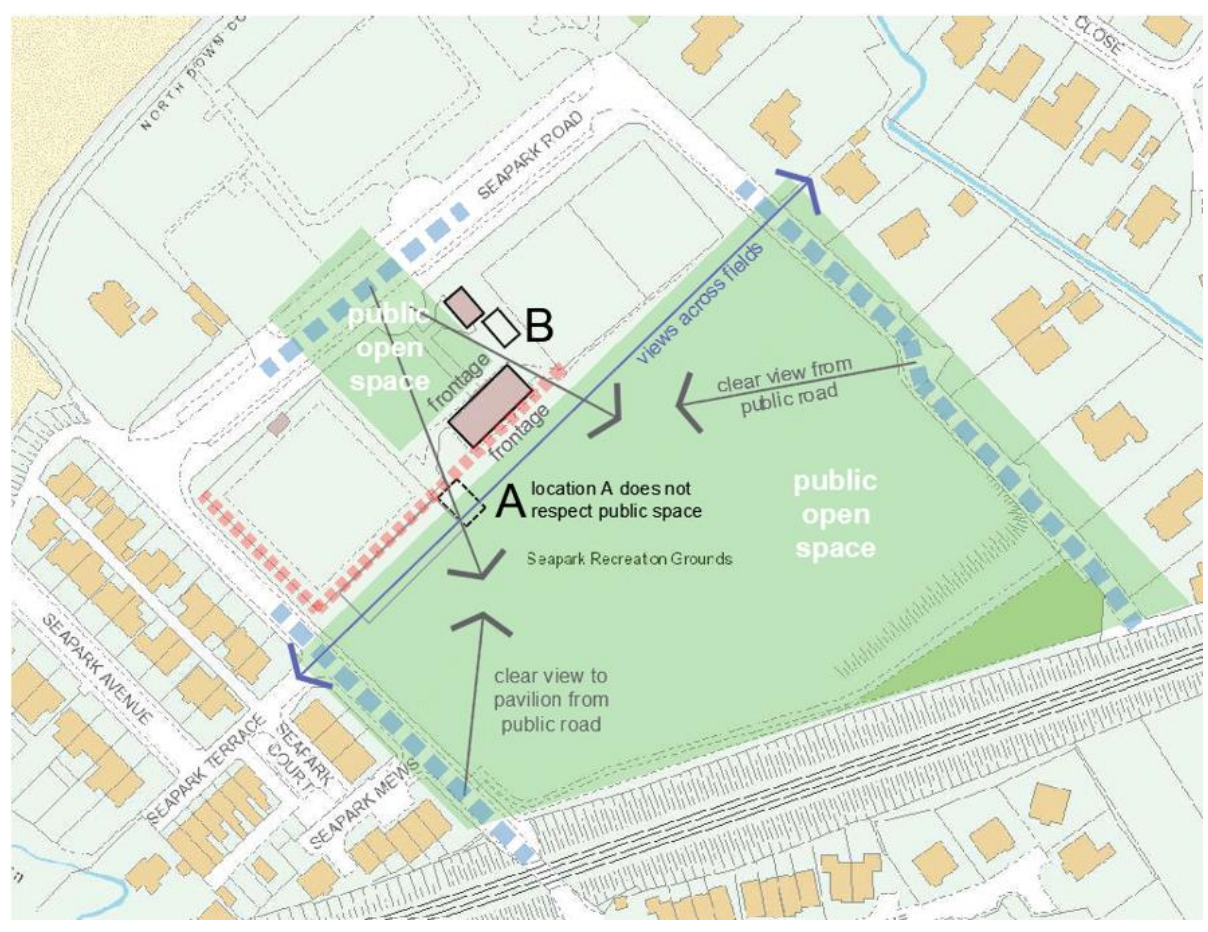
Second Site Visit 24.04.2024








Map submitted by objector



ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2024/0182/F
Proposal	Temporary permission for retention of open space - renewal of LA06/2022/0231/F
Location	Land immediately east of 41 Hamilton Road, south of 1 Springfield Avenue, Bangor (site of former Hamilton House and Sea Scout Hall)
Committee Interest	Land in which the Council has an interest
Validated	11/04/24
Summary	<ul style="list-style-type: none"> • Proposal seeks time extension to previous temporary permission • Site lies within proposed ATC • No objections from 3rd parties • Site maintained in good condition by the Council • Time extension required to retain open space as an interim measure until such times as decision made on future sale of site as part of Estates Review
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2024/0182/F	DEA: Bangor Central	
Proposal:	Temporary permission for retention of open space - renewal of LA06/2022/0231/F		
Location:	Land immediately east of 41 Hamilton Road, south of 1 Springfield Avenue, Bangor (site of former Hamilton House and Sea Scout Hall)		
Applicant:	Ards and North Down Borough Council (ANDBC)		
Date valid:	28.03.2024	EIA Screening Required:	No
Date last advertised:	30.03.2024	Date last neighbour notified:	31.03.2024
Letters of Support: 0		Letters of Objection: 0	Non-committal: 0
N/A			
<p>Summary of main issues considered:</p> <ul style="list-style-type: none"> • Impact on amenity of neighbouring dwellings; • Impact on appearance of the proposed Bangor Central Area of Townscape Character 			
<p>Recommendation: Grant Planning Permission</p> <p>Report Agreed by Authorised Officer</p>			
<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) using Public Access</p>			

1. Site and Surrounding Area

The site occupies a triangular plot of land opposite the junction of Hamilton Road and Park Avenue. Ward Park lies to the south-east on the opposite side of the road, whilst Springfield Avenue, which houses several private residential properties runs parallel to the rear of the site. The subject plot has been cleared of all buildings which previously occupied the site (ie: Hamilton House and Sea Scout Hall which dated to the 1940's) and the area is laid out in grass with tarmac paths which facilitate pedestrian access between Springfield Avenue and Hamilton Road. Boundaries are defined by a mix of ornamental hedgerows and timber board fencing in the north-western corner of the site.

2. Site Location Plan



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3. Relevant Planning History

Site history

LA06/2020/0113/F – Demolition of former Hamilton House and Sea Scout Hall, and temporary permission for an area of open space Address: Lands at 43 Hamilton Road, Bangor Planning Permission Granted: 23.07.2020

