

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 July 2024

Dear Sir/Madam

You are hereby invited to attend an in-person meeting of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 06 August** 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 02 July 2024
4. Planning Applications (Reports attached)

4.1	LA06/2023/2501/F	Single storey rear garden annex for ancillary accommodation 26 Rhanbuoy Park, Holywood
4.2	LA06/2024/0261/F	Ancillary Storage Shed (includes removal of existing containers) Holywood Cricket Club, Seapark Pavilion, Seapark, Holywood
4.3	LA06/2022/1309/F	Replacement protective fence (retrospective) Holywood Golf Club, Nun's Walk, Holywood
4.4	LA06/2023/1895/F	5G telecoms installation: 15m high street pole telecoms mast and cabinets with ancillary works Approx. 14m north of 122, and opposite 121-123 Ballycrochan Road, Bangor

Reports for Noting

5. Update on Planning Appeals (report attached)
6. Update on investment related matters DFI & NIW Funding (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Alderman McIlveen (Chair)
Councillor Creighton	Councillor McKee
Alderman Graham	Councillor McLaren
Councillor Harbinson	Councillor Rossiter
Councillor Kendall	Councillor Morgan
Councillor Kerr	Alderman Smith
Councillor McCollum	Councillor Wray (Vice Chair)
Alderman McDowell	<i>Vacant</i>

Item 8.2

3

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 2 July 2024 at 7.00 pm.

PRESENT:

In the Chair: Councillor Wray

Aldermen: Graham
McDowell

Councillors: Creighton Kendall
Harbinson Morgan
Martin

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Principal Planning Officer (Acting) – Development Management (C Blair) and Democratic Services Officer (H Loebnau)

1. APOLOGIES

Apologies for inability to attend were received from the Mayor (Councillor Cathcart), who was on Council business, also from the Chair (Aldermen McIlveen), Alderman Smith, and Councillors McKee, Kerr, Rossiter, McCollum and McLaren.

2. DECLARATIONS OF INTEREST

There were no declarations of interest were notified.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 11 JUNE 2024

PREVIOUSLY CIRCULATED:- Copy of the above.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Morgan, that the minutes be noted.

4. PLANNING APPLICATIONS**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**
(Appendices I & II)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Hollywood and Clandeboye

Committee Interest: Called in by two Members of the Committee, Alderman Graham and Councillor Creighton

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.

Site Location: 6a Cultra Terrace, Hollywood

Recommendation: Grant Planning Permission

The Head of Planning explained that the application was for the demolition of the existing garage at the property and the erection of a one and a half storey side extension and double garage with a single storey link between at 6a Cultra Terrace, Hollywood.

The application was coming before Members due to a call in from Alderman Graham and Councillor Creighton.

The recommendation was to approve planning permission.

Members were asked to note that since the publication of the case officer report an additional objection had been received from a previous objector bringing the total to three from two addresses. No new material planning issues were raised in the most recent objection.

Members were also advised that there was extant permission on the application site for a replacement dwelling and garage.

A slide was shown with a Google Earth image and the application site was described as being within the development limits of Hollywood as identified by the Draft Belfast Metropolitan Area Plan (dBMAP) 2015. The application site was within the proposed Marino, Cultra and Craigavad Area of Townscape Character (HD 09). The site was flat and currently comprised a dwelling with a detached single garage. The surrounding area was considered to be residential with a variety of house types, designs, plot sizes and layouts.

There was an existing access from the southwest onto Cultra Terrace with another access to the north corner of the site leading onto Cultra Avenue.

There were a variety of boundaries to the site which included wooden fencing to the northeast, a wall to the northwest, a mature hedge to the southeast with gates and wall, hedging and post and wire fence to the southwest.

The plot on which the dwelling stood consisted of a front garden extending to approximately 21m to the southwest and the side garden approximately 14m to the northwest.

Slides were shown along with pictures of the site to provide some context.

As previously mentioned, there was a previous extant approval for a replacement dwelling on the application site which was a material consideration in the determination of the application being presented.

Planning reference LA06/2019/0433/F proposed the demolition of existing dwelling with a replacement dwelling with a new access onto Cultra Avenue. Planning permission was granted for that application on 02 April 2021.

For Members' benefit the slide showed the approved 2 storey dwelling on the application site.

However, referring back to the current proposal, the overall design was considered to be acceptable with the incorporation of render and slate roof tiles. There was evidence of timber cladding within the surrounding area therefore the finishes were 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 the extension was not considered to be incongruous within the local street scene.

There were several high-level Velux roof lights that would be incorporated into the design. The proposal included a side extension projecting 8.8m from the gable elevation of the existing dwelling measuring 7.35m in length. The extension would have a pitched roof, with a ridge height of 5.8m sitting approximately 0.8m higher than the existing ridge height of the host dwelling. Two large flat roofed dormers were incorporated to the front elevation measuring 2.65m.

The proposal also included a link extension between the main dwelling and a garage. That link extension would measure 6.45m in length and 1.95m in width, with a flat roof measuring 2.55m in height. As there would be varied roof heights, that would help break up the overall massing of the proposed extension.

Other works included the erection of a new garage to the south-eastern corner of the site, which would measure 8.27m in length and 6.86m in width. It would have a pitched roof with a ridge height of 5.8m. It would be finished in matching materials to the extension, with a dormer window to match the design of those proposed on the extension. External steps would provide access to the first floor of the garage.

As the existing dwelling was single-storey and small in scale, it was not considered that the two-storey extension and link extension could be considered to be subordinate to it. However, since there was extant permission for a replacement dwelling on the site, that had to be taken into account in the assessment of the proposal with a weighing of balance of material considerations in the consideration of the proposal.

The design was appropriate to the proposed ATC and the extended property would be suitably integrated with existing buildings including the detached two-storey properties 12a and 14 Cultra Avenue to the east.

The extant permission held significant weight in the determination with it considered that the proposed extension was less visually dominant or intrusive within the area of the proposed ATC.

There were strong boundaries to the site and being located off Cultra Avenue views were extremely limited of the site.

Material planning concerns raised by third parties had been considered in the case officer's report and assessment of the proposal.

The Planning Officer requested Delegated Powers for an additional condition to be added to the application should it be approved, to remove any permitted development rights in respect of further development within the site.

Approval of planning permission was recommended.

The Chair thanked the Officer for the information presented and invited questions from Members.

Alderman Graham, referred to the matter of drainage at the proposed site and allowances for soakage since the texture at the site would change from grass to hard surfaces and he wondered if that was a significant matter. The Officer explained that the site was not within an area of recorded surface flooding, there was still an area of lawn remaining and the driveway to Cultra Avenue was permeable gravel. No drainage assessment had been required at the site.

At this point the Chair invited Mr Philips, an objector to the application, to come forward and address the Committee.

Mr Philips thanked the Committee for the opportunity to speak and outlined the differences between Planning Permission LA06/2019/0433/F, upon which the Case Officer placed significant weight on the assessment of the application, and Planning Application LA06/2024/0075/F namely in the orientation of the 2 plans. The permission of 2019 had the building 11m from the boundary wall and at the southwest boundary which would not be visible from the rooms of his home, whereas the 2024 application had the extension at the northeast boundary and only 5m from the northwest boundary wall. Being 1m higher and over 8m closer, the gable end of the extension in his view would be 'visually dominant' to his home, 6 Orchard Way, while the report stated that the new proposal would be less visually dominant.

The report went on to state that the dormers of the extension looked out on the applicant's own amenity space but did not consider the field of view to anyone standing in the dormer window with the Juliet Balcony. That would give a person a field of vision of over 180 degrees which would allow them to overlook the area at a height above the boundary wall which would include his home and garden.

Mr Philips then referred to potential loss of light. He said that the report included a diagram from the 2019 Planning Permission which showed shadow detail of the proposed new building, in mid-summer, to demonstrate there would be insignificant loss of light, but as above the proposed extension in the application now under discussion was 5m closer to the boundary wall and at the northeast of the site, throwing shadow over his garden to the northwest.

Additionally in respect of hard standing surfaces the report stated that there would not be a significant increase. He therefore asked what would be significant when within that site there would be a building with an increased land area of 65 square

metres. He asked Members to consult the "Site Location Plan" 2 of the report to see the original hardstanding (as approx 2020) and compare that with the proposed Site Plans, either 2019 or 2024.

He explained that the extant permission granted LA06/2019/0433/F was for a new build which would have required a drainage plan acceptable to NI Water but the report for the application in front of Members now had stated that there was no requirement to submit a Drainage Plan and yet this application had been based on the previous permission.

Since the Site Location Plan had been produced there had been additional hardstanding added to the site by the applicant along the boundary wall from Cultra Avenue and at the area for the extension. The lawn had been reduced by approximately one third and he had now been experiencing flooding of his garden next to the boundary wall. Given the more extreme weather conditions that were forecast he thought that the Planning Service should give that greater consideration.

Members were invited to ask questions and Councillor Morgan asked Mr Philips to indicate his property on the Google map displayed in relation to the site of the application.

Councillor Martin asked the Planning Officer about her opinion of the Juliet Balcony and whether or not it provided views to Mr Philip's private amenity space. In response it was explained that few households in any urban area could claim not to be overlooked in some way. This was a built-up area and the view was not considered to be direct, intrusive or uninterrupted. Those three considerations were given weight as a whole. In reference to the extension that was now closer to Mr Philip's boundary the Officer stated that the ridge height of the building was lower in this application than the one made previously.

Alderman Graham referred to the extant application where provision for a storm drainage system was a requirement for the replacement dwelling whereas it was not for an extension and the Planning Officer stressed that what was being considered currently was a stand-alone application for an extension to an existing building and therefore that was not a requirement for planning.

It was true that the extant application was a material consideration for the current application but the hard standing areas were not deemed to be so significant that they would cause harm to the site or indeed the surrounding properties. There were permeable surfaces around the home and she was also mindful that homeowners were free to remove grass around their properties and replace that with hard surfaces or paving.

Proposed by Councillor Morgan, seconded by Councillor Harbinson, that the planning permission be granted along with the condition that there would be no further permitted development on the site.

In proposing the recommendation Councillor Morgan was aware that such extensions could have a problematic impact on neighbours but that in this instance she did not feel the matters raised were significant enough to refuse planning

permission. She was happy to support the Officers' recommendation and to include the condition that no further development was permitted without express planning permission.

When put to a vote 5 voted FOR, 2 voted AGAINST, and 1 ABSTAINED and the application was PASSED.

FOR (5)	AGAINST (2)	ABSTAINING (1)
Alderman	Aldermen	Councillor
McDowell	Graham	Martin
Councillors	Councillor	
Harbinson	Creighton	
Kendall		
Morgan		
Wray		

RESOLVED, on the proposal of Councillor Creighton, seconded by Councillor Harbinson, that the recommendation be adopted, and that planning permission be granted. It was also agreed that no further development be permitted at that site.

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 Hollywood Road, Hollywood
(Appendices III & IV)

DEA: Hollywood & Clandeboye

Committee Interest: Major category of development

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

Site Location: Former Redburn Primary School Site, Old Hollywood Road, Hollywood

Recommendation: Grant Planning Permission

The Planning Officer (C Blair) explained that this was an application for a new site for Priory Integrated College, which was presently located off My Lady's Mile, Hollywood. The application before Members fell within the major category of development as the site exceeded 1 Hectare. A Pre-Application Community Consultation was carried out in line with the Planning Act (Northern Ireland) 2011.

He said that Members should note that the current 600-pupil school fell significantly short of the Education Authority's minimum design standards and that previous planning permission was granted in 2010 for the redevelopment of this site for a new build Priory College under W/2009/0489/F.

The former education site for the closed Redburn Primary School was deemed to be the preferred option site and agreed in principle with the Department of Education, with the aim of erecting a modest post primary school including Special Educational

Needs accommodation, school meals accommodation, playgrounds, sports fields and associated parking/infrastructure to meet the design standards for the long-term enrolment of a continued 600 pupil school at the site.

The existing site layout and site photos were shown and how the proposal related to its relocation and new build on the former Redburn Primary School site which lay approximately 1km from the existing site. The former school had been demolished and much of the remaining site was overgrown.

The 6.77 Ha site, which was within the Hollywood Settlement Limit, rose gradually from the western boundary along Old Hollywood Road to the eastern boundary adjacent to the Country Park. Hollywood Golf Club was to the north of the site with the Hollywood South Eastern Regional College adjacent and northwest. The access road to Redburn Cemetery ran along the southern boundary with Firmount Crescent beyond that. Redburn Cemetery was adjacent and southeast of the site.

Within the extant North Down and Ards Area Plan, the site was not zoned for any particular use, but within the draft Belfast Metropolitan Area Plan the site was within a proposed Local Landscape Policy Area and also half the site fell inside an area of open space.

In terms of the draft LLPA the proposal included separate rugby and football pitches in the eastern half of the site. The proposal, as a whole, respected the surrounding landscape quality and features of local significance and did not result in any undesirable or damaging development in the former primary school site.

The proposed development was also adjacent to a Site of Local Nature Conservation Importance comprising an area of woodland to the southeast within Redburn Country Park. NED was consulted and was content with the proposal offering no objections.

The proposal conformed with Draft BMAP. In terms of the Open Space, Policy OS1 of PPS 8 did allow for the loss of open space where substantial community benefits outweighed the zoning. In this instance, the redevelopment of a closed primary school site and provision of a new post-primary development was considered to result in significant community benefit. Additionally, as highlighted, the eastern portion of the site was to be used for sports pitches and it was therefore concluded that this proposal met the policy exception in this case.

Further slides provided some CGIs of the final development from the main critical viewpoints along Old Hollywood Road and site sections, elevations, ground floor plan and indicative images of the proposed building and footprint.

The design of the school was of an appropriate scale and massing with a two-three storey central spine running from north to south in the western half of the site. There were four No. single-storey off-shoots containing a sports block, technology block, performance arts block and entrance block. The differentiation in ridge height ensured the building was not overly dominant in the streetscape. It would also have a backdrop of the rising Hollywood Hills and Redburn Country Park.

The finishes to the building were to be a mix of masonry with decorative panelling and composite timber / aluminium / polycarbonate cladding with powder coated aluminium fenestration. The roof was to be PPC Metal coping. The design was to be of a high quality, and it respected the surrounding character in this urban area.

In terms of Sustainability and use of green energy, he advised that the proposed development was designed to be as environmentally sustainable as possible to achieve a BREEAM XXXX rating.

The majority of classrooms (which would be mainly located in the central spine) would have an east to west aspect resulting in an even spread of natural light across the building and a reduction in artificial lighting use. Solar panels would be discreetly located out of sight from ground level on the roof of the main spine of the building. The buildings would have a mixed-mode heating strategy with use of low energy heat recovery units placed at high level in each of the key habitable spaces, providing energy efficient heating. Finally, the proposal was designed for a 'pedestrian first' travel method and bicycle use.

In terms of neighbouring residential amenity, the closest properties were located in Firmount Crescent to the south of the site. The closest part of the school building was the proposed Technology Block off-shoot. It had a flat roof with a ridge height of 4.5 metres, was single-storey and was approximately 30m away from the closest dwellings, No's 105 and 107 Firmount Crescent. The road access to Redburn Cemetery also separated the site from the dwellings in Firmount Crescent and landscaping was proposed. The existing dwellings and apartments on Old Holywood Road would not cause any loss of amenity due to the set back of the proposed buildings within the site.

A slide was shown which illustrated the access, internal road layout and parking area. A Transport Assessment was submitted as part of the proposal, which had been accepted by DfI Roads. The proposal involved the relocation of the access 15m south of current position, provision of a right-hand turning lane and a drop-off point inside the site to ensure Roads Safety. That complied with policy AMP 2 of PPS 3.

There were 119 car parking spaces provided, dedicated bus drop-off areas and taxi bays. There would be 20 No. dedicated disabled parking spaces. Parking Standards stated that there must be 1 space per teaching staff, 1 space per two ancillary staff, 1 space per 10 pupils over the age of 17 and one third of total staff provision for visitors. The Parking Standards had been met and the requirements of policy AMP 7 of PPS 3. Finally, there was cycle parking provision within the site.

In terms of parking design, that met the criteria of Policy AMP 9 of PPS 3 in that the parking layout and design was of a high standard with landscaping proposed. Parking was to be fully contained within the grounds of the school and DfI Roads had no objections subject to conditions.

The proposed development met the requirements of policies NH1 and NH2 of PPS 2 Natural Environment in terms of designated sites and species protected by law.

NED was consulted and was content. This was set out in detail in the case officer's report.

In terms of nearby listed buildings at 397 Old Holywood Road and Redburn Lodge, HED was consulted and was content subject to conditions.

A Drainage Assessment and a Flood Risk Assessment had been submitted with DfI Rivers offering no objection subject to conditions.

Environmental Health was content with the proposal in terms of Noise, Floodlighting, Dust, Air Quality and Contaminated Land. Those were detailed in the case officer's report. Conditions were proposed to deal with any issues including time restrictions for Floodlight usage.

The Planning Officer turned to representations made in respect of the planning application and Members would note there were 11 objections from 10 separate addresses. The detail was set out within the Case Officer's Report, however the main thrust related to impact on the character of the area and visual amenity, overlooking and loss of privacy and impact on traffic, parking and road safety concerns, all of which had been outlined in the presentation and were considered in detail in the case officer's report.

On balance it was considered that the proposal would not cause any significant adverse impact on the character of the area, nor would it result in any significant loss of amenity for surrounding residents. The proposal would bring significant community benefit and was a policy exception to the loss of open space land. Accordingly, it was recommended to approve the application, with delegated authority to further rationalise the conditions where appropriate.

The Chair thanked the Planning Officer for his report and clarified that Mr Hanvey was the planning agent and would be available to answer Members' questions on the proposal.

Councillor Martin asked about the comparison of the footprint of the proposal with the former Redburn Primary School and the Committee was informed that while the proposal was slightly larger it was not significantly so. Councillor Martin thought that what was being proposed looked very well designed and he was happy to see all forms of school transport and car parking being considered. It was his opinion that the layout of the driveway within the proposal allowed for the smooth flow of traffic. Referring to Priory school itself he said it was excellent and operated currently in buildings that were far from fit for purpose. It was clear in his mind that Priory College was in urgent need of a new building.

Councillor Kendall asked about the traffic flow within and outside of the site. The agent clarified that traffic within the site would move in a one-way direction and drop-off and collection would be taken off the Old Holywood Road as far as possible and onto school property. The Member also referred to the proposal to have floodlighting on the pitches close to the Country Park which she thought seemed counterproductive in helping to protect the natural habitat of wildlife. The Planning

Officer stated that Environmental Health had carried out the required tests in relation to that matter and raised no concerns or objections.

While the Planning Service detailed species that were protected by law NED was content that it was unlikely that there would be a significant impact on bats and other protected species. It was noted that there were also no badger setts recorded in the area.

In her reading of the legislation Councillor Kendall was doubtful of that explanation and in particular where it was thought that there would be 'no significant impact' especially with the location of the floodlights near the Country Park.

The Planning Officer stressed that a consultee would not have signed off the proposal if it was not content and it was noted that there were measures required with to reduce the duration of artificial lights and reduce light spill into the Country Park.

Mr Hanvey was invited to speak as an agent for the application and he agreed with the Planning Officers and hoped that Members would agree to the application stating that all statutory consultees had given approvals for the proposed development. He stated that this was a much-needed proposal for a new site for Priory College, as a modern school with excellent sports fields and that would open up the site to the local community.

Councillor Creighton welcomed the proposed design, the use of environmental improvement initiatives and hoped that there was sufficient drainage included for the flat roofs.

Councillor Morgan asked the Planning Officer about how cyclists and pedestrian traffic was managed within the site, and it was noted that would be kept separate from motor vehicles on the school site. There would be a crossing point on the Old Hollywood Road at the main entrance to the school. The Member was disappointed to hear that cycle ways would only be provided within the school site and not on the roads close to the school itself.

Following a question from Councillor Kendall discussion took place around the proposal for an artificial grass pitch at the school. It was noted that an EU ban on that surface was being introduced and she thought that considering that an alternative surfacing should be used for improved sustainability. Planning Officers stressed that there was not run into Belfast Lough and DfI Rivers had been consulted. The Director of Prosperity explained that mitigations could be put in place particularly if there was a link to a waterway but that that was the responsibility of the developer.

Proposed by Councillor Martin, seconded by Councillor Creighton that planning permission be granted.

Councillor Martin repeated that this was a very exciting design with clever parking and traffic flow and the proposal would be of benefit to the whole community in that area and that he was thrilled to propose.

Seconding the proposal Councillor Creighton referred to the buildings that Priory College were using currently, and they were at an advanced stage of dilapidation and no longer fit for purpose. There was terrible congestion in the current site at My Lady’s Mile and she welcomed the proposal and the benefits it would bring. She agreed with Councillor Morgan that it was regrettable that cycle lanes could not be better used to encourage sustainable travel but she hoped that that would be encouraged within the school.

Alderman Graham added his support and congratulated the architects and was aware that there was often a tension in a new build but there was a clear environmental and community benefit and that needed to be high on the agenda.

While Councillor Kendall agreed wholeheartedly that Priory absolutely needed a new school building, she could not wholly support the current application and considered that DfI Roads had made its assessment blindly. She foresaw heavy backed up traffic in that area if the development proceeded and believed that the plans should be amended and adapted to allow for that, floodlighting beside the Country Park removed and the surface of the pitches revisited.

When the decision was put to a vote 7 voted FOR and 1 ABSTAINED and the application PASSED.

<p>FOR (7) Alderman Graham McDowell Councillors Creighton Harbinson Martin Morgan Wray</p>	<p>ABSTAINED (1) Councillor Kendall</p>
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RESOLVED on the proposal of Councillor Martin, seconded by Councillor Crieghton, that planning permission be granted.

4.3 LA06/2024/0261/F – Ancillary Storage Shed (includes removal of existing containers). Holywood Cricket Club, Seapark Pavilion, Seapark

Item 4.3 was removed due to an issue in terms of the drawings and would be brought back to the Committee at a later stage.

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)
 (Appendices V & VI)

DEA: LA06/2024/0182/F

Committee Interest: Applicant Ards and North Down Borough Council

Proposal: Temporary permission for retention of open space – renewal of LA06/2022/0231/F

Site Location: Land immediately east of 41 Hamilton Road, south of 1 Springfield Avenue, Bangor (site of former Hamilton House and Sea Scout Hall)

Recommendation: Grant Planning Permission

The Planning Officer outlined the application explaining that the application was for the Retention of Open Space for a further Two-year Time Extension to a Temporary Permission issued under LA06/2022/0231/F.

Members would recall the previous application brought before the Committee in June 2022 and this was being brought before Members as it was an application by the Council.

A Google Earth image was shown and it was explained how the site occupied a triangular plot of land opposite the junction of Hamilton Road and Park Avenue. Ward Park lay to the southeast on the opposite side of the road, whilst Springfield Avenue, which housed several private residential properties ran parallel to the rear of the site.

Slides were shown of the site which was situated within the proposed Bangor Central Area of Townscape Character (ATC).

The continuation of the site for temporary use as an area of open space was acceptable in context of the surrounding area as a suitable ‘mean-while’ use until such time as an appropriate replacement proposal was submitted.

Grant of permission was recommended.

Proposed by Alderman Graham, seconded by Councillor Morgan, that planning permission be granted.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Morgan, that the recommendation be adopted.

5. UPDATE ON PLANNING APPEALS
(Appendix VII)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching information about the Appeal decisions.

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 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 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 was on the Appellant to demonstrate that the matters alleged in the Enforcement Notice (EN) had not occurred when the EN was served. The EN was 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, that 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 was permitted under Part 7 Class A (a) of the GPDO,

and that the alleged unauthorised hardstanding was permitted development under Part 7 Class A (b) of the GDPO.

Part 7 Class A permitted 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 was set out at A.1 criterion (a) to (i). For the purposes of Class A, an “agricultural unit” meant land which was 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 occupied the same unit.

The Council considered that the alleged unauthorised shed was 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. Those 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 stated that the land had 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 had retained and maintained hedges, trees, fences and watercourses. He had laid hügelkultur beds to improve soil fertility. In written evidence he referred to approximately £70,000 being spent on the plot to date, but at the hearing he referred to a sum of £100,000 and could provide no documentary evidence to demonstrate that.

The Council included correspondence from DAERA which advised that the Appellant’s land was part of a larger farm holding for which Basic Payment Scheme (BPS) had 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 intended to put sheep on the land which would be split into four paddocks. He stated that he now had a flock number. The ground had to be made good, ploughed, sowed and rested after which the sheep could be introduced.

At the hearing the Appellant stated that a gun club had access to all his land and use of the alleged unauthorised shed and that it tended to use that 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 that, 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 facilitated storage of items related to agriculture as outlined above however it also accommodated 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 was 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 exceeded 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 was 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 did not constitute a breach of planning control. Consequently, the appeal on ground (c) failed.

2. New Appeals Lodged

No appeals were lodged since date of last report.

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

RECOMMENDED that the Council notes the report and attachment.

RESOLVED, on the proposal of Alderman McDowell, seconded by Councillor Kendall, that the recommendation be adopted.

TERMINATION OF MEETING


The meeting terminated at 8.22 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06 /2023/2501/F
Proposal	Single storey rear garden annex for ancillary accommodation
Location	26 Rhanbuoy Park, Holywood
Committee Interest	<p>Call in by a member of the Planning Committee</p> <p><i>Called in by Ald. Graham from weekly delegated list w/c 10 June "there is a likelihood detached nature of annex will cause noise nuisance to neighbouring residence. Par 2,9 PPS7 explains to be considered ancillary accommodation should be subordinate to main dwelling and normally accessible from it. A49 of PPS7 should be designed to demonstrate dependency on main residence. The proposed annex does not provide limited accommodation and shared facilities. It has a living room, double bedroom, ensuite bathroom and kitchen area. Indeed, it has all the facilities of a one-bedroom apartment".</i></p>
Valid	15/12/2023
Summary	<ul style="list-style-type: none"> • Site located within the settlement limit of Seahill and in conformity with development plan. • Proposal is for 38m² single-storey flat-roofed ancillary accommodation containing open plan living room/kitchen and bedroom with and ensuite, wardrobe and store. • Proposal will rely on the in-curtilage parking, access and services arrangements of existing dwelling. • Original proposal included roof terrace – this was removed following request by Planning due to potential impact on neighbouring properties. • Two letters of objection received from one address – neighbouring property at 28 Rhanbuoy Park relating to concerns regarding potential noise disturbance and light pollution, alongside potential for anti-social behaviour and noise at night if use of annex re-purposed – these concerns are addressed in Case Officer's Report • No adverse impact on surrounding neighbours in terms of overshadowing, overlooking, dominance or loss of privacy. • A single-bathroom window on the southern elevation will be conditioned to have obscure glazing. • Conditions proposed to ensure the accommodation will remain ancillary to the main dwelling, and cannot be separated, sold off or leased from the main dwelling.

Recommendation	Approval
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2023/2501/F	DEA: Hollywood & Clandeboye	
Proposal:	Single storey rear garden annex for ancillary accommodation.		
Location:	26 Rhanbuoy Park, Hollywood, BT18 0DX.		
Applicant:	Ian Wilson		
Date valid:	15.12.2023	EIA Screening Required:	No
Date last advertised:	30.05.2024	Date last neighbour notified:	20.05.2024
Letters of Support: 0	Letters of Objection: 2	Petitions: 0	
Consultations – synopsis of responses:			
Consultation not required.			
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development. • Impact on existing dwelling and character of area • Impact on privacy and amenity of neighbouring residents • Impact on trees/landscape features • Impact on amenity space and parking • Impact on designated sites/natural heritage interests 			
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 application site is located at 26 Rhanbuoy Park, Holywood, and contains a detached part single/part two storey dwelling with a rear return. The application dwelling is finished in brick, brown window frames, and has a dual pitched roof with a low pitch (Figure 1). Access into the dwelling is via steps at the front as most of the accommodation is provided at first floor level. Double glazed doors are located at ground floor level on the front elevation. These doors were once an integrated garage but has been converted into accommodation. In-curtilage parking is provided to the front of the dwelling alongside slabbed/grassed amenity area.

