

ARDS AND NORTH DOWN BOROUGH COUNCIL

25 July 2023

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Council which will be held in the Council Chamber, 2 Church Street, Newtownards on **Tuesday 01 August 2023**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive

A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee 22 June 2023
4. Planning Applications

4.1	LA06/2022/1296/RM	Domestic garage and domestic building 19 Seaview Terrace, Holywood ITEM WITHDRAWN
4.2	LA06/2021/0885/F	Proposed Greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposals include new 1.5m wide advisory cycle lanes, new 3m and 4m wide Greenway paths, pedestrian/cycle railing, fencing, lighting, planting and associate site, access and other ancillary works From the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road, Bangor, between Breezemount Grove and Greenways Industrial Estate
4.3	LA06/2021/1475/F	Dwelling

		Side garden of 2 Talbot Drive, Bangor
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5. Update on Planning Appeals (report attached)

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

6. Local Development Plan – Towards a Draft Plan Strategy (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2021/0885/F
Proposal	Proposed Greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposals include new 1.5m wide advisory cycle lanes, new 3m and 4m wide Greenway paths, pedestrian/cycle railing, fencing, lighting, planting and associate site, access and other ancillary works.
Location	From the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road, Bangor, between Breezemount Grove and Greenways Industrial Estate DEA: Bangor Central
Committee Interest	Council Application
Validated	16/08/2021
Summary	<ul style="list-style-type: none">• This proposal represents Councils Phase 2 of Greenway connecting Newtownards and Bangor• Phase 1 - LA06/2020/0940/F - Belvedere Road, Newtownards to the Somme Heritage Centre, Bangor Road, Newtownards - Permission granted 01.09.2022• These applications mark an ambitious programme of Greenway development throughout 11 Council areas• All consultees content subject to conditions• 4 letters of objection, 4 letters of support – fully considered in Case Officer Report• Complies with relevant planning policy including – PPS 8 with regard to Open Space• No flooding issues
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report

Reference:	LA06/2021/0885/F	DEA: Bangor Central	
Proposal:	Proposed Greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposals include new 1.5m wide advisory cycle lanes, new 3m and 4m wide Greenway paths, pedestrian/cycle railing, fencing, lighting, planting and associated site access and other ancillary works		
Location:	From the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road, Bangor, between Breezemount Grove and Greenways Industrial Estate		
Applicant:	Ards and North Down Borough Council		
Date valid:	16.08.2021	EIA Screening Required:	Yes
Date last advertised:	18.05.2023	Date last neighbour notified:	09/05/2023
Letters of Support: 4 from 4 separate addresses	Letters of Objection: 4 from 4 separate addresses	Non-committal: 1	
Consultations – synopsis of responses:			
DFI Roads	No objections.		
DFI Rivers	No objections.		
DAERA Water Management Unit	No objections.		
DAERA Natural Environment Division	No objections.		
Shared Environmental Services	No objections.		
Environmental Health	No objections subject to a condition.		
NI Water	No objections.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Impact on nature conservation • Impact on residential amenity • Road safety 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Public Register (planningsystemni.gov.uk)			

1. Site and Surrounding Area

The scheme is the second phase of the overall greenway connecting Newtownards and Bangor. Phase 1 of the Greenway from Belvedere Road, Newtownards, to the Somme Heritage Centre was granted permission on 01.09.2022.

The following report will be based on Phase 2 of the greenway which begins at Bangor Road to the south of 237 Bangor Road and heads north along Bangor Road past the Ark Open Farm. The proposed greenway then continues off-road in a north-easterly direction for approximately 350m following a former railway line, crossing Drumhirk Way on a northerly stretch for approximately 1.5km through the open countryside. The proposed greenway then diverts off the former railway line and follows the field boundary towards the open space between the industrial park (known as Greenways Industrial Estate) and Breezemount housing estate (Breezemount Park and Breezemount Grove) before terminating at Green Road, Bangor.

2. Site Location Plan



Figure 1 Site location plan

3. Relevant Planning History

Due to the extensive reach of the site, there is a significant amount of planning history in and around the site, however the majority of it is not material to this application, with the exception of one application for Phase 1 of the greenway, details as follows:

LA06/2020/0940/F - Belvedere Road, Newtownards to the Somme Heritage Centre, Bangor Road, Newtownards

Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works. (reduced route for greenway, drainage details, access amendments).
Permission granted on 1.09.2022.

4. Planning Assessment

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

- Ards and North Down Area Plan 2015
- North Down & Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance: None applicable.

Principle of Development

Compliance with the development plan

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

The first part of the proposed greenway route along Bangor Road and the former railway line is located within the countryside of the Ards and Down Area Plan 2015. The disused railway bed is shown in the Ards and Down Area Plan 2015 as a Disused Rail Track Bed. It then passes through countryside and through an area designated as a Rural Landscape Wedge (ND 07 Clandeboye) included in Draft BMAP 2015.

It then continues into the settlement limit for Bangor on lands used as open space between Greenways Industrial Estate and Breezemount Park and Breezemount Grove. The proposed greenway passes through land zoned for Employment and Industry (BR 06 Land at Newtownards Road) and an Area of Existing Recreation and Open Space (OS/BA/0022 Breezemount Park) and an Area of Constraint on Mineral Developments (ND 08/02) all within Draft BMAP.

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

In the North Down and Ards Area Plan 1984-1995 (NDAAP), the route of the proposed greenway passes through the countryside which is shown to be Greenbelt with no other designations shown (greenbelt superseded by PPS 21).

Due to the nature of the proposed development, it is considered that it will not have any adverse impact upon the designations outlined above.

Until the Council adopts its new Local Development Plan then, planning applications will continue to be assessed against the provisions of the Department of the Environment's Developments Plans and Planning Policy Statements (PPSs) which contains the main operational planning policies for the consideration of development proposals. Within the SPPS it states that 'a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted'. During the transitional period planning authorities will apply existing policy together with the SPPS. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policy this should not be judged to lessen the weight afforded to the retained policy.

No policy conflict exists between the SPPS and Planning Policy Statements relevant to the subject proposal, namely PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS4 Planning and Economic Development, PPS 6: Planning, Archaeology and the Built Heritage, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 15: Planning and Flood Risk and PPS 21: Development in the Countryside.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS document sets out the guiding principle 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. Within paragraphs 6.199 – 6.213, it is acknowledged that open space, sport and outdoor recreation has an important societal role to play, supporting many cultural, economic, health and environmental benefits. Ease of access to open space and contact with nature for everyone is recognised within the Regional Development Strategy 2035 alongside a commitment to safeguard and enhance existing outdoor recreational space within the countryside in keeping with the principles of environmental conservation and the protection of biodiversity. In direct response to this, the planning system has a contributing role to play in securing high quality and sustainable development schemes which do not damage the environmental features and qualities which are of acknowledged public importance and local amenity.