LA06/2020/0947/NMC: Non Material Change to Planning Approval LA06/2020/0113/F (Reduction in length & height of the fence stipulated in Condition 3.) Address: Lands at 43 Hamilton Road, Bangor Consent Granted: 18.03.2021

LA06/2022/0231/F – Demolition of former Hamilton House and Sea Scout Hall, and temporary permission for an area of open space Address: Land immediately east of 41 Hamilton Road south of 1 Springfield Avenue site of former Hamilton House and Sea Scout Hall Bangor – Temporary Planning Permission Granted: 10.06.2022

The above planning history demonstrates that planning permission was previously granted on the site for the demolition of all derelict buildings within the plot and the consequent creation of an area of open space for a time limited period of two years.

4. Planning Assessments

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

- Ards & North Down Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Principle of Development

The application site is located within the settlement of Bangor, as defined within the extant Ards and North Down Area Plan and the proposed town boundary as outlined in draft BMAP.

It is of note that the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18th May 2017.

In context of the same, the North Down and Ards Area Plan 1984-1995 (NDAAP) therefore remains the statutory development plan for the area with provision of the draft BMAP document remaining a material consideration.

The site is situated within the proposed Bangor Central Area of Townscape Character (ATC). The proposed ATC designation in draft BMAP is a material consideration relevant to this application.

The principle of the development and retention of the site as a temporary area of open space was determined by the Council as being acceptable under the previous applications LA06/2020/0113/F and LA06/2022/0231/F. Each permission granted approval for a temporary period of 2 years.

In the initial 2020 application which also proposed the demolition of the original buildings on the site, it was accepted that there were significant costs to the public purse in maintaining and securing the site due to antisocial behaviour which had resulted in a detrimental impact on neighbouring residents. In context of the same, the proposal to demolish and clear the site of all buildings was accepted followed by the creation of an area of open space as a temporary design solution. Temporary planning permission was therefore granted to retain the site as an area of open space for a period of two years followed by the second application in 2022 to extend the temporary period for a further two years. This was sought to allow for the Council to finalise its Estates Strategy and determine the best value for money use of the site for the benefit of the public purse. It is now proposed to allow a further two years permission for the same.