Figure 1: Front of Application Site



Access to the rear of the application site/dwelling is provided via a path which runs parallel to the northern/side elevation of the application dwelling. Enclosed private amenity space is located to the rear of the dwelling in the form of lawn and patio areas (Figures 2 and 3). The rear boundaries are defined by 1.8m high closeboard fencing (to the north), paladin fencing and shrubs (to the south) and hedges (to the west).

Figure 2: Rear of Application Site



Figure 3: View from Application Sites Rear Garden Facing North



The application dwelling is one in row of detached dwellings within a large residential estate. The application site gently slopes in a northerly direction. Surrounding dwellings are single storey, 1.5 storey or two storey split level dwellings. The land/fields immediately to the rear of the application site are designated as within the countryside and a Local Landscape Policy Area (Seahill Coastal Area).

2. Site Location Plan

Figure 4: Site Location Plan



Figure 5: Aerial Image of Application Site



3. Relevant Planning History

There is no relevant planning history associated with the application site.

4. Planning Assessment

4.1 Planning Policy Framework

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: Movement, Access and Parking (PPS 3)
- Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (PPS 7)
- Creating Places

4.2 Principle of Development

Full planning permission is sought for developing a single storey rear garden annex for ancillary accommodation. When the application was initially submitted, the proposal included a roof terrace above the proposed annex however, the Planning Department considered this aspect of the proposal unacceptable as it would have adversely impacted on the residential amenity enjoyed by neighbouring residents by way of overlooking and noise disturbance. The applicant amended the proposal by removing the proposed roof terrace to propose only a rear annex for ancillary accommodation.

According to both the NDAAP and dBMAP, the application site is within Seahill Settlement Limit. No further environmental, architectural, or archaeological designations relate to the application site, so it is considered to be in general conformity with the LDP and acceptable in this regard.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

As the application site contains an authorised residential use, the principle of developing ancillary accommodation can be considered under the provisions of the Addendum to PPS7, referred to hereafter as PPS 7. Paragraph 2.8 of PPS 7 states that it is accepted that there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances. The applicant has explained that the proposed annex is to provide accommodation for his parents so that care can be provided in close proximity to his home – the application dwelling.

Paragraph 2.9 of PPS 7 continues by explaining that to be considered ancillary, *'accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable'*.

Paragraph A49 of PPS7 continues to explain that ancillary accommodation *'should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an integral part of the main residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. Ancillary uses that could practically and viably operate on their own will not be acceptable'*.

Furthering the understanding of what constitutes as ancillary accommodation, the Planning Appeals Commission (PAC) in the determination of appeal decision 2015/E0053 explained there can be occasions where a free-standing building provides overspill living accommodation ancillary to and associated with a dwelling on the same site.

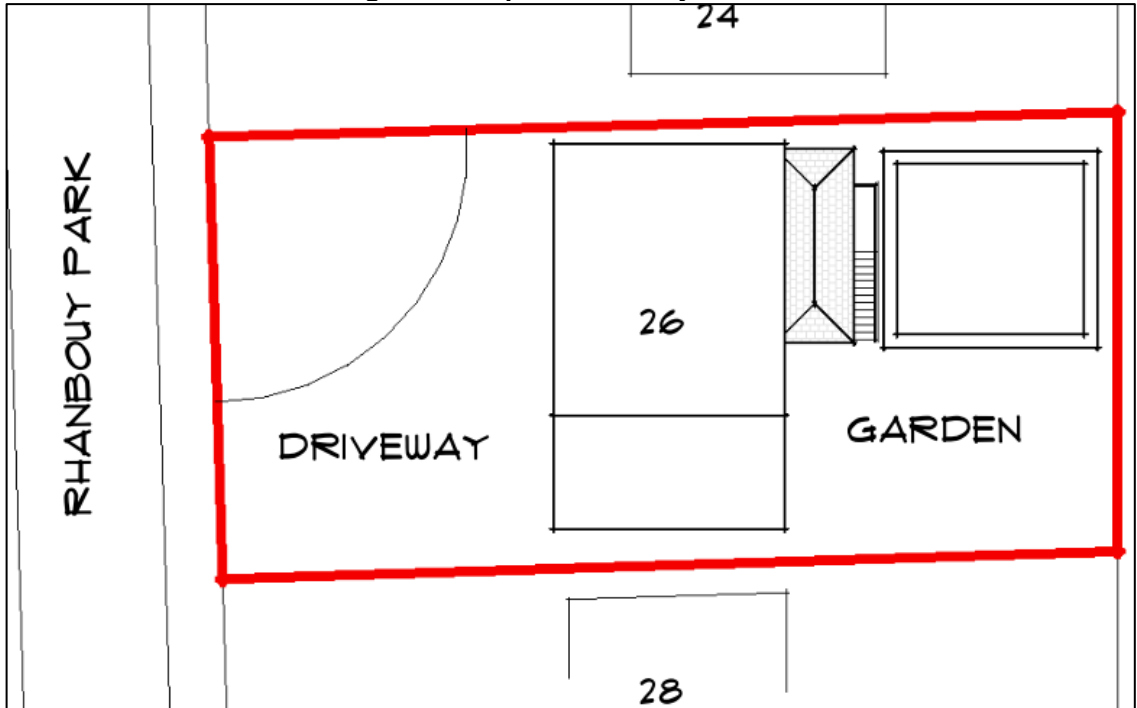
In appeal decision 2015/E0053 the PAC determined the following factors as indicative of ancillary accommodation when a free-standing building is proposed as ancillary accommodation:

- There should be no physical boundary between the proposed ancillary building and the main dwelling to permit freedom of movement between both buildings.
- The garden area should be shared between the two buildings.
- The parking area should be shared between the two buildings.

Taking PPS 7 and Appeal Decision 2015/E0053 into consideration, I am satisfied that subdivision of the application site is not possible, and the proposal will remain ancillary to the main residential property for the following reasons:

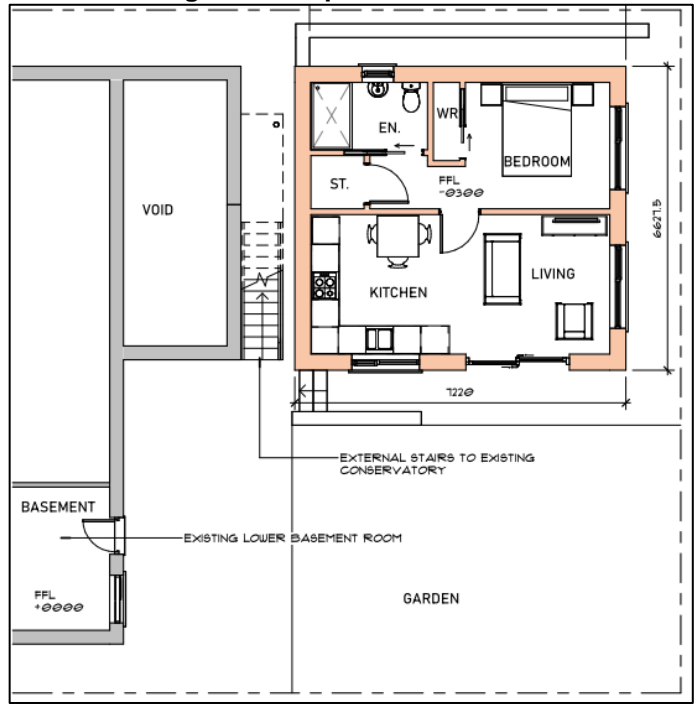
- The proposed ancillary accommodation could not be attached the existing rear return given the split-level nature of the application dwelling without either proposing a significant degree of underbuild or being of a significantly greater scale (two storey). While the proposed annex will be a free-standing building, the proposed single storey scale is subordinate to the scale of the host dwelling and sited only 1.15m away from the existing rear return with steps proposed from the existing rear return down to a path which will lead to the garden facing entrance into the proposed annex (Figure 6). As there is no physical boundary between the proposed ancillary building and the main dwelling and steps proposed which will lead from the existing dwelling to it, there is freedom of movement between both buildings which will allow the applicant to provide care to their parents while allowing them a degree of independence.

Figure 6: Proposed Site Layout Plan



- The proposed annex will provide 38sqm accommodation in the form of an open plan living room/kitchen and bedroom with and ensuite, wardrobe and store (Figure 7). The modest amount of floorspace proposed combined with the close siting to the host dwelling makes it highly unlikely that the proposal could ever operate as separate dwelling.
- The proposed annex will depend on the rear garden area of the application dwelling for private amenity space (Figure 7).
- The proposed annex will depend on the in-curtilage parking area of the application dwelling for parking.
- The proposal will rely on the access and services of the main dwelling at No.26 Rhanbouy Park and does not therefore conflict with paragraph A49.

Figure 7: Proposed Floor Plan

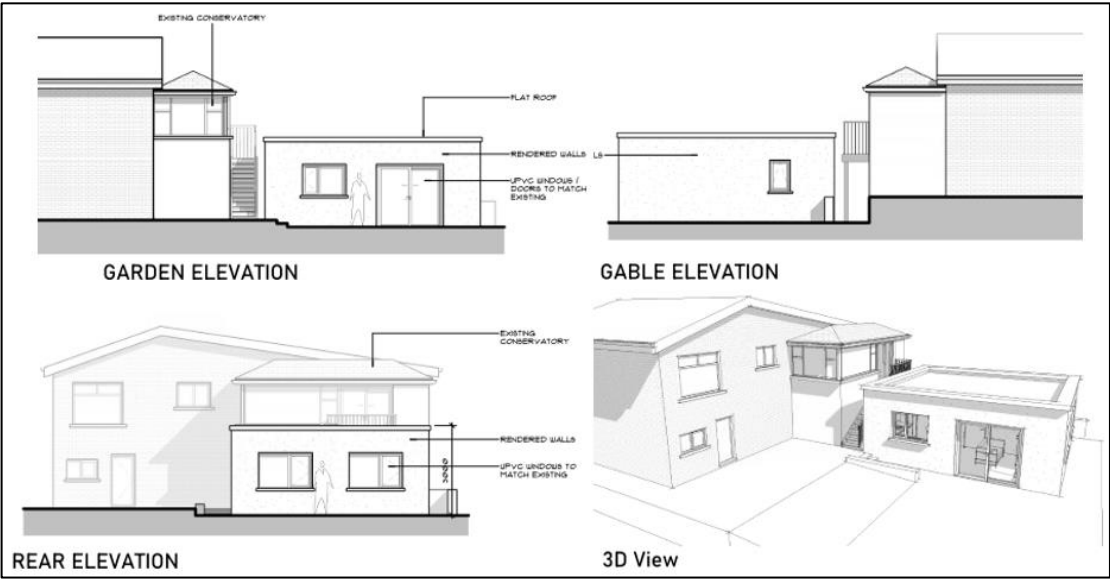


As the principle of developing ancillary accommodation is accepted at the application site, assessment continues with other material planning considerations provided under the subsequent headings of this report.

4.3 Impact on Existing Dwelling and Character of Area

The proposed single storey annex (Figure 8) will be sited behind the existing dwelling in the rear garden. The northern elevation of the proposed annex will come level with the side/northern elevation of the existing dwelling, with the remainder of the proposal set completely behind the host dwelling. Resultant from the proposed siting, the proposed annex will not be visible from the public road with views of it restricted to only the neighbouring dwellings located on either side of the application site. The proposed annex will therefore not be prominent and will not detrimentally impact on the character of the street.

Figure 8: Proposed Elevations and 3D Sketch



The proposed single storey annex will measure 3m high, 7.2m long and 6.6m wide, providing 38sqm of floorspace for ancillary accommodation. These proposed dimensions are subordinate to the existing house and will not dominate the character of the existing property or its wider surroundings.

The design of the annex is functional and simplistic in that it will assume a rectangular form with a flat roof which will lessen its visual impact to neighbouring dwellings. The proposed windows and external finishes will match the application dwelling which will assist with visual integration.

In my professional planning judgement, the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

4.4 Impact on Privacy and Amenity of Neighbouring Residents

Given the proposed single storey scale, rear siting within an enclosed garden, and removal of the roof terrace from the proposal, I am satisfied that the proposed annex will not overlook, dominate, overshadow or cause loss of light to neighbouring dwellings. As a single bathroom window has been proposed on the southern elevation, I am conditioning that it employs obscure glazing to protect privacy.

Two letters of representation were received from the neighbouring dwelling, No. 28 Rhanbuoy Park, which is located immediately north of the application site. As the roof terrace that was initially proposed has been removed from the proposal, I am not considering concerns raised in relation to it. The relevant planning concerns raised by the neighbouring resident are:

- The annex has been designed as a self-contained entity that can only be accessed via the existing pathway located adjacent to the northern elevation of the application dwelling and the southern elevation of No. 28 Rhanbuoy Park. The concern is that use of this access will create noise disturbance to their ground floor bedroom at nights by persons attending/visiting the occupiers of the proposed annex. The ground floor bedroom window located on the rear elevation, is in close proximity to the application site and its rear garden.
- Noise disturbance to the neighbour's bedroom will be created in the applicant sites rear garden as those using the proposed annex will have to walk through the garden to reach the entrance/patio door of the proposed annex.
- The proposed annex will increase the potential for noise disturbance which is already an issue as the integral garage has been converted into accommodation with those occupying this space using the path to access it as there is no internal access from the converted garage into the application property.
- The design and layout of the proposal should be amended to mitigate any noise disturbance from use of the building. An internal link should be proposed to lessen the use of the pathway and garden area at night.
- The applicants use of the proposed steps to attend the proposed annex will result in noise disturbance and potential light disturbance if external lighting is used.
- Future use of the proposed annex and the potential of re-purposing the annex to a use which will create noise and anti-social behaviour at nights.

- Risk of flooding.

The representations also raised (*paraphrased*) questions pertaining to the proposed development:

- Is it possible for the proposed annex to be used without potential noise and sleep disruption to No. 28 Rhanbuoy if the access path is required at night?
- Can the applicant guarantee we would not be disturbed by the proposal given the proximity of our bedroom to the site and entrance?
- How can the applicant avoid subjecting me to sleep disruption?
- Is it acceptable that there is a strong likelihood of disturbance at nights due to the proposed annex being separated from the application dwelling?
- Which is of higher priority – the separate annex which provides independence for the occupants or the need for the neighbours to have a peaceful life/sleep in their home at nights?

Having considered the concerns above raised by No. 28 Rhanbuoy Park, it is my professional planning judgement that the proposed annex for ancillary accommodation satisfies the policy requirements contained in the relevant planning policy set-out in section 4.1 of this report. As determined in section 4.2 of this report, it is acceptable for ancillary accommodation to take the form of a free-standing building when various other factors are present (shred access, garden, no physical boundaries between buildings etc.).

The proposed annex will be accessed via two routes not one – the existing pathway which runs parallel to the southern elevation of the application dwelling and leads to the rear garden and, the proposed external steps from the application dwellings rear return into the rear garden. The fact that the applicant can already use the existing pathway to access the rear garden and can take visitors via this route makes it an acceptable option for accessing the proposed annex. I do not consider that noise would be generated to an unreasonable level by use of the pathway to access the proposed annex to a degree that would warrant refusal of the proposal given that the proposed annex would only be occupied by two persons. While it is likely that the occupants of the proposed annex will use the existing path to access the proposed annex, the occupants of the dwelling are likely to use the proposed staircase to access the proposed annex from the application dwelling. Having said this, the applicant is within their rights to use the existing path to access their rear garden should they wish to.

Having attended the objector's property (No. 28 Rhanbuoy Park) to assist with my assessment, I am aware that the objectors ground floor bedroom window is located in close proximity to the side path and rear garden of the application site. Given that the proposed annex is to be used by the applicants' parents as residential accommodation, I do not consider that a significant volume of noise will be generated at nights. I cannot take into consideration the concern that additional persons other than those occupying the proposed annex will be attending/visiting it at nights given its speculative nature.

The boundary treatment between the rear of the application site/siting of the proposal and No. 28 Rhanbuoy Park is defined by 1.8m high wooden fencing (Figure 9). This existing rear boundary treatment is of a sufficient height to prevent overlooking from the proposed annex into any of the rear windows of No. 28 Rhanbuoy Park.

Figure 9: Existing Boundary Fence to the Rear of the Application Site and No. 28 Rhanbuoy Park.



The conversion of the integral garage into accommodation is considered permitted development and resultantly, compliant with planning legislation. The use of the side path to access the rear entrance into converted garage area is also permitted and therefore acceptable. I have advised that objector that the applicant is within their right to use the side path and garden area and that noise is expected from this use as it would be from anyone using their property. I have also advised that should they experience noise disturbance during nights, then they can contact the Environmental Health, Protection and Development Service within the Council to make a complaint as it fails outside the remit of planning. I do not consider that the proposed annex will generate an unacceptable level of noise at night given its proposed residential use for two older persons.

The design and layout of the proposal has been deemed accepted under section 4.2 and 4.3 of this report. I do not consider an internal link warranted as this would involve developing an extension of a greater scale than the proposed annex. When the subordinate scale of the proposed annex and its proximity to the application dwelling is considered alongside the proposed ancillary use by two persons, I do not consider an internal link necessary to mitigate noise.

With regard to the concern that use of the proposed steps from the application dwelling to attend the proposed annex will result in noise disturbance and potential light disturbance if external lighting is used, it is not considered that the noise generated by walking down steps or light emitted from external lighting is a disturbance. Rather, it is considered an acceptable residential use of a person's property so long as flood lighting has not been proposed which is the case.

With regard to concern about the future use of the annex, I have recommended two planning conditions which stipulate that the proposed annex shall not be used at any time other than for purposes ancillary to the residential use of the application dwelling and, the proposed annex shall not be separated, sold off or leased from application dwelling. These conditions are considered appropriate to safeguarding the ancillary nature of the proposal which has been determined to be compliant with planning policy.

There applicant site is not within an area at risk of flooding or prone to flooding historically. Given the nature and scale of the development, it is unlikely that the proposal will lead to flooding.

No representations were received from any other neighbouring residents. I am content that the proposal satisfies the policy requirement to not unduly affect the privacy or amenity of neighbouring residents.

4.5 Impact on Trees/Landscape Features

No trees/landscape features would be affected by the proposal, and it will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

4.6 Impact on Private Amenity Space and Parking

The ancillary accommodation will provide a single bedroom for the occupants. The application dwelling is a three-bedroom property. According to the Guidance Document Creating Places, the required parking provision for a four-bedroom property is 3 car parking spaces. I am therefore satisfied that a satisfactory amount of in-curtilage parking provision exists to serve the proposal. Additional on-street parking provision is available for visitors to the front of the dwelling and in the surrounding area (Figure 10).

Figure 10: Front of Application Dwelling/Site



Approximately 95sqm of in-curtilage private amenity space will be retained to the rear of the application dwelling which is acceptable according to the guidance document Creating Places which recommends a minimum of 70sqm.

I am therefore satisfied that sufficient provision exists within the curtilage of the property for recreational and domestic purposes.

4.7 Impact on Designated Sites/Natural Heritage Interests

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 representations were received from the neighbouring dwelling known as No. 28 Rhanbuoy Park with those material planning considerations raised in the letters of representation considered in section 4.4 of this report.

It has been determined that the proposal complies with the relevant criteria for ancillary accommodation contained in PP7 with it not considered that the proposal will unduly affect the privacy or amenity of neighbouring residents.

Other concerns raised in the letters of representation which are not material planning considerations I can award weight to in the assessment of the proposal are:

- Speculation regarding the additional numbers of persons attending the site at night in the future.
- The neighbouring resident’s medical information/history and health which requires a quiet environment.
- The neighbouring residents experience with persons with medical conditions in the past.
- The neighbouring residents understanding of a particular medical condition and situations which may arise from a particular medical condition.
- Noise disturbance from the use of the existing basement/integral garage of the application dwelling.
- The speculated personal reasons underpinning why the applicant proposed a separate annex rather than an extension to the existing property.

While I am sympathetic to the personal circumstances of the residents of No. 28 Rhanbuoy Park, their personal and medical circumstances are not material planning considerations I can give weight to in determining the proposal.

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 window on the southern elevation serving the ensuite bathroom, shaded blue on Drawing No. 02A, shall be glazed with obscure glass prior to occupation of the development hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy.

3. The development hereby approved, illustrated on Drawing No. 02A, shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Rhanbuoy Park, Holywood.

Reason: To prevent the creation of additional dwelling units.

4. The development hereby approved shall not be separated, sold off or leased from the property known as 26 Rhanbuoy Park, Holywood.

Reason: To ensure the building remains linked to the residential use of the main dwelling.


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	LA06/2024/0261/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. • Proposed storage shed is required to store bats, balls, three 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 proposed Local Landscape Policy Area. Site is within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC) - but no impact on proposed LLPA/ATC . • 76 letters of support, 12 of objection from six addresses. Objections detail concerns regarding impact on wildlife, landscaping and the character and appearance of the area • No adverse impact on surrounding neighbours. Proposal located 62m away from the nearest dwelling -3 Seapark Road • Properties on Ballymenoch Park located approximately 120m away.
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report				
Reference:	LA06/2024/0261/F	DEA: Hollywood & 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:	11.07.2024	Date last neighbour notified:	10.07.2024	
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 contains 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

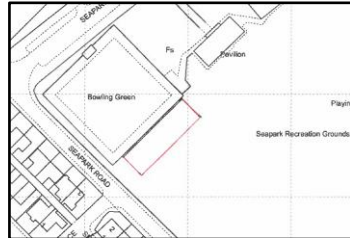


3. Relevant Planning History

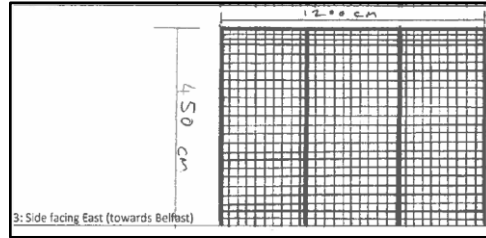
- **LA06/2024/0049/F** - Storage Container (includes removal of existing containers) – This application received 4 objection letters, 3 support letters & 1 neutral representation. Initially the storage container was proposed to the west of the practice nets. Following concerns from neighbours it was 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:

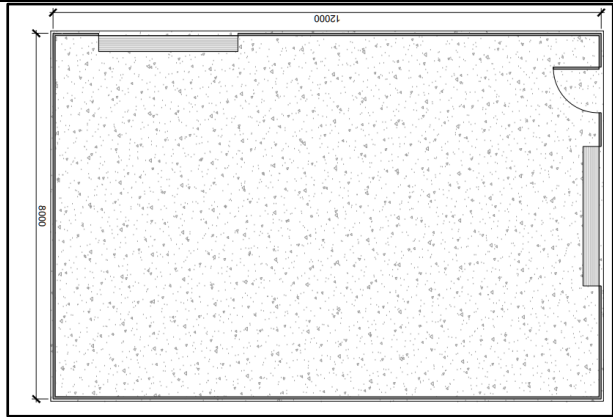
- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
- Planning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

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.



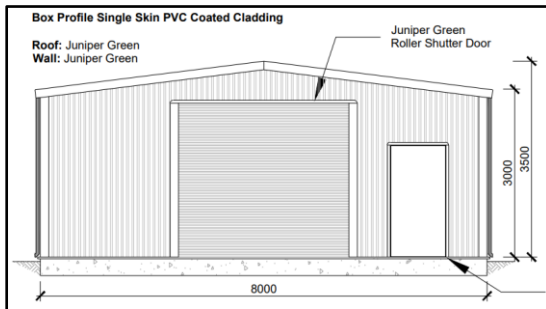
Drq 02 Proposed Block Plan



Drq 03a Proposed Floor 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 03a – 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 a steel box profile modular building fixed to a concrete pad foundation, with a box profile translucent roof sheet. The shutter door and the pedestrian door will be juniper green, the downpipes will be black PVC. It will be PVC coated with colour matched trims and corners. 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.



Illustrative Image from Cover Letter

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. 90 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.*
- **Unightly, 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 from 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 licence 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. 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 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.

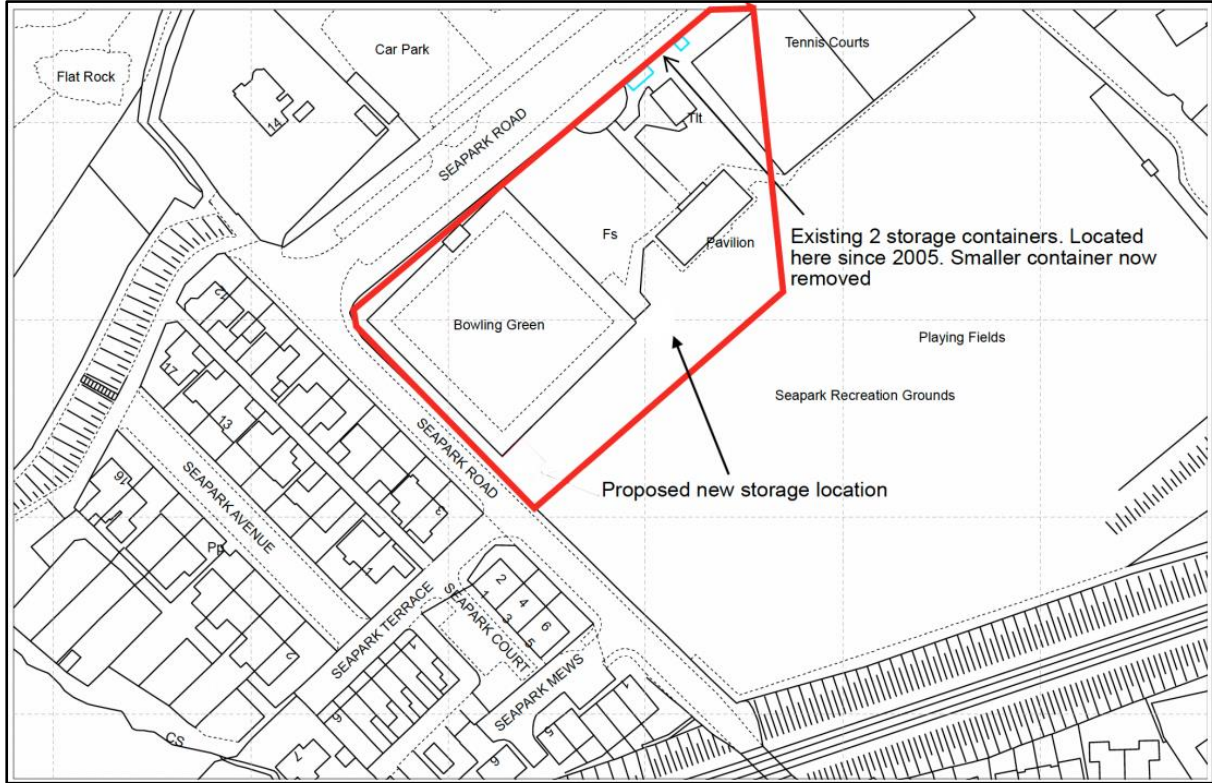
3. The ancillary storage shed hereby permitted shall be used only for the purposes of storing equipment in association with Hollywood Cricket Club.

Reason: To safeguard the amenities of the area.

4. The materials, finish and colour of the shed shall be in accordance with that shown on Drawing No.03a.

Reason: To ensure the works respects the character of the area.