The area is predominately open countryside. The proposed greenway consists of a 3 or 4m wide pathway which includes a 1.5m wide cycle lane and would therefore have total width of approximately 4m in places.

The proposed route of the greenway traverses areas of agricultural land, rough ground and existing pathways and access lanes etc. with a variety of differing surfaces. Construction methodology for the path have been provided on Drawing 20. The drawings entitled General Arrangement show the details of the proposed greenway including widths, sectional drawings and materials. The initial section along Bangor Road will be a 1.5m wide advisory asphalt cycle lane with a green high friction surface. This will then widen to a 3m wide asphalt lane along the front of the car parking area associated with the Ark Open Farm.

It then veers off from the road and follows along the southern boundary of the existing lane to the dwelling at 298 Bangor Road – see Figure 2 below.



Figure 2 part of the site outlined in red showing the route veer off the public road and follow the existing lane to 298 Bangor Road.



Figure 3 Photograph showing the existing entrance and boundary treatment for 298 Bangor Road.

Drawing 03C shows the details of the proposed materials, widths and fencing – see Figure 4 below for a cross section which is indicative of this part of the route. The southern boundary of the existing laneway and also the southern boundary of the curtilage to the dwelling at 298 Bangor Road is lined by mature planting. The proposed path will be 4m wide with a 1m wide grass verge, bounded by a 1.2m high chain link fence, then a 1.5m wide verge of mixed planting, bounded by a 2.4m high security fence to the outer southern edge of the greenway.

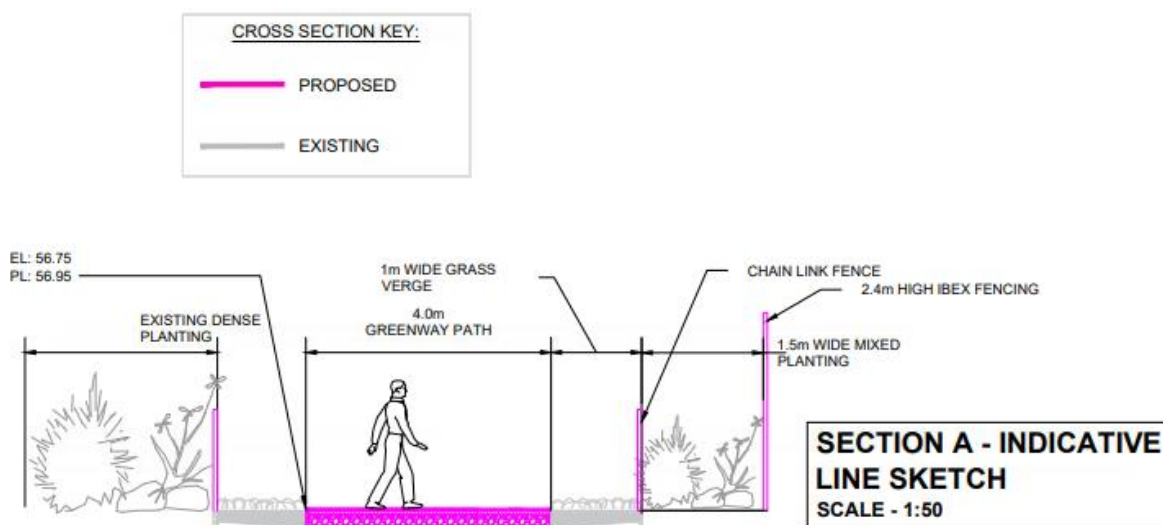


Figure 4 Cross section of the proposed greenway as shown on Drawing 03C

Just past the property at 298 Bangor Road, the proposed route then passes underneath an existing stone bridge – see Figure 5 taken from Drawing 03C. The drawing states

that any vegetation impacting the structure will be removed. NED requested that artificial lighting was not permitted so this was removed from the scheme.



Figure 5 Photograph of the existing stone bridge that the proposed path will pass underneath.

The proposed path will then reduce down to a 3m wide path with security fencing on both sides of the path. It will cross the existing laneway known as Drumhirk Way and have 1.1m high pedestrian railings at the crossing point to slow the greenway traffic in both directions.

The next section of the route will still continue as a 3m wide path but with only one side of the path bounded by the 2.4m high security fencing and the other side with the 1.2m high chain link fencing. The final section of the route that passes between the industrial estate and the housing estate in Breezemount and ending at Green Road is undefined and open on both sides with no fencing proposed.

The point at which the proposed path meets Green Road will have bollards and 1.1m high pedestrian railings parallel with the road to act as a safety stopping point.

NED has considered the details of the proposed greenway and is content. It is considered the proposed greenway has been designed to provide a high quality and sustainable facility which will not damage the environmental features and quality of the local area. On this basis, the proposed greenway is in line with the SPPS.

In terms of any unacceptable impact caused to residential amenity of adjacent dwellings, it is considered that there will be none. The proposed greenway will go along the edge of Bangor Road on the north-western side. This road has a number of dwellings accessing onto this road and it is considered that the proposed greenway will not result in any unacceptable impacts to the residential amenity of these dwellings as the proposed greenway will effectively become part of the public roadway. The proposed route will pass adjacent to the access lane and the southern boundary of the dwelling at 298 Bangor Road and given the mature boundaries providing good screening it is not considered this property will not be subjected to any unacceptable loss of privacy or disturbance as a direct result of the proposed greenway. As such it is considered that the proposal is consistent with the SPPS.

Road safety

An environment made accessible to everyone is an integral part of the planning system and under the provisions of Policy AMP1 of PPS 3 – Creating an Accessible Environment, developers are encouraged to take account of the specific needs of people with disabilities and mobility issues. Where appropriate, the external layout of a

development should incorporate a variety of measures which facilitates pedestrian movement between land uses, encourage the avoidance of unnecessary physical obstructions and facilitate ease of access to dedicated car parking and public transport links. This proposal gives pedestrian priority to facilitate pedestrian movement between land uses. It will provide walking and family friendly cycling which will suit the ability of a wide range of user groups, including people with disabilities and mobility issues. It is considered that the scheme is compliant with the requirements of Policy AMP 1.

Policy AMP 2 of PPS 3 - Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The proposal will run along Bangor Road from 237 Bangor Road and then veer off at the existing laneway to 298 Bangor Road. The proposed greenway will then travel through the countryside and access onto Green Road. DfI Roads has been consulted and offered no objections to the proposal and on this basis, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and is in line with Policy AMP 2 of PPS 3. Neither this section of Bangor Road nor Green Road are protected routes and therefore Policy AMP 3 of PPS 3 is not applicable in this case.