With regard to the time which has elapsed since the granting of the original planning permission in July 2020, the resultant socio-economic conditions caused by COVID-19 Pandemic are acknowledged and I am therefore content that retention of open space for a further temporary period of 2 years, remains acceptable as a 'mean-while' use until such time as the Council submits an appropriate replacement proposal. This is comparable to the approach taken at Queen's Parade through the installation of the Project 24 pods rather than leaving the site in a derelict state with the erection of fencing around the site, which could be subject to graffiti further eroding the character and appearance of this part of the proposed ATC.

In conclusion therefore I consider it appropriate accept the proposal with inclusion of a time condition restricting the permission to a period of 2 years, in order that an appropriate replacement scheme is applied for within a reasonable timeframe.

Impact of Development on Surrounding Area and proposed ATC

As prevailing policy suggests, the test to be applied regarding ATCs is that development does not result in harm to the character of the ATC as a whole.

With regard to any impact on the proposed ATC, the Planning Appeals Commission (PAC) in a number of recent appeal decisions, has determined that the policies within the Addendum to PPS6 and the related provisions of the SPPS refer to ATCs but no reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. The PAC therefore do not consider that Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS are applicable to the consideration of developments within proposed ATCs. Notwithstanding this, the PAC confirmed in these cases that the impact of the proposal on the overall appearance of the proposed ATC remains a material consideration and can be objectively assessed. The proposal is for temporary permission which was previously granted. Given the nature of the development as a temporary area of open space, it is considered that there will be no significant impact or harm caused to the overall appearance of the proposed ATC. As was clear from my site inspection, the area of open space which has been created is enclosed and well maintained.

As presented, the proposal to retain the site as an area of open space will have a negligible impact on the surrounding area or proposed ATC and will continue to reduce and mitigate against anti-social behaviour within the site in the immediate future. In my professional judgement then, I see no reason to find the current proposal contrary to policy and subject to appropriate conditions, I believe that the proposal to retain the site as an area of open space complies with prevailing planning policy.

5. Consideration of Representations

The proposal has been advertised in the local press and neighbours have been notified as per the Section 8 of the "The Planning (General Development Procedure) Order (Northern Ireland) 2015"; No letters have been received.

6. Recommendation

The proposal is considered acceptable and would not detrimentally impact on the appearance of the proposed ATC designation. Whilst the already completed demolition works has visually altered the street scene, the proposal to retain the site as an area of open space on a temporary basis as a 'meanwhile use' will not result in a detrimental impact on the setting or character of the surrounding area. Approval is therefore recommended on a temporary basis.

Grant Planning Permission

7. Conditions

1. This temporary use is approved for a period of 2 years only from the date of decision.

Reason: This type of temporary use is such that its permanent retention would harm the character and amenity of this draft Area of Townscape Character 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.









KEY:					
	EXISTING BOUNDARY HEDGE				
	EXISTING TREES				
	EXISTING BOUNDARY WALL				
	1.2m HIGH FENCE				
	GRASSED AMENITY SPACE				
	PATHWAY & STEPS				
	1.8m HIGH FENCE				
Purpose of issue					
PLANNING APPLICATION					
Client					
AANDBC					
Project Title					
RETENTION OF OPEN SPACE AT HAMILTON ROAD BANGOR					
Drawing Title					
SITE LAYOUT PLAN					
Designed	Drawn	Checked	Approved	Date	
PH	PH	GS	PC	01.02.24	
Ards & North Down Council Internal Project No.					
Project No. N/A					
Scale @ A1					
1:500					
Ards and North Down Borough Council					
Unit 446, The Castle Bangor BT20 4BT T: 0286 413 3333 www.ardsandnorthdown.gov.uk					

Unclassified

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ITEM 5**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	02 July 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	17 June 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 5a - 2022/E0018

Appeal Decisions

1. The following appeal was dismissed, and the enforcement notice upheld on 20 May 2024.

PAC Ref	2022/E0018
Council Ref	LA06/2021/0110/CA
Appellant	Thompson, Wesley
Subject of Appeal	Alleged unauthorised erection of shed and laying of hardstanding laneway
Location	Lands approx. 740m south of the Junction of Cotton Road (A48) and Murdocks Lane, Bangor

An appeal against an Enforcement Notice can be brought on any of the following grounds:

Not Applicable

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- 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.