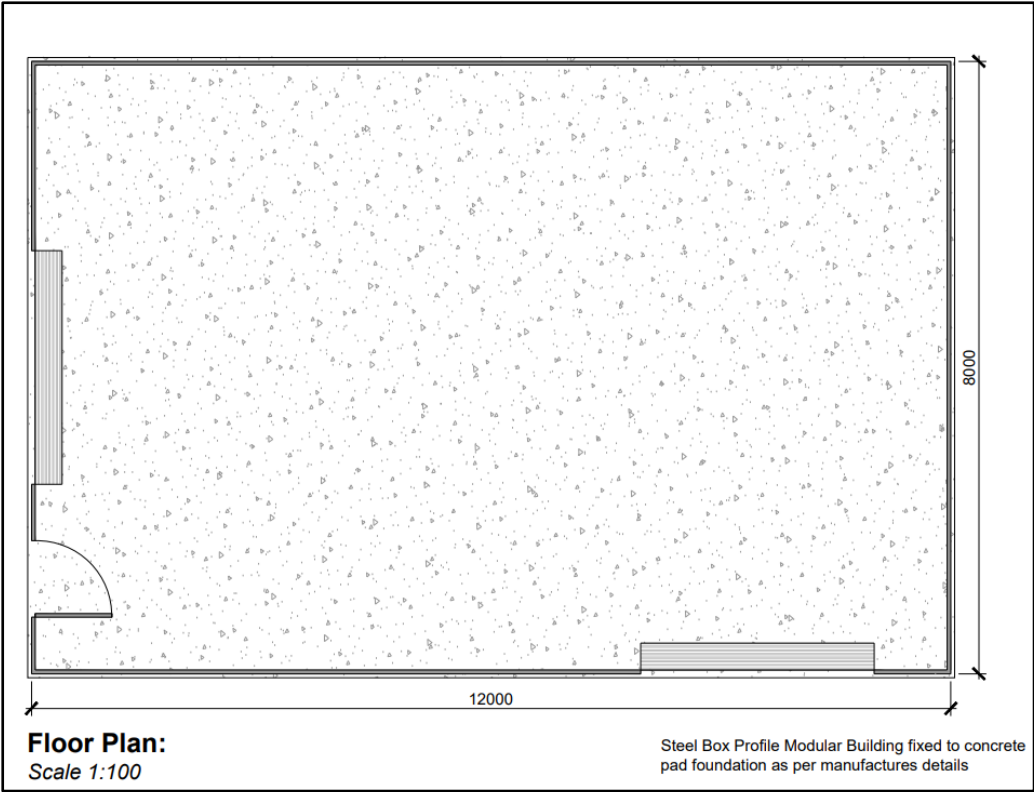
Drg 01 – Site Location Plan



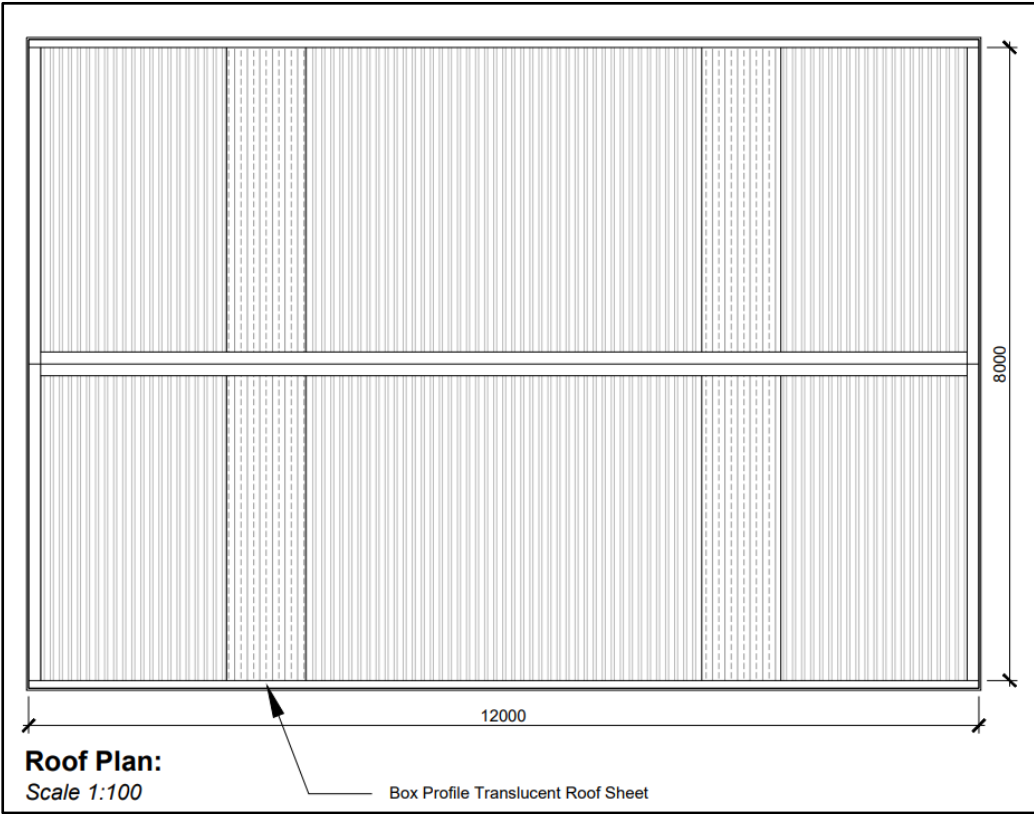
Drg 02 – Block Plan



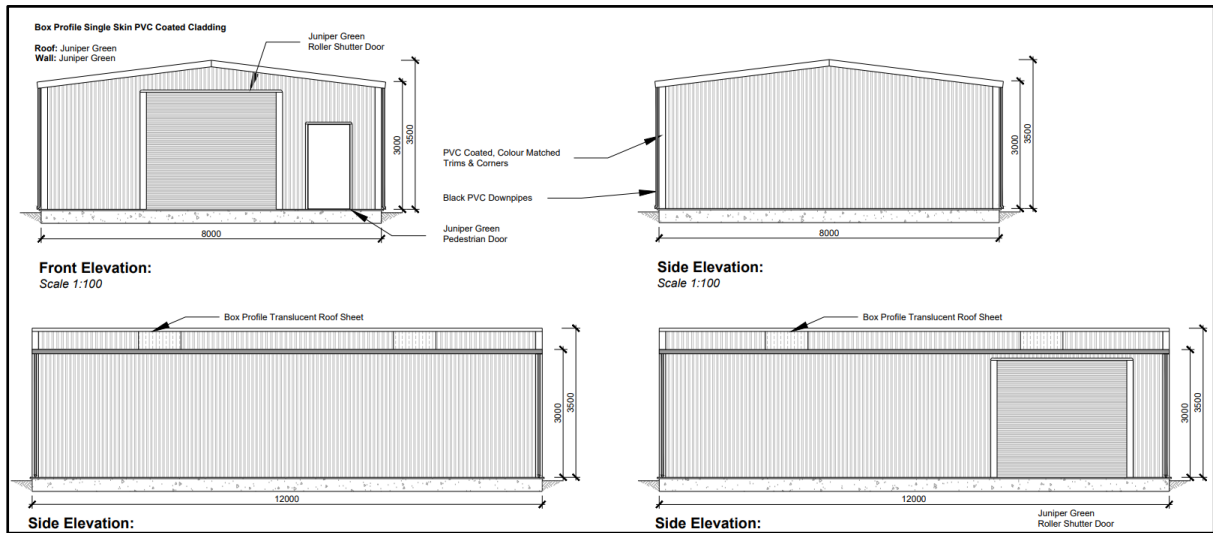
Drg 03a Floor Plan



Drg 03a Roof plan



Drg 03a Elevations



First Site Visit - 21st January 2024





Second Site Visit 24.04.2024






ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2022/1309/F
Proposal	Replacement protective fence (retrospective)
Location	Hollywood Golf Club Nuns Walk, Hollywood
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.
Valid	24/01/24
Summary	<ul style="list-style-type: none"> • Current planning application is associated with enforcement case LA06/2022/0348/CA regarding 'Alleged unauthorised works including the erection of fencing netting' at the application site • Application site is within designated Hollywood Settlement Limit, an Existing Recreation and Open Space: Hollywood Golf Club, Demesne Road, Hollywood, and a proposed Local Landscape Policy Area. • Protective fence considered necessary to prevent stray golf balls from leaving the course and causing harm to property and individuals - had been a persistent issue for many years with supporting evidence submitted to demonstrate. • Records of insurances include damage to cars and property along Demesne Road Demesne from stray balls and harm to people using front gardens from stray balls • Nine objections submitted from nine separate addresses – concerns raised include visual impact and scale of fencing, impact on biodiversity, flooding, health and safety risk. Material planning issues raised fully considered in case officer report
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2022/1309/F	DEA: Holywood & Clandeboye	
Proposal:	Replacement protective fence (retrospective).		
Location:	Holywood Golf Club Nuns Walk, Holywood		
Applicant:	Tom Widley		
Date valid:	24.01.2023	EIA Screening Required:	No
Date last advertised:	02.02.2023	Date last neighbour notified:	29.09.2023
Letters of Support: 0	Letters of Objection: 9 from 9 separate addresses	Petitions: 0	
Consultations – synopsis of responses:			
Dfl Rivers	No objection.		
Councils Biodiversity Officer	No objection		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Impact on the appearance and character of the area • Impact on residential amenity • Impact on natural heritage interests • Flood risk 			
Recommendation: Approve 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 application site comprises a strip of land approximately 90m along the northwestern boundary of Holywood Golf Club (Figure 1). The application site abuts Demesne Road with a row of residential properties located on the opposite side of the road (Figure 2).

Figure 1: Application Site



Figure 2: Residential Properties adjacent to the Application Site



A 15m high protective fence formed from four steel poles and green netting has been erected within the application site and is the subject of this application. Several mature trees are located on the grass verge immediately adjacent to the protective fencing as well as a paladin fence which defines the boundary of Holywood Golf Club at this side.

2. Site Location

Figure 3: Site Location Plan

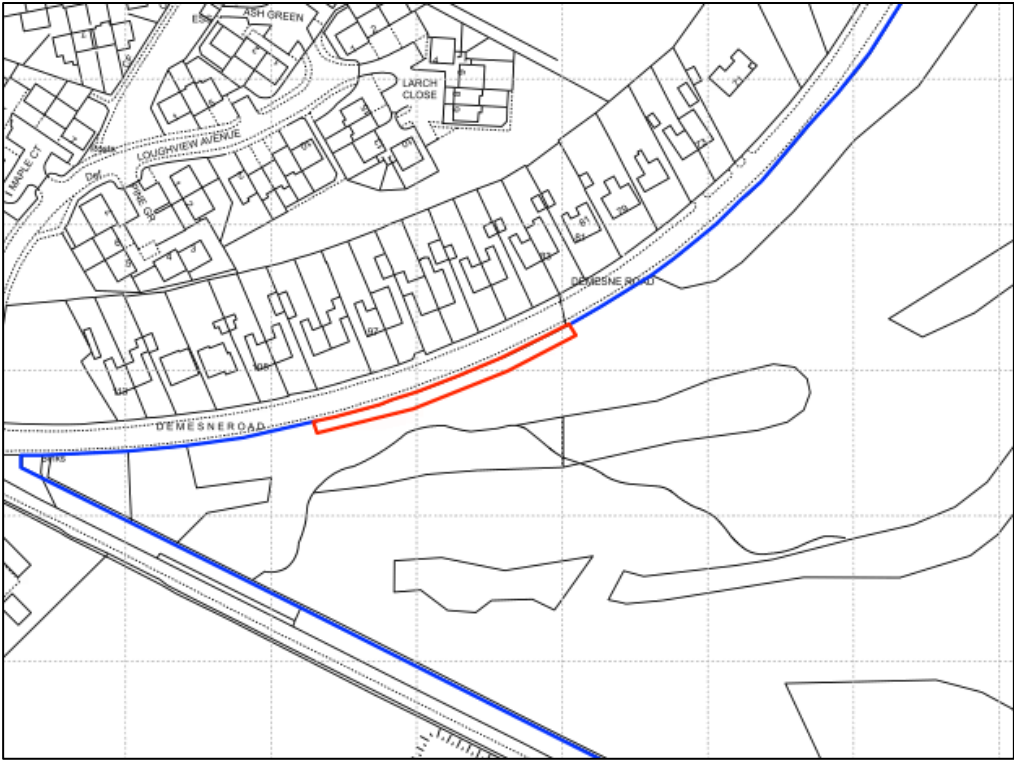


Figure 4: Aerial Image of the Approximate Location of the Fencing



3. Relevant Planning History

The current planning application is associated with enforcement case LA06/2022/0348/CA which is investigating 'Alleged unauthorised works including the erection of fencing netting' at the application site.

4. Planning Assessment

4.1 Planning Policy Framework

The relevant planning policy framework 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 8: Open Space, Sport and Outdoor Recreation (PPS 8)

4.2 Principle of Development

Until the new Development Plan Strategy is adopted, the NDAAP is the statutory Development Plan for the legacy North Down area, with dBMAP remaining a material consideration. The application site is designated as within Hollywood Settlement Limit, an Existing Recreation and Open Space: Hollywood Golf Club, Demesne Road, Hollywood, and a Local Landscape Policy Area: Redburn, Hollywood (HD 19, map extract shown in Figure 5).

Figure 5: Extract of Map No. 04A – Hollywood (dBMAP)



The dBMAP (pp.99 - 100) states that Policy OS 1 of PPS 8 shall apply to all areas of existing open space and development proposals within areas of open space will be determined in accordance with the provisions of prevailing regional policy.

Having reviewed designation HD 19 (Local Landscape Policy Area – Redburn), Holywood, the proposal is not considered at odds with any of the identified features that contribute to the environmental quality, integrity or character of this LLPA, most notably Holywood Golf Course. Rather, it is considered that the protective fence will support the continued use of Holywood Golf Club which in turn will contribute to maintaining its designated status as being of local amenity importance.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 2.5 of the SPPS states planning authorities should contribute positively to health and wellbeing through ‘safeguarding and facilitating quality open space, sport and outdoor recreation.’ Paragraph 6.199 continues to explain that ‘open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits.’

Annex A: Definition of Open Space in PPS 8 identifies golf courses (outdoor sports facilities) as falling within the typology of open spaces that are of public value. Policy OS1 of PPS 8: Protection of Open Space is the relevant planning policy applicable to the assessment of the proposal. Policy OS1 explains that recreational facilities such as golf clubs should be protected so to enhance outdoor recreational facilities in urban areas. This is as such open space is often of considerable value, worthy of retention and enhancement given its contribution to the community and local area.

As the protective fence seeks to maintain and support the existing recreational use of the application site as a golf course and sustain it as open space, the principle of developing the proposal is accepted.

4.3 Impact on the Appearance and Character of the Area

The protective fence has been erected and is seeking retrospective planning permission for its retention. The protective fence is 90m long (Figure 6), 15m high and consists of four steel poles with green horizontal wires/netting (Figure 7 and 8).

Figure 6: Extract from Block Plan

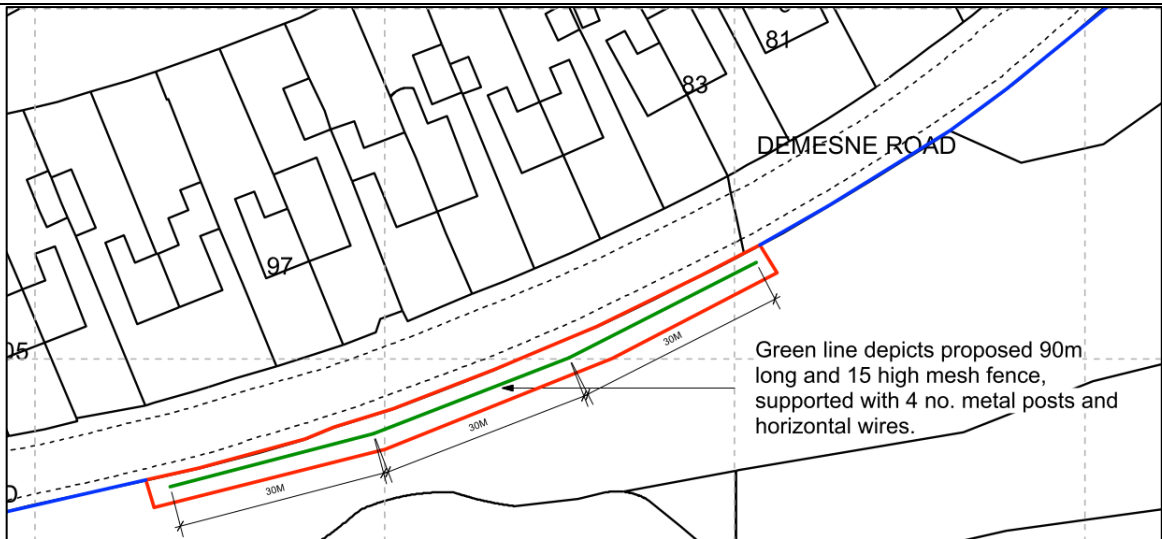


Figure 7: Extract from Elevation Plan

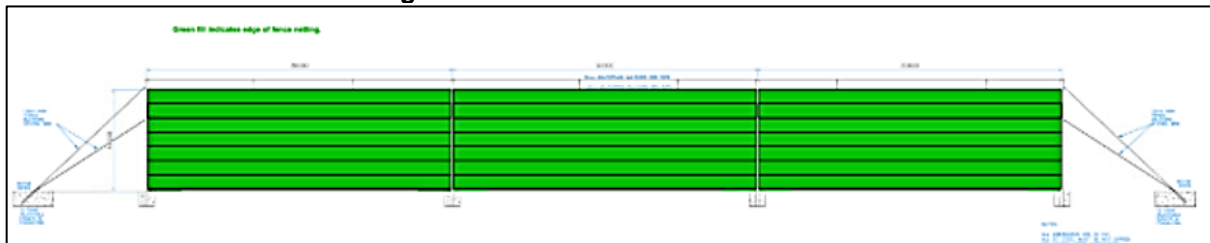


Figure 8: Site Inspection Photograph (January 2023) of Protective Fence



According to Hollywood Golf Club, the protective fence is considered necessary to prevent stray golf balls from leaving the course and causing harm to property and individuals which had been a persistent issue for many years.

Sited adjacent to the northwestern boundary of Hollywood Golf Club, the protective fence is visible to those travelling in either direction on Demesne Road for approximately 285m (Figures 9 and 10) as well as those residents occupying the residential properties opposite.

Figure 9: View Travelling West on Demesne Road



(Source: Google Streetview, dated March 2023)

Figure 10: View Travelling East on Demesne Road



17 mature trees are located along the verge which lies adjacent to the boundary of Holywood Golf Club/application site. When the site inspection was conducted in January 2023, it was apparent that lopping works had been undertaken to the trees located adjacent to the proposal. While tree works were undertaken to allow for the installation of the protective fencing, the submitted Tree Survey confirms that the lopped trees will grow back and will provide additional coverage in the future, thus softening the visual impact of the proposal. Additionally, the extent of lopping/topping has not significantly reduced the existing screening ability of the trees as illustrated in Figure 11/Appendix 2 as observed in May 2023.

It is acknowledged that these trees lie outside the application site and are under the ownership of DFI Roads, being located on the road verge and therefore cannot be conditioned to be retained. However, the submitted tree survey has demonstrated that all of the trees are healthy and it is therefore unlikely that the trees would be removed

by DFI Roads in the foreseeable future unless so required for any road safety reason. While it is considered that the existing trees do aid the integration of the fence within the immediate locality, in the unlikely event of some or all of the trees being removed by DFI Roads, I do not consider that this would be fatal to the retrospective proposal in so far as the visual impact of the fencing is concerned. When considered in the context of the overall curtilage of the golf course and its shared boundaries with the surrounding roads, the extent of the fencing over 90m is not considered to be significant within this wider setting. Furthermore, the fine mesh of the green netting used allows light and visibility to penetrate through the fence helping to reduce the overall visual impact. I am satisfied the protective fencing does not have an unacceptable detrimental visual impact on the appearance of the surrounding area due to the transparent nature of the green lattice netting. Moreover, the 15m high steel poles supporting the fencing are not considered out of character with street furniture one would expect to find in an urban area (such as street lighting).

Figure 11: Site Inspection Photograph May 2023



With regard to the scale of the fence, Hollywood Golf Club submitted an array of evidence which verifies that the 15m height of the proposed protective fencing is justified and required for health and safety reasons.

Hollywood Golf Club submitted a Supporting Statement which explains that it considered the cheaper option of hanging netting from the existing trees but subsequently determined that this option was not feasible. Consequently, the protective fence was erected at the cost of circa. £70,000.

The submitted Supporting Statement provided a record of incidents underpinning the erection of the protective fencing including:

- Damage to cars located on Demesne Road from stray balls.
- Damage to the houses located on Demesne Road from stray balls.
- Harm to people using their front gardens from stray balls.

Addresses were provided for the above incidents but in the interest of data protection, I have not provided these in this report.

Having considered the Supporting Statement, the Planning Department requested further documentation to verify the incidents provided in the Supporting Statement so to justify the scale of the protective fence and its visual impact.

Following this request from the Planning Department, Hollywood Golf Club submitted a Justification Statement along with a number of documents recording incidences of stray balls. The Justification Statement (JS) explained that *'there have been multiple incidents of golf balls striking cars, homes, and pedestrians (communications provided)*. The JS again explained that Hollywood Golf Club tried to mitigate the risk of stray balls leaving the golf course by reducing the length of the hole and by moving the tee position back. Hollywood Golf Club explained that these mitigation measures were unsuccessful. Resultantly, Hollywood Golf Club considered the installation of the protective fence necessary to prevent harm and serious incidents from occurring. Additionally, Hollywood Golf Club provided golf ball data to justify the height and length of the proposed protective fencing.

The documentation of incidents submitted by Hollywood Golf Club included the following:

- Emails between members of the Golf Committee demonstrating that the tee boxes located on this side of the golf Club (the 8th tee) were relocated to prevent stray balls from leaving the course. The relocation of tees did not prevent stray balls.
- Complaints via e mail and telephone from members of the public and correspondence from solicitors stating that members of the public were hit or nearly hit by a stray golf ball and that stray balls had hit cars, landed within the gardens of nearby properties and hit windows of dwellings.

The height/scale of the fencing is considered acceptable for its intended use for stopping stray golf balls and is similar in scale to other approved protective fences (Appendix 3). It is not considered uncommon but rather, characteristic of golf clubs to erect protective fencing along their boundaries to prevent harm or damage to people and property.

In my professional planning judgement, the fencing is in keeping with the existing approved use of Hollywood Golf Club, will integrate to an acceptable degree and is of an acceptable scale which allows it to fulfil its intended purpose. The fence extends along a comparatively small stretch of the overall curtilage and boundaries of the golf club with a large stretch of the boundary with Demesne Road remaining unaffected. It is also likely that the existing mature trees and vegetation will be retained, which will continue to further aid the integration of the fencing. For these reasons and having regard to the need for the fencing on safety grounds, I am satisfied that the protective fencing does not create any unacceptable adverse impact on the appearance and character of the area which would warrant refusal of planning permission on these grounds.

4.4 Impact on Residential Amenity

As the protective fencing is transparent and sited on the opposite side of Demesne Road to the residential properties (No's 83 – 103), the proposal will not result in any unacceptable adverse impact on residential amenity by way of overshadowing, loss of light or dominance.

As set out above, Holywood Golf Club explained that the proposal is designed to prevent further incidents such as those which have already occurred as well as potential road traffic accidents. Given the submitted evidence, I am of the opinion that the protective fencing will actually improve the residential amenity of the occupants of the existing properties, preventing harm and damage to not only neighbouring residents and properties but also passing traffic both pedestrian and vehicular.

4.5 Flooding

Policy FLD 3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains (FLD 3) of PPS 15 was considered in the assessment of the proposal. Policy FLD 3 states that a Drainage Assessment will be required for all development proposals, except for minor development, that exceed specific thresholds including where proposed development is located in an area where there is evidence of a history of surface water flooding.

It was unclear from the relevant DfI Flood Map whether the proposal was located within an identified area for surface water flooding. Consequently, DfI Rivers was consulted to ascertain if the proposal is located within a surface water flood area.

DfI Rivers responded advising that the proposed development 'does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required'.

To clarify its response, DfI Rivers contacted the Planning Department and explained that there is no record or evidence of surface water flooding in this area of Demesne Road and that if surface water flooding has occurred, it is likely to be a result of NI Water network capacity issues during times of heavy rainfall. Additionally, DfI Rivers explained that the foundations would have minimal to no impact on the or surface water runoff in this area as the surrounding grassland will sufficiently absorb and percolate rainfall. Lastly, DfI Rivers explained that as the application sits at a lower ground level than Demense Road, it would be impossible for rainfall to travel the application site over and onto Demesne Road.

Having considered the potential for flooding and contacted DfI Rivers for advice, I am satisfied that fencing will not create or exacerbate flooding in the area.

4.6 Designated Sites and Natural Heritage

The 17 trees immediately adjacent to the application site and the fencing are not protected. The submitted Justification Statement (JS) explains that to facilitate the installation of the protective fence, works were undertaken to face and top the trees adjacent to the proposed protective fence. The JS explains that these trees will be allowed to '*grow back and largely regain their previous appearance, with only light maintenance to protect the actual ball stop netting required in the future*' with these works undertaken in the winter.

Given the screening and amenity value of these respective trees, the Planning Department requested the submission of tree information to enable to condition the permanent retention of these trees. A Tree Survey was conducted by John Morris arboricultural Consultancy which reported that the survey had been carried out in accordance with BS5837:2012 Trees in relation to design, development and construction – Recommendations, and included all trees within influencing distance of the safety net. The Tree Survey reports that all of the trees can be retained and will *'increase in height and crown spread, thereby offering screening of the safety net from Demesne Road, whilst also adding to the natural character and visual amenity offered by the boundary treeline'*. The Tree Survey also confirmed that new tree planting cannot be undertaken as there is no available space planting within the application site.

A Tree Constraints Plan was submitted which identifies all trees located adjacent to the proposed protective fence. Figure 12 illustrates that the respective trees lie outside of the application site and Holywood Golf Club on within a grass verge and consequently cannot be conditioned for permanent retention. Given that the trees lie outside of ownership of the applicant and that the intention is only to undertake overhanging works, confirmed as acceptable to maintaining the health of these trees by the arboriculturist, I am content that they will be retained and will continue to provide screening and amenity value.

Figure 12: Extract from the Tree Constraints Plan



With regard to the impact on biodiversity, Holywood Gold Club has stated in the submitted Justification Statement that works to the trees were undertaken outside of bird breeding season in Winter and involved facing and topping. As planning permission was not required for the cutting/lopping/facing of the respective trees with these works having already been undertaken, it was deemed that ecological survey information was not required with regard to the impact on wildlife. There is no requirement for the submission of an Environmental Impact Statement as suggested in the several of the submitted representations.

The Council's Biodiversity Officer was consulted to ascertain whether the proposal impacted biodiversity. The Biodiversity Officer responded with no objection to the proposal and provided information regarding works being undertaken to hedgerows, trees and woodlands. On this basis, I am content that the works have not harmed any protected species or habitat and do not consider that survey information is required.

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).

5. Representations

Nine representations objecting to the proposal were received from separate addresses. The material planning concerns raised in the submitted letters of objection include:

- The proposal will have an adverse visual impact by way of its height, silver poles and green colour.
- The scale of the proposed fence is not warranted.
- The trees will not obscure the proposed fence.
- The proposed fence has had an adverse impact on biodiversity as trees were cut back to allow for its installation.
- Flooding to the road from the golf club has been exacerbated by the concrete foundations of the fence.
- The silver poles of the fence will represent a health and safety risk as they will sway in heavy winds.
- The trees cut to make way for the fence will take time to grow back.

Section 4.3 of this report has determined that the scale and appearance of the fence does not result in any unacceptable adverse impact on the appearance and character of the surrounding area. It is also considered that the existing trees further help to integrate the fence. While it is not possible for the Planning Department to condition the retention of these trees given their location on the road verge outside of the application site and the Golf Club's ownership, being within the ownership of DFI Roads, it is unlikely that there would be any need to remove these trees in the near future provided they remain in good health and condition and are not required to be removed for road safety reasons.