Policy AMP 5 of PPS 3 - Disused Transport Routes states that planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in a development plan for transport or recreational purpose. The proposed greenway is re-using part of a former railway line which is shown in the Ards and Down Area Plan 2015 as a Disused Rail Track Bed. The proposed greenway will be used for leisure, recreation and tourism as a new pedestrian route and cycle network and on this basis the proposed greenway is in line with this policy.

Designated Sites and Natural Heritage

The following information has been submitted as part of the application: an Outline Construction and Environmental Management Plan (CEMP); Technical Notes; a biodiversity checklist; Badger Survey Report and Outline Badger Mitigation Plan; Smooth Newt Survey Report; Preliminary Ecological Appraisal Report (PEA); Technical Note (Additional Information to Drainage Assessment); and AECOM letter response to NIEA 06.03.23 submitted by email 17/04/2023.

The proposed route of the greenway is hydrologically connected to Belfast Lough, which has several associated European protected sites, namely Outer Ards SPA, Outer Ards Ramsar, East Coast (Northern Ireland) Marine pSPA, and Belfast Lough SPA. Due to the connection of the proposed greenway to these sites, there is potential for the proposed greenway to have likely significant effects on these sites. Therefore, an HRA Stage 1 Screening was necessary to examine this potential. The Shared Environmental Service (SES) while not being responsible for the Habitats Regulations Assessment (HRA) undertaken for this project on behalf of the Council has no reason to disagree with its findings. SES considers that the Council in agreeing the HRA will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of

the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is considered that, due to the nature of the development and the distance to the designated sites, there will be no likely significant impact on the designated sites.

NED has highlighted that no works should occur on site until appropriate wildlife licence/licences have been obtained from NIEA to prevent an offence from being committed under the Wildlife Order. Badgers and their places of refuge are protected at all times under the terms of the Wildlife (Northern Ireland) Order 1985 (as amended), which includes inactive setts.

The site supports multiple badger setts. Any works proposed within 25m of these locations may only be carried out under licence. The proposed works will require temporary closure of several badger setts. This should be arranged in a phased plan with interval periods to allow animals to relocate to re-opened shelters/refuges as these become available again. A detailed plan showing this phased approach will be required to support a licence application. NED has recommended the following condition is included on any permission granted:

‘No works shall take place until a NIEA protected species licence has been obtained and evidence of this has been provided to the Council in writing.

Reason: to minimise disturbance to Protected / NI Priority species wildlife on site’.

Otters are a European protected species under the Habitats Regulations and must be considered in the development of this site. NED has stated that the site also supports an otter holt. This is located toward the northern end of the proposed greenway route and is likely to be impacted by works in this area. This otter holt must be protected by a 30m buffering distance from all proposed works. If this cannot be achieved a licence will be required to temporarily close the holt.

NED has noted that some low lying sections of the path may need to be built up, and that the use of precast concrete slabs has been proposed to reduce disturbance around badger setts. A Construction Environmental Management Plan (CEMP) should be submitted to provide detail and show how works are to be carried out so as to minimise disturbance. NED has recommended the following condition is attached to any permission granted:

‘A Construction Environmental Management Plan shall be submitted to and approved in writing by the Council prior to works commencing.

Reason: to reduce pollution risk to the watercourse and downstream designated sites during construction’.

NED has noted that the site compound, parking or storage areas may need to be located at several locations along the line of the proposal as works progress. Provided these elements are kept outside of any buffer areas, NED is content.

AECOM Letter response to NIEA 06.03.23 states that “Lighting has now been removed from the proposed development.” A Lighting Plan is therefore not required and therefore bats will not be significantly impacted upon. NED is content in this regard.

NED has noted that the site contains suitable habitat for breeding birds and considers that site vegetation clearance works should not be undertaken during the bird breeding season (which extends from 1st March to 31st August) unless an appropriate survey

has been carried out by a suitably experienced ecologist which confirms the absence of active nests. The relevant condition should be included on any permission granted:

‘No vegetation clearance/arboricultural works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird’s nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.’

Smooth newts are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). A Smooth Newt Survey was submitted and following consideration NED did not raise any concerns.

It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Open Space Policy

As part of the site is zoned as existing amenity open space and recreation, Policy OS 1 of PPS 8 applies. It states that development will not be permitted that would result in the loss of existing open space or land zoned for the provision of open space. As the proposal is for an open space use in the form of a greenway, the proposal complies with this policy.

Planning and Economic Development

Due to the nature of the proposal and minimal site width there will be no significant impact on land zoned for industry and the proposal will not result in loss of land zoned for industry.

Flood risk

Policy FLD1 Development in Fluvial and Coastal Flood Plains in PPS 15 Planning and Flood Risk (revised), is applicable as the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain, hence DfI Rivers would have no specific reason to object to the proposed development from a flood risk perspective.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure in PPS15 is not applicable based on the information provided.

Policy FLD3 - Development and Surface Water is applicable.

DfI Rivers has reviewed the Drainage Assessment, dated 28th June 2021, and associated additional information by AECOM, dated 7th October 2022 and comments as follows:

Bullet point 2 of the additional information states the following: ‘Along Bangor Road there is no increase in hardstanding and the part will discharge in existing gullies on Bangor Road. The remainder of the route will runoff into the grass verge and infiltrate into the ground causing no additional runoff to any watercourses’. DfI Rivers, while not

being responsible for the preparation of the assessment, accepts its logic and has no reason to disagree with its conclusions.

Policy FLD4 - Artificial Modification of watercourses – Bullet point 3 of the additional information states the following: ‘Following further investigation, we can confirm that there are no watercourses including open ditches that the route is proposed to cross and therefore no further information is required, and a schedule 6 application is not required’. Therefore FLD 4 is not applicable to this site based on information provided.

Policy FLD5 - Development in Proximity to Reservoirs - Dfl Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Conlig Upper Reservoir Impoundments. Dfl Rivers is in possession of information confirming that Conlig Upper Reservoirs have ‘Responsible Reservoir Manager Status’. Consequently, Dfl Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

5. Representations

4 objections and 4 letters of support have been received to date.

I have read the correspondence in full and the main points are as follows:

Objections

a) Concerns regarding security around properties.

While concern has been expressed and noted regarding security of properties, the overall benefit of the Greenway as a valuable asset for the Borough must be given weight and no evidence has been put forward to suggest there would be any potential anti- social behaviour as a result of the development of the Greenway.

b) Parking on Bangor Road already inadequate due to the Ark Open Farm. The proposed greenway will only exacerbate the parking problem and lead to more trespassing on private property.