The appeal was brought on Grounds (b) and (c) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act).

Ground (b) - Under this ground of appeal, the onus is on the Appellant to demonstrate that the matters alleged in the Enforcement Notice (EN) had not occurred when the EN was served. The EN is dated 26th May 2023. The Council's evidence included Google Earth images dated March and August 2022 showing the shed together with site photographs of the shed taken on 29 September 2022 and site photographs of the hardstanding laneway taken on 19 May 2023. At the hearing the Appellant did not dispute that at the date the EN was served the shed and hardstanding laneway were in place.

The appellant claimed that the erection of the shed and the laying of a hardstanding laneway was permitted development under the Planning (General Permitted Development) Order (NI) 2015 (GPDO) Part 7 Class A (a) and (b). However, this was not a ground (b) argument. The Commissioner was satisfied that the matters as alleged in the EN had occurred and the appeal on ground (b) did not succeed.

Ground (c) was argued in respect of the alleged unauthorised erection of shed and laying of hardstanding laneway. The Appellant considered that the alleged unauthorised erection of shed is permitted under Part 7 Class A (a) of the GPDO, and that the alleged unauthorised hardstanding is permitted development under Part 7 Class A (b) of the GDPO.

Part 7 Class A permits the carrying out on agricultural land comprised in an agricultural unit of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operation; reasonably necessary for the purposes of agriculture within that unit. Development not permitted under Class A is set out at

Not Applicable

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A.1 criterion (a) to (i). For the purposes of Class A, an “agricultural unit” means land which is occupied as a unit for the purposes of agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit.

The Council considered that the alleged unauthorised shed is not reasonably necessary for the purposes of agriculture and that it failed to comply with Class A A.1 criteria (c), (d) and (e).

The Appellant argued that his farm unit encompassed the fields within the Enforcement Notice site, together with fields to its south and southeast. These had been part of a larger agricultural plot farmed by his uncle and were inherited by him in 2016. The registration of transfer of the land took place in February 2018. The Appellant states that the land has been continuously farmed by him since 2017 including harvesting, goats and horses, together with continuous maintenance of the holding generally in good agricultural and environmental condition as per Article 4 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council (as amended).

He stated that he installed drainage between 2016 and 2020 in response to flooding issues on the site. He has retained and maintained hedges, trees, fences and watercourses. He has laid hügelkultur beds to improve soil fertility. In written evidence he referred to approximately £70,000.00 being spent on the plot to date, but at the hearing he referred to a sum of £100,000.00 and could provide no documentary evidence to demonstrate this.

The Council included correspondence from DAERA which advised that the Appellant’s land is part of a larger farm holding for which Basic Payment Scheme (BPS) has been claimed by another individual since 2017. The Appellant argued that there was no conacre agreement in place and whilst he received an annual payment from the individual for the grazing of horses on his land, he had been unaware that payment could be claimed for livery, having only found out in recent weeks. He stated that whilst another individual’s horses grazed the land, he still carried out and financed work on the land. He had applied for a farm ID in 2023 prior to the EN. He intends to put sheep on the land which will be split into four paddocks. He stated that he now has a flock number. The ground has to be made good, ploughed, sowed and rested after which the sheep can be introduced.

At the hearing the Appellant stated that a gun club has access to all his land and use of the alleged unauthorised shed and that it tends to use this once a fortnight.

The Commissioner was not persuaded in relation to previous ownership of goats and the horses grazing on site being in the ownership of someone else. Whilst the appellant stated that he carried out maintenance of the lands for agricultural purposes, no documentary evidence was provided to support this, despite the assertion of significant expenditure and the continued maintenance of hedgerows,

Not Applicable

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trees, fences and watercourses etc. Despite owning the lands since 2017 an application for farm ID was only made in 2023. The shed facilitates storage of items related to agriculture as outlined above however it also accommodates facilities related to the gun shooting club. The term 'reasonably necessary' must relate to the existing needs of the agricultural business or to some tangible plans for the agricultural business. The Commissioner was not persuaded that the alleged unauthorised shed was reasonably required for the purposes of agriculture as required by Part 7 Class A (a) of the GPDO.