Section 4.6 of this report has determined that the proposal has not had a detrimental impact on biodiversity and natural heritage.

Section 4.5 of this report has determined that the erection of the fencing has not increased flooding in the area.

With regard to the concern that the steel posts present a health and safety risk as they may sway in the wind, I can confirm submitted Drawing 03 'Elevations' states that the height of the poles was determined by a structural engineer with the foundation reinforced under the direction of the structural engineer. The onus is on the applicant to ensure that they have complied with the relevant legislation in this regard (The Building Regulations (Northern Ireland) 2000) which is outside the remit of the Planning system.

6. Recommendation
Grant Planning Permission

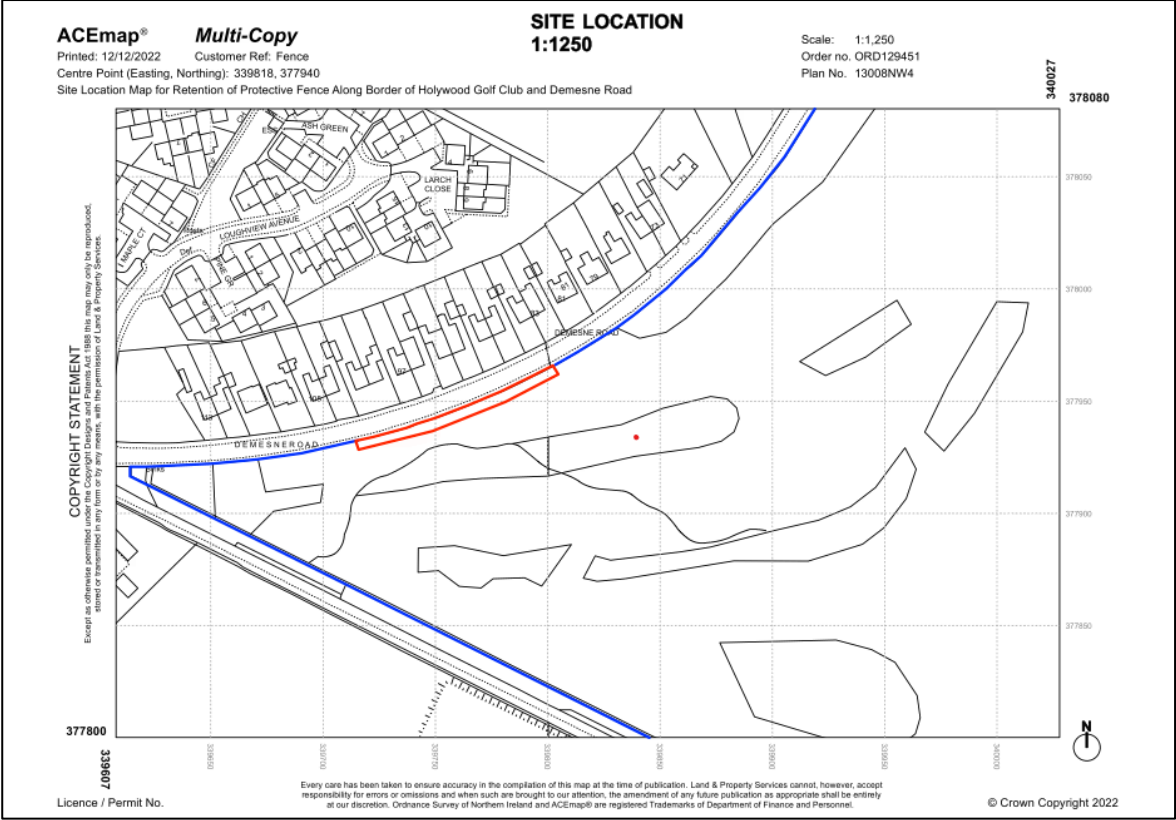
7. Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

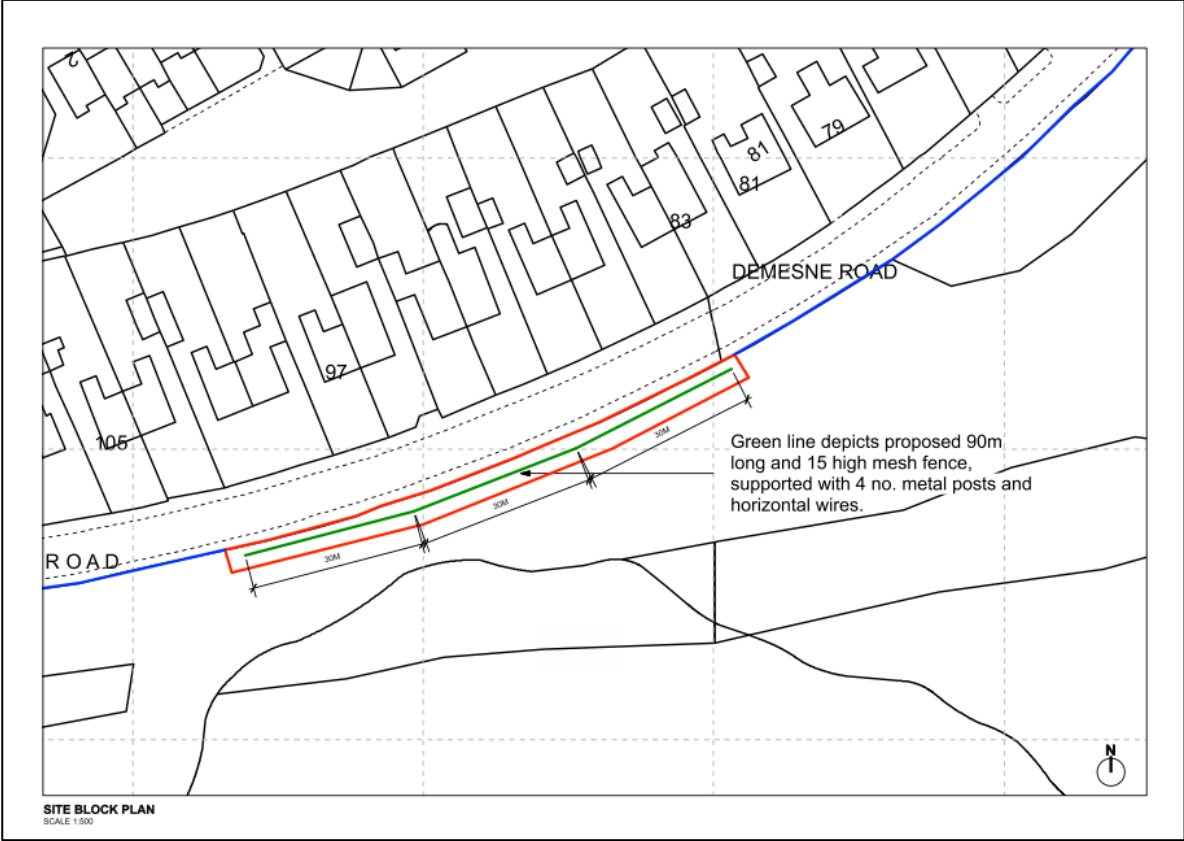
Reason: This is a retrospective application.

Appendix One: Submitted Plans

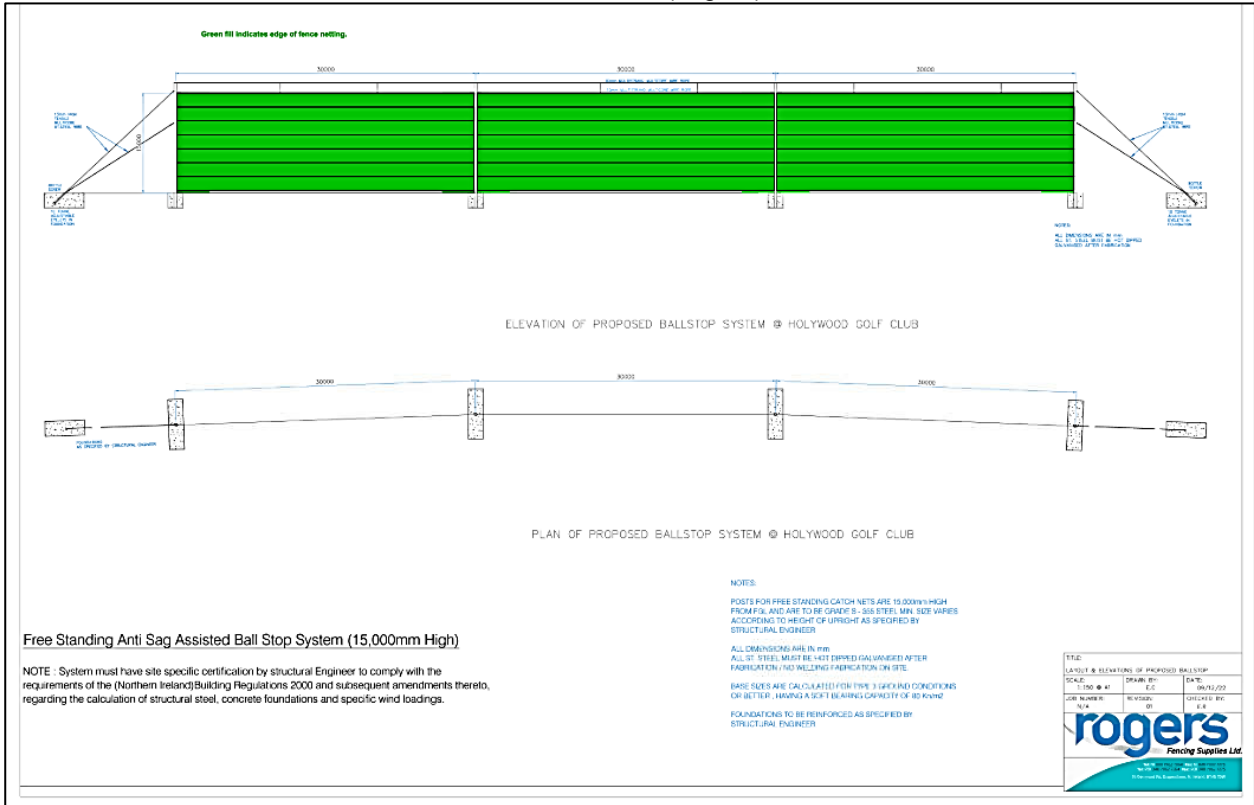
Site Location Plan (Drg 01)



Block Plan (Drg 02)



Elevation Plan (Drg 03)



Tree Constraints Plan (Drg 04)



Appendix Two: Site Inspection Photographs

January 2023

View from footpath adjacent to No. 83 Demesne Road (2 photographs)



View from footpath adjacent to No. 99 Demesne Road



View of the Western side showing Fence and Two Steel Poles



View of the Eastern side showing Fence and Two Steel Poles



Steel Poles (4 photographs)







View of Fence Netting behind Trees



May 2023

Growth of Trees from January to May (4 photographs)





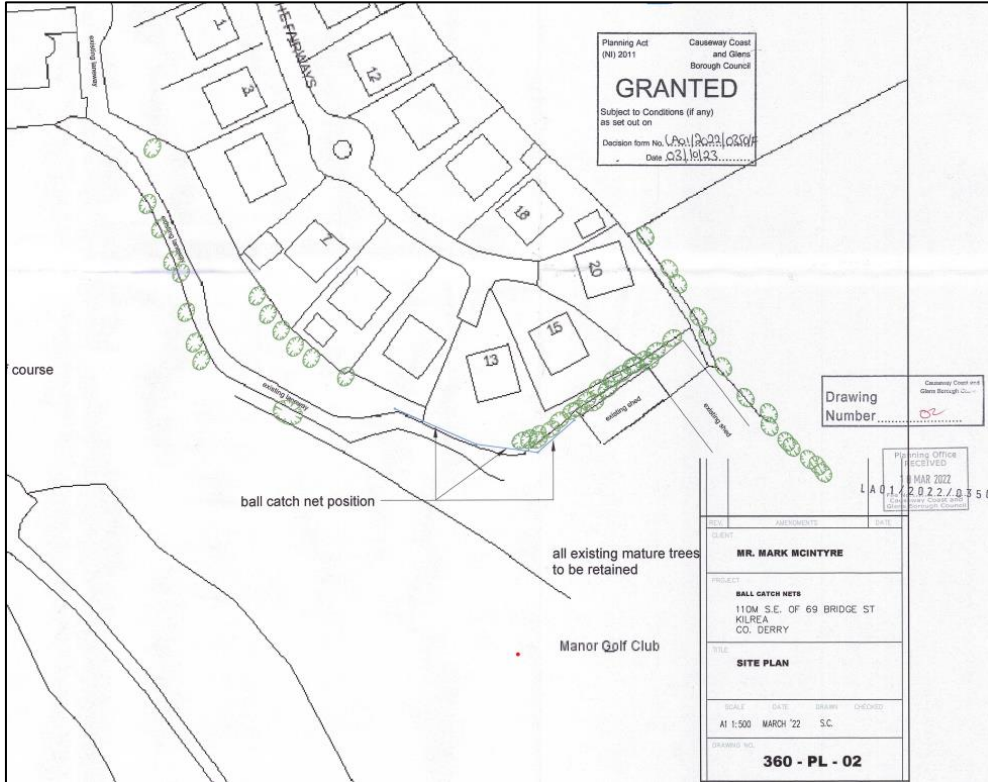
Appendix 3: Ball-stop/catch Fencing Examples

LA01/2022/0350/F - Erection of a 16m ballcatcher net and posts including 3 steel stanchion/posts to support cabling and 25x25 netting inside the existing golf course and tree line.

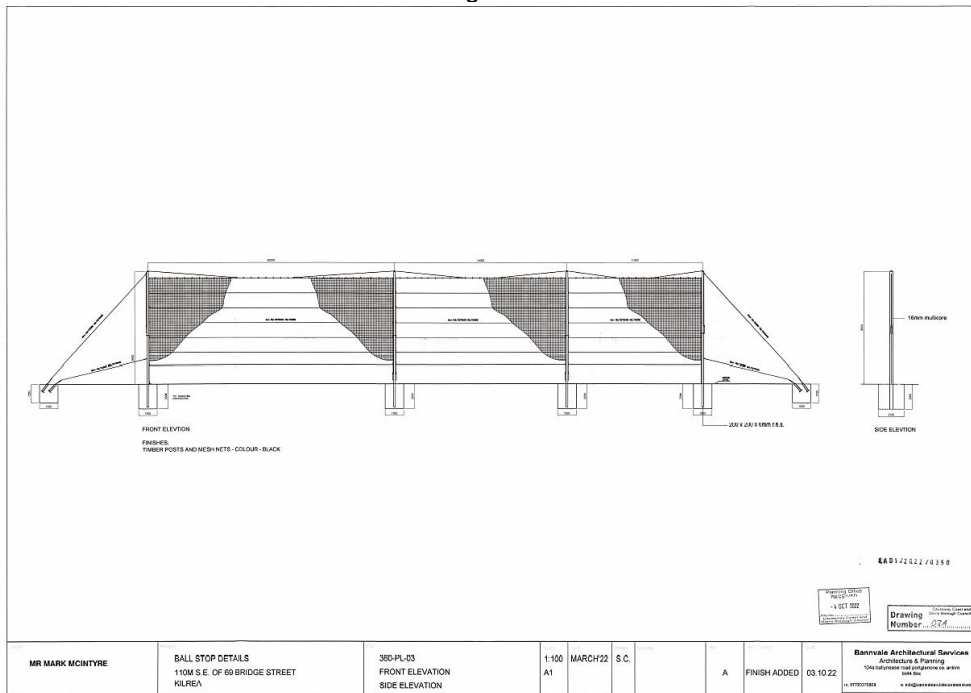
Address: The Manor House & Golf Club, 69 Bridge Street, Kilrea.

Decision: Retrospective Planning Permission Granted.

Drawing No.02

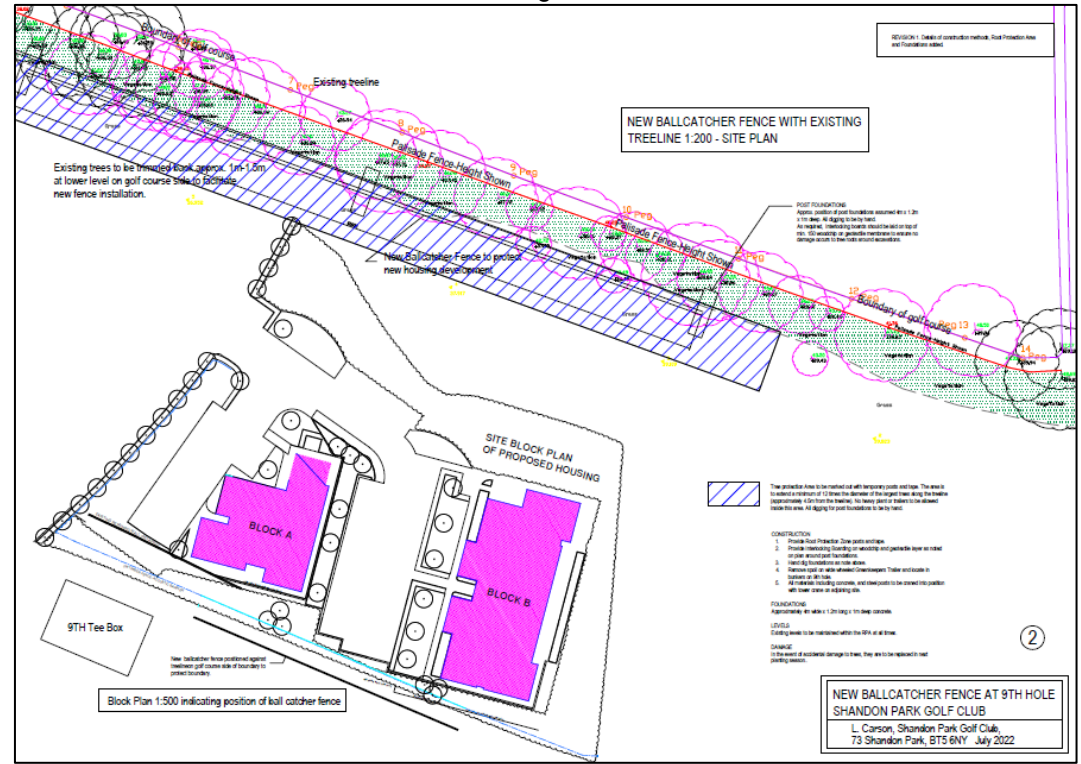


Drawing No. 03A.

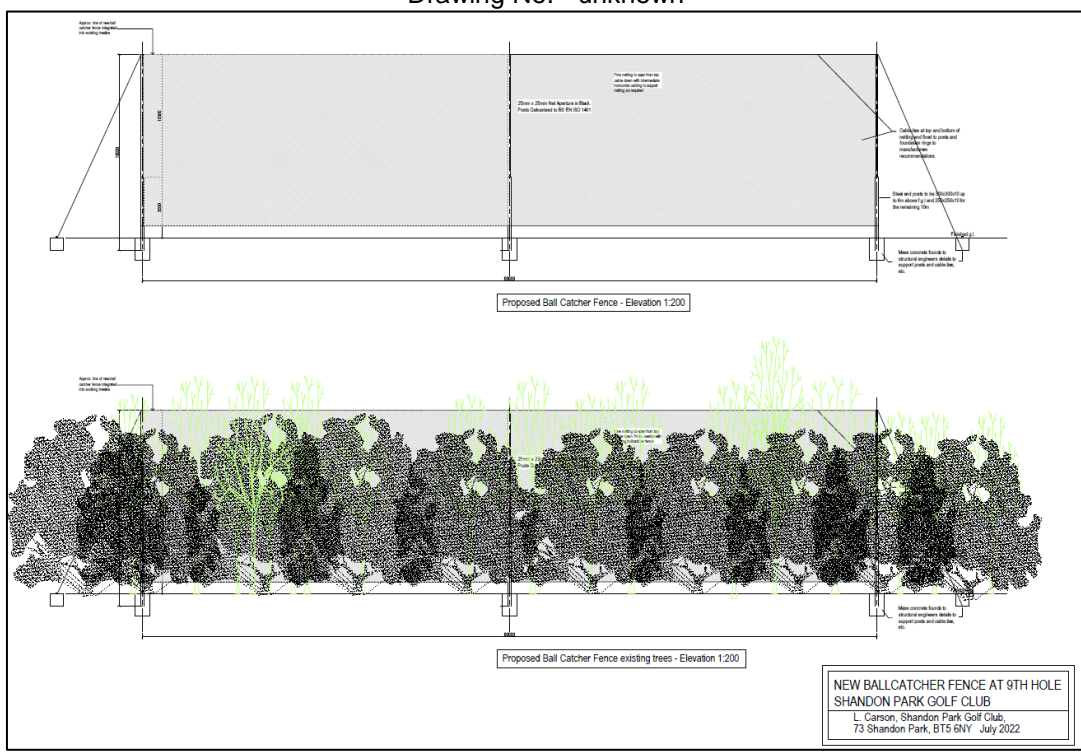


LA04/2022/1529/F - Erection of a 16m ballcatcher net and posts including 3 steel stanchion/posts to support cabling and 25x25 netting inside the existing golf course and tree line.
Address: Shandon Park Golf Club, Belfast, BT5 6NY. (Close to the boundary with 150 Knock Road).
Decision: Planning Permission Granted

Drawing No. 02

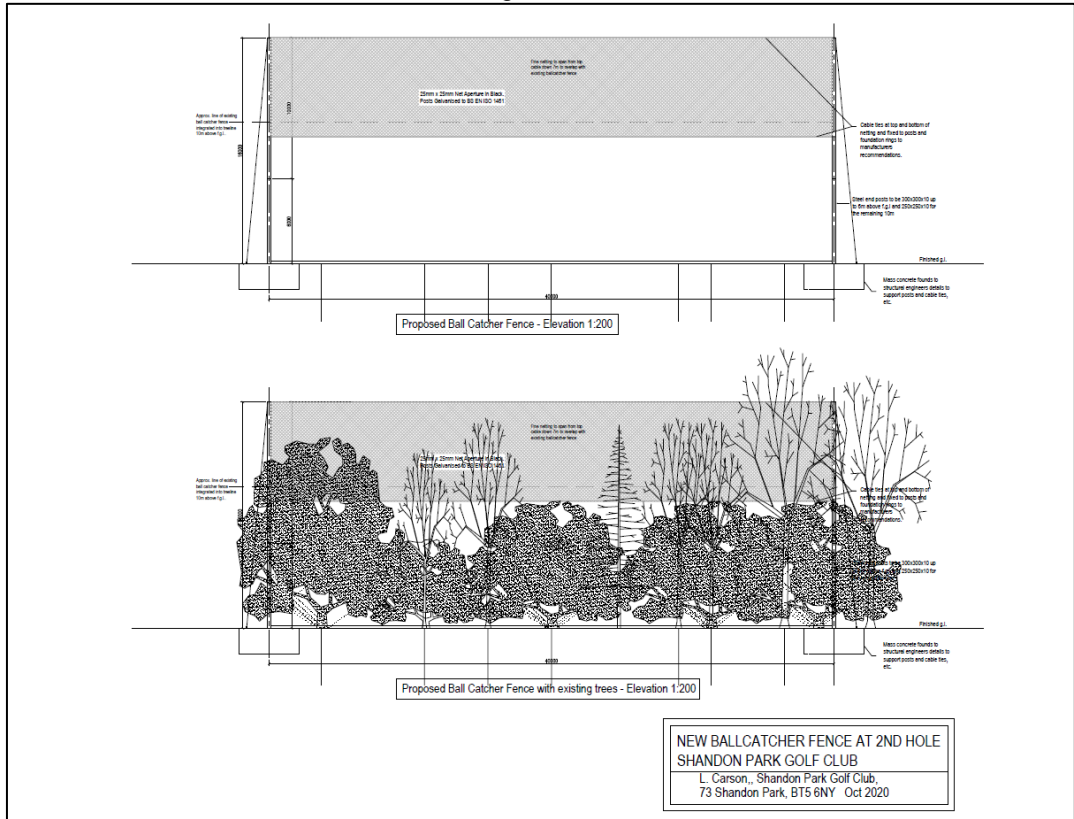


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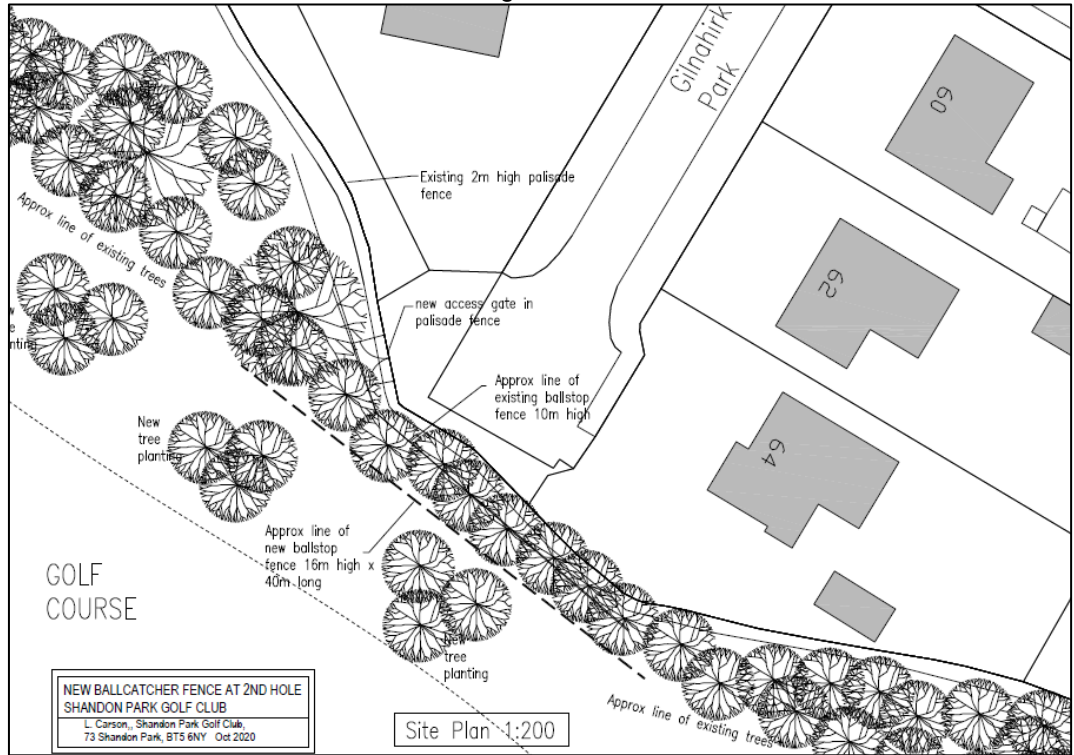


LA04/2020/2430/F - Erection of a ballcatcher net (16m high) and posts to protect the adjacent properties. The proposals include the erection of 2 steel stanchion/posts to support cabling and 25x25 netting inside the existing golf course and tree line. Forming an access gate in the palisade boundary fence. **Address:** Shandon Park Golf Club BT5 6NY. (Close to the boundary with Gilnahirk Park).