There is a car park included in the planning permission for Phase 1 of the greenway. This approved car park is located at the end of Bangor Road at the junction of where it meets the dual carriageway. No requests were made by Dfl Roads regarding restrictions to on-street parking or traffic calming measures.

c) The greenway should be on the north bound side of the carriageway.

There is no valid reason to refuse the proposed greenway as presented.

d) Concerns regarding the narrowing of an already narrow road which experiences a high volume of traffic.

Dfl Roads has considered the proposed changes and has not raised any concerns regarding road safety or parking.

e) The proposed route appears to have changed in the amended plans and are now not following the existing boundary line.

The proposed route has not changed and it appeared incorrect on the smaller section of the drawing 03B, however the large scaled detailed drawing of the proposed route on the same drawing 03B clearly shows the proposed route following the existing boundary hedge.

- f) *The owners of 296A Bangor Road were not consulted as part of the proposed plans and as such has not been allowed to be involved in discussions.*
A neighbour notification letter was sent to 296A Bangor Road on 26.08.2021 and 09.05.2023. The application was advertised in the local press on 09.09.2021 and 18.05.2023.

Support

- a) *Good plan to take cyclists off the road between Newtownards and Bangor. Vehicle users and cyclists will both benefit.*
- b) *Any additional facilities such as public toilets.*
No additional facilities such as public toilets are included in this application.
- c) *Is there adequate lighting for security along all the proposed route for the greenway.*
There is no lighting proposed in this application.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

- 2) No development activity, including ground preparation or vegetation clearance, shall take place until a NIEA Protected Species Licence has been obtained and evidence of this has been provided to the Council.

Reason: to minimise disturbance to Protected / NI Priority species wildlife on site.

- 3) No development activity, including ground preparation or vegetation clearance, shall take place until a full Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Council.

Reason: To reduce pollution risk to the watercourse and downstream designated sites during construction (NIEA NED request), and to ensure effective avoidance and

mitigation measures have been planned for the protection of the water environment (NIEA Water Management request).

- 4) No development activity, including ground preparation or vegetation clearance, shall take place until a full Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council with noise/vibration and air quality mitigation / control measures specifically agreed with the Environmental Health Department.

Reason: To ensure nearby residents are not adversely affected by noise and /or dust impacts.

- 5) No vegetation clearance/arboricultural works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

- 6) A landscape management plan for the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, in addition to a plan showing all landscaping details, shall be submitted to and approved by the Council in writing prior to the use of any part of the development hereby permitted. The landscape management plan and landscape details shall be carried out as approved in perpetuity.

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

Informative

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

Photos



Photo 1 The beginning of the proposed greenway on Bangor Road



Photo 2 Bangor Road with existing car park for Ark Open Farm on the RHS



Photo 3 Looking back towards Bangor Road adjacent to dual carriageway



Photo 4 entrance to 298 Bangor Road



Photo 5 Proposed greenway to run along between the industrial estate, community centre and the area of open space and play park



Photo 6 The proposed greenway will terminate at this point on Green Road adjacent to Green Road Community Centre

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2021/1475/F
Proposal	Dwelling
Location	Side garden of 2 Talbot Drive, Bangor DEA: Bangor West
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	21/12/2021
Summary	<ul style="list-style-type: none">• Site located within the settlement limit of Bangor - policy presumption in favour of development.• The principle of development is further established by the planning history for the site whereby permission was previously granted for 4 dwellings (W/2005/0268/F). This permission has expired but remains a material planning consideration.• The original proposal was for two dwellings on the site, but this was amended to one dwelling during the processing of this application.• A total of 21 letters of objection have been received. 18 letters were received following advertisement and neighbour notification of the original proposal. Following submission of the amended plans only three objections were received.• All material planning considerations have been fully considered in the Case Officer Report.
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2021/1475/F	DEA: Bangor West	
Proposal:	Dwelling		
Location:	Side garden of 2 Talbot Drive Bangor (access from Coolraven Park)		
Applicant:	Gavin Barnes		
Date valid:	21.12.2021	EIA Screening Required:	No
Date last advertised:	26.01.2023	Date last neighbour notified:	23.02.2023
Letters of Support: 0	Letters of Objection: 22 from 10 separate addresses	Petitions: 0	
Consultations – synopsis of responses:			
DfI Roads	No objection subject to conditions		
NI Water	Following completion of a WWIA NIW recommends approval.		
NIEA Water Management Unit	Refers to standing advice		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design and impact on character and appearance of the area • Impact on residential amenity • Access and parking 			
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 site is located in the side garden of No. 2 Talbot Drive, Bangor. The site is a grassed garden area which is relatively flat. At the time of site visit trees had been removed along the northern boundary opening the site onto Coolraven Park. There are dense coniferous trees along the western boundary of the site and the eastern boundary is open onto the rest of the garden area of No. 2 Talbot Drive.



View of the site from Coolraven Park

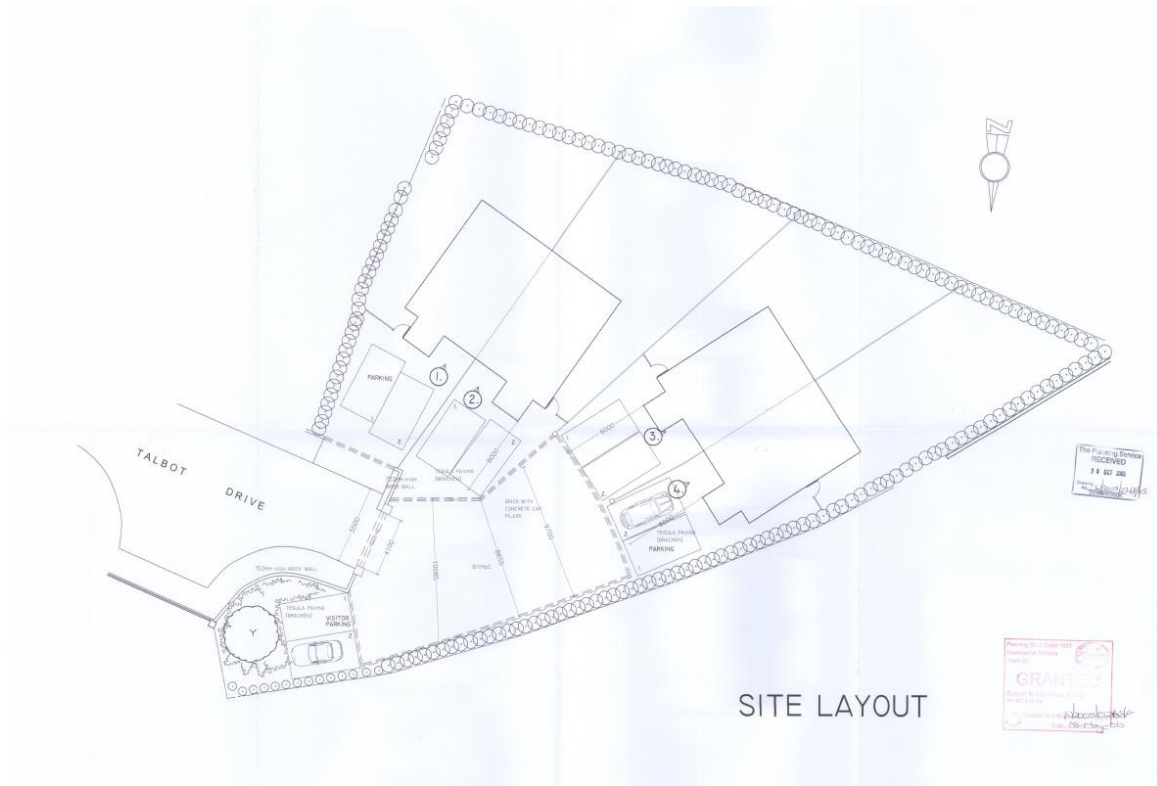
The area is within the settlement limit of Bangor as designated in the North Down and Ards Area Plan 1984-1995 and draft Belfast Metropolitan Area Plan 2015. The surrounding character is predominantly residential with a mix of single storey, and storey and a half dwellings.