The Commissioner stated that even if the Appellant had presented documentary evidence of agricultural activity by them on the land that reasonably required provision of a shed, it failed to comply with criteria (d) and (e) of Class A and is not permitted development.

The Council considered that the alleged unauthorised hardstanding laneway was not permitted development as there was no evidence of ongoing agricultural use at the site by the Appellant and that it exceeds what would be considered reasonably necessary for the purpose of agriculture.

The Commissioner acknowledged that the division of the appellant's uncle's original farm may have resulted in some historical access arrangements to the Appellant's inherited land being severed, but she was not persuaded that the hardstanding laneway was reasonably necessary for the purposes of agriculture within that land. In any event the Commissioner considered the agricultural use at the site above and concluded that there is lack of documentary evidence of the Appellant's agricultural activity on the lands.

The Commissioner determined that it had not been demonstrated that the matters described in the EN do not constitute a breach of planning control. Consequently, the appeal on ground (c) fails.

2. New Appeals Lodged

No appeals lodged since date of last report.

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

RECOMMENDATION

It is recommended that Council notes the report and attachment.



Enforcement Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2023/E0018
Appeal by:	Mr. Wesley Thomspen
Appeal against:	An enforcement notice dated 26 th May 2023
Alleged Breach of Planning Control:	Unauthorised erection of shed and laying of hardstanding laneway marked by 'X' on attached map
Location:	Lands approximately 740 metres south of the junction of Cotton Road (A48) and Murdocks Lane, Bangor, Down
Planning Authority:	Ards and North Down Borough Council
Authority's Reference:	LA06/2021/0110/CA
Procedure:	Informal Hearing on 5 th March 2024
Decision by:	Commissioner Trudy Harbinson, dated 20 th May 2024

Grounds of Appeal

1. The appeal was brought on Grounds (b) and (c) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act).

The Notice

2. The matters which appear to constitute the Breach of Planning Control as set out in the Enforcement Notice (EN) are the alleged 'unauthorised erection of shed and laying of hardstanding laneway marked by X on attached map'.
3. The Appellant alleged three matters of inaccuracy in the EN had caused prejudice. He referred to the wording 'marked by 'X' on attached map' on the EN and the map attached to the EN with an X located centrally towards the southern boundary of the notice site. He stated that the X created confusion as it is erroneous and does not define the alleged development. The Council confirmed that the Appellant is correct that the 'X' is 'off' where the shed is located but they considered that there is no prejudice as there is only one new unauthorised shed and only one hardstanding laneway within the lands edged red on the map attached to the EN.
4. The Appellant further stated that the farm unit was not accurately plotted on the map with the agricultural holding encompassing a greater area. He also stated that there is no laneway as alleged on the EN. He said that a laneway goes from 'a' to 'b' connecting one point with another and this was not the case as it does not go to anything and is hardstanding through the wet terrain.