Drawing no: unknown

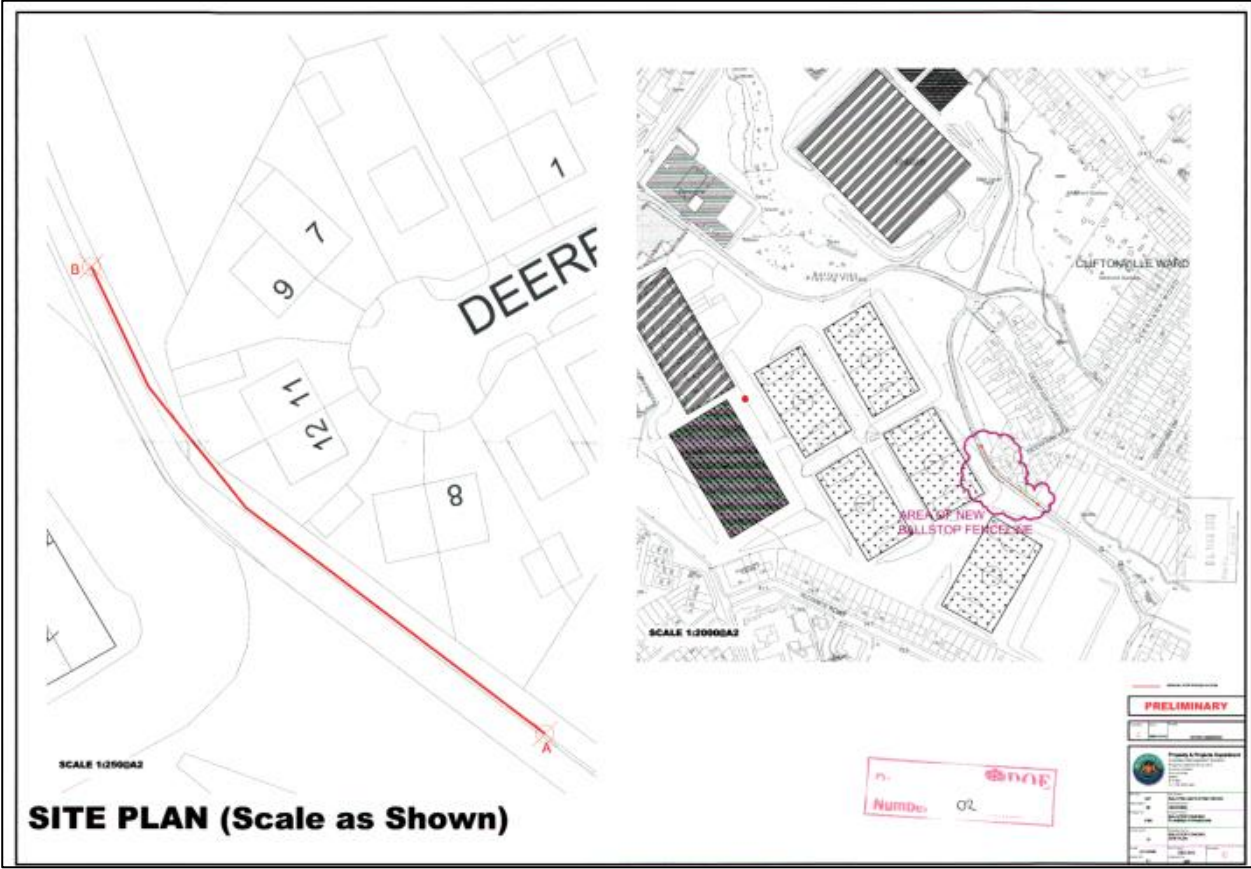


Drawing no: unknown



Z/2013/1002/F - 97m of ballcatch fence 14m high.
Address: Ballysillan Playing Fields Ballysillan Road, Belfast
Decision: Permission Granted.

Drawing no: 02



Aerial Image of Fence as Installed




(Source: Google Earth)

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2023/1895/F
Proposal	5G telecoms installation: 15m high street pole telecoms mast and cabinets with ancillary works
Location	Approx. 14m north of 122 and opposite 121-123 Ballycrochan Road, Bangor
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to the officer's recommendation.
Valid	06/07/2023
Summary	<ul style="list-style-type: none"> Supporting information recognises that the very nature of installing new 5G communications infrastructure within a dense urban setting requires a well-measured balance between the need to extend practical coverage with the risk of increasing visual intrusion Constrained cell search area and options within the area are limited due to the operational parameters of 5G with a typical cell radius of approx. 50m – generally not feasible to site the installation too far from the target locale In accordance with Policy TEL 1 of PPS 10 – supporting Justification Statement demonstrates that other sites were considered and discounted using a sequential approach which first considered 'Mast and Site Sharing' then, 'Existing Building Structures' and lastly, 'Ground Base dInstallations' Design of proposed antenna and ground-based cabinets considered to be least visually intrusive option available, benefiting from being adjacent to a main road - accepted there will be a localised visual increase through the installation of additional apparatus - considered will not overly detract from the character of the existing streetscape or the wider area. Proposed installation is an H3G Monopole - will facilitate educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling e-commerce and working from home, as well as enjoying access to social, media and gaming for leisure time activities thereby benefitting the greater good. Objections received refer to concerns regards impact of design and appearance, clutter in streetscape, residential amenity, health and safety, other suitable sites available, road safety due to blockage of sight lines, and impact on biodiversity – all considered in detail within the Case Officer Report
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2023/1895/F	DEA: Bangor East & Donaghadee	
Proposal:	5G telecoms installation: 15m high street pole telecoms mast and cabinets with ancillary works		
Location:	Approx. 14m north of 122 and opposite 121-123 Ballycrochan Road, Bangor		
Applicant:	Cameron Wilson		
Date valid:	06/07/2023	EIA Screening Required:	N/A
Date last advertised:	27/07/2023	Date last neighbour notified:	21/07/2023
Letters of Support: 5		Letters of Objection: 44 (from 37 addresses)	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads	No objection		
NI Water	No objection		
Belfast City Airport	No objection		
Police Service Northern Ireland: Information and Communication Services	No objection		
Environmental Health (Ards and North Down Borough Council)	No objection		
The Joint Radio Company	No objection		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Visual Impact • Impact on residential amenity 			

- Road safety
- Impact on the environment and biodiversity

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal

1. Site and Surrounding Area

The application site is located in an urban area on the western side of Ballycrochan Road, immediately east of the rear garden of No. 122 and approximately 27m from the Ballycrochan Road/Albany Road junction.



The application site comprises part of the public footpath and is in close proximity to a streetlight and equipment cabinet. The wider surrounding area is predominantly residential with dwellings located east and west of the application site.

2. Site Location

Figure 1: Extract from Site Location Plan

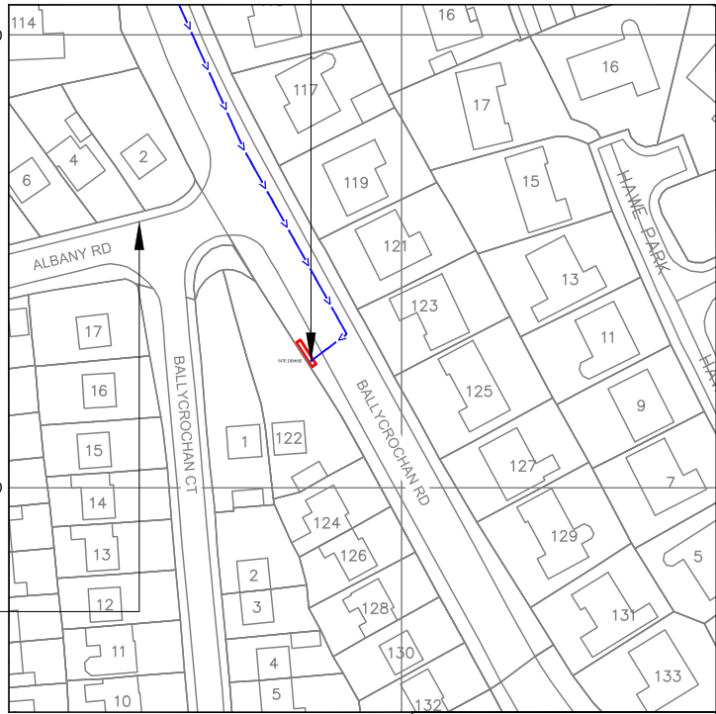


Figure 2: Aerial Photograph of the Application Site



3. Relevant Planning History

The is no relevant planning history associated with the application site.

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)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
- Planning Policy Statement 10: Telecommunications (PPS 10)
- Development Control Advice Note 14: Siting and Design of Radio Telecommunications Equipment (DCAN 14)

Principle of Development

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the Department of the Environment’s

Developments Plan publication and Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals. North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory local development plan (LDP) for the area with draft BMAP remaining a material consideration.

The application site is located within Bangor Settlement Limit in both the extant plan and draft BMAP. There are no further LDP designations affecting the application site. As there are no specific provisions in the plan for this type of development, the proposal is considered to be in broad conformity with the LDP, subject to any prevailing regional policies.

The SPPS articulates a presumption in favour of development so long as development is in the public interest and does not compromise environmental standards. The aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

The SPPS requires that Planning Authorities take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. Developers are required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact. New masts should only be considered where site sharing is not feasible or offers an improved environmental solution.

Applications for the development of telecommunications equipment should be accompanied by a statement declaring that when operational the development will meet the ICNIRP guidelines for public exposure to electromagnetic fields (SPPS).

The Justification Statement submitted with this application explains that:

'The proposed solution for CK Hutchison Networks (UK) Ltd to improve coverage and capacity for 5G services involves erecting a new 15m high Street Pole installation and 3no additional equipment cabinets upon an area of footpath. It is recognised that the very nature of installing new 5G communications infrastructure within a dense urban setting requires a well-measured balance between the need to extend practical coverage with the risk of increasing visual intrusion'.

The Justification Statement continues to explain that *'the very nature of 5G and the network services it provides, means the equipment and antennas are quite different to the previous, and existing, service requirements. In particular, the design of the antennas, and the separation required from other items of associated equipment, is such that we cannot utilise certain structures that provide a means of support for another operator, most notably in a street works or highways environment'.*

The proposed installation is an H3G Monopole which will facilitate educational benefits, providing access to vital services, improving communications with the associated commercial benefits for local businesses, enabling e-commerce and working from home, as well as enjoying access to social, media and gaming for leisure time activities.

The applicant recognised that where an existing site can be shared or upgraded this will always be adhered to before a new proposal is put forward for consideration. However, in this case, it was stated that *'this is an extremely constrained cell search area and options within the area are very limited.'* In selecting the application site, consideration was awarded to the fact that *'existing base stations are not capable of supporting additional equipment to extend coverage across the target area and prospective 'in-fill' mast sites are extremely limited.'* The target/search area is centred over a residential area in Ashbury, Bangor. The 100m Desired Search Area (DSA) can be seen in Figure 3 below. It was further explained that due to the operational parameters of 5G, moving the search area or seeking locations a long way from the target/search area is not operationally feasible. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 50m. In general, it would not be feasible to site the installation too far from the target locale.



Figure 3: Desired Search Area circled above

In accordance with Policy TEL 1 of PPS 10, the Justification Statement demonstrates that other sites were considered and discounted using a sequential approach which first considered 'Mast and Site Sharing' then, 'Existing Building Structures' and lastly, 'Ground Bases Installations'. Consideration of alternative sites discounted seven alternative sites in the target area for the reasons recorded in Figure 4.

Site	NGR	Discounted Reason
D1 – Kinwood Park	165886, 533941	Nominal location - this location has been discounted due to the narrow nature of the pavements, which would not be able to accommodate a telecommunication installation.
D2 – Perry Drive	165861, 534045	This option has been discounted due to the proximity to the residential houses. Furthermore, narrow pavements further discount this site.
D3 – Perry Road	165786, 533959	This option has been discounted due to visibility splay issues. Furthermore, the proximity to the souses further discounts this site.
D4 – Albany Road	165963, 533914	This option has been discounted due to concerns around visibility splays which could affect motor users at this location.
D5 – Albany Road	165858, 533820	This location has been discounted due to the presence of existing street services and the narrow nature of the pavements at this location further discount this site as the pavement would not be able to accommodate a telecommunication installation.
D6 – Perry Drive	166073, 534058	This option has been discounted due to the narrow nature of the pavements.
D7 - Albany Park	166098, 533871	This option has been discounted due to the lack of suitable pavements for telecommunication equipment.

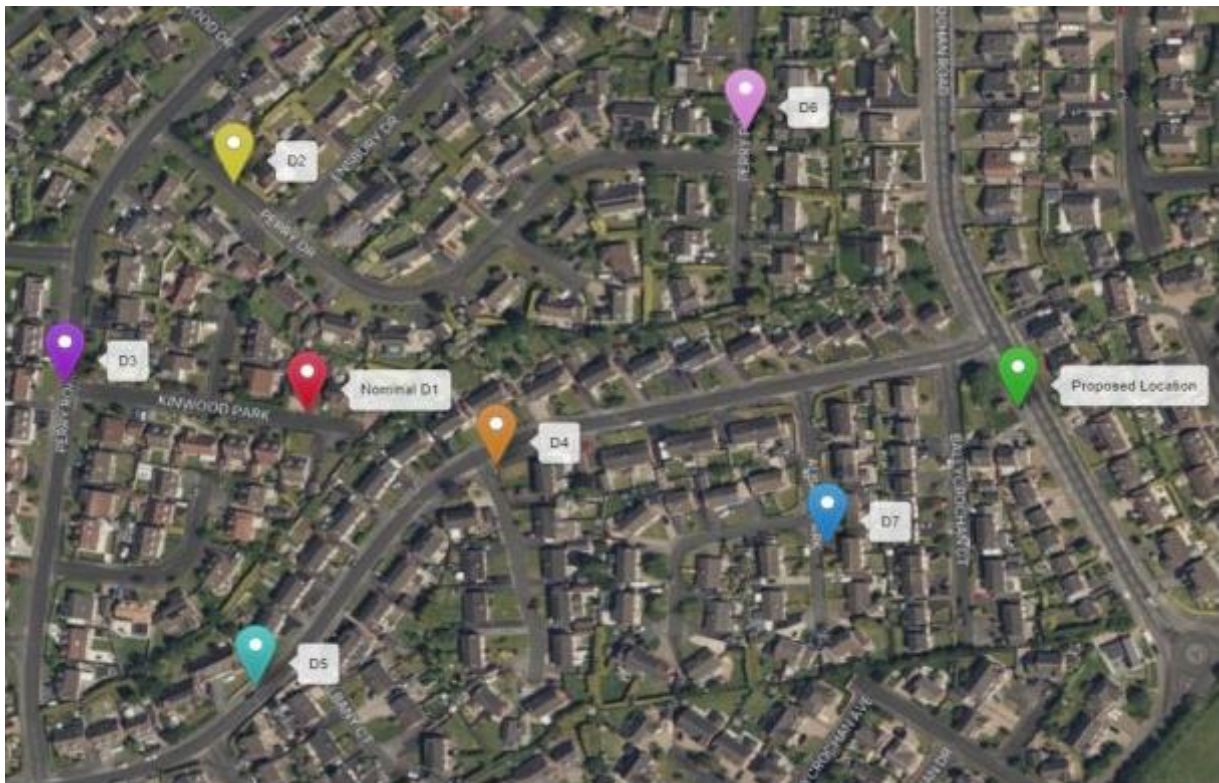


Figure 4: Discounted Sites

The Justification Statement explains that the application site was chosen as:

- The proposed site is considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground-based cabinets restricted to the absolute minimum, which is capable of providing the required essential coverage.
- The site shall be situated upon an adopted public highway, in a position that will not impede pedestrian flow or the safety of passing motorists. The equipment cabinets will be situated at the base of the pole.
- The design of the proposed antenna and ground-based cabinets is considered to be the least visually intrusive option available, benefiting from being adjacent to a main road. Whilst it is accepted that there will be a localised visual increase through the installation of additional apparatus, it is considered that this will not overly detract from the character of the existing streetscape or indeed, the wider area.

As is the policy requirement, the applicant submitted a ICNIRP Declaration explaining that when operational the development will meet the ICNIRP guidelines for public exposure to electromagnetic fields.

The Joint Radio Company and Police Service Northern Ireland were consulted on the proposal and offered no objection on the basis that it is unlikely the proposal will result in interference.

In Appeal ref 2022/A0039 for a proposed 15m high telecoms pole at Ardoyne Road, Belfast, the Commissioner stated the following:

'An aerial view of four alternative sites considered and discounted by the Appellant was submitted. However, nominal not exact locations were provided. No visuals were submitted of how the proposal would look at the alternative sites. One site was discounted because it is close to a primary school and the remaining 3 sites because of their location on residential roads. Notwithstanding the claim that the proposed development "is not located directly in front of any residential properties", it would stand directly opposite Nos.39a and 39b. 11.

I am not persuaded that a new mast in the proposed location represents a better environmental solution than other alternative sites and options. I conclude that the visual harm is not outweighed by the need for, and public benefit of, siting the installation in the location proposed. In these circumstances and considering the unacceptable damage to visual amenity, the appellant has failed to demonstrate that the proposal has been sited and designed to minimise visual and environmental impact. I find that the Council has sustained its first and second reasons for refusal based upon the SPSS and Policy TEL 1 of PPS 10.'

In light of the above appeal, I have looked at each alternative site and would agree that the proposed location is the best option with the wider footpath and increased separation distances from the surrounding dwellings. The Desired Search Area is within a large residential area of Bangor; therefore, it would be difficult to find a more appropriate siting such as industrial/commercial locations. The selection of examples

shown below identify that the other locations do present other issues such as narrow footpaths, proximity to residential dwellings and potential impact on visibility splays.



D7



D4



D3



D2

In light of the above information, the principle of developing the proposal is accepted at the application site, subject to consideration of the relevant planning considerations set out in the subsequent sections of this report.

Visual Impact

DCAN 14 highlights the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings. The proposal includes a 15m high telecommunications mast and three equipment cabinets which will be sited on the public footpath facing Ballycrochan Road. The proposal will be sited close to an existing 8.9m high streetlight with the backdrop of the front garden area of No. 122. The proposed mast will consist of a slim steel street pole which is considered an appropriate design capable of blending with other existing street furniture.

At 15m high, the proposed telecommunications monopole would be significantly higher than the two-storey dwellings within the surrounding area (7.42m high ridge height – No. 122 Ballycrochan Road). It would also be higher than adjacent streetlights and trees. Despite its setback from the edge of the road to the rear of the footpath, the street pole would be highly visible travelling along both sides of the Ballycrochan Road by virtue of its height and form, it would be a prominent feature in the street scene. Please see Figure 5 showing the proposed elevations of the pole and equipment cabinets.

The proposed equipment cabinets would be up to 1.75m high and extend across a width of 3.3m. As these would be sited to the rear of the footpath, I do not consider they would appear prominent within the streetscape. The design and appearance of the

proposal are considered typical of such development and are acceptable in this urban area. It must also be noted that the application site is not located in an environmentally sensitive area or sited beside an environmentally sensitive feature.

The harm arising from the visual impact of the telecommunications monopole and cabinets needs to be weighed against the need for the installation and the benefits of network coverage in the area. It is considered that the mast and cabinets will have an impact on the surrounding character, but this is somewhat alleviated by the surrounding street furniture such a streetlamp, traffic signage and other cabinets (see images below). Taking into consideration the comments within the RDS and SPPS, which seeks to improve the standard of telecommunication infrastructure, on balance it is considered that the visual impact on the surrounding area is off set by the benefits the mast will offer to everyday living and economic endeavours through the provision of improved telecommunications.

Image 1 and Image 2 below include the critical views of the proposed site on approach from both directions along the Ballycrochan Road. I have indicated approximately where the 15m high pole will be located on these images. The pole will be visible from the roundabout at the end of this residential road, which is approximately 116m from the position of the pole. From approach on the north side of Ballycrochan Road, I estimate there will be views of the pole over 200m away until the road curves. As seen in the images below, Ballycrochan Road is a relatively wide road and within this setting the slim design of the pole will not appear dominant to an unacceptable degree.



Image 1: View of site when approaching from north side of Ballycrochan Road



Image 2: View of site when approaching from south side of Ballycrochan Road

In planning ref. LA06/2022/1297/F the Council assessed and approved a proposal for a '15m high telecommunication street pole and associated ancillary equipment cabinets.' This pole is within a similar setting to this proposal and is situated along Gransha Road which is a wide road within a residential area. The only difference is that there is a school to the rear of this approved telecommunications pole.

In relation to the potential cumulative impact of the proposed pole and cabinets with other existing street furniture, I do not consider there will be any unacceptable visual clutter. There are no other cabinets to the front of No. 122 Ballycrochan Road, with only one streetlamp located within 10m of the proposed development. In Appeal ref. 2018/A0200 the Commissioner was assessing a replacement 20m high telecommunications mast and stated the following:

'...it has to be recognised that the site is also within an urban area where modern features such as street lights, traffic lights, telegraph and electricity poles, and telecommunications masts/poles are commonplace features.'

In recognition of above, I would argue that there is no reason to conclude that a telecommunications mast of the type proposed is inherently inappropriate in a residential area.

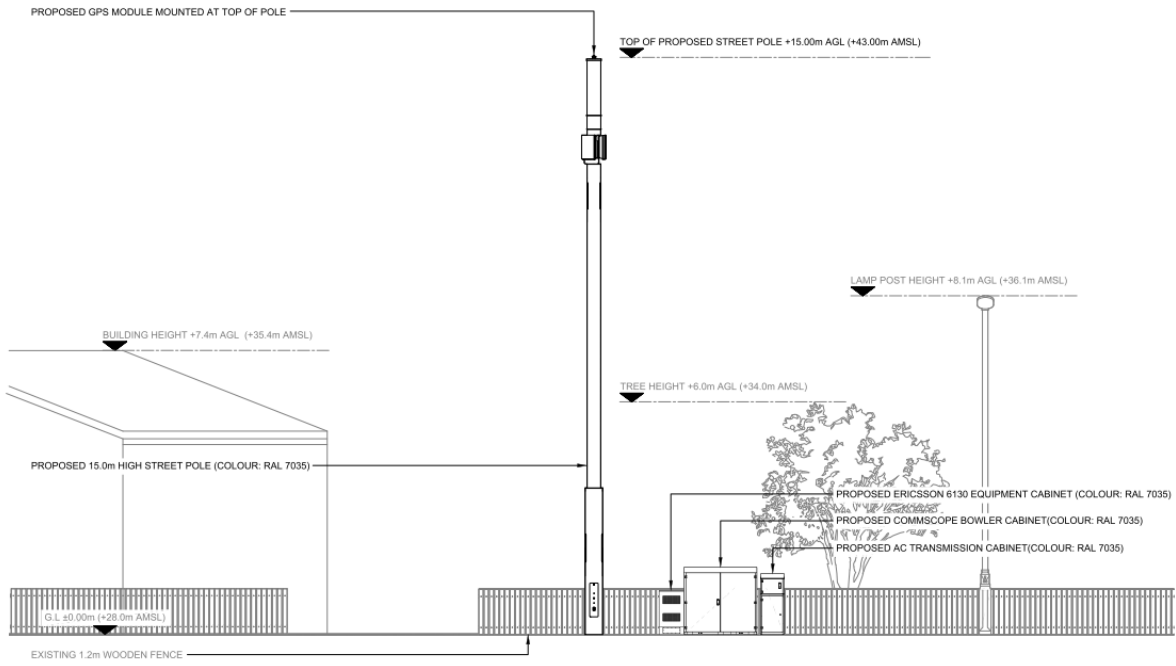


Figure 5: Proposed Elevations of the telecoms equipment



Figure 6: Images of Existing Street Furniture in the Surrounding Area

It must be noted that in several appeals for similar development, the Commissioner always recognises the need to weigh up the visual impact in balance with the need for improved connectivity and services. For example, in Appeal 2020/A0015 the Commissioner stated the following:

'Modern telecommunications also offer a number of valuable social and educational benefits such as promoting social inclusion, enhancing personal safety and facilitating education services. PPS 10 and the supporting DCAN 14 recognises that the economic and social benefits of advanced telecommunications can only be achieved if the necessary infrastructure is developed however it emphasises that attention must be devoted to the siting and design of equipment.'

In addition, in Appeal ref 2018/A0200 the Commissioner stated the following:

'Paragraph 6.238 of the SPPS states that the aim of the document in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum. The latter wording recognises that some impact on the environment may be acceptable.'

Residential Amenity

As the application is for a slim pole which will be situated approximately 13.4m from No. 122 Ballycrochan Road (closest dwelling), I do not consider it will result in any overshadowing. It will be situated over 20m from the properties on the other side of the road (121, 123, 125). The pole will appear visually significant in the streetscape due to its height however, it will not be dominant in the sense that it would adversely impinge on the immediate aspect or outlook from any surrounding residential dwellings.

The applicant has provided a certificate to confirm that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields. The proposals therefore comply with point (3) of Policy TEL 1 of PPS 10. Therefore, there are no grounds to refuse permission on the basis of impact on actual health. Environmental Health (Ards and North Down Borough Council) was consulted on the proposal and offered no objection. It is therefore not considered that the proposal will have a detrimental impact on residential amenity.

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). The proposal would not be likely to have a significant effect on the conservation objectives/features of Strangford Lough SAC/SPA/Ramsar or any other European site.

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.

The proposal will not cause the unacceptable loss of/damage to trees or other landscape features that contribute to local environmental quality.

Road Safety

DFI Roads was consulted on the proposal given the proposed siting on a public footpath adjacent to Ballycrochan Road, near the Ballycrochan/Albany Road junction. DFI Roads offered no objections to the proposal. I am therefore satisfied that the structures will not impact upon pedestrian movement or road safety (visibility splays).

5. Representations

The proposal has been advertised in the local press and neighbours have been notified as per the Section 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

Five support letters were received and one non-committal response. A total of 44 objections from 37 different addresses were received from elected representatives and residents of the following streets: Ballycrochan Road, Ballycrochan Park, Ballycrochan Court, Briarwood Nook, Albany Road, Church Crescent, Hawe Road, Belgravia Green, Kinwood Park and Hawe Park. The following matters were raised:

Design & Appearance

- The objector's stated that the design will not blend into the local surroundings and will dominate its locality, due to the height of the pole with specific measurements referred to in relation to dwelling heights and streetlight heights. It was stated that it will be an eyesore which affects the skyline, and it will be seen for quite a distance in surrounding streets and will not blend into the vista of the area.
- Many objectors stated that the mast is industrial in design and therefore not in-keeping with residential area and that the grey paint does not camouflage it or help it blend in with the surroundings.
- In addition, it was stated that the proposed pole and cabinets would clutter the streetscape which does not meet PPS 10.

Response:

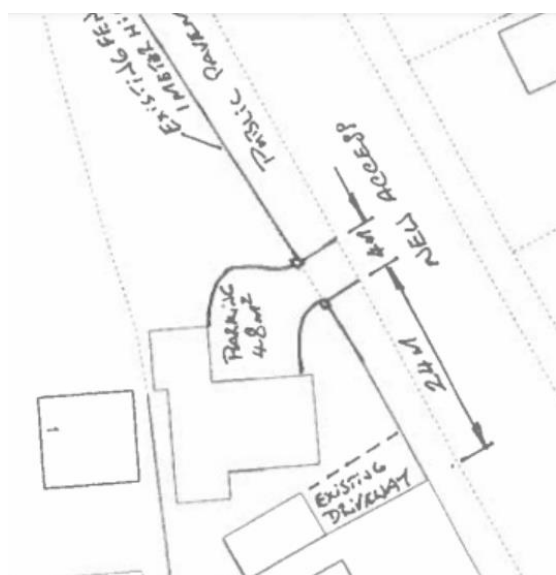
- These matters have been discussed under 'Visual Impact' above in the main body of the report. It has been established that due to the height of the 15m pole, the proposal will appear dominant and will affect the skyline as neighbours have mentioned. Due to the need for better services and connectivity, the visual impact has to be balanced with this need. On balance it is considered that the impact on surrounding character is off set by the potential benefits the mast will offer to everyday living and economic endeavours.

Residential Amenity

- Many objectors stated that at 15 metres high, the pole will dwarf many of the neighbouring properties resulting in loss of light and overshadowing.
- The objector living at No. 122 Ballycrochan Road stated that the pole will be situated 13m from their home, and further highlighted that they have permission for a front extension which will be situated within 4m of the mast.