2. Site Location Plan



3. Relevant Planning History

W/2005/0268/F – 2 Talbot Drive – 4 dwellings – Permission Granted 18.05.2006.



Approved site layout W/2005/0268/F

The planning history demonstrates that the site is suitable for residential use. It appears that the above permission was not implemented and has expired. The history of the site also demonstrates that a higher density was previously deemed acceptable on the site. The previous approval remains a material planning consideration relevant to the determination of the current planning application.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995
- Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 7 - Quality Residential Environments
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 - Housing in Settlements

Planning Guidance:

- Creating Places
- DCAN 8: Housing in Existing Urban Areas
- Parking Standards

Principle of Development

The application site is located within the settlement development limit of Bangor as designated in both the extant and draft Plan. There are no other designations relating to the site.

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.

It is considered that as the site is within the settlement limit where residential development is directed, and the site is surrounded by dwellings, that the principle of development is acceptable. In, addition the previous approval on the site further demonstrates that the principle of residential development on this site is acceptable. Whilst the previous approval is no longer extant, it remains a material consideration relevant to the determination of this application.

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

Policy QD1 of PPS 7 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character, appearance, and residential amenity of the local area.

The proposal for one dwelling will not damage the quality of the local area as the site is within the settlement limit of Bangor, adjacent to residential development and is currently the garden area of an existing dwelling.

The layout, scale and massing of the proposal will respect the topography of the site and the character of the area. The site is relatively flat. The proposed dwelling will front onto the existing street with a parking area at the front/side which is in keeping with the character of the area.

The dwelling will be one and a half storey with a ridge height of 6.5m. The adjacent dwellings at Nos. 16-14 are single storey (approximate ridge height 5.5m) however the rest of the dwellings on Coolraven Park are storey and a half with approximate ridge heights over 7m.



View of Coolraven Park from the site showing character of the street

The dwelling will be finished in clay brick with a pitched grey tiled roof which is in keeping with the surrounding character of the area and will aid integration of the dwelling within the site.

The site is located at the end of a cul-de-sac and will only be visible from views within that street and not over longer views. New planting will be added along the front boundary of the site to help screen and soften any visual impact of the proposed dwelling. There is a dense band of coniferous trees along the western boundary and part of the northern boundary of the site that will be conditioned to be retained as they provide screening to the site and will maintain the character of the area.

The density of the proposal is not considered as significantly higher than the surrounding residential area. The proposal is for one dwelling on a 0.06-hectare site which is similar to the surrounding pattern of development within the immediate area of Coolraven Park and Talbot Drive. For example, the adjacent dwelling at No. 15 Coolraven Park is on a 0.05-hectare site. The proposal would have a density of 16.67 dwellings per hectare. Coolraven Park density is 30 dwellings per hectare and therefore the density is lower than the surrounding residential area.

The plot size for the existing dwelling at 2 Talbot Drive will be 0.06-hectare and therefore as above is in keeping with the surrounding residential area. The history of the site and approval for four dwellings (W/2005/0268/F) also demonstrates that a higher density has previously been approved on the site.

It is therefore considered that the proposal will respect the pattern of development in the area and will have no unacceptable adverse impacts on the character of the surrounding area.

The proposal is considered to comply with parts (a) and (g) of Policy QD1 of PPS 7, policy LC1 of the Addendum to PPS 7 and all relevant guidance.

Amenity Space

The site layout plan indicates that sufficient private amenity space will be provided in garden areas surrounding the proposed dwelling which exceeds the 70 sq m as set out in Creating Places (approx. 400sq m will be provided). The site is well screened by existing trees and timber fencing will be added along the adjoining boundary with No. 2 Talbot Drive to ensure the amenity space is protected from any public views.

Sufficient amenity space, in exceedance of 70sq m, will still remain for No. 2 Talbot Drive.

The proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Residential Amenity

The proposal will have no unacceptable adverse impacts on adjacent dwellings and will cause no significant overlooking or overshadowing. The proposed dwelling will front onto the road and any windows on the front elevation will look onto the road. The nearest dwellings at the front of the site are Nos. 15 and 16 Coolraven Park. It is considered that as the existing dwellings at Nos. 15 and 16 Coolraven Park sit at oblique angles to the proposed dwelling, there is a sufficient separation distance of over 16m and existing dense bands of coniferous trees along the adjoining boundaries, that there will be no unacceptable adverse impacts from loss of light or overlooking on the residential amenity of these dwellings.

To the west of the site are existing dwellings at Nos. 13 and 11 Thornhill. It is considered that as the proposed dwelling will sit at an oblique angle to these dwellings, there are no windows proposed on the side gable, the rear windows will look beyond their rear amenity space and there is a dense band of coniferous trees along the adjoining boundary that the proposed dwelling will have no unacceptable adverse impacts from loss of light/overshadowing or overlooking on the residential amenity of these dwellings.

Nos. 1 and 3 Thornhill are located at the rear of the site. There are three windows proposed on the rear elevation of the proposed dwelling. Two will be for bathrooms/ensuite and will be conditioned to have opaque glazing. One window will be for a bedroom. It is considered that this window will cause no unacceptable adverse overlooking into No. 1 or 3 Thornhill as due to the design of the dwelling the window will be mainly set into the roof and at eaves height where there is no head-height for a person to stand to look out. The eaves height of the dwelling is low (3.8m) as the dwelling is one and a half storey. There is also a dense band of coniferous trees along the adjoining boundary to help screen any views to the dwellings at the rear.