5. The Council stated that the red line on the map includes the alleged unauthorised shed and hardstanding laneway only and does not refer to land ownership or the alleged extent of the farm unit. They stated that with respect to the laneway the EN also references hardstanding however they had no objection to the laneway reference being reworded if it was considered necessary to do so.
6. Section 140 (1) (a) of the Act requires that an EN must state the matters which appear to the Council to constitute the breach of planning control. At subsection (2) it further states that a notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
7. It is for the Council to describe the matters which appear to be a breach of planning control. A laneway is generally a narrow path over which access is taken. Whilst the Appellant states that this term is incorrect as it does not lead from one place to another, I found that it travelled south from the access gate at Murdocks Lane, through a field to a gate that accesses the next field, within which the alleged unauthorised shed is located. Whilst it may not continue through the second field to the shed itself it permits access from one field gate to another. The Appellant in their Statement of Case say 'it is not a laneway but a strip of land to enable pedestrian, vehicular and animal-suitable access over a considerable wet area within the farm plot to reach the remaining grounds'. I consider there to be some contradiction in the position that it is not a laneway yet it permits access to reach remaining grounds. I am not persuaded that reference to a hardstanding laneway is incorrect.
8. I am content that, notwithstanding the incorrect positioning of the 'X' on the map that accompanied the EN, all parties understood the areas being referred to for the purposes of the appeal. I am also content that the land outlined in red on the map attached to the EN is not required to align with lands that may be within the alleged wider ownership of the Appellant or within their agricultural holding. This does not preclude consideration of those lands under the grounds of appeal.
9. Section 144 (2) of the Act allows the Commission to correct any misdescription, defect or error in the enforcement notice, or vary its terms if it is satisfied that the correction or variation can be made without injustice to the Appellant or to the Council. Given that it was agreed that the position of the 'X' on the map is incorrect I consider the references to 'marked by 'X' on attached map' at Part 3 and 4 of the EN can be deleted. Given the minor nature of the correction, which seeks only to provide clarity on the EN, I find this change can be made and that there is no prejudice as there is only one shed and only one hardstanding laneway within the site outlined in red on the map attached to the EN.

Ground (b) - that the matters alleged in the Notice have not occurred.

10. Under this ground of appeal, the onus is on the Appellant to demonstrate that the matters alleged in the EN had not occurred when the EN was issued.
11. The EN is dated 26th May 2023. The Council in their evidence include google earth orthophotography dated March 2022 and 12th August 2022 which show the shed together with site photographs of the shed taken on 29th September 2022 and site photographs of the hardstanding laneway taken on 19th May 2023. At the hearing

the Appellant did not dispute that at the date the EN was served the shed and hardstanding laneway were in place.

12. I have considered matters raised by the Appellant in respect of the accuracy of the EN above. The remaining argument provided by the Appellant under this ground is that the erection of the shed and the laying of a hardstanding laneway is permitted development under the Planning (General Permitted Development) Order (NI) 2015 (GPDO) Part 7 Class A (a) and (b). However, this is not a ground (b) argument.
13. Accordingly, I am satisfied that the matters as alleged in the EN had occurred. The appeal on ground (b) does not succeed.

Ground (c) - that those matters (if they occurred) do not constitute a breach of planning control.

14. Ground (c) relates to whether the alleged breach of control constitutes 'development' and if so, is planning permission required. Ground (c) is argued in respect of the alleged unauthorised erection of shed and laying of hardstanding laneway.
15. The Appellant considered that the alleged unauthorised erection of shed is permitted under Part 7 Class A (a) of the GPDO and that the alleged unauthorised hardstanding is permitted development under Part 7 Class A (b) of the GDPO.
16. Part 7 Class A permits the carrying out on agricultural land comprised in an agricultural unit of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operation; reasonably necessary for the purposes of agriculture within that unit. Development not permitted under Class A is set out at A.1 criterion (a) to (i). For the purposes of Class A an "agricultural unit" means land which is occupied as a unit for the purposes of agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit.

Erection of shed

17. The Council consider that the alleged unauthorised shed is not reasonably necessary for the purposes of agriculture and that it fails to comply with Class A A.1 criteria (c), (d) and (e).
18. The Appellant states that his farm unit encompasses the fields within the notice site together with fields to its south and southeast. These had been part of a larger agricultural plot farmed by his uncle and were inherited by him in 2016. The registration of transfer of the land took place in February 2018. The Appellant states that the land has been continuously farmed by him since 2017 including harvesting, goats and horses, together with continuous maintenance of the holding generally in good agricultural and environmental condition as per Article 4 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council (as amended).
19. He states that he installed drainage between 2016 and 2020 in response to flooding issues on the site. He has retained and maintained hedges, trees, fences and watercourses. He has laid hügelkultur beds to improve soil fertility and water

retention to benefit arable farming. 500 tonnes of clean stone and 300 tonnes of spoil were imported to reclaim gorse and brambles. In written evidence he refers to approximately £70,000.00 being spent on the plot to date, but at the hearing he referred to a sum of £100,000.00. He states that detailed accounts are not required for this smallholding as it only generates a very modest return but is normally at a loss. Whilst the Appellant states that they have been carrying out agricultural activity with continuous maintenance of the holding generally in good agricultural and environmental condition no documentary evidence has been provided to that effect. The evidence states that many agricultural activities are not recorded but are carried out either personally or by various contractors. Given the sum of money the Appellant has spent I would expect to see some documentary evidence in the form of receipts or invoices however none were provided.