Response:

- These matters have been addressed under 'Residential Amenity' above. As the application is for a slim pole, I do not consider it will result in any loss of light or overshadowing.
- The approved block plan for permission ref. LA06/2019/0630/F for a 'Two-storey front extension, single-storey side extension, single-storey rear extension and creation of new access' is shown below. If the front section is built out, it would be approximately 10m from the mast. Due to the angle at which the extension will sit in relation to the 15m pole, I do not consider it will dominate the views or adversely impinge on the immediate aspect or outlook from any of the proposed windows. The existing trees within the garden will provide a level of screening to the lower section of the pole.



DRG 03A: Proposed Block Plan

Health & Safety

- Many objectors stated that they had concerns as to health and safety impacts of 5G, particularly in a residential location. One objector stated that 'as 5G is new developing technology and with 5G radio-frequency radiation being 18 times greater than 4G, serious health considerations need to be given when placing such a mast in a close densely populated area as is proposed.'
- In addition to above, a number of statements and references were made to research on 5G and potential impacts on public health.

Response

- Environmental Health was asked to review the objections in relation to health & safety and provided the response below:

'The objection letters refer to potential health impacts from the proposed 5G telecommunications mast in this location. The comments from Environmental Health seek to protect the public using the guidance and policy adopted by the UK government. This guidance from government includes the specific assumption that it is kept up to date with research being continually reviewed by

the Public Health England (PHE) on any health effects that may be caused by exposure to electromagnetic fields, including radio wave emissions.

The PHE endorses the international guidelines for limiting exposure to radio waves, published by the International Commission for Non-Ionising Radiation Protection (ICNIRP). The guidelines were updated in March 2020 and take full account of 5G operating at higher frequencies. Mobile phone operators are also required to ensure that the emission levels from new antennas are compliant with the restrictions in the ICNIRP guidelines for the protection of the general public.

Current planning policy requires that planning applications for electronic communications development must be accompanied by a statement or declaration that certifies that when operational, equipment will be compliant with the ICNIRP guidelines for limiting exposure to electromagnetic fields.

This Service would refer to the initial consultation response dated 6th July 2023 which accepted the submission of the required ICNIRP declaration dated 18th May 2023.

- The agent has provided a declaration of conformity with the ICNIRP guidelines, which takes into account the cumulative effect of the proposal and all radio base stations present at, or near, the proposed location. The concerns expressed by the objectors demonstrate no evidence on health and safety grounds which would justify setting aside standards and guidelines accepted by government and therefore I am not persuaded that there are justifiable health and safety reasons for rejecting the proposal.

Other Suitable Sites

- Many objectors suggested building this mast a few yards further along Ballycrochan Road, where it would not be in direct view of all of the residents. Specifically, it was mentioned to place it near the roundabout where the residential area meets the greenbelt (existing trees in that location). In addition, one objector stated that in this position the telecoms provider could also install a lay bay for servicing vehicles however recognised associated costs with this solution.
- Another objector stated that there is an existing mast sited at a nearby location known as Hannay's Hill just off the Hawe Rd. This may be a more suitable location, just a short distance from the proposed location and not impacting the residential visual amenity of the area.
- Another location mentioned included the fields adjoining Belgravia Crescent.
- One objector stated that it should be placed where it can be camouflaged within tall trees, at appropriate Ring-road locations, large Shopping Complexes or vacant Rural locations.

Response

The agent was asked to make comments on these alternative sites suggested by the objectors. The following comments were made by the agent:

- Ballycrochan Road roundabout: A mast at this location is not feasible due to the narrow nature of the pavement at this location. The pavement would not have been able to host the proposed telecommunications development and ancillary works due to the narrow nature of the pavement. There would have been potential that an installation at this location would reduce pedestrian access to this area of the pavement. Moreover, the grass verge at this location would also not be able to host our proposed development due to the dense mature trees at this location. As for the installation to function the antennas will be required to link the base station to the wider national network. The antennas operate on a direct line of sight basis, a bit like a search light beam, to other antennas on corresponding installations on the network. Without a link being achieved, the installation will not function. Furthermore, this location is adjacent to a busy junction and locating our installation here would cause potential visibility splays which raises highways concerns to other road users at this location during the build and maintenance of this site.

The introduction of a layby to the area would reduce the visual amenity of the area and take up vital space for the local area. Furthermore, a layby at this location has potential to reduce the pedestrian right of way on the pavement, reducing the free-flowing movement of users at this site.

- Existing Mast at Hannay's Hill: The existing mast located adjacent to Hannay's Hill is outside the search area. As this mast is a 5G installation, to work it needs to be close to those who will benefit from the technology, therefore a small search area is required. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 50m. Movements outside this area are likely to require a proliferation of masts to do the same job, and even then, coverage gaps are likely. The existing mast at this location cannot be upgraded as it is structurally unable to host our proposed development and has insufficient capacity to support the necessary equipment.
- Open green field: Siting our development within an open green field with no screening would cause undue visual harm to the area, as our installation would be highly visible to the immediate and wider area. Furthermore, there is no direct access to and from this site location which is necessary in order to build and maintain the site.
- Shopping centre: By siting the development at a large shopping complex or vacant rural location this would not be appropriate in this instance as the proposal would be out with its coverage area and not provide the necessary coverage for the Bangor area. As previously stated, this mast is a 5G installation, to work it needs to be close to those who will benefit from the technology, therefore a small search area is required. The cell search areas for 5G are extremely constrained with a typical cell radius of approximately 50m. Movements outside this area are likely to require a proliferation of masts to do the same job, and even then, coverage gaps are likely. Additionally, siting our development amongst tall trees is not feasible as for the installation to function the antennas will be required to link the base station to the wider national

network. The antennas operate on a direct line of sight basis, a bit like a search light beam, to other antennas on corresponding installations on the network. Without a link being achieved, the installation will not function.

Car Safety & Access

- A number of objectors stated that the mast and three accompanying cabinets could block existing sightlines for those checking for oncoming vehicles on the right as they attempt to exit the Albany Road to move onto the Ballycrochan Road, creating a threat to motorists and pedestrians.
- In addition, it was stated that there would be an Increase in vehicles to service the equipment.
- One objector stated that the works involved in the construction of this mast will cause traffic chaos on the busy Ballycrochan Road.

Response

- These matters have been addressed under ‘Road Safety’ above. DFI Roads were consulted and offered no objections to the proposal, thus the proposed mast and cabinets will not block any sightlines when exiting Albany Road.
- Any works during construction or servicing of the mast/cabinets would be temporary. This temporary disruption would not warrant a refusal.

Precedent

- A number of objectors stated that this application will set a precedent to allow further larger masts to destroy the look of residential areas. It was highlighted that other masts appear to be shorter, positioned in shopping areas (eg Ballyholme), camouflaged by greenery (Bloomfield and Dual Carriageway poles), or positioned beyond the edge of town with little or no impact on the vista to nearby residences (eg Groomsport Road Roundabout).

Response

- Each application for telecommunications equipment is assessed on a case-by-case basis. In this application the site has been well considered with other suitable sites reviewed and discounted.
- Several planning appeals for telecommunication equipment were reviewed, and each appeal considered the visual impact in balance with the need for improved connectivity & services. There were a number of appeals which were dismissed due to issues with road safety or pedestrian movement along with visual impact.

Impact on Biodiversity & Environment

- One objector stated that the mast is detrimental to local fox, badger and squirrel groups, along with bats and birds in the vicinity.

Response

- These matters have been addressed above under ‘Designated Sites and Natural Heritage’. No evidence has been submitted to suggest how the proposal would adversely affect the above species in this urban built-up area. The proposal does

not involve the removal of any existing trees or vegetation or other priority habitat which would support the above species. The NIEA biodiversity checklist has been considered and on this basis no surveys are required.

Other Points made

- **Neighbour Notification:** One neighbour asked if all residents received letters. One objector stated that planning regulations require all houses within 90m of the site to be notified and consulted on the application. From the plan submitted a number of houses on Albany Court, Albany Road and even Hawe Park are within 90m of this mast and yet they did not receive a letter notifying them of this planning application and asking for their views on it.

Planning legislation sets out that we must inform ‘any identified occupier on neighbouring land’. This is known as ‘neighbour notification’. ‘Neighbouring land’ is land which directly adjoins the application, or which would adjoin it but for an entry or road less than 20 metres in width. An ‘identified occupier’ is an occupier of premises within a 90-metre radius of the boundary of the proposed application site. If the boundary of a site abuts the red line of the application site but the property is outside of 90 metres, the neighbour will not receive a notification. I have checked the neighbours notified and I am content that the appropriate neighbours have been notified in accordance with the statutory legislative requirement.

- **Carbon footprint:** One objector stated that each 5G mast requires approximately 3 x more power than a 4G mast (as much as 73 typical). It was further highlighted that local authorities are expected to safeguard the quality of the local environment and some have a statutory duty to help conserve biodiversity and species protection as part of the planning process. The issue of carbon footprint and the power usage of masts is not a material planning consideration which is included under the relevant telecommunications policies in the SPPS and PPS10. While it is acknowledged that sustainable development is one of the core principles of the SPPS, it is not considered that the proposal is of such a scale that would compromise this overarching principle.
- A number of neighbours stated that this proposal would devalue the properties within the area. This is not a material planning consideration.
- Reference to Area of Townscape Character – not relevant to this application.

6. Recommendation

Grant Planning Permission

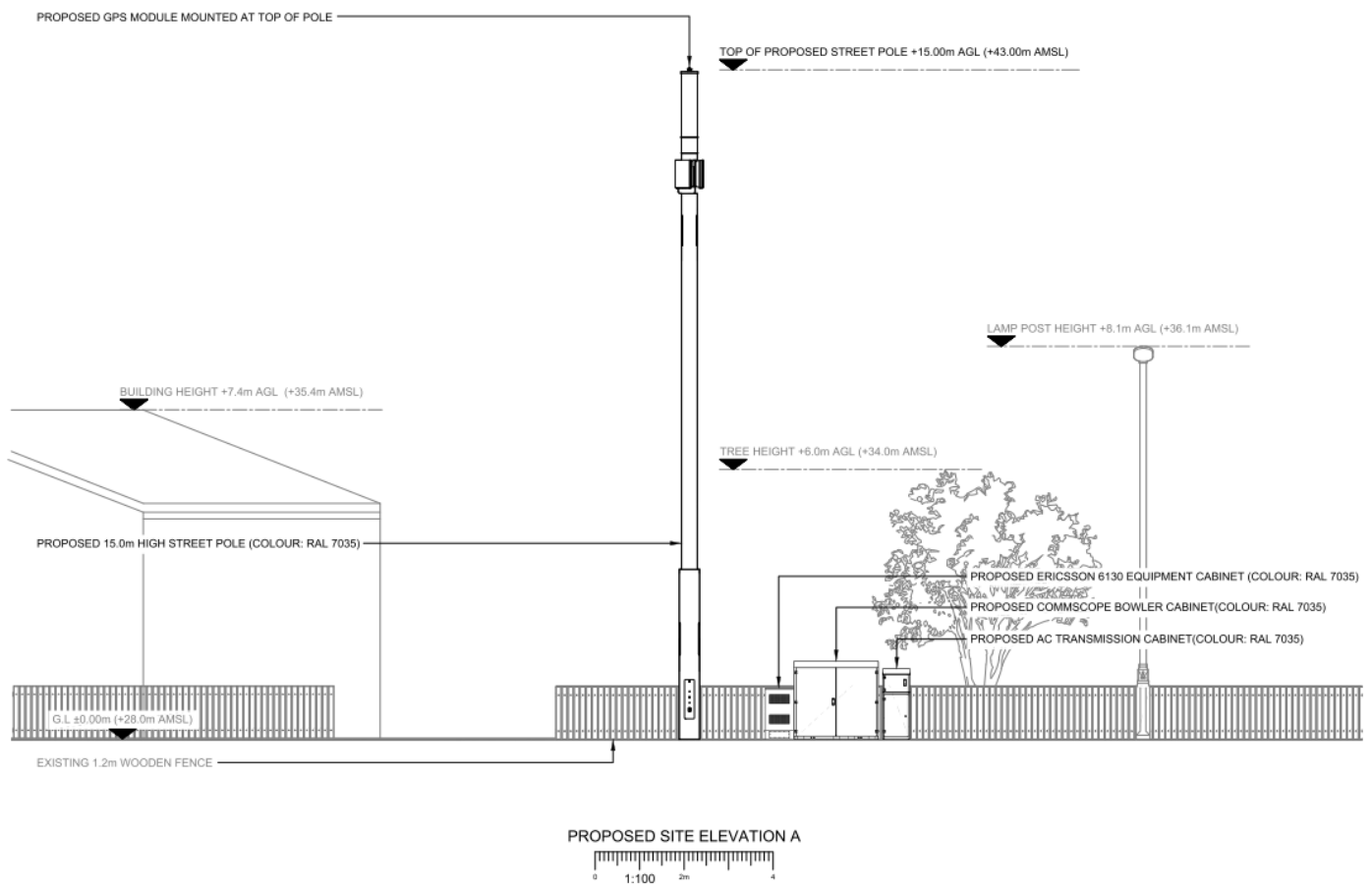
7. Conditions & Informatives

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

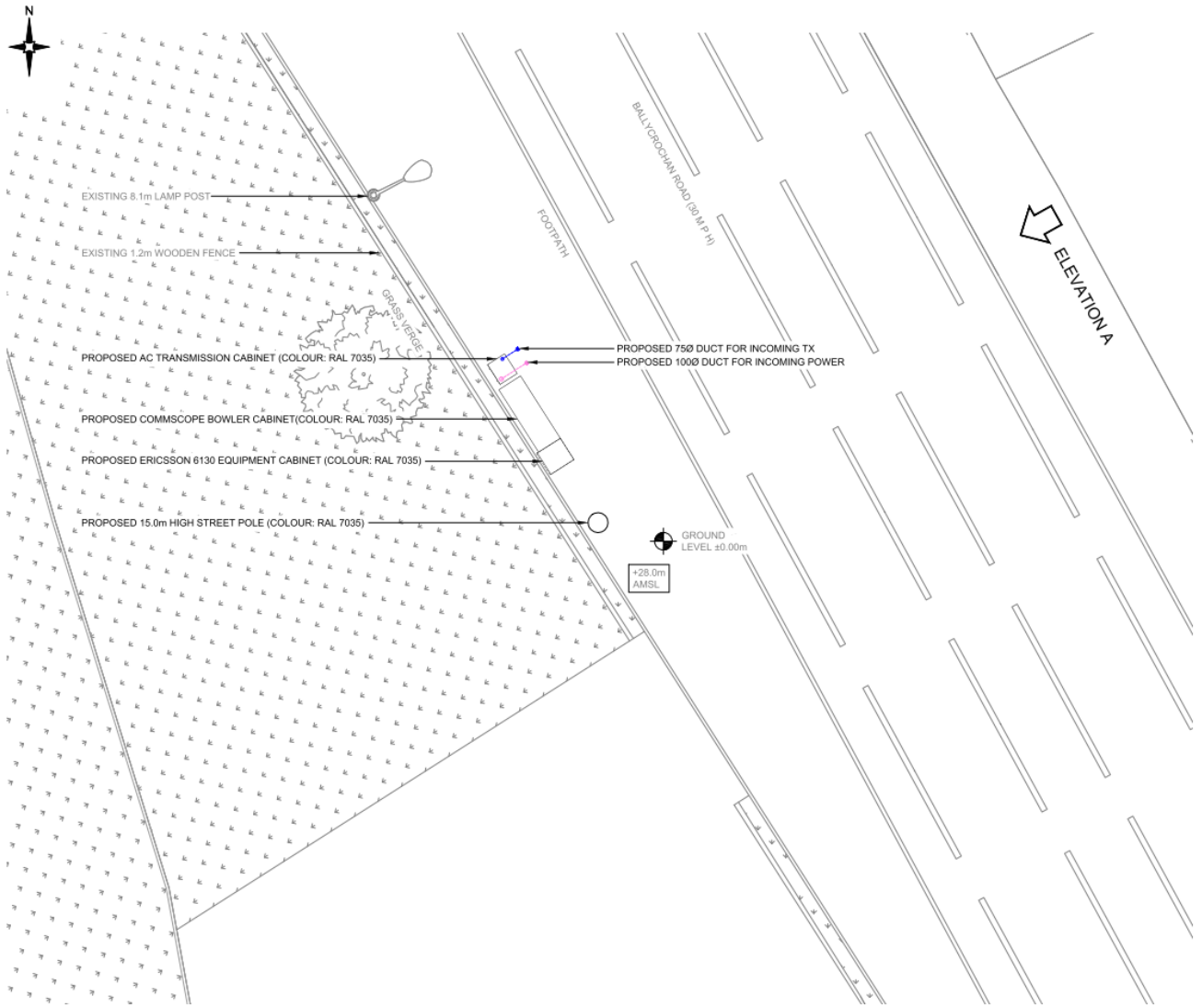
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. In the event of any structure or equipment on the site ceasing to be used for telecommunications purposes, it shall be removed from the site within six months of the date on which the use ceased.

Reason: In the interests of residential amenity.



DRG 02: Proposed Site Elevations



DRG 03: Proposed Site Plan

Appendix Two: Site Inspection Photographs

View of site from opposite side of Ballycrochan Road



View of site when travelling along Ballycrochan Road



Junction of Albany Road & Ballycrochan Road



Other Street Equipment along Albany Road



Other Street Equipment along Ballycrochan Road



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	06 August 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 July 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/A0192 PAC decision

Appeal Decisions

- The following appeal was dismissed on 17 June 2024.

PAC Ref	2022/A0192
Council Ref	LA06/2022/0346/O
Appellant	Mr Richard Topping
Subject of Appeal	Refusal of outline planning permission for an infill site for 2 No. dwellings with domestic garages.
Location	Lands between 32 and 34 Castle Espie Road, Comber.

The application above was called into the Planning Committee meeting of December 2022. The Council refused the above application on 7 December 2022 for the following reasons:

Not Applicable

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- I. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 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 represents a visual break and would, if permitted, result in the creation of ribbon development along the Castle Espie Road
- III. 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 fails to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and other planning and environmental requirements along this section of Castle Espie Road.
- IV. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed buildings will be a prominent feature in the landscape;
 - the proposed buildings will fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not integrate into this area of the countryside.
 - the ancillary works will not integrate with their surroundings.
- V. The proposal is contrary to Policy CTY14 of, Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted,
 - be unduly prominent in the landscape
 - result in a suburban style build-up of development when viewed with existing and approved buildings;
 - not respect the traditional pattern of settlement exhibited in that area;
 - Creates a ribbon of development
 - the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- VI. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2 Natural Heritage in that the scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect the local development pattern.

In terms of this appeal the application was assessed against Policy CTY 8 of PPS 21 'Ribbon Development'. This states that a building will be refused where it creates or adds to a ribbon of development however, a policy exception is the development of a

Not Applicable

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small gap site capable of accommodating a maximum of two dwellings within an otherwise substantial continuously built-up frontage.

Commissioner Taylor concluded in her report that there is a substantial and continuously built-up frontage consisting of No.32 and its garage, No.34 and its outbuilding and No.36 Castle Espie Road. The Council had considered the outbuilding to be temporary in nature and did not include it in its assessment. The Commissioner was not persuaded by this and found the outbuilding/shed to be a modest size, of permanent construction and has, for the purposes of the policy, a frontage to the laneway.

The second test was whether the gap was small enough to only accommodate a maximum of two dwellings. The Commissioner found the separation between buildings (despite the appellant's protestations that only the site should be considered – not from building to building) to be 100m. Both the appellant and the Council agreed that the average plot width along the substantial and continuously built-up frontage was 36.4m. The Commissioner concluded that the gap between buildings would therefore allow for more than two dwellings. As such the proposal failed to meet the requirement of the exception.

The PAC also found that the development would lead to the creation of a ribbon of development and would result in the loss of an important visual break. Furthermore, the development would involve the creation of an extended laneway access running to the rear of No's 30 and 30A which would be a feature out of keeping with character in the area and incongruous at this countryside location, and along with the appeal buildings would cause a suburban-style build-up of development and a detrimental change to the surrounding rural character failing to meet the requirements of Policy CTY 14.

In terms of NH6 of PPS 2, as the site is considered to be an important visual break, it would be as a whole unsympathetic to the surrounding AONB, would not respect the character of the land or the traditional pattern of development. As such Policy NH6 is not complied with.

The appellant put forward several different planning application sites as they were considered comparable with the appeal site. However, the PAC did not agree and they were not found to be relevant.

Finally, the appellant could not demonstrate why the appeal development is essential and could not be located in a settlement and failed to comply with the requirements of Policy CTY 1 of PPS 21.

The Commissioner's detailed report is found under Item 5A.

New Appeals Lodged

2. The following appeal was lodged against an Enforcement Notice on 16 July 2024.

PAC Ref	2024/E0021
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Not Applicable

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Council Ref	LA06/2022/0092/CA
Appellant	Marcus Green
Subject of Appeal	<p>Alleged unauthorised:</p> <ul style="list-style-type: none"> • Material change of use of land for use as a coffee shop and associated seating area; • Extension of an area of hardstanding; • Siting of two no. wooden buildings used in association with the coffee shop; • Intensification of domestic access approved under X/2005/0292/RM, being used in association with the unauthorised coffee shop use
Location	Land adjacent to 18 Kircubbin Road, Ballywalter

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.

PLANNING APPEALS COMMISSION**THE PLANNING ACT (NORTHERN IRELAND) 2011****SECTION 58**

**Appeal by Mr Richard Topping
against the refusal of outline planning permission for an infill site for 2 No. dwellings
with domestic garages
at lands between 32 and 34 Castle Espie Road, Comber, BT23 5SY**

Report

by

Commissioner Rachel Taylor

Planning Authority Reference: LA06/2022/0346/O

Procedure: Written representations

Commissioner's Site Visit: 21st May 2024

Report Date: 17th June 2024

1.0 BACKGROUND

- 1.1 Ards & North Down Borough Council received the application for Planning Permission on 5th April 2022.
- 1.2 By notice dated 7th December 2022 the Council refused permission giving the following reasons: -
1. **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 is essential in this rural location and could not be located within a settlement.**
 2. **The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy 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 represents a visual break and would, if permitted result in the creation of ribbon development along the Castle Espie Road.**
 3. **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 fails to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and other planning and environmental requirements along this section of Castle Espie Road.**
 4. **The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:**
 - **the proposed buildings would be a prominent feature in the landscape;**
 - **the proposed buildings would fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not integrate into this area of the countryside; and**
 - **the ancillary works will not integrate with their surroundings.**
 5. **The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would if permitted:**
 - **be unduly prominent in the landscape;**
 - **result in a suburban style build-up of development when viewed with existing and approved buildings;**
 - **not respect the traditional pattern of settlement exhibited in that area;**

- create a ribbon of development; and
 - the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
6. 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 is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and that of the particular locality and does not respect the traditional development pattern.
- 1.3 The Commission received the appeal on 15th February 2023 and advertised it in the local press on 6th April 2023.
- 1.4 Four representations were received from third parties during the processing of the planning application. The Council forwarded these to the Commission. A joint statement of case was also received from three of the four third parties at appeal stage.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site is located on lands between nos. 32 and 34 Castle Espie Road, Comber and is a rectangular shaped parcel of land which forms part of a larger agricultural field. A linear section of the appeal site extends along the rear boundary of the dwelling at no. 30a Castle Espie Road and extends to the location of an existing agricultural field gate along Castle Espie Road.
- 2.2 The site is set at the crest of a small drumlin and falls steeply from in a northern direction. The existing boundaries consist of a well-established tall conifer hedge to the west forming the boundary with no. 32 Castle Espie Road. The western boundary reduces to a hedge at the rear of 30a Castle Espie Road and then transitions to a post and wire fence beyond which the access boundaries are undefined. The northern boundaries are undefined and the southern boundary aligns with an existing laneway consisting of a post and wire fence and double field gate. The eastern boundary is defined partly by a hedge and then a mature tree line separating the site from no. 34 Castle Espie Road. There is a mature hedge along the Castle Espie Road to either side of an existing field gate, which is the proposed point of access.
- 2.3 There is an existing gravel laneway adjacent to no. 32 Castle Espie Road. The laneway serves three dwellings, nos. 34, 36 and 38a. The laneway rises from its entrance at Castle Espie Road to a crest towards the eastern portion of the site and then falls again towards the dwellings at nos. 34 and 36. No. 34 is a single storey dwelling which has two small outbuildings to its west; one a curved roof shed clad in corrugated sheeting and the other a breeze block mono pitched garage style building, set behind the first shed. No. 36 consists of a single storey detached dwelling adjacent to no. 34. No. 38a is a larger, one and a half storey, detached dwelling which sits at the end of the lane around a sharp bend to the east of no. 36.

- 2.4 No. 32 is a one and a half storey dwelling with detached garage sitting to the south and sharing a boundary with the lane. On the opposite side of the lane at the entrance is no. 38 which is a single storey cottage which also shares a boundary with the lane.
- 2.5 The surrounding land use is primarily agricultural with rolling drumlin topography and interspersed with single dwellings.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The Ards and Down Area Plan 2015 contains no specific policies relating to extensions to domestic curtilages and the erection of domestic outbuildings in the countryside [sic]. The relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21), which is a retained policy document as set out under paragraph 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS).
- 3.2 Policy CTY 1 of PPS 21 lists a range of types of development which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located in a settlement. There is no provision for an infill site for 2 no. dwellings with domestic garages within Policy CTY 1 and there have been no overriding reasons provided by the appellant as to why this development is essential. As the proposed development is unacceptable in principle, the Council deems the proposal to fail Policy CTY 1.
- 3.3 Policy CTY 8 relates to the issue of ribbon development in the countryside. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. The headnote of the policy states *“an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear”*. As the proposed development is not in accordance with the criteria set out in Policy CTY 8, the Council deems the proposal to fail Policy CTY 1.
- 3.4 The site is located on a narrow rural lane which branches off Castle Espie Road. Immediately adjacent to the vehicular access to the lane on the north side, there is a dwelling and garage at no. 32. The dwelling and garage front on to Castle Espie Road but as the lane runs alongside the southern boundary it can also be described as having a frontage to the lane. The southern and rear boundaries are defined by mature hedging. The appeal site lies beyond the rear boundary of no. 32 and consists of part of a larger agricultural field. The eastern boundary of the site is defined by a mature hedgerow which separates the appeal site from the dwelling at no. 34. The dwelling at no. 34 fronts on to the lane. Two small structures exist close to the western boundary of no. 34 which is the dividing boundary with the appeal site. They sit one behind the other so only the front structure fronts the lane.

However, the Council does not consider this structure to represent a building in the ordinary sense of the word due to its non-permanent nature and appearance. It has corrugated tin sides and roof.

- 3.5 No. 36 is to the east of no. 34 and while the building is orientated to face west, the gable wall of the building abuts the lane and therefore can be described as having a frontage to the lane. To the east of this is no. 38a, its access winds north and its curtilage does not share frontage with the lane and therefore cannot be counted as part of a continuously built-up frontage.
- 3.6 Along the lane there is no. 32 and its garage, the gap site under consideration, then no. 34 and in turn no. 36 which are three buildings which share a common frontage along the lane. Although there are three buildings along the road frontage, the Council does not consider these to represent a continuously built-up frontage due to the visual break that the site represents.
- 3.7 In accordance with Paragraph 5.34 of PPS 21, the justification and amplification to the policy, it is the gap between buildings rather than the application site that should be considered. In addition, the gap site must be sufficient only to accommodate up to a maximum of two dwellings. It must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.
- 3.8 It is clear the gap is not the width of the site but rather the distance between the buildings. The gap is considered to be between the dwelling at no. 32 as it shares frontage with the lane and the dwelling at no. 34. The corrugated tin structure is not counted, as previously discussed.
- 3.9 The gap is calculated to be approximately 112m measured from the south-east gable elevation of no. 32 Castle Espie Road to the western gable of no. 34 Castle Espie Road. The frontage width of the proposed site is approximately 74m, meaning that each of the 2 proposed infill plots would have a frontage width of approximately 37m. This theoretically means that up to 3 dwellings could be situated in the gap of 112m. The plot widths for the adjacent plots are 52.5m, 31m and 25.6m for nos. 32, 34 and 36 respectively. The average plot width is 36.4m. It is considered that the gap is not "small" in so far as it would be possible to accommodate more than two houses within the gap whilst maintaining and respecting the existing development pattern.
- 3.10 Furthermore, Building on Tradition (BOT) advises that 'when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots'.
- 3.11 Twice the length of the average plot width is 72.7m and the gap between the buildings is measured as 112m. As per the guidance set out in BOT, the site is unsuitable for infill with two new dwellings as it exceeds the 'twice the length of the average plot width'.
- 3.12 BOT and Policy CTY 8 require an assessment as to whether the gap represents a visual break and whether the loss of the visual break would result in a material change in the developed appearance of the local area.