The dwellings at Nos. 1 and 3 Thornhill are also located over 10m from the adjoining boundary. There is 25m back to back between the proposed dwelling and No. 1 Thornhill. No. 3 Thornhill sits at an angle to the site and there will be approximately 16m between it and the proposed dwelling. Due to the separation distances, orientation of the existing dwellings to the site, low height of the proposed dwelling (6.5m) and the dense trees along the adjoining boundary it is also considered that the proposed dwelling will have no unacceptable adverse impacts from loss of light/overshadowing on Nos. 1 and 3 Thornhill.

There will be no unacceptable adverse impacts on the residential amenity of No. 2 Talbot Drive from overlooking as a timber fence will be added along the adjoining boundary to screen views from the ground floor windows and the bedroom window on the first floor gable will look towards the blank gable and roof of No. 2. There will be no unacceptable adverse impact from loss of light or overshadowing on No. 2 as the proposed dwelling will sit at an oblique angle to No. 2 with 6m separation distance

from the ground floor window and it will have a low ridge height of 6.5m with a pitched roof to allow light to be received around the back of the proposed dwelling.

It is therefore considered that the proposal complies with part (h) of Policy QD 1 of PPS 7 and all relevant guidance.

Access, Roads Safety and Car Parking

The proposal will create a new dropped kerb access onto Coolraven Park to allow access to the driveway. Coolraven Park is not a protected route.

Two in-curtilage parking spaces will be provided and there is also a garage to provide an additional space.

DfI Roads was consulted and offers no objections subject to conditions relating to the access to ensure it complies with current standards.

As DfI Roads offer no objections, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policies AMP 2, AMP 3 and AMP 7 of PPS 3 and part (f) of Policy QD1 of PPS 7 and all relevant guidance.

Archaeology and Built Heritage

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

It is therefore considered that the proposal complies with part (b) of Policy QD1 of PPS 7 and all relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as the proposed dwelling will front onto the road, fencing will be added and the existing natural screenings and trees within the site will be retained. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

Local Neighbourhood Facilities

As the proposal is for one dwelling there is no need to provide local neighbourhood facilities as part of the development. The site is within the settlement limit of Bangor with access to shops and services. It is therefore considered that the proposal complies with part (d) of Policy QD1 of PPS 7 and all relevant guidance.

Designated Sites and Natural Heritage

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

The existing trees along the boundaries of the site will be conditioned to be retained to ensure the protection of any biodiversity issues on site.

The removal of trees along the Coolraven Park boundary of the site was carried out prior to the site visit taking place and was not included within this proposal. The trees appear to have been coniferous and were not protected by a Tree Preservation Order. The applicant was bound by the Wildlife (Northern Ireland) Order 1985 (as amended) to ensure no protected or priority species or habitats were harmed in their removal.

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

Sewage Disposal

The applicant submitted a Waste-Water Impact Assessment that has been agreed by NI Water. NI Water commented that 'following completion of a WWIA assessment NIW consent to a foul discharge connection at a rate of 0.02 l/s. The discharge of storm water to the foul sewer is not permitted.'

NIEA Water Management Unit offers no objections and refers to standing advice.

It is therefore considered that there is suitable sewage connection for the proposed dwelling.

5. Representations

22 letters of objection have been received. The original proposal was for two dwellings on the site and 18 objections were received. Once the proposal was amended to one dwelling only four objections have been received.

The main issues of concern with the proposal are:

- Increase in traffic – street cannot cope with additional 2 dwellings and at least 4 cars.
- Impact on road safety/ already congested street.
- Removal of turning circle and footpath at end of street for a parking area, lack of parking/ hedging or fencing should be added along the front.

The proposal was amended to address these concerns raised and has been reduced to one dwelling on the site with a parking area for 3 cars to the side of the dwelling off Coolraven Park. The existing footpath along the front of the site is clearly marked on the plans as being retained and planting will be added along the front of the dwelling to help screen the dwelling and to be more in keeping with the character of the surrounding properties in the street.

- Access in close proximity to existing driveways.

With the amended proposal for one dwelling, the access and parking area will be close to the existing driveway at No. 16 Coolraven Park. DfI Roads was consulted in relation to road safety and offers no objection to this access. It is therefore considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

- Access should be via Talbot Drive (only has 5 dwellings) – easier access onto

Old Belfast Road.

The Council can only determine the plans that are put before it and as discussed above, following consultation with DfI Roads it is considered that the proposed access off Coolraven Park is acceptable and will not prejudice road safety or significantly inconvenience the flow of traffic.

- Disruption to the street with construction traffic.

It is considered that disruption during the construction phase is an expected consequence of all new development but will only be temporary and the construction work can be controlled by best practice procedures.

- Design of 2 dwellings out of keeping with character of dwellings in the street.
- Opening up the front of the site out of keeping with the area.

The proposal was amended from two dwellings to one dwelling as there was concern regarding overdevelopment of the site and the impact of the parking area/ amount of hard-standing open onto the public footpath. The design of the dwelling was also amended to be more reflective of the existing street character with a reduction in height to one and a half storey and use of similar materials of clay bricks. The existing footpath along the front of the site will be retained.

- Site levels will need increased to match road level of Coolraven Park.

The site is relatively flat, and the proposed layout plan indicates that the road layout is 55.40 and the parking area within the site is 55.50 and FFL of the dwelling 55.70.

- Removal of hedging will result in poor drainage.

New planting will be added within the site to replace the removed hedge and the existing trees along the boundaries of the site will be conditioned in any approval to be retained therefore there should be no impact on the drainage of the site caused by the removal of existing hedging.

- All residents in Coolraven Park did not receive neighbour notification.

Planning legislation (Section 41 of the Planning Act 2011) states that 'where an application for planning permission is made to the council or as may be the case, the Department, the relevant council or the Department is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the GDPO.'

For the purposes of the legislation, identified occupier means the occupier of premises within a 90-metre radius of the boundary of the application site and neighbouring land means land which directly adjoins the application site, or which would adjoin it but for an entry or a road less than 20m in width. In accordance with the legislation, only the properties which directly adjoin the application site were neighbour notified. The application was also advertised in the Newtownards Chronicle and Co. Down Spectator on 20/1/2022 and 26/1/2023 to make members of the public aware of the application.

- Loss of privacy and overshadowing to Nos. 15 and 16 Coolraven Park and No. 16 Lynne Ave.