20. The Council include correspondence with DAERA which advises that the Appellant's land is part of a larger farm holding for which Basic Payment Scheme (BPS) has been claimed by another individual since 2017. The Appellant stated that there was no conacre agreement in place and whilst he received an annual payment from the individual for the grazing of horses on his land, he had been unaware that payment could be claimed for livery, having only found out in recent weeks. He stated that whilst another individual's horses grazed the land he still carried out and financed work on the land. He had applied for a farm ID in 2023 prior to the EN. He intends to put sheep on the land which will be split into 4 paddocks. He stated that he now has a flock number. The ground has to be made good, ploughed, sowed and rested afterwhich the sheep can be introduced.
21. Prior to the alleged unauthorised shed being erected the Appellant has advised that he had been assisted by a neighbour who allowed him to use their agricultural equipment. He decided however to purchase his own and hence the requirement for the increased size of agricultural building. It is to suit modern day needs of farming and to be multi use for the storage of agricultural implements and testing of animals.
22. At my initial site visit there were no goats present, however there were horses grazing on the lower field within which the alleged unauthorised shed is located. The alleged unauthorised shed is a large steel building with two roller shutter doors to the front and a separate access to the rear. My internal inspection showed a division into two parts, one with a mezzanine storage area above. The main part of the shed to the front contains a tractor, trailer, tool bench, fence posts, various tools and farming implements all of which would be commonly found in an agricultural shed. The back part of the shed has a table, seating and blackboard. Boxes of shooting pellets were stored in a cupboard. There were numerous spent pellets on the land the shed provides access to at the rear. The Appellant states that he has continued to facilitate the historical use of the land by the local gun club. At the hearing the Appellant stated that the gun club have access to all his land and use of the alleged unauthorised shed and that they tend to use this once a fortnight.
23. The Appellant owns and occupies the land and aspires to keep sheep. However, I have not been provided with persuasive evidence in relation to previous ownership of goats and the horses grazing on site are in the ownership of someone else. Whilst he stated that he carried out maintenance of the lands for agricultural purposes, no documentary evidence was provided to support this, despite the

assertion of significant expenditure and the continued maintenance of hedgerows, trees, fences and watercourses etc.. Despite owning the lands since 2017 an application for farm ID was only made in 2023. The shed facilitates storage of items related to agriculture as outlined above however it also accommodates facilities related to the gun shooting club. The term 'reasonably necessary' must relate to the existing needs of the agricultural business or to some tangible plans for the agricultural business. I have not been persuaded that the alleged unauthorised shed was reasonably required for the purposes of agriculture as required by Part 7 Class A (a) of the GPDO.

24. Development is not permitted under A.1 criterion (c) where a building, structure or works not designed for the purposes of agriculture is provided on the land. Externally the shed does have the appearance of an agricultural shed designed for the purposes of agriculture and as such satisfies criterion (c) of Part 7 Class A1 of the schedule to the GPDO.
25. Development is not permitted under criterion (d) where the building or structure to be erected is the first agricultural building on the unit. The Appellant refers to the existence of a historic building within his agricultural unit. Whilst ownership searches by the Council had failed to identify a landowner for the field within which this is located, the Appellant provided a copy of a legal assent that the land was bequeathed to him. He states that the historic building was erected by his uncle in 1980 and it was normal practice to have a satellite building to store agricultural implements for everyday farm maintenance and repairs on a plot the size of the original farmland. He assumes there would also have been a need for a building to test and isolate cattle that were historically kept on the holding. The Council consider the historic building upon which the Appellant relies to be more akin to a hut/structure with evidence of shooting activity and that it is not used for the purpose of agriculture. The Appellant references the Cambridge dictionary definition of a building as a structure with walls and a roof. From my observation on site it is a small wooden structure with four walls and a tin roof overhang, internally there is a storage box and a wooden notice board. The floor is a mixture of soil and gravel stones. Limited details have been provided regarding its agricultural use.
26. A statement is included in the Appellant's evidence from a member of the shooting club confirming that they have used it since around 1990. They state that the previous owner permitted them 'to operate the shooting club from the building on his land'. They state that they remain a member of the club and 'is still using the shed as the base for our shooting club' at which clay pigeons are shot. This correlates with photographs of the historic structure taken by the Council and with my own observations on site that the structure appears to be connected to the shooting club activity. It has been used by the shooting club since 1990 to the present day, some 34 years, and whilst the Appellant asserts it was originally an outlying satellite building within the previous larger farm holding and continued to store certain implements related to agriculture, I have no evidence to confirm that it was the first agricultural building on the unit. As a result the appeal development would fail to satisfy criterion (d) of Part 7 Class A1 of the schedule to the GPDO.
27. Development is not permitted under criterion (e) where the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings. The building upon which the Appellant relies is the historic wooden structure. Given the circumstances set out