- 3.13 The site consists of part of a larger agricultural field and is currently accessed via a laneway which branches off the Castle Espie Road. The site is elevated from the Castle Espie Road and is visible when travelling south along it. The site provides a visual break from the dwellings along the Castle Espie Road, nos. 30, 30a and 38, and those to the end of the lane, nos. 32, 34 & 38. The ribbon of development which the development will potentially create will be seen from both the Castle Espie Road and the laneway. When viewed from the Castle Espie Road, the site provides a natural visual break between the dwellings along Castle Espie Road and those at the end of the lane.
- 3.14 When viewed from the laneway the visual break in existing development can be seen which will be removed should this site be developed. This visual break currently has a positive contribution to the character of the area and Area of Outstanding Natural Beauty (AoNB).
- 3.15 The two properties either side of the site, nos. 32 & 34, are not visually linked due to the 112m separation gap and the surrounding mature field boundaries, which reinforces the fact that it cannot be described as a small gap. To develop the site would result in the loss of the visual break between no. 32 and no. 34 and would result in a loss of rural character and have a detrimental impact on the AoNB.
- 3.16 A proposal for infill development under CTY 8 should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
- 3.17 No. 32 is approximately 1,820sqm, is a square shape with a two-storey dwelling in a central location. The dwelling and garage face west on to Castle Espie Road and the garage sits forward from the building line of the dwelling. No. 32 is accessed to the front with gardens to the front, side and rear.
- 3.18 No. 34 is approximately 1,920sqm, is an irregular square shape with the dwelling fronting on to the lane and almost abutting the lane, with ancillary structures to the north and west of the dwelling. Its vehicle access is in the south-west corner of the plot.
- 3.19 No. 36 is approximately 975sqm and is a rectangular shape, with the dwelling sitting gable-on to the lane and fronting towards Castle Espie Road and abuts the lane. There are no detached ancillary buildings associated with this dwelling and it has gardens to the north.
- 3.20 The average plot size is calculated at 1572sqm, with a range between 975sqm and 1920sqm. The proposed sites are to be approximately 1,648sqm each. As the application is outline there are no details of the dwellings, however a conceptual drawing shows a broad outline for the dwellings and garages. It is likely that the proposed dwellings would front onto the lane. The proposed garages are to be sited to the north of the proposed dwellings. The proposed access consists of a new lane which will cut through two fields to the north of the appeal site from Castle Espie Road.
- 3.21 The Council disagrees with the mathematical calculation provided by the appellant within their Statement of Case (SOC). In order to calculate the average plot widths,

BOT advises that the average plot widths in the adjoining ribbon are used to assess whether proposed plots are suitable for infill in terms of the pattern of development. On this basis the proposed plot widths cannot be included in the average plot width calculation as they do not exist.

- 3.22 The Planning Appeals Commission (PAC) has previously assessed 'gaps' as being the distance between buildings. An example of this is appeal decision 2021/A0144 where it states: *'Whilst the frontage may be characterised by detached dwellings with garages set within sizeable plots, that is not in itself wholly representative of the pattern of development, which must also include consideration of the disposition of those buildings relative to one another and the plots within which they lie'*.
- 3.23 Another example of the assessment of 'gaps' taken by the PAC is set out in appeal decision Reference 2017/A0071 where it states: *'On the ground, there is an awareness of how extensive the gap between the existing buildings actually is. I note that unlike the appeal site, Nos 20B, 20A and 22 all decrease in width as you move away from the road and it is not therefore appropriate to concentrate only on the frontage widths along the roadside as the appellant has done. In these circumstances, I agree with the LPA that it is the gap between the buildings that offers a true representation of the infill width which is considerably greater than the frontage width'*.
- 3.24 The proposed plot sizes would be in keeping with the range of plot sizes within the immediate area, however, although the plot sizes are comparable, the visual break provided by the site ensures the character of the area is respected. The dwellings in this area are dispersed in pattern and the proposed development would join two separate groups of dwellings and form a large group and in doing so, also creating a ribbon of development, which would be detrimental to the character of the area.
- 3.25 Appeal Reference 2021/A0096 submitted by the appellant to support the argument that the ancillary buildings at no. 32 should be counted part of the built-up frontage is acknowledged. The shed in that case was a permanent, structurally sound modern purpose-built building of a much larger scale than the front structure at no. 34. The Council considers the structure at no. 34 Castle Espie Road to be in simple terms a tin shed, that is of a temporary nature that can be put up and quickly dismantled and on this basis is not comparable to the example building given at no. 83 Crossgar Road.
- 3.26 The proposal fundamentally fails Policy CTY 8 in that the site could accommodate more than two dwellings. The site will create a ribbon of development and the proposed dwellings would create a suburban style build-up of development when viewed with existing buildings.
- 3.27 The proposed dwellings are contrary to Policy CTY 13 of PPS 21 in that they will not visually integrate into the surrounding landscape and will be a prominent feature when viewed on approach travelling south along Castle Espie Road. The site is elevated and can be clearly viewed from Castle Espie Road when travelling in a southerly direction. The two proposed dwellings would be a prominent feature in the landscape as there would be a sustained view of them over approximately 800m along the Castle Espie Road travelling south. The proposed dwellings would not only extend the existing development pattern to create a ribbon of development but

would also break the existing line of the horizon when viewed from Castle Espie Road. The visual impact of the proposed two dwellings will therefore be detrimental to the rural character of the area, will create a suburban style build-up of development and create a ribbon of development. The proposal is therefore contrary to Policy CTY 13 of PPS 21.

- 3.28 The proposed dwellings, even with low ridge heights will not integrate with their surroundings and will be a prominent feature when viewed on approach travelling south along Castle Espie Road. The access will be taken from Castle Espie Road and will involve a new laneway extending through two fields to reach the appeal site. Gravel has been introduced in the field at the access point, presumably for agricultural purposes as there is no record of a planning application for this. The recently constructed gravel laneway does not match the route of the proposed laneway as presented in the site layout plan for the proposed dwellings.
- 3.29 The appeal site outlined in red indicates that the proposed dwellings will be accessed via the existing agricultural gate along Castle Espie Road. This proposed access is at odds with the existing pattern of development in the local area. The existing dwellings in the area are on small plots and accessed to the front of their properties. The proposal will, if granted permission, create a long access lane through two fields to reach the proposed dwellings. This will give access to the rear of the proposed dwellings (if they are to front onto the lane) and will not give direct access from the lane onto which they will share a frontage with. This is not in keeping with the character of the area and does not respect the existing pattern of development within the area. The existing dwellings nos. 34, 36 & 38 along the lane, which are accessed via the laneway, integrate into the countryside due to the low-lying land on which they are located, the mature vegetation around them and the access off the lane. The proposed lane will raise further awareness of the two proposed dwellings and will draw attention to them due to the lack of intervening vegetation. With the access to be an ancillary aspect of the development, not including the sight splays, the Council considers that it would damage rural character for the reasons stated above. The lane together with the proposed dwellings on the appeal site will be prominent, will fail to integrate with the surroundings and will rely on proposed planting which is contrary to Policy CTY 13.
- 3.30 It is deemed that the proposed landscaping will take considerable time to become established and provide screening for the proposed lane and dwellings and even then, it will fail to provide adequate screening due to the width and length of the lane. Furthermore, no amount of planting will mitigate against the intruding entrance point along the roadside.
- 3.31 It is therefore considered that the proposal does not comply with Policy CTY 13 in that the proposal will be a prominent feature in the landscape and the ancillary works will not integrate with their surroundings. Nor does it comply with Policy CTY 14 in that the proposal will be unduly prominent in the landscape, it will result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in the area, it will create a ribbon of development and the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

- 3.32 Policy NH 6 of PPS 2 states planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
 - c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.
- 3.33 This proposal is for two dwellings in the Strangford and Lecale AoNB and if granted permission, it will have a significant impact on the character of the area by eliminating a visual break between two separate groups of existing development. The appeal site is set within a “gap” which is not considered to be small enough to accommodate only two dwellings and development on this site would therefore create a ribbon of development and is contrary to Policy CTY 8. The design of the proposed dwellings has not been shown, however it is the Council’s view that if any development was to take place on this appeal site it would be a prominent feature in the landscape due to the topography of the area. There will be views of the proposed dwellings when travelling along Castle Espie Road and if approved, will be a prominent feature in the landscape. A design and access statement was submitted with this application and was considered during the assessment. The visual break provided by the appeal site ensures the character of the area is respected. The dwellings in this area are dispersed in pattern and the proposed development would join two separate groups and form a large group of dwellings, effectively creating a ribbon of development which would be out of character for this area within the AoNB.
- 3.34 In conclusion it is considered that the proposed development is not acceptable in principle and is contrary to planning policy.
- 3.35 With regards to examples given of other dwellings approved in the AoNB, each application is assessed on its own merits. Each application has its own context and reason for meeting the relevant policy criteria. In the assessment of the appeal proposal, the Council has afforded sufficient weight to all information submitted and following consideration of said information, contends that no exceptional circumstances exist to justify two additional dwellings and a new lane to serve the dwellings. The Council respectfully requests that the appeal is dismissed.
- 3.36 However, should the Commission determine that planning permission be granted, the Council would recommend that the conditions set out below are added to the decision:
- Time Limit;
 - Reserved Matters - details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping;
 - A scale plan and accurate site survey at 1:500 (minimum) showing the access to be in accordance with the attached form RS1;

- A plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels;
- The proposed dwellings shall have a ridge height of less than 6.5 metres above finished floor level;
- The depth of underbuilding for the dwellings between finished floor level and existing ground level shall not exceed 0.45 metres at any point;
- A detailed landscaping scheme shall be submitted and carried out as approved and completed during the first available planting season following the occupation of each dwelling; and
- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

4.0 THIRD PARTIES' CASE

- 4.1 The main objections we hold in relation to this application echo the six reasons for refusal outlined in the Council report dated 7th December 2022. Namely that the proposed development appears to be in direct contravention to CTY 1, CTY 8, CTY 13 and CTY 14 of PPS21 and The Ards and Down Area Plan 2015 (ADAP).
- 4.2 There is no reason why the proposed development is essential in this area, and it mirrors the size and style of housing already in existence in a myriad of other nearby locations (including but not limited to extensive new build development in Ashgrove, Comber; Enler Village, Comber; Lesley Meadows, Whiterock; Whitehem, Ardmillan, and the continued expansion of Millmount Village, Dundonald). This is contrary to CTY 1 of Planning Policy Statement 21, and The ADAP.
- 4.3 The proposed development does not meet criteria for a suitable infill site in accordance with CTY 8 on issues of frontage and lack of visual linking between proposed and existing buildings.
- 4.4 Within the individual letters the issue of the dwellings not fronting the lane was raised, as was the admissibility of no. 32 since it accessed off Castle Espie Road and not the lane. Comments were made regarding the gap being too large and that the site would be prominent, with ancillary works required, contrary to the pattern of development and detrimental to rural character.
- 4.5 Furthermore CTY 8 states “the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear”. We maintain the appeal site fails CTY 8 as the private laneway is not a road or thoroughfare; it is a rough stone laneway which runs perpendicular to the main Castle Espie Road. The proposed houses will not be accessed by this lane, but by new access winding behind current houses fronting onto the Castle Espie Road, cutting through two fields, creating a muddled area of buildings and access.

- 4.6 The proposed site will create development to the rear of the row of buildings at the bottom of the lane (30, 30a, 32, 38), and form a ribbon. The appellant stated that “our site is set back behind other dwellings” confirming that it is development to the rear. No. 34 and 36 are very old vernacular cottages on mature sites almost entirely hidden from view from all sides. They also share no visual similarity with no. 32 which is a 2-storey house around 15 years old. The two separate groups of houses are also not connected visually due to the 112m separation gap and clearly do not form substantial and built-up frontage.
- 4.7 The appellant argues that gap measurements can be taken from the ‘ancillary buildings’ at no. 34. As stated in the Council SOC, the small structures are of a temporary nature, constructed with corrugated iron. If temporary structures should be included in calculations for gap infill sites, this means that any landowner could erect a temporary structure on a boundary and exploit the planning process. We agree that these structures are to be discounted.
- 4.8 The appellant states that, in their interpretation, ‘the ‘gap’ does not relate to the distance between adjoining buildings but (...) refers to the width of the plots on which the buildings stand’. We agree with Council that paragraph 5.34 of PPS 21 states it is the gap between buildings rather than the proposed site that should be considered, and under this policy the site does not constitute a ‘small gap’. The appellant quotes from BOT, and we note that this appealed site is also contrary to other points raised in section 4 – Visual Integration. New buildings should work with the landscape avoiding prominent and elevated locations (4.2.1) and work with the contours (not against them) (pg 66). The appeal site is on an elevated hill location visible from the road, and as the appellant proposes to cut into the hillside, is working against the contours. Furthermore, pg 70 of this document states; 4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses [...] within an otherwise substantial and continuous built-up frontage. [...] the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.
- 4.9 No. 34 and no. 36 are too far from no. 32 to constitute a substantial and continuous built-up frontage. Due to their hidden nature they do not appear visually to be a continuous built-up frontage, as the lane onto which they front is not part of the road and not a thoroughfare, making true integration of the proposed sites extremely difficult. On pg 71 it clarifies unsuitable gaps for infill. In contrast:
- The proposed development is on a gap with frontage longer than the average plot width;
 - The gap is more than twice the length of the average plot width which according to the guidance makes it often unsuitable; and
 - It could be calculated that the average frontage of the proposed new plots equates to the average plot in the existing ribbon, however as the document clarifies, the gap site also cannot be considered appropriate as it has been judged by the ANDBC to offer an important visual break in the developed appearance of the local area. The visual amenity both from the laneway (not considered by the appellant) and from the road will be heavily impacted by the proposed buildings.

- 4.10 The purpose of gap infill sites is to allow for development in rural areas with minimal impact on the landscape. In an AoNB where there are so few visual breaks from housing, these gaps must be preserved. We believe PPS 21 serves to protect our landscape from overdevelopment.
- 4.11 4.5.0 and 4.5.1 of BOT define what is not a gap site. We agree with ANDBC's calculations on measuring the gap from building to building, disregarding the two non-permanent structures on the site of no. 34. The gap is unsuitable for infill and creates a natural visual break which has a positive contribution to the character of the area and AoNB.
- 4.12 CTY 8's purpose is to allow for development where there is a small gap in continuous frontage. Nos 32, 34 and 36 are clearly not a visually linked, continuous frontage. The proposed buildings would appear as new individual residences on the crest of the hill, rather than simply filling a small gap in substantial built up frontage on a road front.
- 4.13 The appellant argues CTY 8 is satisfied, and the site is a genuine 'infill opportunity', that the proposed development represents the exception, and that the other reasons for refusal are overridden. We believe ANDBC's interpretation of the policy and its application to this case is correct, therefore the other reasons for refusal still stand.
- 4.14 The appellant also has not addressed the reasons why this development is essential in the rural area and could not be located within a settlement. It is not in keeping with sustainable development and at a time when there are huge amounts of development in Comber, Whiterock, and Killinchy, there is no need for this proposed development.
- 4.15 The proposed development seems wholly contrary to CTY 13 and CTY 14 due to:
- a) prominence in the landscape (4 buildings – two dwellings and two garages on the crest of a hill), interrupting the sightlines across the drumlins;
 - b) suburban style build-up;
 - c) not respecting the traditional pattern of development in the area, and
 - d) creating or adding to a ribbon development.
- 4.16 We again highlight the exceptional and unique nature of the Strangford and Lecale AoNB and a protected wildfowl and wetlands reserve one mile from the proposed development. The recently awarded neighbouring Mourne, Gullion and Strangford UNESCO Global Geopark only serves to reinforce the current desire of residents to preserve and protect our unique geographical, environmental, and cultural landscape from pockets of non-essential housing development.
- 4.17 With regards LA06/2020/0372/RM - For the two comparisons within ANDBC, the appellant argues that because other developments have taken place within the AoNB, then theirs should, too. LA06/2020/0372/RM is a new dwelling on a farm, which satisfied CTY 1 of PPS 21, and not comparable. It is on a hillside beside other existing farm buildings and is not forming ribbon development.
- 4.18 LA06/2021/01440/0 - This Killinchy Road proposal met the PPS 21 criteria on the definition of a gap without relying on alternative interpretations of how to measure

the distance between buildings. The report stated “the gap site measured from the gable of each dwelling at 122 and 126”, rather than how the appellant proposes his site should be measured for the purposes of his appeal (site width rather than building to building). This case officer’s assessment stated that this site will have limited impact on rural character as it does not have long distance views (appeal site is deemed to have a sustained view observed approximately 800m along the Castle Espie Road).

- 4.19 LA06/2021/1446/0 - In the Straits site, the topography of the site is different (the land rises behind the site and the planning report states that the ‘site will not be visible over long views’). In addition, and crucially, the measurement of the gap site width on this application was also measured between the buildings. This appears to be the case on all comparisons cited by the appellant. The Straits site does meet CTY 8 appropriately through measurements and is not comparable to the proposed site. The appellant states the appeal site should be treated and dealt with in exactly the same way as this one. If so, then this appeal must be denied.
- 4.20 The appellant includes photographs of the approach to the appeal site. These are taken from an angle such that the site appears more favourable, particularly as roadside vegetation is overgrown at present. The photographs in Council’s SOC provides a more accurate representation of the view of the site and should be relied upon when considering the visual impact of proposed development.
- 4.21 The appellant has included several examples of other developments on elevated locations. To our knowledge these dwellings were not built under current policy and were replacement dwellings, and so are not comparable to entirely new sites.
- 4.22 We appreciate the Council’s careful consideration of our original letters of objection and believe the decision to refuse planning permission was the correct one. The policies for sustainable development in the countryside must be adhered to carefully to avoid unsustainable development, ribbon development, and the loss of our precious rural character.

5.0 APPELLANT’S CASE

- 5.1 Policy CTY8 of PPS 21 applies as the plots front onto the lane off Castle Espie Road, within a row of buildings on each side of the proposed site. Reference in refusal reason 2 relating to CTY 8 which states ‘result in the ribbon development along Castle Espie Road’ and reference in refusal reason 3 relating to CTY 8 which states ‘requirements along this section of Castle Espie Road’ are not entirely accurate in relation to the proposal which, for the purposes of CTY 8, fronts onto the lane and not onto the Castle Espie Road.
- 5.2 No. 32 Castle Espie Road lies to the west of the appeal site and Nos. 34 and 36 to the east, completing the row. All domestic plots run to the lane. Policy does not expect the front of the buildings to face onto lane but that the plot on which they stand must front onto the lane. The emphasis is the frontage of the plot not the front elevation of the building. No. 32 clearly shares a frontage onto the same lane as does Nos. 34 and 36. There are two buildings at no. 32, two at no. 34 and one at no. 36.

- 5.3 The Council contend that the gap is too wide and they discount ancillary buildings at no. 32 [sic]. The comparison of the plot frontage and the plot area are the most important statistics when assessing the suitability of the application. We have included a table of statistics and a plan showing the actual plot frontage widths and the plot areas. Given that the two proposed plot width measurements are within the range for width and plot area they do therefore match the pattern of development. The Council state that smaller ancillary buildings, such as the building to the east of the site, should be discounted in the assessment of those in the frontage. The inclusion of ancillary buildings is fully explained in the provided extract from Planning Appeal 2021/A0096 which did not discount an ancillary building based on its size or position relative to the dwelling. The policy does not state that the buildings should be prominent or that ancillary or subordinate buildings which form part of a residential unit or curtilage are to be discounted. When this correct approach is adopted, the building in question cannot be ignored.
- 5.4 Mathematical analysis has been included in the Case Officers Report (COR) to back up the CTY 8 reason for refusal. The measurement of distance between the buildings has been related to the site frontage. The 'gap' is referred to as the distance between neighbouring buildings. Dividing the distance between the neighbouring buildings by the average plot width does not produce a meaningful statistic. Mathematical statistics relating to the distance between the adjacent buildings cannot be compared with those of the site frontage; these are two completely separate mathematical comparators. The average distance between buildings on adjoining sites is almost always going to exceed the average of the site plot frontage because of the additional distance in the neighbouring side gardens from the site boundaries to the neighbouring buildings. Council state that "It is clear the gap is not the width of the site but rather the distance between the buildings". We strongly disagree.
- 5.5 Even if the distance between the buildings did form part of the overall analysis of the pattern of development, the centre-to-centre spacings of the buildings in the row and how the proposals fill the site are also important. In this case the 100m current distance between no. 32 and the building beside no. 34 will be obviously reduced when the new dwellings are constructed. The analysis of the distance between the buildings must also include the width of the existing side gardens between the neighbouring buildings and the common boundaries; all of which add to the suitability of the new sites. The current side/rear garden arrangement of the 3 existing dwellings in the row will be emulated by the two new proposed dwellings and the row will present as one continuous, evenly spaced row, in full respect of the pattern of development.
- 5.6 The policy states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or are visually linked. BOT states that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. In my interpretation the 'gap' does not relate to the distance between adjoining buildings, but the gap refers to the width of the plots on which the buildings stand. When the policy refers to 'buildings' it includes and assumes that the buildings are set on plots of land, generally with side gardens and those plots of land with buildings on them form the ribbon.

- 5.7 BOT states “A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon”. If this criterion is applied then the current application complies as the average frontage of the new plots is approximately 33.1m and the average plot width in the existing ribbon is approximately 36.4m or the new average is 92% of the existing ribbon. In case LA06/2021/0144/O, a similar situation arose and the case officer concluded the proposed sites were not larger than the average of the frontage plot widths. These plots would therefore be smaller than the average plot widths and depths, however, are still comparable to other plot sizes in the area. It was therefore considered that the proposed plots are in-keeping with the pattern of development of the area.
- 5.8 It is most important that consistency of decision making is achieved, and we feel if this approach is taken our case should be approved. This mathematical comparator is well within an acceptable tolerance and is within reasonable similar size and therefore matches the pattern. The average frontage of the new plot of approximately 33.1m lies neatly within the range of the other 3 existing frontages which are 52.5m, 31m and 25.6m and in this way it also equates and matches the existing frontages.
- 5.9 The main assessment of infill opportunities must be of these plot widths. The plots either side must have buildings on them, which they do. The plot widths of the proposed sites must be similar to the range of the existing plot widths in the row. The plot areas must also lie within the range of the other plot areas in the row. In this case they do, and the application complies with CTY 8.
- 5.10 The COR comments that the dwellings in this area are dispersed in pattern and the proposed development would join two separate groups and form a large group of dwellings which would be out of character for the area. We feel the COR does not capture the essence of CTY 8 which states that the infill of a small gap represents the ‘exception’ within the policy and the exception cases may be permitted.
- 5.11 Under Policy CTY 8, the visual break referred to above are in cases where the gap is too wide and would accommodate more than two dwellings. As this case reasonably accommodates two dwellings it passes the test and represents an ‘exception’. The drawings provided with this application clearly show that two dwellings fit in, the site could not accommodate more than 2 dwellings. The reference above to the linking of two separate groups of dwellings is presented by the case officer as a reason to refuse when policy explains that the infilling of the gap between the buildings represents the ‘exception’.
- 5.12 We feel this describes an excellent example of CTY 8 where the application meets all parts of CTY 8. There are a minimum of 3 buildings in a row, with a gap in between the buildings, all plots of land on which the buildings stand, and the proposed plots all front directly on to the lane and the gap is sufficient to accommodate 2 dwellings.
- 5.13 There are several cases that are similar to the subject case at Castle Espie Road, LA06/2022/0346/O. These examples were approved and if the same approach is applied to our site then it should have been approved too. It is imperative that policy is applied in an equal and fair way.

- 5.14 LA06/2021/0144/O - Two infill dwellings and new access on Lands between 122 and 126 Killinchy Road, Comber. This example is on the main protected route from Comber to Downpatrick, in the same AoNB. but is immediately beside an extremely busy 'A' road with much more traffic. The COR commented that the plots would therefore be smaller than the average plot widths and depths, however, are still comparable to other plot sizes in the area and were therefore considered that to be in-keeping with the pattern of development of the area.
- 5.15 Comparative measurements from the appeal site were transposed into a paragraph extract from the COR for LA06/2021/0144/O which shows that this, and the appeal site are remarkably similar and both represent good examples of infill opportunities; both merited approval.
- 5.16 LA07/2022/0799/F is remarkably similar to the appeal case. It is along a lane, the frontages are similar in size, variation and range, as are the plot sizes. Our plots sizes are all within range yet one of the sites in this case is outside the range. Despite this the application was approved backed up by the statement '*On balance it is considered the development of the application site and the 2 plots will not appear out of character of the pattern of development along this laneway*'. If this approach had been applied to our case it would have been approved.
- 5.17 LA06/2021/1446/O - Infill dwelling and garage on lands between 45a and 47 The Straits Lisbane, Comber. This application was approved last year, it lies in the same AoNB, quite close to the Castle Espie Road and both applications should therefore be treated and dealt with in exactly the same way.
- 5.18 Although this application is for one dwelling the approach taken by the case officer correctly determines that the pattern of development and the regular spacing of the plots mean this is an appropriate approval. The 'ratio' approach was not applied to this one by the case officer but simply that the gap site matches the pattern. The case officer's comments confirm that if the plot width is compatible and in keeping with those along the frontage then the site meets this part of the policy.
- 5.19 LA07/2022/1842/O - Dwelling and garage with associated siteworks 40m South East of 52 Killlyleagh Road, Saintfield. This application was approved just this week (end of July 2023). It's a two-house infill with almost 174m between the buildings with no questions asked or any issue found. The case officer comments that from aerial imagery, they are satisfied that the site does appear to be similar to surrounding sites in terms of plot and appears visually to be a gap site of proportionate scale given the surrounding plot sizes.
- 5.20 In respect to BOT, the Council have used the distance between buildings on adjacent sites to discount this infill application, LA06/2022/0346/O. They interpret bullet point 3 from this page in BOT as meaning they must compare the width between the adjacent buildings with the new plot frontages. I believe this is a misinterpretation of policy and mathematically they are comparing two unconnected figures. They say that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.
- 5.21 BOT advises infill development is not acceptable when it 1) extends the extremities of a ribbon; 2) where a gap frontage is longer than the average ribbon plot width; 3)

when a gap is more than twice the length of the average plot width; 4) where it creates a new site in the front garden of an existing property. It also advises that 5) a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.