It is considered that as the dwellings at Nos 15 and 16 sit perpendicular to the site and the proposed dwelling will face onto the existing road, that there will be no unacceptable adverse impacts from overlooking or overshadowing to these properties. The proposed dwelling will not facilitate views directly into any windows on these properties or their rear amenity space. The existing dense band of coniferous trees along the adjoining boundaries with both properties will be conditioned to be retained.

The existing dwelling at No. 16 Lynne Ave is located a sufficient distance of over 30m from the proposed dwelling, in a different street with intervening vegetation comprising a dense band of coniferous trees separating the property from the application site. Therefore, it is considered that the proposed dwelling will have no unacceptable adverse impacts from overlooking or overshadowing on this dwelling.

- Impact on wildlife.

The removal of trees along the Coolraven Park boundary of the site was carried out prior to the site visit taking place and was not included within this proposal. The trees appear to have been coniferous and were not protected by a Tree Preservation Order. Therefore, consent to remove these trees was not required. The applicant was bound by the Wildlife (Northern Ireland) Order 1985 (as amended) to ensure no protected or priority species or habitats were harmed in their removal. The existing trees along the boundaries of the site will be conditioned to be retained to ensure the protection of any biodiversity issues on site.

- During site clearance raising of site levels along adjoining boundary with No. 13 Thornhill and being supported by its fence. Needs a retaining structure to stop hard fill falling onto garden fence, the height difference would cause drainage problems.

The site layout plan details that there will be no increase in levels adjacent to no. 13 Thornhill and the levels will remain as existing at 54.20. The agent was contacted and confirmed that there will be no increase to the levels on this part of the site. Once the development is completed, if the site levels do not match those approved on the plans, a complaint can be made to the Planning Enforcement team to investigate.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted shall be begun before the expiration of 5

years from the date of this permission.

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

2. All hard and soft landscape works shall be carried out in accordance with Drawing No. 02F. Prior to the occupation of the dwelling hereby approved all hard landscaping as indicated on the approved drawing shall be completed and all new planting undertaken during the first available planting season after the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity.

3. The existing planting, as indicated in yellow on the approved plan Drawing No. 02F shall be retained at a minimum height of 2m unless removal is necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal. Any compensatory planting shall be carried out as approved.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to protect biodiversity.

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

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

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

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

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

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

7. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum

and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

8. The development hereby approved shall not be occupied until the parking area has been provided in accordance with the approved plan Drawing no. 02F. This area shall not be used for any purpose other than the parking of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

9. Prior to occupation of the dwelling hereby approved, the windows coloured yellow on the approved plan Drawing No. 02F shall be fitted with opaque glazing and this glazing shall remain in perpetuity.

Reason: To protect residential amenity.

Informatives:

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

Aerial Image of the Site



Zoning in Draft BMAP 2015 – Whiteland (no zoning)



Site Layout



Elevations of the Dwelling



Site Photos



View of the site from Coolraven Park



View from within the site towards No. 16 Coolraven Park



View of site from Talbot Drive looking towards No. 16 Coolraven Park and showing dense band of conifers along the adjoining boundary with No. 15 Coolraven Park.



View from top of Coolraven Park showing dense band of conifer trees along the western boundary.

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	01 August 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	17 July 2023
File Reference	
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Update on Planning Appeals
Attachments	Item 5a - PAC decision 2021/A0133

Appeal Decisions

- The following appeal was dismissed on 26 June 2023

PAC Ref	2021/A0133
Application ref	LA06/2020/1169/O
Appellant	Mr Wallace Magowan
Subject of Appeal	Proposed site for dwelling on an active and established farm business
Location	Lands approx. 30m NE of no. 31 Gransha Road South, Bangor

The Council refused planning permission on the 15 October 2021 for the following reasons:

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

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that the site has been identified as part of an active and established farm business for at least 6 years.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would be a prominent feature in the landscape.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted would be unduly prominent in the landscape and create a suburban style of build- up when viewed with existing and approved buildings.

The Council confirmed that the third and fourth reasons for refusal reasons no longer applied as the description of the proposal had been amended from '*Site for two-storey dwelling on active and established farm*' to '*Proposed site for dwelling on active and established farm*'. The Commissioner accepted that the appeal was now only to be assessed in respect of the first and second reasons for refusal as consideration was no longer required in respect of a two – storey dwelling on the site.

The Commissioner agreed with the Councils view that the farm business was active and established. However, with respect to the appeal site the Commissioner considered that a farm holding comprises the extent/quantum of the land owned and whilst the farm business ID number itself has not changed; the composition of the holding has because the appeal site was added to it in 2019 and could not possibly be part of an active and established farm business for at least 6 years as required by policy.

The Commissioner concluded that the appeal proposal has not been part of an established farm business for at least 6 years. As a result, it does not meet criterion (a) of Policy CTY 10 of PPS 21 nor the policy when read as a whole. There are no overriding reasons why the appeal proposal is essential and could not be located in a settlement. Accordingly, Policy CTY 1 of PPS 21 is not met.

The Commissioner's report is attached to this Report.

New Appeals Lodged

2. The following appeal was lodged on the 28 June 2023

PAC Ref	2023/E0018
Application ref	LA06/2021/0110/CA
Appellant	Wesley Thompson

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

Appeals Withdrawn

3. The following appeal was withdrawn on 19 June 2023

PAC Ref	2022/A0145
Application ref	LA06/2019/1007/F
Appellant	NI Water Ltd.
Subject of Appeal	Fence and gate surrounding an existing pumping station
Location	Seacourt WwPS, Lands 20m North of 1 Seacourt Lane, Bangor

The above appeal was withdrawn following the determination of the submitted CLUD and CLOPUD in respect of the fence as both were found to satisfy the requirements of the GPDO and Regulations 55 and 56 of the Habitats Regulations and criteria set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015 - specifically that of Part 14: Class H (h).

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

RECOMMENDATION

It is recommended that Council notes this report.

Appeal Reference:	2021/A0133
Appeals by:	Mr Wallace Magowan
Appeals against:	The refusal of outline planning permission
Proposed Development:	Proposed site for dwelling on an active and established farm business
Location:	Lands approx. 30m NE of no. 31 Gransha Road South, Bangor
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2020/1169/O
Procedure:	Written representations and Commissioner's site visit on 5 th April 2023
Decisions by:	Commissioner Kevin Gillespie, dated 26 th June 2023

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The decision notice issued by the Council on 15th October 2021 contained four reasons for refusal. In the evidence, the Council confirmed that the third and fourth reasons for refusal no longer applied. The appeal will therefore only be assessed in respect of the first and second reasons for refusal.