above I do not consider this to be an agricultural building. In any event criterion (e) refers to a group of principal farm buildings; this is clearly plural. I have not been persuaded that the appeal building is within 75m of a group of principal farm buildings. As a result the appeal development would fail to satisfy criterion (e) of Part 7 Class A1 of the schedule to the GPDO.

28. Even if the Appellant had presented documentary evidence of agricultural activity by them on the land that reasonably required provision of a shed, it fails to comply with criteria (d) and (e) of Class A and is not permitted development.

Laying of Hardstanding Laneway

29. The Council consider that the alleged unauthorised hardstanding laneway is not permitted development as there is no evidence of ongoing agricultural use at the site by the Appellant and that it exceeds what would be considered reasonably necessary for the purpose of agriculture. The Appellant considers that it is permitted under Part 7 Class A (b) any excavation or engineering operation; reasonably necessary for the purposes of agriculture within that unit.
30. The Appellant states that the area in question is not a laneway but a strip of land to enable pedestrian, vehicular and animal suitable access over a considerable wet area within the farm plot to reach remaining grounds. I have already considered the use of the term laneway to be appropriate. It may be problematic for a pedestrian to cross the field when it is flooded however most agricultural vehicles should be capable of navigating such ground conditions. The Appellant has no animals, the horses grazing in the lower field belonging to another individual.
31. The Appellant included photographs of flooding within their land and I noted part of the field adjacent to Murdocks Lane was waterlogged when I visited. The Appellant stated at the hearing that there is a shuck to the back of the field which has not been cleared for some time and flooding is an issue in the area as responsible departments have not carried out necessary maintenance. They said that they had yet to finish drainage in the fields. I was presented with no detailed evidence of the nature and extent of flooding on the site, nor was I presented with any convincing evidence that the laying of the hardstanding laneway was a necessary response to such an issue.
32. Whilst I acknowledge that the division of the uncle's original farm may have resulted in some historical access arrangements to the Appellant's inherited land being severed, I am not persuaded that the hardstanding laneway is reasonably necessary for the purposes of agriculture within that land. In any event I have considered the agricultural use at the site above and concluded that there is lack of documentary evidence of the Appellant's agricultural activity on the lands.
33. Advice on permitted development rights given to the Appellant upon enquiry through the Council's duty planner is a matter between those parties.
34. It has not been demonstrated that the matters described in the EN do not constitute a breach of planning control. Consequently, the appeal on ground (c) fails.

Decision

The decision is as follows:-

- The notice is corrected at paragraph 3 and 4 to remove the words 'marked by 'X' on attached map'
- The appeal on Ground (b) fails;
- The appeal on Ground (c) fails; and

The enforcement notice, as so corrected, is upheld.

COMMISSIONER TRUDY HARBINSON

List of Appearances

Planning Authority:- Clare Barker, Ards and North Down Borough Council

Appellant:- Wesley Thompson, Appellant
Trevor Hollinger, Agent

List of Documents

Planning Authority:- Ards and North Down Borough Council
Statement of Case

Appellant: - Ballantyne Hollinger
Statement of Case
Copy of Legal Assent (received at hearing)