- 5.22 I understand and agree with No 1. Bullet Point 2 is not referred to in the COR and not relevant to this case, nor is bullet point 4. Bullet Point 3 Direct Quote – *‘When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots’* I feel this statement mixes up the terms ‘gap’ and ‘plot width’ as two different entities, but I believe the gap and the plot width mean the same thing.
- 5.23 The distance between the adjoining buildings includes the width of their side gardens and the width of the gap site. Mathematically speaking comparing the distance between the ends of the adjacent buildings and the width of the new plots is almost always guaranteed to be more than two. This is especially the case when one or two of the existing plot widths are much wider than those generally in the area. The wider plot widths increase the average plot width and this in turn reduces the ratio. The gap frontage measurement and plot width mean the distance i.e. between the physical boundaries at each end of the existing or proposed plots. It is measured where they abut the road, lane, or footpath; their frontage; plot width is frontage.
- 5.24 Planners say the gap is measured from the gable of the buildings adjacent to the proposed site but the policy does not refer to or require this. It does not mean the distance between adjoining buildings in the ribbon of development.
- 5.25 I believe the policy point 3 should have been one of these two options below:
- “When a gap site frontage is more than twice the length of the average site frontage in the adjoining ribbon it is often unsuitable for infill with two new plots”; or
- “When a gap plot width is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots”
- 5.26 It must also be noted that the bullet point includes the word often and therefore is not an absolute term which always leads to a refusal in all cases. The analysis of these cases should not be determined on the outcome of mathematical criteria but on how the plots fit in the row.
- 5.27 If indeed the gap is interpreted as the distance between adjacent buildings, then a discounting factor must be applied, taking due account of the side gardens of all existing and proposed plots. Analysis such as this is unnecessary when determining an infill application. Incidentally the application at LA06/2021/0144/0 had a gap of more than twice (2.32) yet it was approved. The application at LA07/2022/0799/F had a gap of more than twice (3.73) yet it was approved.
- 5.28 Bullet Point 5 – “A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon” Although Criterion 5 is not referred to in the COR if it is applied to the appellant’s case then his site complies, the average of the new sites is 33.1m, the average frontage of all plots, new and existing, is 35m and the average plot width of the plots

in the existing ribbon is 36.4m. This 33.1m represents 92% of the existing plot average; very much close to the existing plot average. Our site complies. This point hinges the suitability of the sites on the comparison between the frontage of the new plot widths with the existing plot widths. This is in direct conflict with Bullet Point 3 which hinges the suitability of the sites on the comparison between the new plot widths and the existing distance between adjoining buildings (if the gap is taken as between the adjoining buildings, which I believe to be wrong).

- 5.29 By way of conclusion, analysis of the requirements of BOT against these two examples and a comparison of these against the subject sites concludes that the subject sites meet the policy requirements.
- 5.30 With regards CTY 13 and prominence, the proposed dwellings are in an existing row of buildings with existing dwellings on each side. The dwellings to the west of the proposal are clearly viewed from the Castle Espie Road and will assist in the integration and acceptability of the proposal which will cluster with the existing dwellings. The essence of CTY 8 is that a row of dwellings already exists each side of the proposal, and if the dimensions are suitable then the new dwellings complete the row. There must be development in the first place for the application to be considered therefore it cannot be expected that the new dwellings are completely hidden from public view or not read with other buildings. The proposed dwellings can be conditioned to have a low 5.6m ridge height and they will be sympathetically cut into the site from the lowest level of the footprint, this will naturally set the dwellings 1.5m into the slope and nestle the buildings to blend in and automatically provide a backdrop from the rising ground and vegetation behind. In this way the natural slopes, hedges and landform are of benefit to the integration of the site.
- 5.31 This is an outline application which naturally provides an opportunity to set conditions on the proposed dwellings. The existing natural species boundaries on all four sides of the development (including the existing hedge further to the north) are existing features assisting in the integration of the proposal. These, together with the strong backdrop provided by the rising land to the south and hedges to the rear would satisfactorily provide sufficient enclosure to aid the integration of the dwellings with a restricted ridge height and would not appear prominent. It is also an advantage that the hedges to the south do not have to be removed for access purposes, but will remain in place. Coupled with that, the lane way that runs along the south of the site has a double hedge which provides double and extra back-drop to the proposal. It is never the case that a proposal has to be invisible and there are many dwellings on the Castle Espie Road that are clearly within view but suitably acceptable.
- 5.32 Specific design will be in full in compliance with the BOT. Finishes and all design aspects of the dwellings will be designed to suit the rural setting in the AoNB. Existing boundaries will be retained, enhanced and new boundaries planted from indigenous species of hedging augmented with semi-mature trees from of species.
- 5.33 The existing acceptable level of integration would be further enhanced in time by the proposed hawthorn hedge at the north of the site to be interspersed with rowan and birch trees proposed along the boundaries. The existing hedge further to the north of the proposal will continue to grow and will further screen and integrate the development. Last Winter, 70 new trees were planted by the landowner, 30 around

the entrance and 40 in the field. These will establish quickly and further integrate the dwellings.

- 5.34 With regards the point that ancillary works do not integrate with their surroundings, the only ancillary works associated with this scheme would be the access. The required splays of 2.4m x 70m in each direction would have minimal affect as the existing verge can accommodate most of the splay and any hedge that does require removal will be reinstated with local species hedging. There is another hedge between the road and the new site so any adjustments to accommodate the splays will have no effect on the site itself. An existing access lane is present on site from the road to the site. The ancillary work will therefore have no ill effect on the integration of the sites. The cutting into the gentle slope will be accommodated using low slopes sown out in grass.
- 5.35 Travelling along the Castle Espie Road in a northerly direction there are no views of the sites. Even when passing the lane and travelling beyond no. 30. Travelling in a southerly direction the sites are partially screened by the existing vegetation and hedges and provide with a full height backdrop by the undulating drumlins. Once you travel as far as no. 30 the sites cannot be viewed at all. There are no views from the east. The only views are fleeting, distant, filtered, screened glimpses from the north.
- 5.36 If accepted as a genuine CTY 8 infill opportunity the refusal reference to CTY 14 criterion (d) is also complied with in terms of ribbon development.
- 5.37 The dwellings will integrate in the surroundings and not be unduly prominent in the landscape. A series of photos with commentary supports this position.
- 5.38 The dwellings will match the style and pattern of the existing dwellings in the area and will not result in a suburban style build-up of development when viewed with those existing and approved buildings and will respect the traditional pattern of settlement exhibited in that area.
- 5.39 The final point in CTY 14 relates to the impact of ancillary works (the policy gives exception to works required for necessary visibility splays). The only ancillary works are those associated with the visibility splays, and these are minimal, with reinstated hedging. These will not damage rural character and therefore the application cannot fall foul of this criterion.
- 5.40 We feel the application will not have a detrimental effect on the rural character.
- 5.41 The site is located in the Strangford and Lecale (AoNB). It is considered that sensitively designed dwellings on this site will be of an appropriate design, size and scale for the locality. The height of the dwelling and boundaries of the site will be conditioned to ensure the special character of the AoNB is maintained and due to the site's location along a laneway, between existing dwellings it will have no adverse impact on the visual amenity of the area. The proposal is therefore considered to be in compliance with Policy NH 6 of PPS 2 in relation to the AoNB and all relevant guidance.
- 5.42 With regards criteria b) of Policy NH 6 the proposal does not adversely affect any features of importance and it respects the landform and retains natural boundaries.

- 5.43 Criteria c) requires the proposal to respect local architectural styles and patterns. There are varying types and styles of dwellings in the area. This is an outline application and will be conditioned to meet the rural design guidelines. The pattern of development in the area are roadside plots, groups of dwellings and dwellings accessed by laneways; the proposals match these architectural patterns. It also requires traditional boundary details, by retaining features such as hedges, walls, trees and gates. All existing natural boundaries are to be respected and retained. Also local materials, design and colour should be used and the design of the proposal will be conditioned to have grey/black flat roof tiles or natural slates, windows designed with a vertical emphasis and painted or grey rendering. All finishes to be to the satisfaction of the Council.
- 5.44 The example of application LA06/2020/0372/RM was deemed acceptable within the Strangford and Lecale AoNB. Under Policy NH 6 the case officer commented that they were satisfied that the design is appropriate for the special character of the AoNB and will not be adversely affected by the proposed dwelling.
- 5.45 Photographs were submitted for comparison purposes and comments are made that the approved siting for LA06/2020/0372/RM is much more prominent than the appeal proposal and along a heavier trafficked road.
- 5.46 A second example of an application which was acceptable within the Strangford and Lecale AoNB is LA06/2021/0144/RM. Under Policy NH 6 the case officer made comment that the location of the site in association with the existing buildings should not result in any detrimental harm to the environmental quality of the AoNB or the locality and given the existing boundary treatments there will be limited long distance public views of the site therefore the proposal will have limited impact upon the rural character of the AoNB.
- 5.47 The appeal development will nestle in and integrate much better than this proposal. As these dwellings are in a prominent location, in view of the A22 road with over 8500 vehicles per day and are found acceptable in the AoNB, then the proposed dwellings with limited views on the unclassified, minor, single carriageway road should be satisfactory too. Again, the appeal development should also be approved on the same basis.
- 5.48 A further example is LA06/2021/1446/O for an infill dwelling and garage on lands between 45a and 47 The Straits Lisbane, Comber. This application was approved last year, it lies in the same AoNB, quite close to the Castle Espie Road and both applications should therefore be treated and dealt with in exactly the same way.
- 5.49 The site is covered in trees and vegetation and an undetermined amount will be removed. The report goes on to say that the application is considered to be in compliance with NH 6. In a similar way we believe that the subject outline application should be approved.
- 5.50 Diagrams were submitted showing the extent of the AoNB and the location of the three referenced examples. These were all approved in the AoNB and if the current proposal had received an equal assessment as these, it too would have been approved.

6.0 **CONSIDERATION**

- 6.1 The main issues in this appeal are whether the proposal would:
- be acceptable in principle in the countryside;
 - result in ribbon development;
 - be a prominent feature in the landscape; and
 - have an adverse impact on rural character and the AoNB.
- 6.2 Section 45(1) of the Act requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the Local Development Plan (LDP), the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.3 The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site is within the countryside and outside of any settlement limit. The appeal site is also within an Area of Mineral Constraint, the Greenbelt and Strangford and Lecale Area of Outstanding Natural Beauty (AoNB). The LDP directs that the final Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) will take precedence over the plan with regards to single houses in the countryside. Therefore, the rural policies of the LDP are outdated and no determining weight can be given to them.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as the local Council adopts a Plan Strategy (PS). No PS has been adopted for this area. The SPPS sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. The retained policy of relevance to this appeal is PPS 21 and Planning Policy Statement 2 'Natural Heritage' (PPS 2). As no conflict arises between the policy provisions of the SPPS and retained policy in so far as it relates to the appeal proposal, the latter provides the relevant policy context. Additional guidance is provided in Building on Tradition: A Sustainable Design Guide for The Northern Ireland Countryside (BOT).
- 6.5 Policy CTY 1 of PPS 21 states that there are a range of types of development that are considered in principle to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a small gap site sufficient only to accommodate up to two houses within an otherwise substantial and continuously built-up frontage, in accordance with Policy CTY 8 of PPS 21. It follows that if Policy CTY 8 is met, then Policy CTY 1 is also satisfied.
- 6.6 Policy CTY 8 of PPS 21 is entitled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues that "an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements". For

the purpose of this policy, the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. CTY8 describes a road frontage as including a footpath or private lane and it is therefore appropriate to consider the laneway which runs from 32 to 38a Castle Espie Road as the road frontage in the context of the appeal.

- 6.7 The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY 8 is to determine whether there is a substantial and continuously built-up frontage along the laneway. The third parties contested the inclusion of no. 32 and its garage as having frontage on to the laneway as it fronts on the main Castle Espie Road. A building has a frontage to a road, footpath or lane if the plot on which it stands abuts or shares a boundary with that road, footpath or lane. For the purpose of establishing if a building has a frontage, it does not matter whether the building faces towards the road, footpath or lane, or whether it takes vehicular or pedestrian access from it. I agree with the Council and the appellant that the property comprising the dwelling and garage at no. 32 abut the laneway and therefore have frontage to it.
- 6.8 The Council express the view that the shed in the curtilage of no. 34 does not 'represent a building in the ordinary sense of the word due to its non-permanent nature and appearance'. They refer to it as a structure and that it can be put up quickly and dismantled. The Council did not substantiate their position beyond reference to its corrugated roof and sides in terms of how it is fixed to the ground.
- 6.9 The shed sits fully on the western side of the access point to the dwelling at no. 34 and is not located to the rear. The shed sits alongside the main dwelling. The policy makes no reference to the size of the buildings, their relationship with the main building, and does not discount ancillary or subordinate buildings. From my observations on site the shed is set on a concrete base and is single storey with a curved roof. The vertical support members which provide the framework for the walls are also load bearing in respect of the roof. There was hay present within the shed and a timber gate at the front. The shed appears to have housed animals. Its overall condition was one of a weatherproof building which has been there for a substantial amount of time. I do not find the Council's explanation for exclusion of the shed persuasive. From my assessment, despite its modest size, it is of permanent construction and has, for the purposes of the policy, a frontage to the laneway.
- 6.10 There is a substantial and continuously built-up frontage consisting of no. 32 and its garage, no. 34 and its outbuilding and no. 36.
- 6.11 The second part of the policy test is whether there is a small gap site sufficient only to accommodate up to a maximum of two houses. The appellant strongly disagrees with the gap being measured as the distance between the buildings and not the width of the site, however the justification & amplification of PPS 21 Policy CTY 8 refers to gaps between houses or other buildings.
- 6.12 To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than one or two houses but, must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.

- 6.13 There is agreement between the appellant and Council as to the plot widths exhibited which are given to be 52.5m, 31m, and 25.6m respectively for Nos. 32, 34 and 36 giving an average plot width of 36.4m. As I have found the shed to be admissible, I take the measurement of the gap between buildings to be approximately 100m as stated in the appellant's SOC.
- 6.14 There are, however, differing figures given from each party of the plot widths for the proposed appeal sites. The Council states it to be a total of 74m which would equate to two plots at 37m each, whilst the appellant considers the frontage total to be 66.2m with plot widths of 34.4m and 31.8m respectively.
- 6.15 Regardless of which figures are taken for the proposed plot width, the proposed plots are of a similar size to the other plots at this location and would be within an acceptable tolerance. This does not override the policy requirement that the gap should be small. In this case the gap is such that it could fit more than two dwellings. As the gap as a whole could accommodate more than two dwellings, it does not qualify as small and consequently the proposal fails to meet the requirements of the exception.
- 6.16 The Council have not commented regarding the size, scale and siting of the dwellings, despite an indicative layout showing suggested locations of dwellings and garages. Nevertheless, given my conclusions above, I find that the existing development pattern along the frontage would not be respected by virtue of the gap being not 'small' and sufficient to fit more than two dwellings.
- 6.17 Currently the two properties either side of the proposal are not visually linked due to separation distance, topography and mature field boundaries. The appeal site provides relief between the two nodes of development to either side of it. Development on the appeal site would lead to the creation of a ribbon between the properties and as such would result in the loss of an important visual break. It would involve the creation of an extended laneway running to the rear of the properties at 30 and 30a which would be a feature out of keeping with the character of properties in the area. This would have a detrimental impact on rural character. The appellant's analysis, including the indicative site plan, arguments relating to BOT and other material submitted would not persuade me otherwise.
- 6.18 The appeal development, irrespective of siting or design, will result in the creation of ribbon development along the laneway when viewed with existing buildings at nos. 32, 34 and 36 Castle Espie Road. This would also result in a suburban-style build-up of development. The appeal buildings would therefore result in a detrimental change to the rural character of the area. The proposed development would not comply with the requirements of Policies CTY 8 and CTY 14 in this regard.
- 6.19 I consider matters of size, scale and siting are matters that could be reserved in the event of permission being granted, however, the other environmental requirements insofar as they relate to prominence and rural character are considered below.
- 6.20 In respect to application LA07/2022/0799/F, this was an approval in another Council area close to no. 218 Moyad Road. Other than being located up a lane way and with a reference to the measurements which existed in that specific case, I have not been

provided with the full evidential basis for this approval, exactly where it relates to and how it is directly comparable to the appeal site.

- 6.21 Regarding application LA07/2022/1842/O, it related to a dwelling and garage 40m south of 52 Killyleagh Road. The red line drawing shows one half of a double infill site within a gap stated by the appellant to measure 173.8m. The officers in this case were satisfied that the site was similar to surrounding sites in terms of plot and that it appears visually to be a gap site of proportionate scale given the surrounding plot sizes. The plot width was stated to be within the range of adjacent surrounding plots. This is not comparable to the appeal site which is considered it to be an important visual break and the gap is not small with other character and integration issues relevant.
- 6.22 Given my conclusions above the appeal development does not comply with Policy CTY 8. The Council's second and third refusal reasons are sustained, as are the related third party objections.
- 6.23 Policy CTY 13 – Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. In addition, Policy CTY 14 – Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.
- 6.24 The appellant relies on the buildings along the main Castle Espie Road to aid integration and states the proposal will cluster with the existing dwellings. He contends that a low 5.6m ridge height, along with 1.5m of cut into the landform will help the buildings nestle in and provide a backdrop from the rising ground and vegetation behind.
- 6.25 Whilst the appellant pointed to the appeal site being well enclosed by mature vegetation, the hedge to the south is at the opposite side of the lane from the site, and is not indicated as being within the appellant's ownership. There is no hedge on the southern boundary of the site, but rather a post and wire fence and field gates. There is also no existing planting along the northern boundary which will bi-sect the field and carve out a twinned laneway to both properties, whilst also traversing the rising landform towards the site itself. The proposed planting at this northern boundary would also be of limited value as the rising land and siting of dwellings would be at a higher level.
- 6.26 From my observations there are sustained, transient views of the site on approach from the north from which the appeal development would be visible on the skyline. The site is located at the highest part of the crest of a small hill and at the highest part of the lane. Despite the proposed cutting into the landform, planting along the laneway and a ridge height of 5.6m, the proposed dwellings would still break the skyline from this critical view. Planting along the southern boundary along the laneway would not mitigate this visual impact given it would be set to the rear of the proposed dwellings from this view. Again, the existing vegetation, as well as the proposed planting, would be of little assistance in screening the appeal development due to the rising topography. The proposed dwellings will therefore be a prominent feature in the landscape and fail to blend with the landform, existing trees, buildings,

- slopes and other natural features which provide a backdrop. They would not integrate into the landscape and be visually prominent. The Council's and third-party objections with regards to Policies CTY 13 and CTY 14 in this regard are sustained.
- 6.27 The Council raised concerns regarding the impact of ancillary works and the proposal not respecting the traditional pattern of development, causing issues with integration and detrimental impact on the rural character and the AoNB. The Council consider that the proposed access through a field is at odds with the settlement pattern of other dwellings along the lane, which have their accesses directly onto it.
- 6.28 Whilst there will be the removal of some roadside hedgerow for the provision of visibility splays, Policy CTY 14 excludes consideration of this in terms of impact on rural character. Whilst not quantified within the SOC, the splays of 2.4 x 70m in both directions are stated to be capable of being accommodated largely within the verge. From my assessment there would be minimal loss of roadside vegetation and replanting to the rear is capable of being conditioned.
- 6.29 Whilst the Council drew my attention to the existing partial lane from Castle Espie Road into the field not matching the route of the proposed laneway, it is the proposed route which is before me. The proposed access lane would cut through an existing field which would ultimately then branch off into two accesses, one for each dwelling. With the rise in topography and limited existing vegetation, the creation of this configuration of access routes will not integrate sympathetically into the countryside, nor would they follow natural boundaries.
- 6.30 The proposed access will also be to the rear of the dwellings and not the front which is more typical of the area. It is noted on the indicative cross section that the proposed dwellings may front out towards the proposed access and back on to the laneway, but that would not mitigate for the adverse visual impact of the proposed means of access to the appeal development. However, given the contrived nature of the required works, the fact that the proposed new access lacks integration and does not follow existing field boundaries, I agree that the proposed configuration in the round would be at odds with the pattern of settlement exhibited in the area.
- 6.31 In relation to Policy NH 6 of PPS 2, given my conclusions above regarding impact on character and integration and the appeal site being an important visual break, the proposal as a whole is unsympathetic to the character of the AoNB and would not respect the character of the landscape or the traditional pattern of development for the reasons specified.
- 6.32 With regard to application LA06/2020/0372/RM – adjacent to 102 Killinchy Road, it related to development at an elevated position within the AoNB where the appellant comments that the road is more heavily trafficked. This was a reserved matters application where the principle of development had already been established. Whilst the relevant outline application has not been provided, it would appear from the location plan that it was not a dwelling assessed under Policy CTY 8 It has not been demonstrated how this is comparable to the appeal site.
- 6.33 In respect to application LA06/2021/0144/O – between 112 and 126 Killinchy Road, the appellant comments that the sites are prominent and along a road which is more heavily trafficked. A commentary has been provided which substitutes the appeal

site's mathematical calculations into the case officer's assessment extract for LA06/2021/0144/O, where the appellant makes the point if the same logic was applied the appeal site would be approved. Whilst I acknowledge from the extract submitted that parallels regarding interpretation could be argued, I have not been furnished with all the facts pertaining to that case to fully assess if it sits on all fours with the appeal site. From my observations on site and having viewed the listed sites within the AoNB which were highlighted by the appellant, the site specifics relating to this case are not on par with the proposal before me. Whilst the sites are roadside, they are flat and not prominent or on rising ground. They front and access onto the road therefore I would not envisage that this single case is comparable with the appeal site based on the evidential context before me.

- 6.34 Application LA06/2021/1446/O – between 45 and 47 The Straights, Lisbane was an outline application approved for an infill dwelling and garage in the AoNB. Other than clipped extracts from case officers' reports which discuss the comparable plot widths, it has not been demonstrated from the detail submitted how this is comparable to the appeal site.
- 6.35 The appellant cites planning application decisions in support of this appeal and challenges the consistency of decision making by the Council but did not provide these examples in full. There is insufficient evidence given on the stated examples to draw direct comparisons with the appeal development. In any event, it is rare that direct comparisons can be made between proposals, given that the site-specific circumstances of each case are different.
- 6.36 The Council's concerns regarding ancillary works, pattern of development and impact on character and AoNB within refusal reasons 4, 5 and 6 are therefore sustained, as are the related third party concerns.
- 6.37 For the reasons given above, the development fails to satisfy Policy CTY8 of PPS21. No overriding reasons have been presented to demonstrate why the appeal development is essential and could not be located in a settlement. The appeal proposal is therefore contrary to CTY1 of PPS21. The first reason for refusal and related concerns of the third parties have been sustained.

7.0 RECOMMENDATION

7.1 I recommend to the Commission that the appeal be dismissed.

7.2 This recommendation relates to the following drawings: -

Drawing No.	Title	Scale	Council Date stamped
01	Site Location Plan	1:2500	05 April 2022
02	Site Plan Section through Dwelling	1:500 1:100	28 September 2022

List of Documents

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

Rebuttal Statement - Ards & North Down Borough Council

Appellant: - Statement of Case – David Burgess

Third Parties: - Statement of Case and Rebuttal statement by residents of 36,
38 and 38a Castle Espie Road: -

Mrs Donly and Mr Barry

Mr and Mrs Neild

Dr Frazer and Dr Boyd

Unclassified

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	06 August 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	18 July 2024
File Reference	160051
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Investment related matters DFI and NI Water funding (further to report Item 6 April 2024)
Attachments	Item 6a Letter to DFI Minister - 10.6.24 Item 6b Response from DFI Minister - 26.6.24

Background

Members shall be aware of the report brought to April's Planning Committee (Item 6, April 2024) which set out issues related to infrastructure investment and the impacts of withdrawal of funding to Living with Water programme, on our Borough as a whole in terms of enabling investment, impact on our economy and tourism industry and meeting environmental regulations. The report highlighted the impact such withdrawal of funding will have on our Borough as a whole in terms of enabling investment, impact on our economy and tourism industry and meeting environmental regulations.

It was agreed that the Chief Executive would write to the Minister for Infrastructure highlighting the impact such withdrawal of funding will have on our Borough as a whole in terms of enabling investment, impact on our economy and tourism industry and meeting environmental regulations.

Not Applicable

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A letter issued to the Department for Infrastructure Minister (attached at Item 6a) and a subsequent response was received (attached at Item 6b).

RECOMMENDATION

It is recommended that the Council notes the content of this report, and the attached correspondence.

Our Ref: COR 2024 098



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10 June 2024

Mr John O'Dowd
Minister for Infrastructure

Sent via Email Only: john.odowd@mla.niassembly.gov.uk

Dear Minister O'Dowd,

Ref: Northern Ireland Water (NI Water - NIW) and DFI as sponsoring body.

I am writing to you as Minister of the sponsoring body and shareholder of NIW to request that you address the ongoing lack of necessary, secure and sustainable funding that NI Water continues to operate within.

The Council is cognisant of fiscal constraints that all administrations are working under; however, this is an ongoing matter of under investment that continually results in sewage network and capacity issues. Whilst I appreciate that you may refer to the status of individual treatment works as an operational matter for NI Water, the overall lack of funding support to NIW to undertake the necessary capital infrastructure improvements required to realise the ambitions of Council, particularly in relation the capital investment required to ensure the Borough is able to attract jobs and visitors, is a constraint for realising potential, with long term detrimental impact.

Councils are also preparing Local Development Plans with each council having significant growth aspirations across service areas. Without the requisite infrastructure these cannot be realised and in fact there are implications for the extant plans (proposals and landuse zonings set out in Department's plans – previously Department of Environment) given the constraints with the current sewerage system. The Council's Planning Service also makes it clear that there should be early engagement on development proposals with NI Water.

It is not disputed that NI Water has received significant funding allocations in the Price Control periods; however, the funding falls short of maintaining a level of fit for purpose infrastructure and delivery for growth. Without necessary funding it is unclear how programmes such as the DFI's own Living with Water Programme will be delivered successfully.

This Council has raised the lack of secure and adequate funding with the previous Secretary of State (Rt, Hon Julian Smith MP), and also your Department's former Permanent Secretary (Katrina Godfrey).

Our Ref: COR 2024 098

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This letter is to entreat you to act to facilitate adequate levels of funding for NI Water at the earliest opportunity.

I understand that you have expressed a wish to work with Executive Colleagues in relation to ensuring appropriate investment in NI Water is secured. I should be grateful if you can appraise the Council of how that work is progressing.

I look forward to your considered response.

Yours sincerely

A handwritten signature in black ink that reads "Susie McCullough".

Susie McCullough
Chief Executive

Department for
Infrastructure

An Roinn

Bonneagair

Department für

Infrastructurewww.infrastructure-ni.gov.uk

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From the office of the Minister for Infrastructure
JOHN O'DOWD MLA

Susie McCullough
Chief Executive
Ards and North Down Borough Council
City Hall, The Castle
Bangor, BT20 4BT

Private Office, 3rd Floor,
James House, Gasworks Site,
2 - 4 Cromac Street,
Belfast, BT7 2JA
Telephone: (028) 9054 0540
Email: Private.office@infrastructure-ni.gov.uk

Susie.McCullough@ardsandnorthdown.gov.uk

Your reference: COR 2024 098
Our reference: COR-1425-2024
26 June 2024

Susie, a chara,

NORTHERN IRELAND WATER (NI WATER - NIW) AND DFI AS SPONSORING BODY

Thank you for your letter of 10 June 2024. I can advise that I have provided NI Water with an indicative budget for 2024/25 amounting to some £500m of public money. This is currently subject to a full Equality Impact Assessment (EQIA) consultation, and I plan to confirm these opening budget allocations after an initial four-week period.

The indicative budget allocation to NI Water represents just under 40% of the total non-ring-fenced budget for Infrastructure, and this demonstrates the extent of my commitment to prioritising investment in water and sewerage services within the budget which has been allocated to my Department.

I will continue to work with Executive colleagues to secure the funding package that our people deserve. However, despite the budgetary pressures due to over a decade of underfunding by the British Government, I believe that much can still be achieved in relation to achieving the Council's ambitions and I would encourage you to continue to work jointly with NI Water, to seek innovative solutions to the challenges you face and to maximise the opportunities available.

Is mise le meas,

JOHN O'DOWD MLA
Minister for Infrastructure