Reasons

3. The main issue in this appeal is whether the proposal would be acceptable in principle in the countryside.
4. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), 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 LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
5. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. The Ards and Down Area Plan 2015 (ADAP) therefore operates as the LDP for the area wherein the appeal site is located. In the ADAP, the appeal site lies in the Green Belt. As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, limited weight can be attached to them. The

Gransha Road South (A48) is designated as a protected route in the ADAP but there are no policies within ADAP pertaining to the road. The appeal site also lies within a designated Area of Constraint on Mineral Developments but as the proposal is not for such development, policy COU 8 is not applicable. There are no other provisions in the operating LDP that are material to the determination of the appeal.

6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. As no Plan Strategy has been adopted for the Ards and North Down Borough Council area, both the SPPS and other regional policies apply. During the transitional period, the SPPS retains certain existing Planning Policy Statements including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). As there is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this appeal, in line with the transitional arrangements of the SPPS, the appeal should be determined in accordance with retained policy within PPS 21.
7. Policy CTY 1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these allows for a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. It follows that if the development satisfies Policy CTY 10 of PPS 21, it will also satisfy Policy CTY 1 of PPS 21.
8. The appeal site comprises an irregular shaped portion of a larger agricultural field located on the western side of Gransha Road South. It is accessed from an existing concrete lane that serves No. 31, a single storey detached dwelling, and a yard containing a number of agricultural buildings. The appeal site slopes gently from east to west. Its north-eastern and north-western boundaries are defined mainly by mature hedging. Its south-eastern boundary is undefined and its south-western boundary is defined mainly by the aforementioned access lane. Immediately to the north of the access lane, a post and wire fence some 1 metre in height defines the southern extent of the host agricultural field.
9. Policy CTY 10 of PPS 21 indicates that planning permission will be granted for a dwelling house on a farm subject to several criteria. The Council's sole objection relates to criterion (a) of the policy in so far as it considered that the appeal proposal is not part of an established farm business for at least 6 years.
10. Farm business ID 624777 is allocated to the appellant. Whilst the appellant states on Form P1C 'Planning application for a dwelling on a farm' that the farm business was established in 2005, I note that the Department of Agriculture, Environment and Rural Affairs (DAERA) stated in its consultation response dated January 2021 that the farm business ID was allocated in November 1991.
11. The appellant's farm business comprises some 17.30 hectares of land as shown on his 2020 farm maps. It is split between two locations, one at Moneycrumog, Ballinderry Road, Upper Ballinderry Road, Lisburn which comprises some 7.85 hectares of land and the other at Gransha Road South, which comprises some 9.45 hectares of land including the appeal site.

12. Paragraph 5.38 of the justification and amplification text to Policy CTY 10 states that 'new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period'.
13. I consider that the word 'established' means more than mere existence; it has the connotation of being set up and settled on a firm or permanent basis. Having regard to Policy CTY 10 of PPS 21 therefore, it is reasonable to interpret 'established' by reference to active farming over a period of at least six years.
14. It is indisputable that the appellant holds farm business ID 624777. In addition, I note that the DEARA consultation response dated January 2021 stated that the farm business had claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last six years and that the application site is on land for which payments are currently being claimed by the farm business. Accordingly, I am satisfied that the farm business is currently active.
15. The appellant stated that the appeal site was purchased in 2019 prior to which DAERA has advised that it was included on land associated with other farm businesses. For this reason, the Council consider that the appeal site has not been part of the established farm business for at least 6 years such that it fails to meet criterion (a) of Policy CTY 10 of PPS 21.
16. The appellant's position is that the policy wording of criterion (a) of Policy CTY 10 refers to active and established 'farm business' (emphasis added); it does not mention 'holding' other than in the context of potential opportunities which may have been sold off in criterion (b) of the policy. Moreover, the appellant asserts that the policy does not state that all of the land within a farm business must have been owned or farmed for a 6 year period. Both parties referred me to a number of planning appeal cases to support their respective positions.
17. I consider that a farm holding comprises the extent/quantum of the land owned. As such, I consider it indisputable that the farm holding detailed previously is intrinsically linked to the appellant's farm business. Whilst the farm business ID number itself has not changed; the composition of the holding has because the appeal site was added to it in 2019. For this reason, I consider the appellant's farm business has been amended from that date. Whilst I concur with the appellant that a business can expand and contract, in the particular circumstances of this case, as the appeal site was only brought into the farm business in 2019, it could not possibly be part of an active and established farm business for at least 6 years as required by policy.
18. The appellant referred me to appeals 2014/A0269 and 2018/A0210. Each case must be assessed on its own merits and in its own evidence base. In planning appeal 2014/A0269, determining weight was given to a background paper. The appellant did not provide a copy of this paper in his evidence. I also note that other factors that applied in that case are not replicated in this appeal. In respect of planning appeal 2018/A0210, it was concluded that the farm business was not currently active, and that appeal was actually dismissed. I consider that both appeals are distinguishable from the particular circumstances of the current appeal.

19. The appellant contended that the Council accepted that he would meet the policy requirement for a dwelling under Policy CTY 10 of PPS 21 at the other location within the farm business at Moneycrumog, Lisburn. As such, and as PPS 21 applied to Northern Ireland as a whole, the appellant argued that the end result would be inconsequential and that there would be no adverse planning consequences and no demonstrable harm if the 'one in 10 year dwelling would be sited near Bangor instead of Ballinderry'.
20. A decision on an application at Moneycrumog, Lisburn would fall within the jurisdiction of the Lisburn and Castlereagh City Council and not Ards and North Down Borough Council. In any event, this is not the appeal which is currently before me. This proposition does not therefore assist the appellant's case.
21. For all the reasoning given above, I conclude that the appeal proposal has not been part of an established farm business for at least 6 years. As a result, it does not meet criterion (a) of Policy CTY 10 of PPS 21 nor the policy when read as a whole. There are no overriding reasons why the appeal proposal is essential and could not be located in a settlement. Accordingly, Policy CTY 1 of PPS 21 is not met.
22. As the Council has sustained its first and second reasons for refusal, the appeal must fail.

This decision is based on the following drawings:

Drawing No.	Title	Scale	Received by the Commission
	Site Location Plan	1:1250	5 th November 2021
P05 Rev. E	Visibility Splays	1:500	5 th November 2021
C101	Proposed Visibility Splays	1:250, 1:500 @ A1	5 th November 2021

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:-

**“A1” Lisburn and Castlereagh City Council -
Statement of Case**

**“A2” Lisburn and Castlereagh City Council -
Rebuttal Statement**

Appellant(s):-

**“B1” Donaldson Planning (Agent)
Statement of Case**

**“B2” Donaldson Planning (Agent)
Rebuttal Statement**